

Town of Falmouth
Proposed Order to amend the Zoning and Site Plan Review Ordinance
regarding signs

Be it ordained this day the ____ day of _____, _____ by the Town Council of the Town of Falmouth, Maine in Town Council assembled:

Pursuant to Section 10.10 of the Town of Falmouth Zoning and Site Plan Review Ordinance and the Town Charter, the Council hereby amends the Town of Falmouth Zoning and Site Plan Review Ordinance as attached hereto.

Property Identification Signs
Introduced by the Community Development Committee December 13, 2010
Public Hearing January 10, 2011, MRA Hearing January 4, 2011
Order January 24, 2011
Recommended amendments for order (highlighted in yellow)

Section 2 – Definitions

- 2.165 Sign:** An object, device, display or structure, or part thereof, situated outdoors ~~or indoors~~, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.
- a. Advertising Sign – A sign that directs attention to a business, or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.
 - ~~a.~~ b. A-Frame. A portable sign composed of two surfaces of the same size and attached on one side so that the sign is hinged and can be easily placed or removed on the ground by one individual. [Adopted 5/26/09]
 - ~~b.~~ c. Billboard. A structure designed, intended or used for advertising a product, property, business, entertainment, service, amusement or the like, and not located where the matter advertised is available or occurs. A billboard is deemed not to be a sign as otherwise defined herein.
 - d. Free Standing Sign. A sign supported by one (1) or more uprights or braces permanently affixed into the ground.
 - e. Portable Sign. A sign not designed or intended to be permanently affixed into the ground or to a structure.
 - f. Property Identification Sign – a sign designed for the sole purpose of identifying a residential or commercial property or development in the zoning districts as per Section 5.13, and at the primary entrance to the site.
 - g. Roof Sign. A sign located upon or over a roof of a building.

- h. Temporary Sign. A sign or advertising display designed, intended to be displayed or displayed for a short period of time as limited in Section 5.12.
- i. Wall Sign. A sign attached to, supported by, or projecting from a building wall or part thereof. Wall signs shall not project beyond the roof edge or the face of the wall to which they are mounted.

Other New Definitions (to be numbered and inserted in Section 2)

Sign Area – The rectangular area of the sign containing all written and graphical content, measured as the smallest height and width dimensions that include all content and excluding any supporting structure such as a stone wall. (Applicable to property identification signs)

Sign Display Area or Display Area – The total area square footage of one face of a sign, excluding support post or posts. (Not applicable to property identification signs)

Sign Supporting Structure – The portion of a sign consisting of materials not included in the sign area, such as a stone wall or fence. (Applicable to property identification signs)

Sign Refacing or Refacing – The replacement of a portion of sign content such as a sign panel.

Section 5

5.11 Signs - General Provisions [Amended 5/26/09]

- a. Purpose. The purpose of regulating signs is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right of way, provide more open space and curb the deterioration of natural beauty and community environment and to promote Falmouth as a distinctive community.
- b. Sign Permits. After the effective date of this ordinance, and except as otherwise herein provided, no person shall erect or move any signs without first applying for and obtaining ~~from the Building Inspector~~ a sign permit. Applications shall be on forms prescribed and provided by the ~~Building Inspector~~town setting forth such information as may be required ~~by him~~ for a complete understanding of the proposed work. Signs requiring an approval from the Planning Board or Community Development Director must in addition obtain a permit from the Building Official prior to installation.

(1) Signs permitted by the Building Inspector.

- (a) ~~Temporary signs, except t~~Temporary advertising signs, ~~do not require a permit but must conform to all provisions of this Ordinance. [Amended 5/28/96; Amended 5/26/09]~~

(b) Signs not otherwise requiring approval by the Planning Board or Community Development Director.

(2) Signs requiring Planning Board Approval.

(a) Signs in excess of twenty (20) square feet of display area.

(b) Any new sign located in the BP, SB-1, VCOD, TMPDD, WFCMPDD or CO Districts.

(c) Property Identification Signs.

Submittal requirements shall include such information referenced in Sections 9.2.a (4) and 9.7.e. of this ordinance.

(3) Signs requiring approval by the Community Development Director or the Director's designee.

(a) Replacement or alteration of signs equal to or less than twenty (20) square feet of display area in the BP, SB-1, VCOD, TMPDD, WFCMPDD or CO Districts.

(b) Replacement or alteration of signs equal to or less than twenty (20) square feet of display area previously approved by the Planning Board.

(c) Refacing of any existing sign in the BP, SB-1, VCOD, TMPDD, WFCMPDD or CO Districts.

Submittal requirements shall include the information referenced in Sections 9.2.a (4) and 9.7.e. and any other requirements as may be deemed necessary by staff for a complete understanding of the proposed work.

- c. Permit Fees. No sign permit shall be issued until the prescribed fee has been paid as established by the Town Council.[Amended 8/27/07]
- d. Maintenance and Conformance of Signs. No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distinction or obstruction that may contribute to traffic accidents.
- e. General Safety Standards for Signs. No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or manner of construction.
- f. Exceptions. For the purpose of this ordinance, the term "sign" does not include signs erected and maintained for public safety and welfare or pursuant to and in discharge or any governmental function, or required by law, ordinance or governmental regulation, or

to "name signs" not exceeding one (1) square foot ~~in-of display~~ area identifying ~~occupants of~~ the premises where such sign is located.

- g. Any sign located in the BP, SB-1, VCOD, TMPDD, WFCMPDD or CO District shall comply with the applicable design guidelines as required in Section 9.7.

~~—Planning Board site plan approval under the procedures, submission requirements, and performance standards of Section 9 of this ordinance shall be required for the installation, replacement, or alteration of any sign in excess of twenty (20 sq. ft.) square feet of display area.~~

5.12 Temporary Signs [Amended 5/26/09]

The following temporary signs are permitted and shall conform to standards within municipal, state or federal ordinances, statutes or regulations Temporary signs specified in this section shall not be attached to fences, trees, utility poles, or the like, and shall not be placed in a position that will obstruct or impair vision or traffic, either pedestrian or vehicular or in any manner create a hazard or disturbance to the health and welfare of the general public.

- a. Temporary advertising signs, except temporary advertising signs, do not require a permit but must comply with all provisions of this ordinance.

b. Temporary Signs Giving Notice. Signs of a temporary nature such as, advertisements of charitable functions, notice of meetings and other non-commercial signs of a similar nature, are permitted for a period not to exceed thirty (30) days and shall be removed by the person(s) who posted the signs. [Amended 1/24/00; Amended 5/26/09]

c. Temporary Real Estate Signs. One temporary real estate sign, attached to a building or free standing, may be erected advertising the sale, lease, or rental of the premises upon which the sign is located.

d. Temporary Development or Construction Site. One temporary development or construction sign, attached to a building or free standing, may be erected provided such sign shall be limited to a general identification of the project and shall be removed within thirty (30) days after completion of the project.

e. Political Signs. Signs bearing political messages relating to an election, primary or referendum may be placed in any district, except in a floodplain. Notwithstanding section 5.13, political signs are not subject to lot line setbacks and may be placed in a public right of way in such locations as will not create a safety hazard. Political signs may not be placed within a right-of-way or elsewhere prior to six (6) weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one week after Election Day. [Adopted 1/24/00]

a.f. Farm Stand Signs. Signs erected by growers of fresh fruit and vegetable crops advertising those fresh fruit and vegetable crops are permitted if crops are offered for sale by the grower on the premises on which those crops are grown and if the following requirements are met:

- (1) Signs may be erected, maintained and kept in place only from June 1st to December 1st of each year.
- (2) Signs may advertise only those fruits and vegetables that are available for immediate purchase.
- (3) No Grower may have more than 6 signs posted or in place within the Town of Falmouth at any one time, not more than 4 of which may be located off the premises on which these crops are grown.
- (4) No signs may exceed six (6) square feet ~~in~~ of display area, and all signs must be located within 3 miles, by road of the farm stand.
- (5) Signs may be erected on private property, but only with the landowner's prior, written consent. Signs may also be erected within, but only at the outside edge of, rights of way that receive no federal aid. [Adopted 1/24/00]

g. Temporary Advertising Signs. A maximum of two (2) temporary signs may be erected to announce a new business or a relocated business provided each sign is no larger than eight (8) square feet and is removed within sixty (60) days of installation. Sign types permitted are:

1. One wall sign which may consist of any material and temporarily cover a permanent wall sign or temporarily attached to a wall, and
2. Either a free-standing sign which may utilize existing sign posts or be on new posts that are removed at the end of the time period, or an a-frame which must be removed during non-business hours.

A-frames are exempt from setbacks in this section. Location shall be on the same property as the business and not interfere with sight distance from any egress.

A permit is required for any temporary advertising sign and is non-renewable. [Adopted, 4/27/87.] [Amended, 1/24/00; Amended 5/26/09]

b.h. All other temporary signs for commercial purposes and all other temporary signs not expressly permitted by this subsection are prohibited. [Adopted 5/26/09]

5.13 Regulations Applicable to Signs in All Districts [Amended 5/26/09]

The following provisions relating to signs are applicable in all districts except where otherwise noted.

- a. Signs identifying the name, address, and profession of a permitted home occupation or a lawfully existing nonconforming home occupation are allowed provided such sign does

- not exceed two (2) square feet ~~in~~ [of display](#) area, is non-illuminated, and is mounted flat against the wall of the principal building.
- b. A bulletin board or similar sign in connection with any church, museum, library, school or similar public structure is allowed.
 - c. No sign shall project over a public right of way.
 - d. No sign shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of banners, pennants, ribbons, streamers, spinners or other similar devices.
 - e. A string of lights shall not be used for the purpose of advertising or attracting attention unless as an integral part of a permitted sign.
 - f. Any sign which no longer advertises a bona-fide business conducted, product sold, activity or campaign being conducted, or public notice, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after written or personal notification from the Building Inspector, except in the case of temporary signs which shall be removed in accordance with Section 5.12.
 - g. No billboards or other off-premises signs, including official business directional signs as defined in 23 MRSA, subsection 1903, shall be constructed, erected, or maintained in any district, except as expressly permitted by the terms of this Ordinance, nor shall any banner, streamer, pennant, ribbon, spinner, or similar device be constructed or erected in any district.
 - h. Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding three (3) square feet, and not extending higher than seven (7) feet above ground level, are permitted.
 - i. Nonconforming signs may continue but may not be altered or relocated on the same premises without approval by the Board of Zoning Appeals as a conditional use. Nonconforming signs located within the public right of way shall not be permitted to be altered or relocated within the public right of way. [Adopted, 4/27/87.]
 - j. Identification signs indicating the location of, or direction to, a separate function performed within one portion of that building may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten (10%) percent of the area of such doorway or entrance to such portion of the building.
 - k. No sign shall be erected in a floodplain.
 - l. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this Ordinance.
 - m. No portable or roof signs shall be permitted unless otherwise specified. [Amended 5/26/09]
 - n. Minimum lot line setbacks for all signs shall be fifteen (15) feet unless otherwise specified.
 - o. Maximum display area of wall signs shall not exceed ten (10%) percent of the wall area to which it is attached.
 - p. [Property Identification Signs – Property Identification Signs shall be regulated by the following requirements:](#)

- 1) Districts allowed – Signs are permitted in BP, RA, RB, RC and FF. Signs in residential districts are limited to subdivisions approved by the Planning Board.
- 2) Setbacks
 - a) Sign Area – The entire sign area shall be located between 0 and 15 feet from the street right of way.
 - b) Supporting Sign Structure
 - (1) Front Lot Line – No setback required.
 - (2) Side property lines – Minimum of 5 feet.
- 3) Location – Signs in the BP District may only be erected at one entrance on US Route One. In residential districts signs may be located at each entrance.
- 4) Sight Distance– The sign must be designed to provide adequate sight distance for exiting traffic as determined by the permitting authority.
- 5) Type of Sign – Signs may either be a free standing sign or be incorporated into a wall or fence made of materials such as stone, brick or wood.
- 6) Dimensions
 - a) Overall Height including supporting structure shall not exceed six (6) feet above natural ground. Height shall be measured as an average height from the original elevation to the top of the structure.
 - b) Height to Width Ratio – All signs shall be oriented horizontally with a height equal to or less than the width.
 - c) Letter size shall be between five (5) and fifteen (15) inches in height.
- 7) Relationship to free-standing advertising signs – In the BP District, a minimum of a sixty (60) foot separation shall be maintained between any property identification sign and a free standing advertising sign. Existing free standing advertising signs shall be relocated to meet this requirement.
- 8) Number – No more than two signs are permitted per entrance and shall be located on opposite sides of the driveway or street.
- 9) Total size one face – The maximum sign area shall not exceed 24 square feet. The Planning Board may allow a larger sign area if necessary to accommodate the property name. The sign area of the street number and name is exempt from the total sign area.
- 10) Design Style – Signs shall meet the requirements of the Route One Design Guidelines.
- 11) Illumination – Signs may be externally illuminated provided light fixtures are shielded and no spill over occurs to the street or adjacent properties. – (already addressed in 5.19 and design guidelines)
- 11) Content
 - a) The name, symbol, logo or other graphic identification of the property.
 - b) Properties that access directly to US Route One shall include the street number on the sign. The number shall be a minimum of six inches in height and be visible twenty four hours a day year round. Visibility may be achieved by external lighting or by flat reflective paint applied to the numbers.
 - c) Multiple tenant listings and advertising are prohibited.

5.14 Maximum Size of Freestanding Signs (sq.-ft. square feet of display area)

Type of sign	F	RA, RB & RC	SB, BP, MUC & VMU	CO
Temporary signs giving notice	12	12	16	16
Temporary real estate	9	9	16	16
Temporary construction	16	16	16	16
Bulletin Board Home	24	24	24	24
Home Occupation	2	2	-	2
Advertising	16	-	100	48

5.15 Maximum Size of Wall Signs (sq. ft. square feet of display area)

Type of sign	F	RA, RB & RC	SB, BP, MUC & VMU	<u>CO</u>
Temporary signs giving notice	12	12	16	<u>16</u>
Temporary real estate	9	9	16	<u>16</u>
Temporary construction	16	16	32	<u>32</u>
Bulletin Board Home	24	24	24	<u>24</u>
Home Occupation	2	2	-	
Advertising	50	-	100	<u>48</u>

5.16 Maximum Number of Freestanding Signs Per Lot

<u>District</u>	<u>Temporary</u>	<u>Permanent</u>
F	1	1
RA, RB & RC	1	1
SB, BP, MUC & VMU	2	2
CO	1	1

5.17 Free-Standing Advertising Signs - Other Requirements

Unless otherwise provided, free standing advertising signs in the Suburban-Business, Route 1 Business, CO, MUC, TMPDD, WFCMPDD and VMU ~~and Commercial~~ districts shall conform to the following:

- ~~a. Maximum gross display area one hundred (100) square feet measure from the tops of the topmost display elements to the bottom of the lowest display element including any blank space between the elements.~~
- ba. Maximum length and height sixteen (16) feet. In the CO District, height shall be limited to twelve (12) feet.
- eb. Minimum distance between signs one hundred (100) feet.
- dc. Minimum lot line setback, two hundred (200) feet from a "Residential" or "Farm and Forest " district, fifteen (15) feet from all other lot lines.

5.18 Wall Signs - Other Requirements

Unless otherwise provided, wall signs shall conform to the following:

- ~~a. Maximum gross display area shall not exceed ten (10%) percent of the wall area to which it is attached. Where two signs are utilized, the gross display area shall be the area of both signs added together.~~
- ~~ba.~~ Maximum height seven (7) feet above the eaves.
- ~~eb.~~ No wall sign shall extend beyond the wall to which it is attached or party wall separating occupancies.

5.19 Illumination of Signs

Illumination of Signs shall meet the requirements of applicable design guidelines where required under Section 9.7. In addition, the following restrictions shall apply.

a. Internal Illumination

Internal illumination of signs shall be permitted only in the SB1 and MUC districts between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of retail establishments during such hours as the establishments are lawfully open to the public.

Within the RA, RB, RC, FF, BP and VMU Districts, no sign with internal illumination shall be permitted.

b. External Illumination – Signs may be externally illuminated in any district provided light fixtures are shielded and no spill over occurs to the street or adjacent properties.

Section 9.1.c – repeal – this has never been applied

c. The installation, replacement, or alteration of any sign in excess of twenty (20 sq.ft.) square feet of display area;