



## TOWN OF FALMOUTH

### ORDINANCE NO 20-2018

#### An Ordinance Amending the Code of Ordinances Regarding Permanent Signs

**Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinances Chapter 19, Zoning and Site Plan Review Ordinance, be amended to read as follows:**

Div. II-19-1-2 Definitions

**BP Freestanding Sign:** repealed.

**Sign:** An object, device, display or structure, or part thereof consisting of the combination of the sign supporting structure and the sign display area, visible to the public and outside of a building, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images [Amended 1/24/11]

- a. Advertising Sign: repealed
- b. A-Frame Sign: A portable sign composed of two surfaces of the same size and attached on one side so that the sign is hinged and can be easily placed or removed on the ground by one individual. [Adopted 5/26/09]
- c. Off-premise Sign: A structure designed, intended or used for advertising a product, property, business, entertainment, service, amusement or the like, and not located where the matter advertised is available or occurs.
- d. Bulletin Board: repealed
- e. Directional Sign: A free standing or wall mounted traffic control sign located on private property, intended to direct or regulate the movement of traffic to protect public safety. [Adopted 5/13/13]
- f. Free Standing Sign: A sign supported by one (1) or more uprights or braces permanently affixed into the ground. [Amended 4/11/16]

- g. Fuel Pump Canopy Sign: A sign affixed to the vertical plane of a roof covering fuel pumps. [Adopted 5/13/13]
- h. Marquee Sign: A sign affixed to a marquee. [Adopted 5/13/13]
- i. Portable Sign: A sign not designed or intended to be permanently affixed into the ground or to a structure.
- j. Projecting Sign– A sign that is wholly or partly dependent upon a building for support and whose sign faces are perpendicular to the wall on which it is mounted. [Adopted 5/13/13]
- k. Subdivision Identification Sign: repealed
- l. Roof Sign: A sign located upon or over a roof of a building.
- m. Temporary Sign: A sign designed, intended to be displayed or displayed for a limited period of time.[Amended 1/24/11, 5/30/12]
- n. Tenant Directory: repealed
- o. Wall Sign: A sign attached to, supported by, or projecting from a building wall, awning, canopy or part thereof and for which message is parallel to the wall on which it is attached. [Amended 1/24/11] [Amended 5/13/13]
- p. Projecting Sign: repealed

**Sign Area**:-repealed

**Sign Display Area or Display Area**: The total area of one face of a sign, excluding supporting structures and the area containing the street number or address. [Adopted 1/24/11][Amended 5/30/12]

**Sign Refacing or Refacing**: The replacement of the sign display area, or a portion thereof, such as a sign panel. [Adopted 1/24/11]

**Sign Supporting Structure**: The portion of a sign consisting of materials not included in the sign display area. [Adopted 1/24/11] [Amended 05/30/12]

**Sec. 19-11.5.9 (VC1, VC2, and VCC) Signage**—Buildings shall be marked with attractive, legible signs that complements the architecture and site detailing. Permitting of signs shall be as required in Section 19-44 of this ordinance except where provisions for permitting are noted in this section.

1. All buildings shall display the street number on the primary façade. The full street address may be displayed. The number or address must: a) be a minimum of 4.5 feet from the ground; b) have lettering a minimum of five inches in height; and c) have lettering a contrasting color with the surface on which it is mounted.
2. Freestanding Sign:
  - a. Quantity
    1. VC1 and VCC - One sign only is permitted at each intersection of an internal drive with a public street and at the intersections of a commercial driveway with a public street or an internal street. Signs may be placed in the ROW with the permission of the Town. No more than one sign is permitted for each public street frontage.
    2. VC2 - No more than two signs per lot per street or internal drive frontage. A minimum separation of 100 feet shall be maintained between all signs, measured along the abutting right of way or edge of an internal drive.
    3. Letters and Characters shall be a minimum of five and a maximum of 15 inches in height.
  - b. Area
    1. VC1 and VCC - Maximum size is 64 square feet.
    2. VC2 - Maximum size is 100 square feet.
  - c. Height - Total height measured includes all framing and posts.
    1. VC1 and VCC - Maximum height is 12 feet
    2. VC2 - Maximum height is 16 feet
  - d. repealed
  - e. repealed
  - f. repealed
  - g. Simple geometric shapes are required.
3. Projecting Sign (VC1, VC2 and VCC) -
  - a. May be projected over the public right of way with certificate of insurance naming the Town of Falmouth as an additional insured.
  - b. May be mounted on the first and second story only.
  - c. Maximum size of 9 square feet.
  - d. Shall be a minimum of 8 feet above the sidewalk, measured from the lowest point of the sign.
  - e. Limited to one per building frontage for each business tenant on the first-floor frontage.
4. Canopy, gas station (VC1, VC2)- Signs are limited to two faces of the canopy and a maximum of 16 square feet on any one canopy side.

5. Wall Sign (VC1, VC2 and VCC)
  - a. Wall signs shall be incorporated into the façade of the building and shall not obscure architectural details. Signage shall be mounted on vertical surfaces without projecting above the fascia trim.
  - b. Wall signs are limited to two per business, with one located on the primary façade and one other on the side or rear façade.
  - c. Wall signs shall be a minimum of eighteen inches (18") from the edge of a vertical wall.
  - d. Maximum size shall not exceed 64 square feet.
  - e. The gross display area of wall signs shall not exceed ten percent (10%) of the wall area to which they are attached.
  - f. Letters and Characters shall be a minimum of five and a maximum of 15 inches in height.
6. Marquee Sign (VC1 and VC2)
  - a. repealed
  - b. Manual reader boards are permitted.
  - c. Sign area shall be included as part of the calculation of wall area in Section 19-11.5.9.5.e.
  - d. Quantity – The sign may occupy all faces of the marquee.
  - e. Maximum size – 64 square feet
  - f. Letters and Characters shall be a minimum of five and a maximum of 15 inches in height.
7. Repealed
8. Materials for all signs shall be limited to matte or dull finishes, except for lettering and accent gilding.
9. Directional signs are permitted where necessary for maintaining public safety on to and within the site. The display area of a directional sign shall not exceed two square feet and free standing signs shall not exceed 4 feet in height. Content shall be limited to directional text such as "enter", "exit", "drive-thru" or the like. Logos are limited to twenty-five percent (25%) of the sign face. Signs shall be reviewed under Section 19-127 as part of Planning Board Site Plan Review or Minor Site Plan Review as required.
10. Nonconforming signs may be maintained in their current configuration and location. Content may be altered with approval from the Community Development Director or their designee. The Code Enforcement Officer may approve the relocation of a nonconforming sign provided that the relocation does not increase the nonconformity of the sign.
11. Electronic and manual reader boards are expressly prohibited except as provided for in Section 19-11.5.9.6 above. Existing nonconforming reader boards may be maintained but may not be altered or replaced.
12. No signs are permitted above the second story, including signs in windows, with the exception that wall signs are permitted on the third or fourth story.
13. Repealed

14. Repealed

15. No sign shall have visible moving parts or consist of banners, ribbons, streamers, spinners or other similar devices.

16. No off premise sign, including business directional signs as defined in 23 MRSA §1903, shall be erected in a VC District, other than as allowed under Section 19-11.5.9.2 above.

17. Externally Lit Signs

- a. Illumination level on the vertical surface of the sign shall be bright enough to provide a noticeable contrast with the surrounding building or landscape without causing undue spillover and glare.
- b. Lighting fixtures illuminating signs shall be top mounted where possible and aimed and shielded so that light is directed only onto the sign facade.
- c. Outlining signs is prohibited.

18. Internally Lit Signs

- a. Internally lit signs shall consist of light lettering or symbols on a dark background. Letters and symbols shall constitute no more than 40% of the surface area of the sign.
- b. Internally lit individual letters and symbols are preferred over whole panels that are internally lit.
- c. Repealed

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**Sec. 19-15 Route 100 Corridor Overlay District (CO) [Amended, 7/22/91]**

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5. Repealed

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**Sec. 19-19.3 Master Development Plan Sign Controls (West Falmouth Crossing)**

The number, size and location of signs shall conform to the requirements set forth in this ordinance, unless a Master Development Plan has been approved. If a Master Development Plan has been approved by the Town Council, the provisions of Sections 19-44 through 19-53 of this Ordinance shall not be applicable insofar as they relate to number, size and location of signs in the area covered by the approved Master Development Plan. The Planning Board may approve signage for a parcel within an approved Master Development Plan if it finds that the proposed signage in terms of number, size and location is consistent with the Exit 10 Design Guidelines. [Amended, 5/27/99; 6/15/09]

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**Sec. 19-21.8 Design Elements**

The design of the retirement community shall reflect an overall sense that the entire community is part of a single development with a pedestrian friendly, neighborhood scale. As such, the buildings shall convey a common character but need not be similar in either design or scale. In

general, high intensity, high traffic uses and core facilities should be sited in central locations within the community where feasible, with lower intensity uses on the perimeter.

- a. Common elements such as signs, lighting, and site furniture and improvements should be used where practical to establish a sense of community.
- b. Where appropriate, provisions for pedestrian linkages should be made to bring the elements of the retirement community together.
- c. Notwithstanding Section 19-46., the Planning Board may approve off premise signs provided a master sign plan for the District is approved by the Planning Board. The master sign plan shall provide for compatible design elements such as color, form, materials and lighting. All signs shall comply with 23 M.R.S.A. Chapter 21, Maine Traveler Information Services.[Amended 5/30/12]

### **Sec. 19-24.3. Conditions and Standards for Zone Change to MRSD.**

- J. Signage – A comprehensive signage plan shall be part of any site plan approval. Existing signs documented under paragraph B. above may be used in their current location and configuration. The Planning Board may permit reductions in size, or a change in location or configuration provided the redesigned sign conforms to the Route One Design Guidelines. No internally lit signs are permitted. Number and dimensions of additional signs are regulated as in the RB District.

### **Sec. 19-34.1 Roadside Stands [Adopted 02/27/12]**

## **9. Repealed**

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

- A. Purpose. The purpose of regulating signs is to promote and protect the public health, welfare and safety by regulating 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 driving 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, 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 Code Enforcement Officer prior to installation. [Amended 1/24/11]

1. Signs permitted by the Code Enforcement Officer. [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]- Submittal requirements shall include such information referenced in Sections 19-128.a (4) and 19-133.e. of this ordinance.
    - a. Any new sign in excess of twenty (20) square feet of display area.[Amended 5/30/12]
    - b. Any new sign located in BP, VC1, VC2, VCC, OVRC, AVRC, CO, or any Special district. [Amended 5/13/13]
    - c. Repealed
  3. Signs requiring approval by the Community Development Director or the Director's designee. [Adopted 1/24/11] - 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.
    - a. Replacement of signs equal to or less than twenty (20) square feet of display area in the BP, VC1, VC2, VCC, CO, or any Special District. [Amended 5/13/13]
    - b. Replacement 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, CO, or any Special District [Amended 5/13/13]
  4. Permit Fees. No sign permit application shall be processed until the prescribed fee has been paid as established by the Town Council. [Amended 8/27/07]
- C. repealed
- D. 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.
- E. Exemptions
1. Governmental 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
  2. Street numbers and addresses as assigned by the Town.

3. Street name signs as regulated under Chapter 7, Appendix 7-5. Subdivision Ordinance.

F. Design Guidelines. Any sign located in the BP, MRSD, TWMP WFC, CO, VMU, MUC or GR District shall comply with the applicable design guidelines as noted in the table below. [Amended 5/13/13]

<b>Table 19-44 G. Design Guidelines Review - Signs</b>	
<b><u>District</u></b>	<b><u>Design Guidelines</u></b>
<u>BP, MRSD</u>	<u>Route One Design Guidelines</u>
<u>TWMP</u>	<u>Tidewater Village and Tidewater Farm Design Guidelines</u>
<u>WFC, CO, VMU, MUC, GR</u>	<u>Exit 10 Design Guidelines</u>

G. Measurement of Signs.

1. Sign Display Area. Sign display area shall be measured as the square footage of the smallest rectangular area containing all letters, characters and numbers. For freestanding signs where the two faces of the signs are not viewable at the same time, only one face shall constitute the display area.
2. Sign Height - Sign height shall be the height of the sign as measured from the average elevation of the original ground to the highest point of the sign supporting structure or sign display area. In cases where sign display area is incorporated into a fence or wall, the total sign height will be measured to the top of the sign display area.
3. Sign Length - Sign length shall be the horizontal dimension of the sign display area.

**Sec. 19-46 Regulations Applicable to Permanent Signs [Amended 5/26/09; 1/24/11; 5/13/13; 4/11/16]**

**[repeal current section in total and replace with the following:]**

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. Prohibited signs and sign components.**

1. No sign shall project over a public right of way
2. No off-premises signs, including official business directional signs as defined in 23 MRSA, Section 1903, shall be constructed, erected, or maintained in any district, except as expressly permitted by the terms of this Ordinance. [Amended 5/30/12]
3. No sign shall be erected in a floodplain.
4. No portable or roof signs shall be permitted unless otherwise specified. [Amended 5/26/09]
5. 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
6. 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.



- b. Sign Materials - For signs in districts that are not governed by design guidelines, signs shall be made of natural materials such as stone, brick or wood or materials that mimic natural materials.
- c. Directional signs are permitted where necessary for maintaining public safety on to and within the site. The display area of a directional sign shall not exceed two square feet and free standing signs shall not exceed 4 feet in height. Content shall be limited to directional text such as “enter”, “exit”, “drive-thru” or the like. Logos are limited to twenty-five percent (25%) of the sign face. Signs shall be reviewed under Section 19-127 as part of Planning Board Site Plan Review or Minor Site Plan Review as required.
- d. Nonconforming signs: 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 relocated within the public right of way. [Adopted 4/27/87]
- e. Signs located in HT, VP and GC shall conform to the requirements in Section 19-11.5.9.

**Sec. 19-47 Maximum Size of Freestanding Signs (square feet of display area) [Amended 05/30/12, 04/11/16] Repealed**

**Sec. 19-48 Maximum Size of Wall Signs (square feet of display area) [Amended 05/30/12; 5/13/13; 04/11/16]-Repealed**

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**Sec. 19-49 Maximum Number of Freestanding Signs Per Lot [Amended 05/30/12; 05/13/13; 04/11/16]-Repealed**

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**Sec. 19-50 Free-Standing Signs-[repeal current section in total and replace with the following:]**

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Unless otherwise provided, free standing signs shall conform to the following provisions with the exception of signs in VC1, VC2 and VCC which are regulated under Sec. 19-11.5.9.

- a. BP District 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.
- b. Sight Distance. The sign must be designed to provide adequate sight distance for exiting traffic as determined by the permitting authority.
- c. Signs incorporated in a wall or fence. Fences or walls may be utilized as a sign supporting structure, and are exempt from total sign height.
- d. Height to Width Ratio. All signs located in areas that are not governed by design guidelines shall be oriented horizontally with a height equal to or less than the width.

		<b>Table 19-50 Free-standing Signs*</b>					
<b>Standard</b>	<b>Residential Districts</b>			<b>Non-Residential Districts</b>			
	<b>RA-RB RC-RD - HL</b>	<b>FF</b>	<b>BP</b>	<b>VMU- MUC GR</b>	<b>RCOD OVRC AVRC</b>	<b>ESRD</b>	<b>TW WF</b>
<b>Number per lot</b>	1	1	2	2	PB	MP	DG
<b>Maximum size (square feet of sign display area)</b>	4	6	64	48	PB	MP	DG
<b>Maximum height (feet including sign support structure)</b>	6	6	12	12	12	MP	12
<b>Maximum length (feet)</b>	4	6	16	16	16	MP	16
<b>Minimum character height (inches)</b>	3	4	5	DG	PB	MP	DG
<b>Maximum character height (inches)</b>	9	12	15	DG	PB	MP	DG
<b>Minimum distance between signs (feet)</b>	na	na	na	100	100	100	100
<b>Rear Setback (feet)</b>	15	15	15	15	PB	MP	DG
<b>Side Setback (feet)</b>	10	10	15	15	PB	MP	DG
<b>Front Setback (feet)</b>	0	0	0	15	PB	MP	DG
PB - Planning Board, MP-Master Sign Plan, DG - Design Guidelines * Directional signs are regulated under Section 19-46 d. and Section 19-11.5.9.9							

### **Sec. 19-51 Wall Signs**

Wall signs shall conform to the following with the exception of VC1, VC2 and VCC which are governed by Sec. 19-11 5.9

- a. Repealed
- b. No wall sign shall extend beyond the party wall separating occupancies.
- c. Wall signs shall not project more than twelve inches beyond the roof edge or the face of the wall, awning or canopy to which they are mounted.
- d. Maximum gross display area of all wall signs on any given wall shall not exceed ten (10%) percent of the wall area to which they are attached.

		<b>Table 19-51 Wall Signs *</b>						
<b>Standard</b>	<b>Residential Districts</b>				<b>Non-Residential Districts</b>			
	RA-RC-HL	RB-RD	FF	BP	VMU-MUC	RCOD OVRC- AVRC	ESRD	TW-WF
<b>Maximum size (square feet of sign display area)</b>	6	8	12	64	48	PB	MP	DG
<b>Minimum character height (inches)</b>	3	4	4	5	5	PB	MP	DG
<b>Maximum character height (inches)</b>	9	12	12	15	15	PB	MP	DG
<b>Maximum height above the eaves (feet)</b>	7					PB	MP	DG
PB-Planning Board, MP - Master Sign Plan, DG-Design Guidelines * Directional signs are regulated under Section 19-46 d. and Section 19-11.5.9.9								

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

Illumination of signs shall meet the requirements of applicable design guidelines where required under Section 19-44. with the exception of VC1, VC2, GC, VP, HT and VCC, which are regulated under Section 19-11. In addition, the following restrictions shall apply.

- a. Internal Illumination – Signs with internal illumination are permitted except in RA, RB, RC, RD, FF, HL, BP, ESRD, RCOD, OVRC, AVRC and VMU Districts.
- 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.

**Sec. 19-54 Home Occupations [Amended 10/25/93, 04/09/12]**

- a. The purpose of the Home Occupations provision is to permit the conduct of only those businesses which are reasonably compatible with the residential districts in which they are located. Home occupations are limited to those uses which may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structure.

Business uses conducted wholly within a residence or accessory structure which are incidental to the residential use of the property and are of no impact to the surrounding properties are permitted as a matter of right if they conform with the following criteria:

- 1. are carried on only by a member or members of the family residing in the dwelling unit;

2. there is no exterior storage of materials or variation from the residential character of the principal building other than signs as permitted elsewhere in Chapter 19.
  3. there are no objectionable conditions such as noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours;
  4. there is no traffic generated by the home occupation.
  5. the dwelling or accessory structure is not altered substantially to accommodate the home occupation; and
  6. no more than one vehicle used primarily for the home occupation shall be kept on the property.
- b. All other home occupations or professions which are accessory to and compatible with a residential use in an RA, RB, RD, HL, VMU, or F district may be permitted as a **conditional use**, if approved by the Board of Zoning Appeals after public hearing with due notice given, and if the home occupation conforms with the following criteria:
1. It does not materially injure the character or usefulness of the dwelling unit or accessory structure for normal residential purposes.
  2. It is carried on wholly within the dwelling or accessory structure.
  3. It is carried on primarily by a member or members of the family residing in the dwelling unit. Not more than two persons other than family members residing in the dwelling unit shall be employed on the premise in connection with the home occupation.
  4. There is no exterior display, no exterior storage of materials nor variation from the residential character of the **principal building**, other than signs as permitted elsewhere in Chapter 19.
  5. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare, or activity at unreasonable hours, shall not be permitted.
  6. The traffic generated by such home occupation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood.
  7. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of each employee and the vehicles of the maximum number of users the home occupation may attract during peak operating hours.
  8. The home occupation may utilize:
    - a. Not more than twenty (20%) percent of the dwelling unit floor area, provided that for the purposes of this calculation unfinished basement and attic spaces are not included.
    - b. Unfinished attic and basement spaces.
    - c. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty (50%) percent of the total floor area of the dwelling unit as previously calculated.
  9. Repealed

**Sec. 19-127.2 Minor Site Plan Approval** The following expansions, additions, replacements, alterations and improvements to previously developed commercial or multi-family residential properties meeting the following thresholds may be approved under the Minor Site Plan Approval procedure in Section 19-128.1 below. Projects submitted under this section shall require approval by the Community Development Director and the Senior Planner.[Added 8/26/13][Amended 2/27/17]

- a. Utility or support structures such as mechanical systems and coolers.
- b. Lighting stanchions and fixtures and changes of location of the same.
- c. Landscaping and screening.
- d. Minor alterations to grading, drainage and stormwater improvements provided they do not have any negative impact on water quality standards or downstream properties. Any improvements under this paragraph require approval by the Town Engineer.
- e. Increase in impervious surfaces of no greater than 4,000 square feet in a ten year period.
- f. Building additions limited to no more than a 50% expansion of the total gross square footage of the existing building or 1,000 gross square feet, whichever is less. Additions shall not exceed a total of 1,000 gross square feet in a ten year period.
- g. New accessory buildings or structures not to exceed 500 gross square feet in any ten year period.
- h. Directional signs on private property.

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

**Ellen Planer  
Town Clerk  
July 24, 2017**