

**CITY OF BELFAST CITY COUNCIL
SECOND READING & PUBLIC HEARING
FEBRUARY 7, 2023 7:00 P.M.
COUNCIL CHAMBERS IN BELFAST CITY HALL**

**SECOND READING - PROPOSED AMENDMENTS
CITY CODE OF ORDINANCES
CHAPTER 86, SIGNS**

Notes and Information to the Public on the Proposed Amendments.

1) Purpose of Amendment & Outline of Amendments:

The City Sign Ordinance originally was adopted in July 1991, and the City adopted a number of targeted amendments (for example allowing sandwich board signs in the downtown area) over the ensuing 25 years. In 2016, the City codified the Ordinance so it was in the same format as other City Ordinances. The Planning Board, as recommended by the Department of Planning and Codes, is now proposing a series of amendments to the Sign Ordinance. The most significant amendments are associated with the changes to zoning district designations that the City has adopted since 2018.

Changes to Sign standards associated with changes to Zoning District designations.

a) Sec 86-150. Sign standards for rural zoning districts (Pages 21-23). The maximum size standards for an individual sign in the zoning districts in this area now range from 15 square feet (sf) to 48 sf, with larger sizes permitted for a multiple business complex sign. The proposed amendments would allow a 48 sf sign if the property is on State route (Rte 3, 7, 52, 137, and 141, as well as Pitcher Rd) and 32 square feet on all other roads. The maximum height of a ground sign would be reduced from 25 feet to 15 feet, and the maximum length of a sign could be 10 feet (48 sf sign), or 8 feet (32 sf sign).

b) Sec 86-151. Downtown and Waterfront Area. (Page 23) The sign size standards for the DC, WMU-1, and WMU-2 zoning districts would essentially remain the same as the current standards; size limit of 15 sf per sign, and 2 signs per business. The standards for the former Residential/Agricultural 1 zone would be included in Sec 86-150, and the standards for the former Residential/Agricultural II zone (now mostly in the Residential 4 zone) would be included in Sec 86-153. The maximum size sign would remain the same for the new Residential 4 zone as they were in the former Residential/Agricultural II zone.

- c) **Sec 86-152. Business Park zones.** Pages 23-24. The proposal would result in reducing the maximum size of a sign from 96 sf to 72 sf. The main reasons are most of the businesses in the Business Park zone are not dependent on drive-by traffic, and speed limits on the adjacent roads are relatively low. Also, the sign standards for the Airport Growth zone would be relocated from this Section to Sec 86-150.
- d) **Sec 86-153. Inside the Bypass Residential zones, Robbins Rd/Patterson Hill area, and Crocker Rd area.** Pages 24-25. The proposed sign size standards, 15 sq ft, non-internally illuminated, and only 1 sign per use, are the same as the current sign standards. The main change involves establishes a new maximum height standard (10 feet vs. 25 ft) and maximum length standard (8 ft vs no current standard) for a ground sign. It is noted that the predominant use in these zoning districts is residential housing rather than commercial businesses.
- e) **Sec 86-154. The Highway Commercial zoning districts.** Pages 25-28. These are the most defined sign standards in the City Code. They were adopted in 2000. There are no changes to the current standards.

Several other significant changes

Sec Article II, Definitions (Pages 7-9). There are several new definitions and clarifications to several current definitions. The most significant new definition is for a changeable message board sign, and the current definition for a multiple business complex sign has been revised.

Sec 86-41 Temporary Political Signs (Pages 10-12). State standards regarding the regulation of temporary political signs have changed on several occasions in the past 5 years. Many of the current standards in Belfast's Ordinance reflect requirements of State law as it existed in 2018. The Board is proposing to make Belfast's Ordinance consistent with changes in State law that were adopted in 2021.

Sec 86-81. Changeable Message Board Signs (Pages 17 - 18). The current Sign Ordinance does not specifically reference changeable message board signs. The standards proposed in this Ordinance reflect most State requirements for said signs, however, this proposal would allow a changeable message board sign to change every 60 seconds vs. the current State standard which is once every 20 minutes. State law allows municipalities to adopt their own standards.

Sec 86-121. Multiple Business Complex Signs (Pages 18-19). The Department is proposing revised standards for such signs, particularly to address the issue of allowing a sign that advertises businesses that are not located on the same property as the sign.

2) Recommendation of Belfast Planning Board.

The amendments presented at Second Reading were reviewed and prepared under the direction of the Belfast Planning Board. The Planning Board conducted a public hearing on the amendments at its meeting of December 14, 2022. No public comment was received on these proposed amendments at the December 14 hearing. At this same December 14 meeting, the Planning Board voted 5-1 to recommend the amendments for Council consideration.

3) Council Process for Consideration of Proposed Amendments.

The proposed amendments were considered at a formal First Reading at the Tuesday, January 17, 2023 regular City Council meeting. The Council also conducted a public hearing at the First Reading, however, no public comment was received regarding this proposal.

The Council has scheduled this same amendment for Second Reading and public hearing at the regular Tuesday, February 7 meeting. The Council, at the Second Reading, has the authority to adopt, reject, revise or table the proposed amendments.

4) How to Offer Public Comment:

The City of Belfast and Belfast City Council encourage public comment on the proposed amendments. Any member of the public can offer comment to the City Council for this public hearing in any of the following three ways:

- a) Comment can be submitted in writing via email to public@cityofbelfast.org. All email comment must be received by 2:00 pm on February 7, 2023. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- b) Comment can be submitted in writing via letter. The letter must be received by 2:00 pm on February 7, 2023, so it can be photocopied and presented to the Council. Persons who may want to offer extensive (longer) comment are particularly encouraged to submit comment via email or by letter.
- c) Comment can be orally presented to the Council at the February 7, 2023 public hearing. Oral comment should be limited to 3 minutes. The Council meeting that begins at 7:00 P.M. in the Council Chambers of Belfast City Hall, and the hearing will start as soon as practical after 7:00 pm. All oral comment must be delivered at the Council meeting; the City is not offering opportunities to offer oral comment via a ZOOM webinar to the Council.

The City notes that seating is limited in the Council Chambers. The public hearing and Council meeting can be live streamed on the City website www.cityofbelfast.org, seen live on BEL TV, channel 7 or channel 1303, or heard live on Belfast Community Radio WBFY 100.9.

5) Format of Amendment: Language/text in black font is existing language in the Ordinance that is not proposed to be changed through this amendment. Language/text proposed to be added to the existing Ordinance is shown in **Red Font**. Language/text proposed to be deleted/pealed from the existing Ordinance is shown in ~~Blue Strike-through Font~~.

Language that is highlighted in Yellow identifies a date that needs to be added to final Ordinance if the Council adopts the proposed amendments.

6) Questions and Information on the Proposed Amendments.

The complete text of this proposed amendment can be found on the City website, cityofbelfast.org, reference Planning and Codes, February 7, 2023 Council Hearing, and a printed copy of the amendments can be inspected at the Planning and Codes offices during normal business hours, Monday - Thursday, 7:00 am - 6:00 pm. Questions regarding the proposed amendment should be directed to the Planning and Codes office at 338-3370 x 125, or by email to Wayne Marshall, Project Planner, at wmarshall@cityofbelfast.org.

TEXT OF PROPOSED AMENDMENT

CHAPTER 86, SIGNS

ARTICLE I. GENERAL PROVISIONS

Sec. 86-1 Purpose.

The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. The sign regulations adopted by the City are intended to help achieve the following public purposes: to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty; provide a more enjoyable and pleasing community; 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 a public right of way; provide more open space; and curb the deterioration of natural beauty and community environment.

With respect to the City regulatory policy of allowing businesses that depend on walk-by customers to display sandwich board signs located on the public sidewalk, the purpose is to encourage a colorful and healthy business environment in a pedestrian oriented downtown and waterfront area. In addition, such signs are intended to assist the public to more easily find downtown and waterfront businesses and to enhance the character and streetscape of the downtown, while not unduly interfering with the public's ability to easily use downtown sidewalks.

Sec. 86-1.5 History of Sign Ordinance.

The City adopted its initial Sign Ordinance on July 1, 1991. In the ensuing 25 years, the City adopted a series of targeted amendments, such as allowing sandwich board signs in the Downtown Commercial and Waterfront Mixed Use Districts, reference Sec 86-124, and in 2000, adopted revised sign standards for 6 newly created commercial districts, such as the Route 3 Commercial and Searsport Avenue Commercial Districts, reference Section 86-154. In 2016, the City codified requirements of the Sign Ordinance so the Ordinance was in the same format as other Chapters of Subpart B, Land Use Regulations, of the City Code of Ordinances. The amendments to Chapter 86, Signs, adopted on --- insert date of Council action ---, particularly addressed changes required by the adoption of new zoning districts, as well as sign requirements such as but not limited to changeable message board signs and temporary political signs.

In applying requirements of Chapter 86, Signs, the City shall use the initial

adoption date of the Sign Ordinance, July 1, 1991, or the effective date of respective amendments adopted to this Chapter, as a guideline in determining if a sign may be legally conforming or nonconforming.

Sec. 86-2 Sign permits and application.

Except as otherwise herein provided, no person shall erect, modify or move any signs without first applying for and obtaining from the Code Enforcement Officer a sign permit. The Code Enforcement Officer shall issue a sign permit for an application that is in compliance with the provisions set forth in this eChapter. The application shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as may be required by ~~him~~ **the Code Enforcement Officer** for a complete understanding of the proposed work. A sign that is electrically illuminated **also** shall require an electrical permit.

Sec. 86-3 Maintenance and conformance of signs.

No sign shall be erected or altered except in conformity with the provisions of this eChapter. 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 **the** physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents.

Sec. 86-4 General safety standards for signs.

No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard, or **that** results in a nuisance due to illumination, placement, display, or manner of construction. No sign shall project over a traveled way (street or road).

Sec. 86-5 Exceptions.

For the purpose of this **Chapter** (ordinance), the term "sign" does not include signs erected and maintained for public safety and/or welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulation, nor to a "name sign" not exceeding one (1) square foot in area identifying the name(s) of the residents of the premises where such sign is located.

Sec 86-6 Severability.

In the event that any section, subsection or any portion of this eChapter shall be declared by any court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to affect the validity of any other section, subsection or other portion of this eChapter, to this end; the provisions of this eChapter are hereby declared severable.

Sec 86-7 Penalties.

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision of this eChapter shall be penalized in accordance with Title 30-A M.R.S.A. Subsection 4452 as now existing or subsequently amended.

In addition, the City of Belfast shall be entitled to all of the relief, including its costs and legal fees as allowed by said Subsection 4452. Notwithstanding any provision to the contrary, including the provisions of 30-A M.R.S.A. Subsection 4452, as now existing or amended in the future, the City of Belfast shall be entitled to judgment against any violator for its costs, expert witness fees, code enforcement expenses, and attorneys' fees incurred in enforcing this eChapter.

The City of Belfast shall also have the right to enforce the provisions of this eChapter through civil action, either at law or equity. The enforcement provisions herein contained shall exist in addition to those which that may exist under Maine statutory law or Maine Rule of Civil Procedure 80K, or any other court rule or statutory provision.

Each and every day of violation shall constitute a new and separate offense for which a minimum penalty of \$100.00 shall be assessed.

Sec. 86-8 Violations.

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this eChapter.

Sec. 86-9 Fees.

Fees for all sign permit applications shall be determined by the Belfast City Council, and an applicant for a sign permit shall pay the identified fee as a condition of issuance of a permit by the Code Enforcement Officer.

Sec. 86-10 through 86-24. (Reserved)

ARTICLE II. Definitions.

The following words, terms and phrases, when used in this eChapter, shall have the meanings ascribed to them in this Article, except where the context clearly indicates a different meaning. The definition of other words, terms and phrases used in this eChapter shall have the meanings ascribed to them in the City Code of Ordinances, Chapter 66, General Provisions, except where the context clearly indicates a different meaning.

Off-premise sign. A sign 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, sold or occurs.

Business (activity or nonresidential use). In the event two or more businesses (**activities or nonresidential uses**) are located on the same property and request to be eligible for signage as separate businesses, the businesses must (1) keep separate sets of financial records, (2) file separate tax returns for each business, (3) have separate tax numbers and (4) be in a different ownership.

***Changeable sign''.* An on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side. Also reference Sec 86-81 standards.**

Directory board. A wall sign erected on a building wall at the ground floor level and containing name identification for more than one activity or business located on a single premises or a group of contiguous premises. Each listing shall be no larger than one (1) square foot. A directory board shall be considered to be one sign, however, a directory board sign shall not affect the number of signs which an activity or business shall be permitted to display pursuant to requirements of Article VI of this eChapter.

Districts. Districts as set forth in Article VI are as defined in the City Code of Ordinances, Chapter 102, Zoning, **Article V, District Regulations**, and/or as recodified and re-enacted.

Ground sign. An outdoor sign **which that** is directly and permanently supported and physically separated from any other structure and contains information on no more than two activities or businesses, **unless the ground sign is a multiple business complex sign.** A ground sign ~~shall have a maximum height of 25' from the ground level.~~ **It shall not be erected in or project over the public right-of-way, and shall comply with the respective maximum height standards identified in Article VI of this Chapter.**

Identification sign. A sign indicating the location of, or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or without the premises. Such a sign shall not exceed 5 square feet and shall not affect the number of signs which an activity or business shall be permitted to display pursuant to requirements of Article VI of this eChapter.

***Multiple Business Complex sign.* A free standing sign erected on a suitable foundation and designed to provide advertising space for more than two activities or businesses (nonresidential uses) on a single premises or group of contiguous premises. Also reference Sec 86-121 standards.**

Monument sign. A monument sign is a type of ground mounted sign ~~which~~ **that** is less than 10 feet in height.

Nonconforming sign is a sign which was legally existing on a property as of the date of enactment of this Chapter, July 1, 1991, or the effective date of respective amendments adopted to this Chapter.

Public way. Any way designed for vehicular or pedestrian use and which is maintained with public funds.

Portable sign. A sign not designed or intended to be permanently affixed into the ground or to a structure.

Projecting signs. An outdoor sign which is attached to a wall at an angle. A projecting sign shall contain advertising for no more than two activities or businesses, must clear the ground by at least eight (8) feet, and shall not project over a public way, except signs in the Downtown Commercial, Waterfront Mixed Use 1, and Waterfront Mixed Use 2 zoning districts may overhang the sidewalk in the right of way, **provided the sign overhang does not adversely affect use of the public sidewalk.**

Roof ridge. The uppermost portion of the roof.

Roof sign. A sign located upon or over a roof of a building. A roof sign is a sign located above drip edge line of **the** roof.

Sandwich board sign. A free-standing sign that may be located on the public sidewalk that satisfies the requirements of Article V of this Chapter.

~~*Shopping complex/industrial park sign.* A free standing sign erected on a suitable foundation and designed to provide advertising space for more than two activities or businesses on a single premises or group of contiguous premises.~~

Sign. "Sign" means any structure, display, logo, device or representation which is designed or used to advertise or call attention to anything, person, business, activity or place and is visible to the public. It does not include the flag, pennant or insignia of a nation, state or municipality. Whenever dimensions of a sign are specified, they shall include frames. Each visible face of a sign shall constitute a separate sign, except that a sign with two faces shall be counted as one sign, provided the distance between the two faces does not exceed 12 inches.

Sign area. The area of the square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders. The structural supports of a sign shall be excluded in determining the sign area.

Where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured. The area of one face of a two-sided sign shall be considered in determining the total area of the sign.

Sign face. The surface of a sign visible to the public.

Temporary on-premise advertising sign. An on-premise sign or advertising display designed, and intended to be displayed or displayed for a short period of time. A sale banner (on-premise) shall be considered a temporary sign.

Temporary off-premise event sign. A sign or advertising display for a specific event sponsored by a charitable, community or similar organization that is designed and intended to be displayed and displayed for a short period of time that is located within the public road right-of-way.

Temporary political sign. A sign bearing a political message relating to an election, primary or referendum.

Temporary window sign. A sign which is not permanently attached to the window, which is intended to be displayed and is displayed for a period of time not to exceed 30 days **in any 45 day period.**

***Time and temperature sign.* A changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature. Also reference Sec. 86-81 standards.**

Wall sign. An outdoor sign which is attached flat to, painted on, or pinned away from a building wall or part thereof, and does not project more than 18 inches from the wall. The sign is defined as being within the perimeter of the message.

Wall area. The area of the facade of a building up to the roof line.

Visible. Capable of being seen without visual aid by a person of normal visual acuity.

Sec. 86-30 to 86-39 (Reserved)

ARTICLE III. TEMPORARY SIGNS.

Sec 86-40 Temporary on-premise advertising sign.

A nonresidential use may display a temporary on-premise advertising sign subject to the following standards:

- a) The sign shall be constructed of light non-permanent material such as but not limited to cloth, canvas, fabric, or plywood.

- b) The sign shall be displayed for a period of no longer than 30 days **in any 60 day period.**
- c) The sign shall be affixed and displayed in such a manner and location so as not to cause a public safety concern.
- d) The sign shall be maintained in good condition.

A temporary on-premise advertising sign does not require a permit from the Code Enforcement Officer, **however, the owner of the sign shall be responsible for verifying that a temporary sign complies with the above requirements to the Code Enforcement Officer.**

Sec. 86-41 Temporary political signs on public property or in the public right-of-way.

Consistent with Maine State Statutes, Title 23, Chapter 21, Section 1917-B (amendments adopted in 2021), a temporary political sign in the public right-of-way shall be regulated as a temporary categorical sign, as such is defined by the State. A temporary political sign shall comply with the following State standards:

- (1) A sign may be placed in the public right-of-way for a maximum of 12 weeks in a calendar year; 6 weeks from January 1 to June 30, and another 6 weeks between July 1 and December 31.**
- (2) A temporary sign that has the same or substantially the same political message shall not be placed within 30 feet of a similar sign.**
- (3) The maximum size of a temporary political sign in a public right-of-way or on a public property shall be 4 feet by 8 feet.**
- (4) A temporary sign shall be marked with the name, address, phone number, and email address of the individual, entity or organization that placed the sign within the public right-of-way, and the date that the sign was erected in the public right-of-way.**

~~Signs bearing political messages relating to an election, primary or referendum, shall not be placed within the right-of-way prior to 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 thereafter.~~ The placement of **such a temporary political sign in Belfast** also is subject to the following **City** standards:

- a) A person who chooses to erect or display **a temporary political** sign shall use the utmost consideration and good judgment in the placement of a sign to ensure it does not interfere with the public safety of the traveling public, including motorists, bicyclists and pedestrians. All signs must allow good visibility for both vehicular and pedestrian traffic patterns. Any sign determined to be impeding such visibility or similar safety concerns can be removed by City law enforcement, public safety, code enforcement and/or public works officials.

- b) A person who chooses to display a temporary political sign shall affix the sign to its own stake or post and set it in the ground, and shall ensure it is securely in the ground. Any sign that is not securely in the ground or which is detached from its stake or post can be removed by City law enforcement, public safety, code enforcement and/or public works officials if they deem such to pose a safety concern or that the sign is in disrepair.
- c) ~~Pursuant to state law,~~ **A** political sign in view of any highway or near a highway cannot resemble an official traffic control device, such as but not limited to a stop sign or speed limit sign.
- d) No person shall erect or display a temporary political sign on any of the following City owned properties or within the road right-of-way adjacent to these properties: Armistice Bridge (Belfast Footbridge), Boathouse at Steamboat Landing and Steamboat Landing Park, Belfast Common, Heritage Park, City Park, Belfast City Hall (Church St), Belfast Police Department (High Street), Belfast Public Library (High Street), Thompson's Wharf, Belfast Boat Harbor (City Landing) and accompanying parking lot, Washington Street parking lot, Cross Street parking lot, Beaver Street parking lot, any and all RSU # 71 School buildings, **facilities, and properties**, Belfast Public Works Department, Belfast Wastewater Treatment Plant, Belfast Transfer Station, Belfast Municipal Airport, and any and all City cemeteries. Further, persons who chose to erect or display a temporary political sign on any property owned or controlled by the Waldo County government, the State of Maine or the United States Federal Government, are advised to seek the permission of the respective authority regarding their policies for placement of a sign.
- e) A person may erect or display a temporary political sign within the road right of way adjacent to the following City properties: Walsh Field; Sportsman Park; Whales Park; Eleanor Crawford Park (corner of High Street and Church Street, provided signs do not interfere with garden installed by the Belfast Garden Club); the City Fire Department (limited to the corner of the Fire Dept near the Museum and that the placement of the sign does not interfere with the use of the Fire Department); Kirby Pond (the Muck, provided the sign does not interfere with use of the Pond or its facilities); and the former City dump property located on Pitcher Road.
- f) No person shall erect, maintain, or display a sign on any City owned property or within a public right-of-way that is located on the identified portions of the following streets: Main Street, between Court Street and ~~the~~ Front Street; Church Street, between Market Street and Spring Street; High Street, between Bridge Street and Spring Street; Cross Street, between Spring Street and Main Street; Front Street, between the westerly corner of the Wastewater Treatment Plant property, Map 11, Lot 124 and Commercial Street; Beaver Street (all of street); and Pendelton Lane (all of street).

- g) During the time period that absentee voting is permitted, no person shall erect, maintain or display a sign on any City owned property, within a public road right-of-way, or on vehicles parked for more than 30 minutes within such a public right-of-way, if it is located within 250 feet of either entrance of Belfast City Hall which is located on Church Street and High Street. This standard, however, does not prevent the display of a political sign on any private property located within 250 feet of Belfast City Hall, or within any public right-of-way on a privately owned property, such as but not necessarily limited to the driveway and parking area that serves Key Bank and surrounding properties.

Further, no political signs shall be displayed within a public road right-of-way or on vehicles parked for more than 30 minutes within such a public right-of-way, that are located within 250 feet of the entrance to a polling place when the polling place is open.

In all cases, the display of political signs in any area used as a polling place shall be governed by the requirements of State law.

- h) Pursuant to Maine State law, Title 23, Section 1917-~~AB~~, no person shall take, deface or disturb a lawfully placed sign bearing political messages relating to a general election, primary election or referendum.
- i) A temporary political sign shall not be placed on a telephone pole.**
- j) A temporary political sign shall not be placed in any part of a public right of way that is less than 6 feet in width, such as a median.**

Sec. 86-42 Political signs on private property.

A political sign or signs may be erected on private property outside of the road right-of-way limits of a public way, provided that no individual sign is greater in size than 32 square feet. Persons who chose to erect a political sign on private property shall ensure that the sign is securely affixed in its location.

Sec. 86-43 Temporary construction sign.

- a) A temporary sign announcing construction or development of a particular project is permitted to be located on a property without a permit issued by the Code Enforcement Officer, subject to the following requirements: the sign is located outside of the public right-of-way, the sign is no greater than 32 square in size, the sign is not displayed more than 7 days prior to the start of construction and is removed within 21 days of the completion of construction, and the sign is properly affixed in the ground.

- b) A temporary construction sign ~~which~~ **that** is greater than 32 square feet in size shall

require a permit from the Code Enforcement Officer. With the exception of the size of the sign, all standards identified in a) above shall apply to such a temporary construction sign.

Sec. 86-44 through 86-60 (Reserved)

ARTICLE IV. REGULATIONS APPLICABLE TO SIGNS IN ALL DISTRICTS.

The following provisions shall apply to signs erected in all zoning districts.

Sec. 86-61 Home occupation.

One sign identifying the name, address, and profession of a permitted home occupation, class 2 or class 3, or home occupation (expanded definition), or a lawfully existing nonconforming home occupation is allowed, provided such sign does not exceed 4 square feet in area, **and** no side of the sign is greater than 2 feet 6 inches in length, **and the top of the sign is a maximum of 5 feet above the ground grade on which it is located.**

Sec. 86.62 Bulletin board.

A bulletin board or similar sign in connection with any church, museum, library, school, or similar public structure not exceeding 12 square feet is allowed, provided said bulletin board is attached to building and **is** not internally lighted.

Sec 86.63 Signs with moving parts, blinking lights, or glaring illumination.

No sign, except traditional barber poles for licensed barber shops, shall have visible moving parts, blinking, moving, or glaring illumination. This regulation does not prohibit a wall name sign consisting solely of a rectangular banner made of a flexible cloth-type material, attached at all corners either perpendicular or flat, and conforming to all provisions of Article V **of this Chapter**. This provision does not prohibit a sign which is in the form of a flag or banner provided said banner flag is attached to a pole. (A permit is required for a flag/banner).

The illumination for a sign, interior or exterior lighting, shall involve lighting that is a maximum of 3,000 degrees on the Kelvin scale. This lighting intensity shall apply to any sign, including both a new sign and a replacement sign. The owner of a sign that involves the use of exterior illumination shall ensure that none of the lighting causes glare that may interfere with traveling motorists, bicyclists, or pedestrians, or on adjacent properties.

Sec. 86.64 Lights strings.

A string of lights shall not be used for the purpose of advertising or attracting attention, unless used as part of a holiday celebration.

Sec. 86.65 Obsolete signs.

Any sign ~~which~~ ~~that~~ no longer advertises an ongoing active bona fide business conducted, product sold, or activity being conducted, shall be considered an obsolete sign and shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which ~~such-said~~ sign may be found within 30 days after receiving written notification from the ~~e~~Code ~~e~~Enforcement ~~o~~fficer. Failure to comply with such notice shall constitute a violation of the terms of this Chapter.

Sec 86.66 Illumination.

Illuminating signs whose specific purpose is outlining any part of a building, such as a gable, roof, sidewalk or corner, are prohibited.

Sec 86.67 Illumination in residential districts.

In Residential Districts 1, 2, ~~and~~ 3, ~~4, 5, and 6, and~~ Residential ~~H 15 and Residential Growth~~, ~~the~~ illumination of signs (~~only~~ for uses ~~which~~ ~~that~~ are permitted to have an illuminated sign) shall be permitted only between the hours of 7:00 a.m. and 10:00 p.m., except that this time restriction shall not apply to illuminated signs ~~of~~ ~~for~~ emergency facilities.

Sec. 86-68 Setback.

District setback requirements shall not apply to signs, however, no sign, except as may be permitted in the Downtown Commercial, Waterfront Mixed Use 1 or Waterfront Mixed Use 2 zoning districts, shall project over the public right-of-way. No ground sign shall be permitted in the public right of way.

Sec. 86-69 Directional signs.

In addition to the maximum number and size of signs permitted, directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than seven (7) feet above ground level, are permitted, ~~except in the Residential Districts~~. A permit shall not be required for such directional signage.

Sec. 86-70 Nonconforming signs.

Legally **established** nonconforming signs may continue, but **may shall** not be altered or relocated on the same premises, except in compliance with the provisions of this Chapter. Notwithstanding this provision, a legally **established** nonconforming sign that is nonconforming with respect to the size of the sign or the height of the sign may continue when an owner replaces a sign, provided other elements of the sign are in conformance with provisions of this Chapter. Further, if there are more legally established nonconforming signs on a property than the total number of signs permitted on a property for the respective zoning district in which the property is located, said signage can continue, provided the nonconforming signage is not removed for a period of ~~12 months~~ **1 year (365 consecutive days)**.

Sec. 86-71 Mobile signs.

No mobile or portable signs shall be permitted.

Sec. 86-72 Off-premise signs.

There shall be no off-premise signs except as are regulated by the following State of Maine legislation: 23 M.R.S.A. 1901-1925 (as amended) Maine Traveler Information Act, and 23 M.R.S.A. 4206 Maine Transportation Act, or subsequent amendments or re-codification. The placement of signs, bulletins or any other matter on City owned poles is prohibited without prior approval of the Belfast City Council. No off-premise signs shall be allowed within the areas bounded as follows: Beginning at a point on the easterly shore of the ~~Passagasswaukeag~~ **Passagassawakeag** River and the Route #1 Memorial bridge, thence westerly and southerly along the centerline of the Route 1 bypass to the point where the Route #1 bypass intersects Northport Ave, thence westerly along the southerly boundary of Belfast Tax Map 52, Lot 25 to the shore of the Belfast Bay, thence northerly back to the point of beginning. The above defined area does not include the on and off ramps from Route 1.

Sec. 86-73 Reserved parking signs.

Reserved parking signs shall not exceed 2 square feet **in size** and shall contain no advertising except **the** name of person(s) who is reserving the space. **The** ~~(L)~~lettering for authorization shall not exceed 1" in height. No such sign shall be placed on or in a public right of way or street to reserve parking.

Sec. 86-74 Credit card or payment method signs.

A maximum of 2 credit card **or acceptable payment method** signs for each credit card **or payment method** honored per business shall be permitted for any business. Said signage shall not be counted as signage provided no credit **card** sign is greater than one square foot in size.

Sec. 86-75 Real estate signs.

A real estate sign is allowed without a permit provided said sign does not exceed 24" by 24" and is located on the property which is offered for sale. A sign that is greater than the above size may be permitted subject to issuance of a sign permit by the eCode eEnforcement eOfficer and compliance with the sign standards that apply to the respective zoning district in which the property advertised for sale is located.

Sec. 86-76 Gasoline pump signs.

A maximum of 6 gasoline pump signs/logo ~~will~~ shall not be counted as signage provided the sign/logo is part of the pump, ~~and is~~ not attached to a post or mounted on top of the pump, and the size of any sign does not exceed 2 square feet.

Sec. 86-77 Vending machines.

A ~~maximum of~~ vending machines shall ~~be permitted with~~ have a maximum of one sign per machine, provided the machine sign does not exceed the size of the front face of the vending machine. Should a business have more than 2 vending machines, said machine sign shall be screened from public view or the signs shall be counted as signage under Article 6.

Sec. 86-78 Signs on a municipal sidewalk or road.

Except as provided in Article V, Sec 86-124 and Article VI, Sec. 86-151, no sign shall be permitted on a permanent or temporary basis on any municipal road or sidewalk.

Sec. 86-79 Sign that is in poor condition.

The owner of a sign shall regularly maintain a sign in good condition. The eCode eEnforcement eOfficer has the authority to determine if a sign is being properly maintained and to issue a written notice of violation to the owner of a sign who is not properly maintaining the sign. Failure to comply with such notice shall constitute a violation of the terms of this Chapter.

Sec. 86-80. Signage of special merit.

The City recognizes that property owners in Belfast have used art and architectural enhancements to adorn their buildings. For example, the MacDonaldis in Belfast has **displayed** a carved bear, and the Colonial Theatre has an elephant on the roof of the building. Such "art" shall not be considered signage, provided that the "art" does not include any type of indicator signage regarding the use of the property.

Sec. 86-81 Changeable Message Board Sign.

The following standards shall apply to the use of any changeable message board sign:

- (1) The display on each side of a changeable sign may change no more than once every 60 seconds.
- (2) The display must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending. No sign shall involve the flashing or continuous streaming of information or video animation.
- (3) The display of information shall consist only of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images.
- (4) The number of changeable signs on a property shall comply with the maximum number of ground signs allowed in a respective zoning district, and there shall be a maximum of one changeable sign with 2 sides allowed on any public way that provides direct vehicular access to the business, facility or point of interest.
- (5) No changeable sign shall be located on any property that would result in the message being readable from the Route One Bypass (Jug Handle to the Memorial Bridge) and the accompanying ramps, all of which are a controlled access highway in Belfast.
- (6) The height of a changeable message board sign shall comply with the respective height standards for any sign in a respective zoning district.
- (7) A changeable message board sign that was erected in Belfast prior to the adoption of these standards on **--- insert date of Council action ---**, and that does not comply with these standards, shall have a period of 3 years, until **---insert date ---** to bring their sign into compliance with the requirements of this Section.
- (8) An changeable message board sign that includes a time and/or temperature display, shall be permitted to change no more frequently than thirty second intervals. A sign that includes only a temperature sign, shall not change unless there is a change in temperature of one degree or more. The maximum size of sign that displays only the time and/or temperature, or the time and/or temperature display area that is incorporated into a larger sign, shall be 10 square feet.

Sec. ~~86-81~~ 82 to 86-120 (Reserved)

CHAPTER V. SPECIFIC STANDARDS

Sec. 86-121 Multiple business **complex (nonresidential use) sign.**

A multiple business sign is a common sign on a single frame and in a single location that is used to advertise multiple businesses **or activities** located on one property or in the same building; a common sign. Said sign can be erected as a free-standing **ground** sign or as an on building sign. The size **and height requirements for a ~~of the~~** sign permitted in a respective zoning district is identified in the standards in Article 6. No **new** free-standing sign shall **exceed the ~~be greater than 25 feet in~~ height standards identified in Article 6, unless said sign is a legally established nonconforming sign. A legally established nonconforming sign with respect to the height of the ground sign, shall not be increased in height.**

A multiple business complex sign that is a free-standing ground sign typically shall be located on the same premises as the property as the businesses that are being advertised; an on-premise sign.

A multiple business complex sign that is a free-standing ground sign that serves a unified development, however, may be located on a different property than the one on which all of the advertised businesses are located, provided at least one of the advertised businesses are located on the property, and the location of any multiple business complex sign was approved through a Use Permit, Site Plan Permit, or Subdivision Permit approved by the Belfast Planning Board. The Board, in its decision to approve the location for one or more multiple business complex signs for a unified development, may allow a multiple business complex sign to be located on a different property than the one on which all of the businesses are located, provided there is an objective purpose and a connection between the business locations in allowing such signage. Examples of such purposes and connections, include, but are not necessarily limited to: a property that was subdivided or that is subject to a condominium form of ownership that results in the need for a main common sign to advertise the businesses located on multiple properties or in multiple ownerships, particularly when none or only a limited number of the businesses have visibility to the adjacent main road or street; approving a sign location that provides good quality visibility to the advertising for all businesses in an area, provided there is a connection between the properties on which the businesses are located; and the desire of the Board to reduce the total amount of signage by allowing only one common sign rather than allowing each individual business to have their own ground sign. In addition, if a unified development has a access on two or more roads/streets, the Planning Board may allow the location of a multiple business complex sign at each of the main accesses to the unified development. In all such cases, that Board must find that a common business complex sign is generally consistent with Sec 86-1, Purposes, of this Chapter.

Sec. 86-122 Ground sign.

- a. The maximum gross sign area of each sign face shall not exceed the maximum sign size for the respective zoning district identified in the standards in Article VI **as** measured from the top of the top most sign elements to the bottom of the lowest sign element, including any blank space between the elements.
- b. **The M**maximum height for a ground sign is ~~twenty-five (25) feet~~, subject to **any the specific height** restrictions identified in Article VI. **A legally established nonconforming ground sign that exceeds the respective height standards identified in Article VI may remain, however, the nonconforming height of the sign shall not be increased.**

Sec. 86-123 Wall, projecting and roof signs.

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

- a. Roof sign. Maximum height shall not exceed height of roof ridge, except in the zoning districts identified in Article VI, Sec 86-154, where a sign may not exceed 10 feet above roof ridge.
- b. Projecting sign. No wall or projecting sign shall extend beyond the wall to which it is attached or party wall separating occupancies into the wall area of other premises.

Sec. 86-124 Sandwich board sign.

A sandwich board sign shall comply with all of the following requirements to obtain a permit.

- a. Size of sign.

The maximum footprint or base (as extended) of a sign shall be 4 square feet. The maximum height of a sign shall be 42 inches. A sign shall have a minimum of 2 faces.

- b. Sign materials.

A sign shall be constructed of wood, metal, or comparable materials that the City Code Enforcement Officer determines are consistent with the sign design guidelines identified in clause c below. A sign also may include an erasable message board, and an attached self-powered low intensity light that illuminates only the sign area. A sign shall not include any of the following: a string of lights (except for seasonal decorative lighting); any type of blinking, moving, or glaring lighting; any type of a

flag, pennant, banner, balloons or similar attached object; and any moving visible parts that could cause a public safety problem or be a distraction to pedestrians or vehicles.

c. Design guidelines for a sign.

The intent of permitting sandwich board signs in the City's pedestrian oriented zoning districts is to contribute to the character, architecture and economic vitality of the area. The design, construction, display and maintenance of a sandwich board sign shall satisfy this intent, and shall comply with the following guidelines:

1. All lettering on a sign shall be of a professional quality, with the exception of lettering that may appear on an erasable message board.
2. A sign shall include the use of colors, and there shall be no unfinished or unpainted wood surfaces. It is preferred that a sign include colors that create a visually pleasing and attractive form of advertising that complements the character of the City streetscape.
3. A sign shall have a minimum of 2 faces, and all faces of the sign should be painted or designed to complement one another. There is not a maximum of the number of faces permitted on a sign, provided all contribute to the integrity and appearance of the sign. Imagination and creativity in design is encouraged.
4. A sign shall not include any of the following: offensive graphics or logos, posted on paper, removable materials, merchandise that is offered for sale or advertising for credit cards.
5. A sign shall be anchored by the use of weights that are incorporated into the design and construction of the sign. Signs shall not be bolted into the sidewalk or curb, and shall not be anchored by sandbags or other temporary materials.

The City Code Enforcement Officer shall have the authority to review and either approve or deny the design of a sign to ensure compliance with the requirements and intent of these standards.

d. Display of signs.

1. A sandwich board sign may be displayed on a public sidewalk, provided the sign is located in a manner that allows for a minimum unobstructed width of 4 feet for persons to use the sidewalk, and its location does not interfere with the parking of or access to vehicles located along the City street. The City prefers that a sign be located adjacent to the curb of the street. The City Code Enforcement Officer shall be responsible for determining if the location of a sign complies with this criteria.
2. A sign only shall be displayed during the hours that an establishment is open for business, and must be removed from display when the establishment is not open for business.

3. Signs must be placed directly in front of the establishment that obtained the permit for the sign.

e. Who can display a sign.

The following establishments may apply for a permit to display a sandwich board sign. All other establishments are prohibited from the use of a sandwich board sign.

1. A retail business, a service business, including a bank, and a restaurant that may attract walk-in customers may apply for a sandwich board sign.
2. A maximum of one sandwich board sign may be displayed in front of the ground floor storefront for a business, or a building in which multiple businesses are located. The owner of the building in which multiple establishments are located shall be responsible for determining which business qualifies for a sandwich board sign. However, this clause does not prohibit more than one business that qualifies in accordance with clause 1 above and that is located in the same building from advertising on a single sandwich board sign.
3. A business that qualifies for a sandwich board sign per clause 2 above is permitted a maximum of one sign per the establishment, regardless of the number of streets on which the business may have frontage.

- f. Nonconforming signs. Any sandwich board signs that is displayed by a business after the date of January 1, 2003, shall be constructed to conform to these standards.

Sec. 86-124 through 86-149 (Reserved)

ARTICLE VI. DISTRICTS.

The following standards shall apply to the regulation of a sign in the respective zoning districts enumerated below.

Sec. 86-150 ~~General Purpose A and General Purpose B~~ Airport Growth, Outside Rural-1, Outside Rural-2, Outside Rural Special Use Areas, Route 3 Rural, Residential-7, Swan Lake Avenue Mixed Use, and Lower Congress Mixed Use Districts.

- (a) No **ground or on-building** sign that is located on a State designated route/road, including Routes 1, 3, 7, 52, and 141, as well as the Pitcher Road, ~~may~~ shall exceed 48 square feet in size. **On all other roads/streets, the maximum size of a ground or on-building sign shall be 32 square feet.**
- (b) **There is a ~~L~~imit of 2 signs per business or activity, and a maximum of one ground sign per business or activity. The maximum height of a ground sign that is**

issued a permit after January 1, 2023 shall be 15 feet, unless the ground sign is a replacement sign for a ground sign that was more than 15 feet in height, in which case the replacement sign shall be no greater in height than the sign it replaced. The maximum length of a ground sign that is 48 square feet or larger that is issued a permit after January 1, 2023, shall be 10 feet, unless the ground sign is a replacement sign for a ground sign that is more than 10 feet in length, in which case the replacement sign shall be no greater in length than the sign it replaced. The maximum length of a sign that is less than 48 square feet in size shall be 8 feet.

- (c) **The M**maximum square footage of all signs for a business or activity shall not exceed 96 square feet **if the property is located on a State designated road [reference a) above], and 64 square feet if the property is located on any other type of road/street.**
- (d) A sign shall not be internally illuminated. **Digital signage is considered internally illuminated signage.**
- (e) A multiple business **complex** sign shall not exceed 96 square feet in size **if the property is on a State designated road [reference a) above], and 64 square feet in size if the property is on any other type of road/street.** If a business or activity is advertised on a multiple business **complex** sign, said sign shall be considered one of the two signs that is permitted for said business. **The maximum height and length of a multiple business complex sign that is a ground sign shall be the same as the standards identified in (b) above.**
- (f) **Notwithstanding clauses (a) - (e) above, the amount of signage permitted on the property identified as Map 1, Lot 72, shall be governed by terms approved by the Planning Board in the Use Permit issued to Belfast 52 Variety on August 9, 2000, provided the identified use on the property involves the use of fuel dispensers for fuel sales. The terms approved by the Planning Board in 2000 are:**
 - 1. **The applicant can install a sign advertising the sale of gasoline at the location shown on the Plan along Route 52. The sign is about 40 sf in size, with an accompanying price board of about 24 square feet, and is located on a pole that is about 17 ft in height. This sign may be internally illuminated, provided the applicant turns the sign (lights) off when the store is not open for business.**
 - 2. **The applicant may install signage on the canopy, provided the total size of all signs on the property (including the canopy signs) is less than 200 square feet, and there are no more than 8 signs on the property. None of the signage on the canopy may be internally illuminated.****If the use of this property does not involve fuel sales, the amount of signage on the property shall comply with standards (a) - (e) in this Section.**

Sec. 86-151 Downtown Commercial, Waterfront Mixed Use 1, and Waterfront

Mixed Use 2; ~~Residential Agricultural I, and Residential Agricultural H~~ Districts.

- (a) No sign may exceed 15 square feet **in size**.
- (b) **A** ~~L~~imit of 2 signs per business (**activity**). Notwithstanding this limitation, when a business fronts on two or more public streets or a public street and a municipal parking lot with entrances on each of the two public streets or entrances on the public street and the municipal parking lot, the business may have three (3) signs provided there are no more than (2) signs for that business on any street or municipal parking lot.
- (c) Internally illuminated signs are prohibited. **Digital signage is considered an internally illuminated sign.**
- (d) A multiple business **complex** sign shall not exceed 48 square feet in size. If a business is advertised on a multiple business **complex** sign, said sign shall be considered one of the two signs that is permitted for said business.
- (e) A ground sign shall not exceed 15 feet in height.**
- (e f)** In the Downtown Commercial, Waterfront Mixed Use 1, and Waterfront Mixed Use 2 zoning districts, a qualifying nonresidential use is permitted to display a sandwich board sign, provided said sign complies with requirements of Sec 86-124.
- (f g)** Notwithstanding the provisions of a) above, The First Church, which is located at Map 11, Lot 168, shall have the right to display a sign that is no greater than 25 square feet in size (rather than 15 square feet) on both the Church Street and Spring Street sides of the property.
- (h) Some properties in the Waterfront Mixed Use-1 and Waterfront Mixed Use-2 zoning districts are subject to requirements of an adopted contract rezoning agreement. An adopted contract rezoning agreement may establish specific signage requirements for a property or use that exceed the standards identified in this Section.**

Sec. 86-152 ~~Industrial IV, Airport Growth,~~ Route One South Business Park and Airport-Business Park Districts.

- (a) No sign may exceed ~~96~~ **72** square feet.
- (b) Limit of 2 signs per business.
- (c) A multiple business **complex** sign shall be permitted, provided that the total size of the sign does not exceed 128 square feet. Notwithstanding this provision, the City of

Belfast may choose to erect a multiple business identification sign at the entrance to the Business Park or Airport at any or all of the following locations that exceeds this size standard; Airport Road, Wright Brothers Lane, or Little River Drive.

Sec. 86-153 Residential 1, Residential 2, Residential 3, Residential-4, Residential-5, Residential-6, Residential II, Protection Rural, Protection Rural 2 and Residential-15 Residential Growth Districts.

- (a) A nonresidential use, including a bed and breakfast (which is considered a home occupation) established after July 1, 1991, the date of enactment of this Chapter, shall be limited to one sign up to 15 square feet in area. A home occupation is considered a residential use, and the amount of signage permitted for a home occupation is established in Article IV of this Chapter.
- (b) A nonresidential use in existence as of July 1, 1991, the date of the enactment of ~~this chapter~~ **the original Sign Ordinance from which this Chapter is derived**, that has a greater amount of signage than permitted pursuant to (a) above, may maintain or replace any nonconforming signs that existed prior to July 1, 1991 provided the applicant for a sign permit can provide evidence to the satisfaction of the Code Enforcement Officer that the sign existed prior to July 1, 1991, and that the sign has **been in continuous use not ceased to be in use for a period of 365 consecutive days (one year)** since 1991.
- (c) A nonresidential use legally in existence as of July 1, 1991, the date of the enactment of ~~this chapter~~ **the original Sign Ordinance from which this Chapter is derived**, shall be allowed up to two (2) signs ~~which that~~ may not exceed 30 square feet in size, provided said signs are not combined into a single sign.
- (d) The gasoline retailers located at ~~Map 11, Lot 188~~, Map 14, Lot 18, and Map 36, Lot 82, shall be permitted to display one dealer sign that advertises the brand of gasoline for sale that is larger than the maximum size of sign permitted in (a) above, provided the size of said sign does not exceed 50 square feet. The sign may be internally illuminated, provided the internal illumination occurs only during the hours which the retailer is open for business. **The maximum height of a ground sign that advertises the brand of gasoline for sale shall be 25 feet.** The retailer may display a maximum of 4 additional signs on the premises, provided none of the other signs are greater than 15 square feet in size and none are internally illuminated.
- (e) Except as stipulated in (d) above, no sign shall be internally illuminated. **Digital signage is considered an internally illuminated sign.**
- (f) **Subject to the exception identified in (d) above, the maximum height of a ground sign that is issued a permit after January 1, 2023 shall be 10 feet, unless the ground sign is a replacement sign for a ground sign that was more than 10 feet**

in height, in which case the replacement sign shall be no greater in height than the sign it replaced. The maximum length of a ground sign that is issued a permit after January 1, 2023, shall be 8 feet, unless the ground sign is a replacement sign for a ground sign that is more than 8 feet in length, in which case the replacement sign shall be no greater in length than the sign it replaced.

- (g) Some properties in the Residential-1 and Residential-2 zoning district may be subject to requirements of an adopted contract rezoning agreement. An adopted contract rezoning agreement may establish specific signage requirements for a property or use that exceed the standards identified in this Section.

Sec. 86-154. Office Park, Route 3 Commercial, Route 1 South Commercial Mixed Use, Route 137 Commercial Mixed Use, ~~Route 141 & Mill Lane Commercial~~, Searsport Avenue Commercial, and Searsport Avenue Waterfront Districts.

- (a) Single use on single property sign plan.

The owner of a use which requests a sign permit shall submit a master sign plan that identifies the amount, size, location and type of all signs proposed to be erected and shall comply with all standards stipulated in this section.

- (b) Master common sign plan for multiple uses on one property or multiple properties (multiple business **complex** sign).

A single property (lot) on which more than one use or building is located, or two or more adjacent properties (lots) may submit a common sign plan. A common sign plan that complies with the requirements of this section shall be eligible for a 25% increase in the total amount of permitted signage for each lot, and this increase may be allocated as the owner(s) elect. The common sign plan shall specify how the signs are consistent with regard to the following considerations: color scheme, lettering or graphic style, lighting, location of signs on the building or property, material and sign proportions.

- (c) **Free-standing Ground** signs.

(1) A property shall have a maximum of one **free-standing ground** sign on any street (public or private right-of-way). A property with frontage on more than one street may have a **free-standing ground** sign on each street, subject to the exceptions identified in clause 2 below. A **free-standing ground** sign shall comply with the following standards:

- a. A **free-standing ground** sign that is mounted on a pole/pylon for one use shall be a maximum of 48 square feet in size, and shall be a maximum of 25

feet in height. A **free-standing ground** sign that is mounted on a pole/pylon for two or more uses shall be a maximum of 48 square feet in size for the first use, and shall be increased by a maximum of 24 square feet for each additional use, and shall be a maximum of 25 feet in height. The maximum size (multiple user) of any pole/pylon sign shall be 144 square feet, subject to the exception identified in clause 2 below.

- b. A **free-standing ground** sign that is located on the ground (a monument sign), shall be a maximum of 96-square feet in size and shall be a maximum of 10 feet in height. A monument sign for two or more uses shall be a maximum of 96 square feet in size for the first use, and shall be increased by a maximum of 36 square feet for each additional use, and shall be a maximum of 10 feet in height. The maximum size (multiple user) of any monument sign shall be 240 square feet, subject to the exception identified in clause 2 below.
 - c. The City prefers that all **free-standing ground** signs be externally, not internally illuminated. An externally illuminated sign may exceed the maximum sign size requirements identified in a and b above by 20 percent. External illumination shall occur by a steady, stationary, shielded light source directed solely at the sign and shall be the minimum light needed to allow illumination of the sign without causing glare on the adjacent street or neighboring properties, and without causing unnecessary reflection of light. An internally illuminated sign must use light-colored letters and symbols on a dark colored background. The source of the internal illumination shall not be exposed to view, and the sign shall be erected in a manner that deflects light away from residential properties and public roads.
 - d. Message boards and similar advertising signs shall be included within the sign size limitations identified in clauses a, b and c above.
 - e. All **free-standing ground** signs shall be setback a minimum of 5 feet from the right-of-way, and the location of the sign shall not interfere with sight distance for vehicles entering or exiting the site. The City may consider the location of **free-standing ground** signs on adjacent properties in permitting the location of sign on any property.
- (2) The following exceptions shall apply to the limitations on the number and location of **free-standing ground** signs identified in clause (1) above.
- a. A property with frontage on the Route One by-pass (area on Route One from the jug-handle at the intersection of Route 1 and Northport Avenue to the westerly entrance of the Passagassawaukaeg Bridge) or any entrance/exit ramp to the Route One by-pass shall be prohibited from erecting a **free-**

standing ground sign along the property's frontage on the by-pass or entrance/exit ramp, except in the following circumstances:

1. The sign is the only **free-standing ground** sign that is erected or displayed on the property;
 2. The access road to the property is not readily discernible to the traveling public, as determined by the Code Enforcement Officer; or
 3. If one or more businesses located on the property are subject to a franchise agreement that restricts the use of a master sign plan, reference sign standard in Sec 86-154(b), for the display of a sign or signs for any business not associated with the franchise, a maximum of one **free-standing ground** sign or one **free-standing ground** master sign (in addition to any conforming or nonconforming **free-standing ground** signs on the property for a business subject to the franchise agreement) shall be permitted on the property for any and all businesses not associated with the business or businesses subject to the franchise agreement. To qualify for this exception, a property must have a minimum of 500 feet of frontage on either the Route One by-pass or an entrance/exit ramp to the Route One by-pass.
- b. A nonresidential use located in the Searsport Avenue Commercial, **or** Searsport Avenue Waterfront, ~~or Route 141 and Mill Lane Commercial~~ zoning districts that has road frontage on Searsport Avenue (Route 1) shall be permitted a maximum of two **free-standing ground** signs along the property's Searsport Avenue frontage, provided the use complies with all of the following requirements, and the signs that are displayed comply with the following requirements:
1. The property must have at least 300 feet of frontage on Searsport Avenue.
 2. The property must have two or more curb-cuts.
 3. There shall be a minimum separation of 150 feet between the curb-cuts located on the property.
 4. The businesses for which signs are requested must be separate and distinct businesses.
 5. A maximum of two **free-standing ground** signs shall be permitted on any property.
 6. The total amount of signage permitted on a property that uses two **free-standing ground** signs shall be as follows: 132 square feet for two businesses, 168 square feet for three businesses, 204 square feet for four businesses, and 240 square feet for 5 or more businesses. This size requirement shall allow any type of **free-standing ground** sign permitted by this Chapter; internally lighted, externally lighted, pylon or monument sign, and any message or reader board sign shall be included

within this square footage sign requirement.

7. The minimum amount of distance between the two **free-standing ground** signs must be at least 150 feet.

(d) On Building Signs.

The amount of on-building signage that is permitted shall be managed by the size of the building. The total amount of on-building wall signage shall not exceed 10 percent of the total wall area on which the sign is located if externally illuminated or non-illuminated signage is used. Internally lighted signage, **that includes digital signage**, shall not exceed 5 percent of the total wall area. The style of signage that is used shall be compatible with both the building and the other signage on the building.

(e) Window Signage.

Window signage shall not exceed 20 percent of the total amount of window area.

(f) Temporary Signs

All temporary signs shall comply with requirements identified in Article III of this Chapter.

- (g) Some properties in the Route 3 Commercial and Searsport Avenue Commercial zoning districts may be subject to requirements of an adopted contract rezoning agreement. An adopted contract rezoning agreement may establish specific signage requirements for a property or use that exceed the standards identified in this Section.**

Sec. 86-155 through 86-189 (Reserved)

ARTICLE VII. APPEALS.

Sec 86-190. Appeals.

Any person aggrieved by a decision of the Code Enforcement Officer may appeal to the Zoning Board of Appeals within 45 days and in accordance with the provisions of Chapter 102, Zoning, Division 4, Appeals and Variances. The Zoning Board of Appeals has the authority to interpret the provisions of this Chapter which are called into question and to grant an administrative appeal or to grant a variance from the required number and size of signs as described in this Chapter when a literal enforcement of the provisions of this Chapter would result in undue hardship as defined by 30-A MRSA Sec. 4963.3. **Notwithstanding this provision, a sign permit requested or established via an adopted contract rezoning agreement is not subject to appeal to the Zoning Board of**

Appeals, and must be appealed to the Superior Court.

Any person aggrieved by the decision of the Zoning Board of Appeals or by an order rendered by the Zoning Board of Appeals to remove a sign may appeal said decisions to the Superior Court. The appeal shall be filed within 30 days after the decision of the Zoning Board of Appeals.