



TOWN OF KITTERY
Planning and Development
200 Rogers Road, Kittery, ME 03904
Telephone: 207-475-1307 Fax: 207-439-6806

TO: PLANNING BOARD
FROM: JAMIE STEFFEN, TOWN PLANNER
SUBJECT: **AMENDMENTS TO SIGN ORDINANCE**

DATE: SEPTEMBER 20, 2018
CC: KENDRA AMARAL, TOWN MANAGER
ADAM CAUSEY, DIRECTOR OF PLANNING AND DEVELOPMENT

As noted in the memo included in the Board's packet for the August 23rd Planning Board meeting, Staff has noted that certain portions of the Town's sign regulations (Article X. of Title 16.8) have caused problems for applicants, Staff and for the Planning Board over the years in implementing and enforcing the sign regulations.

The proposed amendments seek to address the trouble spots relative to: message boards / internal & external lights and timers; number and sizes of free-standing signs allowed; temporary signs; sign location, character/appearance and sign permit application/administration procedures.

It is noted that the recodification will address the larger issues but these small fixes will help in the meantime.

At the August 23rd meeting, the Board moved to schedule a public hearing on these amendments for September 27th. As with all public hearings on proposed zoning changes, Staff properly noticed the public hearing in the newspaper and on the Town's website.

Following the public hearing, the Board should review and discuss the proposed amendments to the Article X. of Title 16.8 and then vote whether to recommend them to the Town Council for adoption.

1 **Proposed Amendments Related to Signs**

2
3 **Chapter 16.2: Definitions**

4 16.2.2 Definitions

5 **Feather Flag**

6 A type of banner taller than it is wide, shaped similarly to a feather and affixed to the ground at one end

7 **Article X. Signs**

8 **16.8.10.1 Purpose.** The purpose of this section is to balance the need for adequate identification and
9 advertising for land uses to promote the economic well-being of the Town with the need to protect the
10 public safety and maintain and enhance the physical appearance of the community. This objective is to
11 be achieved by:

- 12 A. Allowing adequate signage for the effective use of signs as a means of identifying, advertising and
13 communication of land uses;
14
15 B. Establishing the appropriate bounds for location, size, number, type and use of signs to protect
16 traffic safety, preserve property values and to promote visual order and clarity; and
17
18 C. Establishing procedures and regulations for the fair and consistent administration and enforcement
19 of these sign restrictions.

20 **16.8.10.2 General Requirements.**

- 21 A. No sign may be erected, posted, enlarged, or substantially changed without a permit issued by the
22 Code Enforcement Officer (CEO) and also approved by the Town Planner, except where Section
23 16.8.10.9 provides otherwise. (Ordained 9/26/11; effective 10/27/11)
24
25 B. No exterior sign may be artificially illuminated except where such lighting is hooded or shielded or
26 otherwise designed to prevent direct light spilling onto traveled ways or neighboring property.
27 Lighting specifications must be submitted to the Code Enforcement Officer prior to permitting.
28
29 C. No sign may contain a moving or animated messages or board displays except where necessary in
30 time/temperature/date signs. Intermittent illumination or changes in lighting to create a special
31 effect or depict action are not allowed. (Effective 2/28/15)
32
33 D. Any sign that interferes with or closely imitates any official traffic sign, signal or device is prohibited.
34
35 ~~E.~~ No sign designed to be transported by means of wheels is allowed, unless said vehicle and/or trailer
36 is used in the normal day-to-day transportation operations of the business. All trailer signs are
37 prohibited for use as a sign.
38

- 39 F. Any changeable message signs **permitted by 16.8.10.2.C** must be integrated into a permanently-
40 mounted sign. Such a changeable message **Board sign** is to be mounted a minimum of three and
41 one-half feet above ground level.
42
- 43 G. All signs must be maintained in a safe and sound structural condition.
44
- 45 H. Advertising. No advertising or signage is permitted on wireless communication services facilities.
46
- 47 I. Any sign not expressly permitted herein is prohibited.

48 **16.8.10.3 Sign Location.**

- 49 A. All signs must be permanently installed on the premises of the activity to which the advertising
50 message refers, except where Section 16.8.10.7 provides otherwise or upon approval by the Town
51 Council.
52
- 53 B. All signs must be located outside the full width of the right-of-way of any public way, unless
54 authorized by the Town Council.
55
- 56 C. Except for signs authorized in Sections 16.8.10.7 and 16.8.10.9, freestanding signs erected after
57 October 1, 1997 must be located at least thirty-three (33) feet from the centerline of any U.S. or
58 state numbered highway less than sixty-six feet (66) feet in width, and at least twenty (20) feet from
59 the outside edge of the paved portion of any travel lane of any U.S. or state numbered highway
60 which has both more than two travel lanes and a total paved portion in excess of twenty-four (24)
61 feet in width.
62
- 63 D. Signs must not be placed on or above the roof of any building. All signs must be located below the
64 level of the eaves of the portion of building where the sign is to be erected, except as follows:
65
- 66 1. Signage may be located above the eaves on a gable or dormer of a building providing it does
67 not extend above or beyond the roof line of the gable or dormer; and
68
 - 69 2. Signage may be located on a parapet wall provided the sign neither extends any more than
70 eight feet above the roof-wall junction of the parapet wall nor extends beyond the height of
71 the parapet wall.
72
- 73 Note: Please see Figure 3 of Chapter 16.8 at the end of this section to assist the reader in
74 understanding acceptable and unacceptable locations of building-mounted signs according to
75 the terms of Section 16.8.10.3.
- 76 E. Building-mounted signs which extend more than six inches from the surface of the structure must
77 provide a minimum of eight (8) feet of vertical clearance to a walkway, parking area, private drive
78 and ground surface. Such signs must not extend beyond the street right-of-way boundary unless
79 authorized by the Town Council.
80

- 81 F. Freestanding signs must not extend higher than twenty (20) feet above the original ground level or
82 the elevation of the centerline of the nearest street measured at the closest point to the sign,
83 whichever is greater.
84
- 85 G. Signs must not be posted on trees, utility poles, traffic control devices, or unregistered motor
86 vehicles or trailers. Signs posted on fences are treated as a type of freestanding sign. Any
87 ~~unpermitted and unallowed~~ sign that is located in a public road right-of-way may ~~be caused to~~ be
88 removed by the Town without notice to the owner of such sign.
89
- 90 H. No sign may be located so that it interferes with the safe sight distances necessary for motorists to
91 proceed safely through intersections or to enter onto or exit from public streets, private roads or
92 driveways.
93
- 94 I. All building-mounted signs must be located only on the building that contains the activities or
95 businesses advertised, ~~except that up to ten (10) percent of the allowed signage for building-~~
96 ~~mounted signs in Section 16.8.10.6 may be allocated to signs mounted on fuel pumps and/or fuel~~
97 ~~pump canopies~~ J. In cases where multiple freestanding signs are permitted, any additional allowed
98 smaller freestanding sign must face and be located along a separate publicly maintained street.

99 **16.8.10.4 Number of Freestanding Signs.**

- 100 A. Except as otherwise authorized in this Section, as well as 16.8.10.8 and 16.8.10.9, each development
101 is prohibited from having more than one freestanding sign.
102
- 103 B. Multi-sided signs are considered as one sign however the square footage of each sign face is
104 calculated to determine total sign area.
105
- 106 C. Where a development fronts on two publicly maintained streets and has designed and approved
107 access onto both those publicly maintained streets, the development is allowed one additional
108 freestanding sign that faces and is located along a second publicly maintained street in accordance
109 with Section 16.8.10.6.
110
- 111 D. Where a development fronts on three publicly maintained streets and has designed and approved
112 access onto each publicly maintained street, a third freestanding sign facing and located along the
113 third publicly maintained street may be authorized at the Planning Board's discretion if it finds that
114 other freestanding signage is not visible from the third street and that there is a need for a third
115 freestanding sign to adequately communicate the business location to travelers on a third road
116 fronted by the business.
117

118 **16.8.10.5 Number of Building-mounted Signs.**

119 To prevent sign clutter, except for those signs authorized by Section 16.8.10.8 or 16.8.10.9, each
120 business facility, which is on a site where two or more businesses occupy the same building, lot or
121 development, is prohibited from having more than two building-mounted, non-temporary signs.

122 **16.8.10.6 Sign Area.**

123 A. Residential Zones. Zones designated Residential - Rural Conservation, Residential -Rural , Residential
124 - Suburban, Residential - Urban, and Residential - Village, on the zoning map are residential zones
125 for the purpose of this section. (Ordained 9/26/11; effective 10/27/11)

126 1. Accessory uses, including home occupations, are allowed sign area no greater than eight square
127 feet.

128 2. Other permitted uses are allowed sign area no greater than sixteen (16) square feet, except as
129 otherwise provided. Residential developments are also allowed twenty-four (24) square feet,
130 provided signs are located within the development on premises owned by the developer or owners'
131 association.

132 B. All Other Zones.

133 1. A single business situated on a lot of record is allowed a total sign area no greater than three
134 hundred (300) square feet, or one and one-half square feet for every linear foot of building frontage,
135 whichever is smaller. In any case, a single business on a lot of record is allowed a minimum sign area
136 of seventy-two (72) square feet.

137 2. Where two or more business facilities occupy the same building, lot or development, allowable
138 sign area is calculated as follows:

139 a. Total building-mounted sign area equals one and one-half square feet per linear foot of
140 building frontage for each business facility. The total allowed building-mounted sign
141 area may be allocated among individual business facilities at the property owner's
142 discretion.

143 b. The development is allowed one freestanding sign not greater than one hundred fifty
144 (150) square feet in sign area except:

145 i. An additional freestanding sign no greater than seventy-two (72) square feet
146 may be allowed provided the following criteria are met:

147 a. The property contains multiple detached principal buildings

148 b. The property has at least 1.5 times the minimum street frontage for the
149 zone.

150 c. All principal buildings on the property have commercial uses on the first
151 floors.

152

153 ii. An additional freestanding sign no greater than seventy-two (72) square feet in
154 sign area facing and located along that secondary street is allowed if the
155 development fronts on multiple streets and has designed and approved access
156 onto each publicly maintained street. A third freestanding sign may be
157 permitted at the Planning Board's discretion in accordance with Section
158 16.8.10.4.

159 **16.8.10.7 Off-premises Signs.**

160 A. An individual business or service, upon application, may be assigned no more than three off-
161 premises business directional signs (OBDS). An OBDS must be designed and located so as to avoid
162 conflict with other signs and minimize impact on the scenic environment through the following
163 standards:

- 164 1. Dimensions: twelve (12) inches by forty-eight (48) inches;
- 165 2. Coloring: state standard blue background, white lettering, logo may be any color;
- 166 3. Reflectorization: optional;
- 167 4. Location: on existing assemblies (posts) where possible. No more than two assemblies per
168 intersection approach;
- 169 5. Restricted areas: An OBDS must not be placed on an inbound leg of the Kittery traffic circle
170 within four hundred (400) feet of its outer perimeter, or adjacent to points of scenic or historical
171 interest, including but not limited to federal, state, and local parks and reserves, recognized
172 historic sites and buildings, water bridges and cemeteries.

173 B. An off-premises sign which advertises commercial or other activity without advertising any
174 specific enterprise (generic signs) may be approved by the Planning Board at size and location to be
175 specified.

176 **16.8.10.8 Temporary Signs.**

177 All temporary signs must be installed on the premises of the activity to which the advertising
178 message refers and cannot be located in the public right-of-way. Moveable or animated signs are
179 prohibited as temporary signs. The following types of temporary signs are allowed with an approved
180 sign permit:

181 A. The use of one temporary sign, other than a trailer sign, at any one time per business that is
182 mounted to the building or attached to a freestanding sign structure for the purpose of advertising
183 special events, provided that such signs are displayed for no longer than a combined total of twenty-
184 one (21) days in any calendar quarter (January 1 - March 30, etc...) may be permitted. Total sign area
185 for a temporary sign must not exceed seventy-two (72) square feet. The allowed twenty-one (21)
186 day display period may be divided into no more than three separate, non-overlapping temporary
187 periods of not less than seven days.

188 B. One additional temporary sign, other than a trailer sign, mounted to the building or to a
189 freestanding sign structure is permitted per legally participating site for the duration of each Town
190 Council approved sidewalk sales event.

191 C. Feather flags are permitted but cannot be displayed for longer than a combined total of twenty-
192 one (21) days in any calendar quarter (January 1 - March 30, etc...)

194 **16.8.10.9 Signs Allowed Without a Sign Permit.**

195 The following types of signs, in sizes and under conditions stated, are allowed without a Town sign
196 permit, but must conform with all other provisions of Article X of Chapter 16.8 except for the

197 provisions restricting the number of signs (Sections 16.8.10.4 and 16.8.10.5) and limiting the total
198 sign area (Section 16.8.10.6).

199 A. Public Information Signs. Signs for the control of traffic and other regulatory purposes, route
200 markers, street signs, warning signs, utility, danger or warning signs, signs which indicate direction
201 to hospitals, churches or other places of worship, or other public facilities;

202 B. General Information Signs. Signs which provide direction or instruction such as, location of
203 telephone, rest rooms, parking, automatic teller machines (ATMs), transit stops, entrances and exits,
204 open and closed signs, where installed entirely upon the property to which they pertain. “Enter” and
205 “Exit” signs must not exceed four square feet in size. All other general information signs must not
206 exceed two square feet in size. Except for identifying approved off-premises parking stalls, no logos,
207 trademarks or names of businesses are permitted on general information signs. The Planning Board
208 may approve increased sizes and/or the use of logos or names of businesses on general information
209 signs when considered necessary to promote safety or eliminate confusion;

210 C. Memorial Tablets. Grave markers, signs commemorating a historical figure or event, names or
211 dates of buildings to which a sign is attached;

212 D. Public Notices and Community Signs. Official notices posted by public employees in performance
213 of their duties, and any sign for Town sponsored or supported events or facilities as approved by the
214 Town Council;

215 E. Signs placed on municipal property by the Town or signs placed on municipal property through
216 approval of Town Council;

217 FE. Flags of any Government or Recognized Political Subdivision. The flag of any government or
218 recognized political subdivision is allowed, provided it is displayed no higher than fifty (50) feet
219 above the original ground level or the elevation of the centerline of the nearest street measured at
220 the closest point to the flag, whichever is greater. A single memorial flagpole installation sponsored
221 by private funding not to exceed 129 feet in height installed on Town-owned or regulated property
222 at Memorial Circle is allowed; (Ordained 9/26/11; effective 10/27/11)

223 GF. Religious Symbols;

224 HG. Building Street Numbers. In accordance with the street-numbering map on file with the Town of
225 assessing department;

226 IH. Political Campaign Signs. Signs bearing political messages relating to an election, primary or
227 referendum, provided these signs may be displayed on:

228 1. Public property not earlier than thirty (30) days prior to the election, primary or referendum
229 to which they relate and are removed not later than two days thereafter,

230 2. Private property without time constraints;

231 JH. Interior Signs. Signs placed inside a building which are located at least ten (10) feet inside the
232 building or otherwise not oriented to be viewed from outside the building; RECODIFICATION - ORDAINMENT
233 – 07/26/2010 (With amendments Ordained 9/26/11; 1/23/12; 5/30/12; 9/24/12; 3/25/13; 6/10/13; 1/27/14; 1/28/15;
234 9/28/15;10/14/15;10/26/15; 7/25/16; ; 5/22/17; 7/24/17)

235 **KJ.** Vehicular Signs. Signs painted on or affixed to registered motor vehicles or trailers where such
236 signs are clearly incidental to the regular transportation function of the vehicle;

237 **LK.** Service Club Signs. Service club signs may be placed within the right-of-way of a street with
238 approval of the Commissioner of Public Works. Such signs are encouraged to be consolidated on a
239 single designated assembly structure at major entrance ways to the Town. In addition, such signs
240 not exceeding four feet in size may be erected at locations where meetings of such service clubs are
241 convened;

242 **ML.** Real Estate Signs. Any sign advertising real estate for sale, lease or rent provided:

- 243 1. Each sign does not exceed twelve (12) square feet,
- 244 2. Each sign is located on the property being advertised except one sign may be located as an
245 off-premises directional sign provided the sign does not restrict safe sight distances or impair
246 safety,
- 247 3. No more than two signs are erected per property being advertised, and
- 248 4. Each sign is removed within sixty (60) days of transfer of **Code property**;

249 **NM.** Window Signs. Any sign that is placed inside a window and is visible from the exterior of the
250 window provided such signage covers no more than fifty (50) percent of the area of any window;

251 **ON.** Legally-Required Signs. Any sign required by local, state or federal law with sign area no greater
252 than two square feet or the minimum size required by law, whichever is larger;

253 **PO.** Food Menu Signs. Up to two signs advertising food items for sale on the premises at a legally
254 existing restaurant, fast-food outlet, drive-in restaurant, or snack bar are allowed provided that:

- 255 1. The total sign area of each such food menu sign on the site must not exceed thirty-two (32)
256 square feet, and
- 257 2. Such food menu signs must either be building-mounted or comply with the front yard
258 requirements for structures and be located within seventy-five (75) feet of the restaurant;

259

260 **QP.** Under Canopy, Pedestrian-Oriented Signs. One building-mounted business identification sign
261 per business facility not to exceed ten (10) square feet in size per sign where two or more
262 businesses occupy the same building with a pedestrian walkway and canopy that parallels and
263 connects the front entrances of the business facilities. The sign must be oriented toward pedestrians
264 using the walkway, be located under the canopy near the main entrance to the business advertised
265 and solely identify the business name or logo; and

266 **RQ.** Construction Phase and Contractor **or Developer** Signs. Signs, other than trailer signs, identifying
267 the name of a contractor **or developer** working on the premises **and/or** describing a construction
268 project erected only during the construction phase of a development provided:

269 1. **Each sign does not exceed seventy-five (75) square feet;**

270

271 2. **One sign is erected per property under construction;**

272

273 3. **The sign is removed within thirty (30) days of the completion of construction.**

274 **S. Development or Construction Financing Signs: Signs identifying financial entities funding**
275 **construction are allowed provided:**

276 1. **Each sign does not exceed twelve (12) square feet,**

277

278 2. **One sign is erected per development;**

279

280 3. **The sign is removed within thirty (30) days of the completion of construction.**

281 **16.8.10.10 Signs in the Shoreland Overlay and Resource Protection Overlay Zones.**

282 The following provisions govern signs in the Conservation, Shoreland Overlay and Resource
283 Protection Overlay Zones except where either is overlaid by the Commercial Fisheries/Maritime
284 Uses Overlay Zone. **No signs are permitted within the public right-of-way.**

285 1. Signs relating to goods and services sold on the premises are allowed, provided such signs do not
286 exceed six (6) square feet in area and do not exceed two (2) signs per premises.

287 2. Signs relating to goods or services not sold or rendered on the premises are prohibited.

288 3. Name signs **(such as the name of the business or restaurant)** are allowed, provided such signs do
289 not exceed two (2) signs per premises, and do not exceed twelve (12) square feet in the aggregate.

290 4. Residential users may display a temporary single sign not over three (3) square feet in area
291 relating to the sale, rental, or lease of the premises.

292 5. Signs relating to trespassing and hunting are allowed without restriction as to number, provided
293 no such sign exceeds two (2) square feet in area.

294 6. Signs relating to public safety are allowed without restriction.

295 7. Signs higher than twenty (20) feet above the ground are prohibited.

296 8. Signs may be illuminated only by shielded, non-flashing lights.

297 **16.8.10.11 Sign Permit Application Procedures.**

298 A. No person may erect, post, enlarge, relocate, replace or modify a sign except in conformance with
299 a permit issued by the Code Enforcement Officer ~~and also approved by the Town Planner.~~

300 Notwithstanding the above statement, the following signs may be erected or modified without a
301 sign permit: (Ordained 9/26/11; effective 10/27/11)

302 1. Signs authorized in Section 16.8.10.9;

303 2. Changes to nameplates or “shingles” to reflect occupancy changes on an existing approved
304 freestanding sign identifying individual occupants on the site provided no change is made to the
305 shape or size of the sign or sign area;

306 3. Characters, letters and numbers may be changed on approved changeable message signs
307 without a sign permit, provided no other change is made to the sign; and

308 4. Signs may be maintained, cleaned, or repainted provided no change is made to the shape or
309 size of the sign or to the sign area and provided no new business name is advertised.

310 B. A complete sign application submission consists of the following items submitted to the Code
311 Enforcement Officer:

312 1. A completed sign permit application form provided by the Town, including the sign’s design
313 showing location, dimensions, colors and lighting if any;

314 2. An application fee in accordance with a fee schedule established by the Town Council; and

315 ~~3. A self-addressed, stamped envelope.~~

316 C. Complete applications must be reviewed by the CEO for compliance with this Code. Complete sign
317 permit application submissions must be returned by the CEO after rendering a decision to the
318 applicant if accompanied by a SASE. Incomplete sign permit application submissions will only be
319 returned to the applicant if accompanied by a SASE.

320 D. Unless the proposed sign is located within the shoreland zone, the CEO must issue, deny, or seek
321 a formal Planning Board opinion within fourteen (14) working days of receiving a complete sign
322 permit application submission. If either a Planning Board opinion is sought or the proposed sign is
323 located within the shoreland zone, the CEO must issue or deny the application within thirty-five (35)
324 calendar days of receiving a complete sign permit application submission.

325 E. The sign permit must be approved if the proposed sign conforms in every respect with the
326 requirements of this Article. In the CEO’s absence, or if no action is taken by the CEO within the
327 above time limits, the Town Manager, or the Town Manager’s designee, may approve or deny
328 the sign permit application submission.

329 F. All new signs approved as of October 1, 1997 must display a numbered sign permit sticker
330 provided by the Town in a visible location at the lower right hand corner of the sign face. Failure to
331 display such sign permit sticker on signs erected as of October 1, 1997 will be considered a violation

332 of this Article. Replacement stickers are available from the CEO based on a fee schedule established
333 by the Town Council.

334 **16.8.10.12 Nonconforming Existing Signs.**

335 A. All signs lawfully existing on October 1, 1997 that do not conform to the terms of this Article may
336 be continued and maintained subject to Section 16.8.10.12B.2 but may neither be enlarged nor
337 substantially altered except in conformity with this Article.

338 B. Lawfully nonconforming signs must be made to conform or be removed if any of the following
339 circumstances occur, individually or in combination, for a consecutive ~~three~~ one year time period:

340 1. The sign has ceased to be accurate by reason of vacancy or closure of the business which the sign
341 advertises;

342 2. The sign face is blank, illegible, obscured, painted over, concealed or otherwise not decipherable.

343 C. In no event may the degree of nonconformity of any sign or type of signage on any lot be
344 increased.

345 An extension to the one-year time period may be granted by the Board of Appeals as a
346 miscellaneous variance. Such an extension must be requested of the Board of Appeals before the
347 one-year period has elapsed. The extension itself may not exceed a period of one year.

348 **16.8.10.13 Sign Violation and Appeal.**

349 A. The CEO must notify and order the owner to immediately correct any sign that endangers public
350 safety. Signs that endanger public safety include, but are not limited to, those which are dangerous
351 by reason of structural defect or those that interfere or obstruct a driver's safe operation of a motor
352 vehicle.

353 B. A nonconforming sign which is required to conform to the sign regulations per Section 16.8.10.12
354 must be brought into conformity.

355 C. Enforcement of the provisions of this Article is in accordance with Chapter 16.4

356 [Illustrations follow]