

## PROPOSED ZONING AMENDMENTS FOR 2007 TOWN MEETING

Proposed language *italicized*.

Language to be removed ~~striketrough~~.

### Article 5: Amend Article XI Signs to:

- clarify definitions;
- allow off-site Charitable signs with time limitations;
- allow Electronic Messaging Displays with restrictions to message size, color, display time and transition;
- allow group signs to be up to 150 sq. feet in total area;
- restrict roof signs;
- increase sign permit fees

### PROPOSED LANGUAGE:

## ARTICLE XI SIGNS

### 307-65 Scope and Intent

Only the following signs shall be permitted: town and state highway directional and regulatory signs, historic signs and those signs used to advertise the profession or goods dealt in by the owner or occupant of property on which placed.

The Town of Pelham has determined that:

- A. There is a public responsibility to protect the safety and welfare of its citizens;
- B. There is a substantial interest in maintaining and enhancing the aesthetic appearance of all residential, commercial and industrial areas of Town; and
- C. There is a substantial interest in enabling business and industry to advertise effectively.

### 307-66 Purpose

The intent of this Ordinance is to allow signs that:

- A. Give information and directions;
- B. Build the image of business and industry;
- C. Incorporate new technologies; and

D. Compliment the character of the zoning district land use.

It is further intended that the sign ordinance will help the Town in its efforts to protect the safety and welfare of the public.

### **307-67 Title**

This division shall be known as the "Town of Pelham, N.H., Sign Ordinance"; and may be so cited.

### **307-68 Sign Permit**

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign in the Town of Pelham, or cause the same to be done, without first obtaining a sign permit for each such sign from the building official as required by this code. This prohibition shall not be ~~constructed~~ *construed* to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign ~~of or~~ sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way.

All sign applications shall include a color rendering of the proposed sign, a detailed description of materials of construction, illumination, moving components, electronic messages and method of attachment to structure.

### **307-69 Sign Definitions and Restrictions**

The following definitions and restrictions shall apply throughout these regulations:

- A. Abandoned Sign: The cessation of use of a sign as indicated by the visible or otherwise apparent intention of an owner to discontinue the use of a sign and/or structural framework.
- B. Administration & Enforcement: The building official is hereby authorized to review all sign applications and to enforce the provisions of this regulation.
- C. Area: The area, on the largest single face of a sign, within a perimeter which forms the image area of a sign. If the sign consists of more than one module, the total area of all modules shall constitute the sign area. If a sign is lettered on both sides back to back, only one side shall be counted as the total sign area. *Graphics communicating the type of business or goods within (i.e. an image of scissors for a salon sign) shall be counted toward the sign area.*

- D. Awning Sign: A removable shelter of canvas, plastic, metal or some other material, extending over a doorway or window and providing shelter from rain or sun, with sign message incorporated. Awnings with graphics will be considered a form of a wall sign. A permit is required. *Only the area of the awning where lettering or graphic images are located shall be considered the "sign area" for purposes of calculation.*
- E. Banner Sign: A temporary sign of lightweight matter (e.g. paper, plastic or fabric) hung either with or without frames. This will only be allowed for a maximum of thirty (30) days, two (2) times during each calendar year. The banner may not exceed one hundred (100) square feet in area. Alternatively, a banner may be used as a temporary sign (see "temporary sign"). A permit is required.
- F. Billboards: Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, product or services. This is considered a form of a ground sign (see "ground sign"). A permit is required. Off premises billboards are not permitted (see "off premises").
- G. Building or Face Wall: A wall area of a building in one plane or elevation.
- H. Building Name Sign: A building name sign shall identify the building and shall be a maximum of twelve (12) square feet in area. No permit is required.
- I. Building Officials: The official appointed under by the Board of Selectmen to review and issue sign permits.
- J. Changeable Copy Sign: A sign on which message copy can be changed through the use of attachable letters and numb/numerals excluding electronic switching of lamps or illuminated tubes to form words and numerals. ~~It includes a sign which has automatic switching, limited to time and temperature.~~ This shall be considered a form of ground or wall sign (see "ground or wall sign"). *Refer to O. **Electronic Messaging Signs** for limitations on electronic signs.* A permit is required.
- K. Charitable: Charitable shall mean ~~and include the words philanthropic~~ *those signs communicating messages related to not-for-profit events for social service, benevolent, patriotic, civil, educational, or fraternal purposes.* Charitable signs shall be subject to the following conditions:
1. May be placed a maximum of 30 days preceding the event.
  2. Shall be located so as not to obstruct a public right-of-way or create a hazard.

3. Must be removed within 7 days after the event.

~~4. Size limits shall be the same as real estate signs. Size limit shall be 50 sf.~~

~~5. May be located off premises with permission of the property owner.~~

No permit is required.

L. Construction or Project Sign: As used in this regulation, shall mean any sign erected on a project site prior to or during a construction project, with the following restrictions:

1. Maximum area shall be 32 square feet, except on projects that exceed one acre in size, where the maximum area shall be 64 square feet.
2. Height and setback shall be commensurate with the underlying district.
3. Must be removed within 15 days from the date on the certificate of occupancy permit (if applicable), expiration, or loss of building permit, upon completion of work, or upon installation of a permanent sign.

No permit is required.

M. Directional Sign: Signage which is necessary for on-site public safety and convenience. Directional signs may be located adjacent to driveways. Examples: "In", "Out", "Entrance", "Exit", and "Parking". No permit is required.

N. Electrical Sign: Any sign containing electrical wiring.

O. Electronic Changing Sign Messaging Displays: *A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Electronic Messaging Displays may be permitted in all Business or Industrial districts subject to the following requirements:*

1. *Operational Limitations: Such displays shall be limited to amber in color and shall contain static messages only, and shall not have any movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the flashing or varying of light intensity.*
2. *Minimum Display Time. Each message displayed on the sign must be displayed for a minimum of 3 seconds.*

3. *Message Change Sequence. The transition from static message to static message must be made with “Fade” or “Dissolve” transitions. No “Travel” or “Scrolling” messages and no animation, flashing or video is permitted.*
4. *Electronic Messaging Displays may not exceed two feet (2') in height and eight feet (8' ) in width and are counted towards the total area or any proposed ground or wall sign.*
5. *A maximum of one (1) electronic messaging center is allowed per property.*

*A permit is required.*

~~Message center signs shall not exceed a maximum of fifty (50) percent of the allowed area of a ground sign or wall sign. Ground sign face(s) shall be perpendicular to the right-of-way. A maximum of one (1) message center per premises. A permit is required.~~

- P. Flag: National, state or corporate flags properly displayed shall be allowed in all districts with no sign permit required. ~~Corporate signs shall be limited to a maximum area.~~ The set back shall be the same as for ground signs. No permit is required.
- Q. Flashing Sign: Any sign containing intermittent flashing light by means of an animation or an externally mounted intermittent light source, or chase lights. ~~The colors blue, red, yellow and green are not permitted.~~ *Not permitted.*
- R. Frontage: The length of the property line of any one premises along each public right-of-way it borders.
- S. Ground Sign: A sign erected on a free-standing frame, mast or pole and not attached to any building, subject to the following conditions:
  1. Maximum sign area shall be fifty (50) square feet *(except for Group Signs as defined in T).*
  2. Minimum setback of the sign shall be fifteen (15) feet from a right-of-way or property line, with a maximum sign height of ~~eighteen~~ *twenty* (18 20) feet. Signs for businesses located on a State highway shall have no setback to the right-of-way but adhere to a fifteen (15) feet setback to the side property lines.

3. Minimum setback from an intersection shall be twenty-five (25) feet from the point of the intersecting rights-of-way.
4. As an alternate for a corner premises, an allowed ground sign may be replaced by two (2) ground signs, each meeting all of the following conditions:
  - a. Each sign shall be designed to be viewed from a different right-of-way.
  - b. Maximum sign area of each sign shall be twenty-five (25) square feet.
  - c. Minimum setback of signs shall be twenty (20) feet from right-of-way with a maximum sign height of ~~eighteen~~ *twenty* (~~18~~ 20) feet; or the minimum setback of the signs may be reduced to ten (10) feet from right-of-way with a maximum sign height of ten (10) feet. A permit is required.

T. Group Sign: *A Group sign can be used to indicate businesses in a multi-tenant situation. The following restrictions apply:*

1. *One business may occupy a larger portion of the sign (up to 50 sf) when one business occupies a substantially greater portion of the property than other tenants (50% or more of total sq. footage). This larger business is considered an “anchor tenant”.*
2. *Except for one anchor tenant, no individual sign within a group sign may occupy more than ten (10) square feet.*
3. *No Group sign may exceed 150 sf. in area or the combined limitations expressed in (1) and (2) above, whichever is less.*
4. *All Group Signs must meet the limitations set forth in section S. Ground Signs*

U. Height of Sign: The vertical distance measured from the adjacent undisturbed grade of ground to the highest point of the sign. Freestanding signs shall not exceed ~~eighteen~~ *twenty* (~~18~~ 20) feet in height. Any attached sign shall not project above or beyond the limits of the building on which it is viewed.

V. Incidental Sign: A sign identifying or advertising associated, goods, products, services, or facilities available on the premises. Incidental signs include, without

- limitation, trading stamps, credit cards accepted, brand names or price signs. The limit shall be three at 1.5 square feet each. No permit is required.
- W. Maintain: To permit a sign, sign structure or any part of each to continue; or to repair or refurbish a sign, sign structure or any part of each. A sign shall be maintained in good repair for public safety and aesthetics.
- X. Mobile Signs: Any sign mounted on wheels or a wheeled trailer primarily situated and decorated to display an advertising message. Signs will only be allowed for a maximum of 30 days, 2 times per calendar year. Sign may not exceed 32 square feet in area. A permit is required.
- Y. Nameplate and Historic Markers: A non-electrical sign identifying only the name and occupation or profession of the occupancy of the premises on which the sign is located. If any premises includes more than one occupant, nameplate means all names and occupations or professions as well as the name of the building and directional information. The sign shall be a maximum of three (3) square feet in area. No permit is required.
- Z. Non-electrical Sign: Any sign that does not contain electrical wiring or its own source of illumination, such as a wood sign, carved sign, routed sign, sandblasted sign, or painted sign, etc.
- AA. Off-Premises Sign: Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products or services not located on the premises where the sign is located or maintained. Not permitted *except for temporary Political and Charitable signs and Open House Real Estate signs with property owner's permission*.
- BB. On-Premises Sign: Any sign visible from a public right-of-way identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed or maintained. A permit is required.
- CC. Political Sign: A sign advertising a candidate for political office. These signs are allowed in all districts, without the need for a sign permit. They may be established 30 days prior to the event or election, and shall be removed within 10 days after the event or election. Political signs shall not be placed or affixed to premises without the consent of the owner. Only the property owner may affix such signs to his home, buildings on the premises or trees on the premises. No permit is required.
- DD. Portable Sign: See temporary sign, infra.

EE. Premises: A lot or group of lots on which are situated a building or group of buildings designated as a unit, or on which a building or a group of buildings are to be constructed.

FF. Real Estate Directional Sign: Real estate signs advertising an open house, and located off premises. Signs shall not be nailed to trees or telephone poles not owned by the Realtor. No permit is required.

GG. Real Estate Sign: Any sign advertising exclusively the sale, rental or lease of the premises, or a portion thereof, upon which the sign is located. Such signs must be removed within 15 days after the closing of the sale, rental or lease. Such signs are subject to the following restrictions:

1. Number and type: one (1) non-electrical ground or wall sign per premises, per street frontage.
2. Maximum sign area (including Real Estate Rider Boards): eight (8) square feet for residential; thirty-two (32) square feet for multiple structures within residential developments such as apartment complexes; and sixty-four (64) square feet for business and industrial.
3. Height and setback requirements commensurate with underlying zone.
4. On-site real estate signs must be removed within 15 days after sale, rental or lease; and off-site signs (including balloons) advertising an open house, may be located for a duration not to exceed 15 days. No permit is required.

HH. Roof Sign: A sign erected upon, against ~~or directly above a roof~~, or on the top of ~~or above the~~ parapet of a building. *Roof signs are only allowed if ~~no~~ ~~less~~ ~~than~~ ~~insufficient~~ area exists ~~above windows or doors~~ and then only when mounted with brackets so the sign is positioned midway between the roof ridge and the eave. Roof signs are subject to the following restrictions:*

1. Maximum sign area measured in square feet shall be two (2) times the building frontage if there is no other sign type; one and one-half times the building frontage if there is a wall sign or projecting sign, or ~~one hundred fifty (150)~~ 50 square feet, whichever is least.
2. Roof signs shall be set back a minimum of three (3) feet from the projecting plane of the building's exterior wall. It is the intention of this provision to provide a clear passageway around or under the sign.
3. Maximum number of roof signs shall be one (1).



~~4. Roof signs shall not extend more than ten (10) feet above the roof.~~

5. 4. Sign content shall refer to on-site business identification only. A permit is required.

II. Rotating Sign: Any sign, or portion of a sign, which moves in any manner. It is considered a form or ground, wall or roof sign. A permit is required.

JJ. Sign: Any sign, illuminated or non-illuminated, or presentation by words, letters, figures, designs or pictures, publicly displayed to give notice relative to a person, business, goods, products, a service, activity or a solicitation. "Sign" includes identification, advertising and informational signs, and also includes any permanently installed or situated merchandise (other than a structure). For the purpose of removal, "Sign" shall also include the sign structure. No permit is required for signs installed by government bodies and utility companies. A maximum of three (3) types of signs per premise are permitted, with no more than one (1) from each of the following categories: ground, wall, roof or projecting. Alterations that include repainting, changing copy or replacement of the existing sign face will not require a permit, unless the replacement of the sign face is intended to change the name of the business and/or owner, or if the complete sign structure is changing to new signage.

KK. Sign Structure: Any structure which supports or is capable of supporting any sign, including decorative cover. A sign may be a single pole and may or may not be an integral part of a building or structure.

LL. Subdivision Identification Sign: A sign intended to identify the name of a residential subdivision located in a residential district. Subdivision signs shall be located at the main entrance to the subdivision project (see real estate and construction project signs). No permit is required.

MM. Temporary Sign: any sign, except *charitable*, political, religious, municipal or personal signs, which is not permanently installed or affixed to any sign structure or building. Signs shall only be displayed for special events or on accepted civic, patriotic or religious holidays. Each business shall be allowed one (1) sign not to exceed thirty-two (32) square feet. Temporary signs shall not be maintained longer than thirty (30) days in any ninety (90) day period whatsoever. Signs shall not be attached to fences, trees, utility poles, rocks or other parts of a natural landscape, nor be placed in a position that will obstruct or impair traffic or in any manner to create a hazard or disturbance to the health, safety, and welfare of the general public. Such signs may not be flashing or illuminated; and must be set back at least ten feet from the edge of the right-of-way. [Amended March 8, 2005 ATM]

NN. Temporary Window Sign: Any sign which is not permanently installed or affixed to any window. No permit is required.

OO. Wall Sign: Any sign attached to, painted on or erected against any wall of a building or structure so that the exposed face of the sign is on a plane parallel to the plane of the wall. "Wall Sign" shall include any sign erected against, installed on or painted on a penthouse above the roof of a building as long as the wall of the penthouse is on a plane parallel to the wall of the building a sign attached to, painted on or erected against a false wall or false roof that does not vary more than thirty degrees from the plane of the adjoining elevation. Wall signs shall be subject to the following restrictions:

1. Maximum sign area measured in square feet shall be two (2) times the building frontage if there is no other sign type; one and one-half (1 ½) times the building frontage if there is a ground sign; one (1) times the building frontage if there is a wall sign; or fifty (50) square feet, whichever is least.
2. ~~Business Groups. Groups of three (3) or more businesses on a single lot, such as a plaza or shopping center, may observe the following: one (1) principle freestanding sign of twelve (12) square feet in area identifying the plaza or center name with no more than an additional twelve (12) square foot panel for each business for the purpose of identification. Total aggregated sign area shall not exceed fifty (50) square feet.~~

### **307-70 General Regulations**

- A. ~~Except for indicators of time and temperature,~~ no sign or part of any sign shall flash, rotate, move or make noise;
- B. Signs shall be illuminated internally or by external shielded light directed solely at the sign in such a manner as to prevent glare for motorists and pedestrians, and such that the light source and lenses shall not be visible from any residential district.

### **307-71 Administration and Enforcement**

The ~~building official~~ *Zoning Administrator* is ~~hereby~~ authorized to review all sign applications and issue permits and to enforce the provisions of this regulation. This ordinance shall supersede all other town ordinances and site review regulations, where inconsistent therewith, except as provided in the following paragraph. Any alteration (as defined in item ~~KK~~ *JJ* of the above section) of existing signs shall conform to the provisions of this ordinance.

In the event that any Federal, State, or Town agency imposes more stringent requirements than those found in this ordinance, the stricter standards shall in all cases apply.

### **307-72 Fees**

The following are permit fees as required under this ordinance:

- a. Mobile signs.....~~\$10.00~~ *\$15.00*
- b. Signs w/area under 50 SF .....~~\$15.00~~ *\$15.00*
- c. Signs w/area of 51 to 100 SF .....~~\$25.00~~ *\$50.00*
- d. Signs w/area of 101 to ~~300~~ *150* SF .....~~\$50.00~~ *\$75.00*
- e. ~~Signs w/area over 300 SF~~ .....~~100.00~~

Fees for multiple signs for a single premise shall be determined by total square footage.