



## TOWN OF FALMOUTH ORDINANCE NO 114-2016

### **An Ordinance Amending the Zoning and Site Plan Review Ordinance Regarding the allowance of off-premise signs in the BP District.**

**Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Zoning and Site Plan Review Ordinance be amended to read as follows.**

#### **Div. II-19-1-2 Definitions**

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BP Freestanding Sign – A sign in the Business Professional District that is supported by one or more uprights or braces permanently affixed in the ground.

Freestanding Sign – A sign supported by one or more uprights or braces permanently affixed in the ground. (not applicable to the Business Professional (BP) District.

Subdivision Identification Sign – a sign designed for the sole purpose of identifying a residential property or development as per Section 19-46, located at the primary entrance to the site.][Adopted 1/24/11][Amended 5/30/12]

#### **Div. II-19-1-5. SPECIFIC REQUIREMENTS**

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The following specific requirements shall apply to uses in all districts except as noted:

#### **Sec. 19-44 Permanent Signs - General Provisions [Amended 5/26/09][Amended 1/24/11, 05/30/12]**

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- a. Purpose. The purpose of regulating signs is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to protect property values, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or

projecting over public right of way, provide more open space and curb the deterioration of natural beauty and community environment and to promote Falmouth as a distinctive community.

- b. Sign Permits. After the effective date of this ordinance and except as otherwise herein provided, no person shall erect or move any signs without first applying for and obtaining a sign permit. Applications shall be on forms prescribed and provided by the town setting forth such information as may be required for a complete understanding of the proposed work. Signs requiring an approval from the Planning Board or Community Development Director must in addition obtain a permit from the Building Official prior to installation. [Amended 1/24/11]

1. Signs permitted by the Building Inspector. [Adopted 1/24/11]

- a. [Repealed 05/30/12],
- b. Signs not otherwise requiring approval by the Planning Board or Community Development Director.
- c. Refacing of any existing sign in any district other than those listed in 3(c) below. [Adopted 5/30/12]

2. Signs requiring Planning Board Approval. [Adopted 1/24/11]

- a. Any new sign in excess of twenty (20) square feet of display area. [Amended 5/30/12]
- b. Any new sign located in the BP, VC1, VC2, VCC, TMPDD, WFCMPDD or CO Districts. [Amended 5/13/13]
- c. Subdivision Identification Signs.

Submittal requirements shall include such information referenced in Sections [19-128.a \(4\)](#) and [19-133.e.](#) of this ordinance.

3. Signs requiring approval by the Community Development Director or the Director's designee. [Adopted 1/24/11]

- a. Replacement or alteration of signs equal to or less than twenty (20) square feet of display area in the BP, VC1, VC2, VCC, TMPDD, WFCMPDD or CO Districts. [Amended 5/13/13]
- b. Replacement or alteration of signs equal to or less than twenty (20) square feet of display area previously approved by the Planning Board.
- c. Refacing of any existing sign in the BP, VC1, VC2, VCC, TMPDD, WFCMPDD or CO Districts. [Amended 5/13/13]
- d. Any new sign equal to or less than twenty (20) square feet of display area in the VC1, VC2 and VCC Districts. [Added 8/26/13]

Submittal requirements shall include the information referenced in Sections [19-128.a \(4\)](#) and [19-133.e.](#) and any other requirements as may be deemed necessary by staff for a complete understanding of the proposed work.

- c. Permit Fees. No sign permit shall be issued until the prescribed fee has been paid as established by the Town Council. [Amended 8/27/07]
- d. Maintenance and Conformance of Signs. No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted

and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or detrimental to physical appearance or scenic or natural beauty of the community, or constitute a distinction or obstruction that may contribute to traffic accidents.

- e. General Safety Standards for Signs. No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard, or results in a nuisance, due to illumination, placement, display, or manner of construction.
- f. Exceptions. For the purpose of this ordinance, the term "sign" does not include signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, ordinance or governmental regulation, or to "name signs" not exceeding one (1) square foot in display area identifying occupants of the premises where such sign is located.
- g. Any sign located in the BP, WFCMPDD, TMPDD, or CO District shall comply with the applicable design guidelines. [Amended 5/13/13]

#### **Sec. 19-45 Temporary Signs [Amended 5/26/09] [Repealed 5/30/12]**

Refer to Art. II-8-11 of the Falmouth Code of Ordinances.

#### **Sec. 19-46 Regulations Applicable to Permanent Signs [Amended 5/26/09; 1/24/11; 5/13/13]**

The following provisions relating to permanent signs are applicable in all districts except where otherwise noted. Signs within the VC Districts are regulated under Section 19-11.

- a. Signs identifying the name, address, and profession of a permitted home occupation or a lawfully existing nonconforming home occupation are allowed provided such sign does not exceed two (2) square feet of display area, is non-illuminated, and is mounted flat against the wall of the principal building.[Amended 1/24/11]
- b. A bulletin board or similar sign in connection with any church, museum, library, school or similar public structure is allowed.
- c. No sign shall project over a public right of way.
- d. No sign shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of banners, pennants, ribbons, streamers, spinners or other similar devices.
- e. A string of lights shall not be used for the purpose of advertising or attracting attention unless as an integral part of a permitted sign.
- f. Any sign which no longer advertises a bona-fide business conducted, product sold, activity or campaign being conducted, or public notice, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within ten (10) days after written or personal notification from the Building Inspector. [Amended 5/30/12]
- g. No billboards or other off-premises signs, including official business directional signs as defined in 23 MRSA, subsection 1903, shall be constructed, erected, or maintained in any district, except as expressly permitted by the terms of this Ordinance. [Amended 5/30/12]

- h. Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, having a display area not exceeding three (3) square feet, and not extending higher than seven (7) feet above ground level, are permitted.
- i. Nonconforming signs may continue but may not be altered or relocated on the same premises without approval by the Board of Zoning Appeals as a conditional use. Nonconforming signs located within the public right of way shall not be permitted to be altered or relocated within the public right of way. [Adopted 4/27/87]
- j. Identification signs indicating the location of, or direction to, a separate function performed within one portion of that building may be erected over or by the doorway or entrance to such portion of the building. The sign display area shall not exceed ten (10%) percent of the area of such doorway or entrance to such portion of the building.[Amended 5/30/12]
- k. No sign shall be erected in a floodplain.
- l. [Repealed 5/30/12]
- m. No portable or roof signs shall be permitted unless otherwise specified. [Amended 5/26/09]
- n. Minimum lot line setbacks for all signs shall be fifteen (15) feet unless otherwise specified.
- o. Maximum gross display area of wall signs shall not exceed ten (10%) percent of the wall area to which it is attached.
- p. Subdivision Identification Signs – Subdivision Identification Signs shall be regulated by the following requirements: [Adopted 1/24/11]
  - 1. Districts allowed – Signs are permitted in RA, RB, RC and FF Districts and are limited to subdivisions approved by the Planning Board.
  - 2. Setbacks
    - a. Sign Area – The entire sign area shall be located between 0 and 15 feet from the street right of way.
    - b. Supporting Sign Structure
  - 3. Front Lot Line – No setback required.
  - 4. Side property lines – Minimum of 5 feet.
  - 5. Location – Signs may be located at each entrance.
  - 6. Sight Distance– The sign must be designed to provide adequate sight distance for exiting traffic as determined by the permitting authority.
  - 7. Type of Sign – Signs may either be a free standing sign or be incorporated into a wall or fence made of materials such as stone, brick or wood.
  - 8. Dimensions
    - a. Overall Height including supporting structure shall not exceed six (6) feet above natural ground. Height shall be measured as an average height from the original elevation to the top of the structure.
    - b. Height to Width Ratio – All signs shall be oriented horizontally with a height equal to or less than the width.

- c. Letter size shall be between five (5) and fifteen (15) inches in height.
- 9. Number – No more than two signs are permitted per entrance and shall be located on opposite sides of the driveway or street.
- 10. Total size one face – The maximum sign area shall not exceed 24 square feet. The Planning Board may allow a larger sign area if necessary to accommodate the property name. The sign area of the street number and name is exempt from the total sign area.
- 11. Design Style – Signs shall meet the requirements of the Route One Design Guidelines.
- 12. Content. The name, symbol, logo or other graphic identification of the property.

**Sec. 19-47 Maximum Size of Freestanding Signs (square feet of display area)  
[Amended 05/30/12]**

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Type of sign	F	RA, RB & RC	MUC & VMU	CO
Bulletin Board	24	24	24	24
Home Occupation	2	2	-	2
Advertising	16	-	100	48

**Sec. 19-48 Maximum Size of Wall Signs (square feet of display area) [Amended 05/30/12; 5/13/13]**

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Type of sign	F	RA, RB & RC	BP, MUC & VMU	CO
Bulletin Board	24	24	24	24
Home Occupation	2	2	-	
Advertising	50	-	100	48

**Sec. 19-49 Maximum Number of Freestanding Signs Per Lot [Amended 05/30/12; 05/13/13]**

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District	Permanent
F	1
RA, RB & RC	1
MUC & VMU	2
CO and ESRD	1
RCOD	Determined by the Planning Board

**Sec. 19-50 Free-Standing Signs - Other Requirements [Amended 1/24/11; 5/30/12; 5/13/13]**

- 1) Unless otherwise provided, free standing advertising signs in the CO, ESRD, RCOD, MUC, TMPDD, WFCMPDD and VMU districts shall conform to the following:
  - a. Maximum length and height sixteen (16) feet. In the CO, ESRD and RCOD Districts, height shall be limited to twelve (12) feet.
  - b. Minimum distance between signs one hundred (100) feet  
[Repealed 05/30/12]
- 2) BP Freestanding signs.
  - a. BP freestanding signs as defined by this ordinance shall be governed by this section. Signs under this section shall be subject to the requirements in Section 19-44. All requirements in 19-46 shall apply for purposes of administering this section except for a., b., n., o. and p.
  - b. Number of signs per lot. – There shall be no more than two signs located on any lot.
  - c. Setbacks.
    - (1) Setback to side and rear property lines - minimum of 15 feet.
    - (2) Setback to front property line – zero feet.
  - d. Off-premise allowance. Where access to a lot is provided by an off-site driveway, one sign may be placed off-site provided that the sign is wholly located within 80 feet of the intersection between each edge of the driveway and the front lot line of the lot on which the off-site driveway entrance is located.
  - d. Height. Signs shall be no greater than 12 feet. Height shall be measured as an average height from the original elevation to the top of the structure.
  - e. Size. The total sign display area shall not exceed 64 square feet.
  - f. Letter size. Letters or numbers shall be a minimum of five inches in height.

**Sec. 19-51 Wall Signs - Other Requirements [Amended 1/24/11]**

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

- a. Maximum height seven (7) feet above the eaves.
- b. No wall sign shall extend beyond the wall to which it is attached or party wall separating occupancies.

**Sec. 19-52 Illumination of Signs [Amended 1/24/11]**

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Illumination of Signs shall meet the requirements of applicable design guidelines where required under Section 19-133. In addition, the following restrictions shall apply.

- a. Internal Illumination

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

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

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

**Attest:** \_\_\_\_\_

**Ellen Planer**

**Town Clerk**

**April 11, 2016**