AGENDA

ORDINANCE COMMITTEE

Wednesday, August 23, 2017
4:30 p.m.
Council Chamber A

Item 1. Call to order.

Item 2. Attendance.

Item 3. Approval of Minutes: June 09, 2017. Not available at this time.

Item 6. Discussion on Sign Regulation.

Item 9. Adjournment.

AMENDMENT TO CHAPTER 405 THE ZONING ORDINANCE
REGARDING SIGN REGULATIONS

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section XII. Sign Regulations, of the Zoning Ordinance of the Town of Scarborough, Maine is amended as follows:

Amend Section XII of Sign Regulations by adding the underlined text as shown below.

SECTION XII. SIGN REGULATIONS. [Amended 10/20/2004; Amended 08/20/08; Amended 08/19/09][Amended 07/17/2013]

A. SIGNS – PURPOSE AND PERMITTING

1. Purpose.
The purpose of regulating signs is to promote and protect the public health, welfare and safety by regulating existing and proposed exterior advertising and signage; to allow for attractive, legible signs to serve the needs of individual businesses, properties, and general destinations within the community; to protect property values, enhance and protect the physical appearance of the community, preserve its scenic and natural beauty; 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.

2. Sign Permits.
After the effective date of this Ordinance and except as otherwise herein provided, no person shall erect, make structural alterations to or move any signs without first applying for and obtaining from the Code Enforcement Officer a sign permit. Applications shall be on forms prescribed and provided by the Code Enforcement Officer setting forth such information as may be required by the Code Enforcement Officer for a complete understanding of the proposed work and shall be accompanied by the required fee as specified in the Schedule of License, Permit and Application Fees established by order of the Town Council.

~~For Temporary Grand Opening Signs and Temporary Going Out of Business Signs under subsection J. the fee will include a refundable deposit to be forfeited to the Town if the applicant fails to remove the sign or banner upon expiration of the permit.~~ Except as otherwise provided in subsection J., temporary signs must conform to all provisions of this Ordinance, but shall not be counted in calculating the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall. Permits are not required for: [Amended 04/6/94] [09/06/95] [05/01/96][12/06/02]

Temporary signs ~~giving notice under Section XII(J).(1)~~

~~Temporary real estate signs under Section XII(J.)(2.)~~

~~Temporary development or construction site signs under Section XII(J.3.)~~

~~Off-premises farm stand signs under Section XII(J.)(5).~~

Bulletin boards and similar signs under Section XII(B.)(4).

Directional signs under Section XII(B.)(12)

Doorway signs under Section XII(B.13.)

Banners under Section XII(B.)(21.)

3. Application for Sign Permits.
Permits for permanent signs shall only: be granted to the owner(s) or the agent of the building or the property upon which the sign(s) will be installed. See Section XII(J.) for application requirements for temporary signs.

4. Exceptions.
For the purpose of this Ordinance, the term "sign" does not include banners attached to or printed on and signs located under the cover of a tent or tarp allowed under Section IX(F); 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 regulations; "name signs" not exceeding one (1) square foot in area identifying occupants of the premises where such sign is located; or the Town of Scarborough public banner, controlled by the Town of Scarborough and placed from time-to-time across Gorham Road (Route 114) near the Scarborough High School driveway to provide public notice of events or functions authorized by the Town and occurring at municipal facilities. ~~or of events or functions conducted by churches or civic organizations, limited to one event or function per church or organization per year.~~ (10/21/92) (4/6/94) (5/01/96)

B. GENERAL SIGN STANDARDS

The following provisions relating to signs are applicable in all districts.

1. Maintenance and Conformance of Signs. No sign shall be erected, maintained, used 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. The sign must be maintained at all times in 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 distraction or obstruction that may contribute to traffic accidents.. (4/6/94)

2. General Safety Standards for Signs. No sign, whether new or existing shall be permitted in a location that causes a sight, traffic, health or welfare hazard, or results in a nuisance due to illumination, placement, display, or manner of construction.

3. ~~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~~

When a commercial sign is authorzed on a residential building it must not exceed six (6) square feet in area and ~~is~~ be non-illuminated.

4. A bulletin board, reader board or similar sign in connection with any ~~church, museum, library, school~~ commercial activity or similar public structure is allowed. [4/6/94]

5. Except as provided in Section XII(J.) concerning ~~certain~~ temporary signs and Section XII.(I.) off-premise official business directional signs, no sign shall project over or be located within a public right of way. [4/6/94]

6. Animated signs, animated displays or flashing signs are prohibited, with the exception of time and temperature signs as allowed under Section XII.(C.). No sign or part of a sign shall consist of a balloon or other inflatable component. [4/6/94]

7. Internally-lit signs shall have an opaque or dark background to minimize glare and lighting impacts.

8. 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. This paragraph does not prohibit temporary decoration of buildings or structures during holiday seasons when such decoration is customary. [4/6/94]

9. Motor Vehicle Signs. Signs on motor vehicles are not subject to the regulations of this Section XII unless they have the effect of circumventing restrictions or limitations imposed by this Section. A sign on a motor vehicle will be presumed to have the effect of circumventing the restrictions or limitations of this Section XII if the motor vehicle is parked or stored in a location visible from a public way and one or more of the following circumstances exits:

    a. the motor vehicle is unregistered;

    b. the motor vehicle is uninspected;

    c. the sign is larger in any dimension than or extends beyond any surface of the motor vehicle to which it is attached;

    d. the motor vehicle is parked or stored continuously in the same locations;

    e. the motor vehicle is parked or stored in an area not designed, designated or commonly used for parking;

    f. the motor vehicle is regularly parked or stored in a front yard, as defined in this ordinance, or in the public right-of-way adjacent to the front yard when there is parking available in a side or rear yard; or,

    g. the motor vehicle is regularly parked or stored in a location where a sign would not be permitted under this ordinance.

The presumption that a motor vehicle has the effect of circumventing this Section CII may be rebutted by evidence that the motor vehicle is parked or stored in a particular location for reasonable business or personal purposes not related to advertising, identifying,

displaying, directing, or attracting attention to an object, person, institution, organization, business, product, service, event or location.

10. Decoration and Ornamentation. Decoration or ornamentation of buildings, structures or other features of a site, including wall murals, are not subject to the regulations of this Section XII unless they have the effect of circumventing the restrictions or limitations imposed by this Section. Decoration or ornamentation will be presumed to have the effect of circumventing the restrictions or limitations of this Section XII if one or more of the following circumstances exists:

    a. The decoration or ornamentation depicts any product or service offered to customers of a business located on the property (for example, painting an ice cream cone on the wall of an ice cream stand);

    b. The decoration or ornamentation depicts some component or aspect of the name of a business located on the property, (for example, displaying a statue of a dolphin on a restaurant named "The Dolphin"); or

    c. The decoration or ornamentation imitates or replicates any logo or symbol used to advertise or identify a business located on the property.

    The presumption that any decoration or ornamentation has the effect of circumventing this Section XII may be rebutted by evidence that the decoration or ornamentation exists for some reasonable business or personal purpose not related to advertising, identifying or attracting attention to the products or services offered on the premises. Nothing in this paragraph prevents temporary decoration of buildings or structures or temporary displays on a site during holiday seasons when such decoration and display are customary.

11. Any sign which no longer advertises a bonafide 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 Code Enforcement Officer, except in the case of temporary signs which shall be removed in accordance with Section XII(J). [4/6/94]

12. Directional signs having a display area that does not exceed three (3) square feet, and does not extend higher than seven (7) feet above ground level, are permitted with permission of the Code Enforcement Officer.

13. 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 area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.

14. A sign with a double signboard or display area shall be construed to be one sign for the purpose of this ordinance.

15. Roof signs are not allowed.

16. Minimum lot line setbacks for all signs shall be fifteen (15) feet unless otherwise specified in Section XII.E.

17. Identification signs identifying the name of a ~~church, residential subdivision, condominium, apartment, multi-family housing project, residential neighborhood, or a commercial subdivision which has a place name different from the names of any of the businesses within the subdivision,~~ commercial activity or similar public activity may be permitted if approved by the Planning Board. Such signs may be illuminated by shielded lights and located as approved by the Planning Board, and shall be maintained by an approved owner or association. The Planning Board may waive setback requirements for an identification sign when the Board finds that locating the sign in compliance with setback requirements would be impractical or ineffective. Signs allowed under this paragraph shall not be counted in calculating the maximum number of signs allowable on a lot or in applying requirements for separation between signs. [05/01/96]

18. Graphics and pictorial artwork are allowed on signs and shall be considered a part of the gross display area for the purpose of determining the size of a sign. [4/6/94]

19. An awning which includes words, letters, figures, designs, symbols, graphics or pictorial art shall constitute a wall sign, including the calculation of total gross display area. [4/6/94]

20. Any premises which utilizes an identification or advertising sign must display its street numbers on at least one of the permanent signs permitted under this Section XII in a location visible from the nearest street. Numbers shall be placed on the sign face or on a panel parallel to the sign face and shall be as nearly perpendicular to the sideline of the street as possible. If it is not physically feasible to place the street numbers on the sign face, the numbers may be placed on the end of the sign parallel to the sideline of the street as long as they are of contrasting color and easily visible from the roadway. The characters of the street number shall be at least 11 inches high. The street number shall not be counted as part of the gross display area of the sign unless characters larger than 11 inches high are used for the street number and/or the street name, in which case the area which exceeds that which would be covered using 11 inch characters shall be counted as part of the gross display area. The street number must be displayed on all permanent signs erected, repaired, altered (including change in message) or replaced after April 7, 1994 unless another permanent sign on the same premises already displays the street address in compliance with this paragraph. [4/6/94] [4/5/95] [05/01/96]

21. A banner, limited to a maximum of twenty five (25) characters (numbers and letters), the dimensions of which do not exceed twenty-four square feet may be displayed by any ~~retail business or service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government (except home occupations)~~ commercial or similar public entity during the hours such business is open for customers and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. Under this subsection, a ~~business~~ commercial or similar public entity may display ~~both~~ one ~~(1) "open"~~ banner ~~and one (1) banner~~ limited to a maximum of twenty-five (25) characters during the hours such business is open for customers. This subparagraph does not prohibit or restrict displays of the United States Flag or the State of Maine Flag. [4/6/94] [Amended 08/19/09]

22. No lighted sign, including a nonconforming sign replaced or relocated pursuant to Section XII.K. shall be located within eight feet of the drip lines of any overhead utility wires and their appurtenances. This requirement is not subject to variance or waiver. [4/6/94] [4/5/95] [5/01/96]

23. ~~Marquees are allowed for theatres and movie houses and on buildings or portions of buildings that are used as theatres or movie houses~~. Marquees may not be animated signs or have animated sections.

24. One or more ~~menu boards~~ freestanding signs installed at the points where customers place their orders at a drive-through ~~restaurant~~ commercial establishment, which does not exceed 32 square feet of gross display area per sign and the location of which has been approved by the Planning Board under the Scarborough Site Plan Review Ordinance, shall not be counted as a sign in applying the dimensional requirements of Sections XII(D), XII(E) and XII(F). [Amended 08/17/05]

25. Illuminated signs are prohibited in all residential districts, except as allowed by Section XII(B)(17). [7/17/91]

    In the Residence and Professional Office District RPO, no illuminated sign may be located on a lot abutting or across the street from a lot containing a dwelling until the lighting for the sign is reviewed and approved by the Planning Board, or Town Planner at the direction of the Planning Board, applying the standards of the Scarborough Site Plan Review Ordinance. [4/6/94]

26. Vision triangle. No sign shall be located in an area that conflicts with clear sight distance for oncoming traffic. Sign permits will be issued by the Code Enforcement Officer if the applicant provides supporting evidence that the proposed sign will be located at least 15 feet from the existing edge of pavement. If an applicant desires a location less than 15 feet from the edge of pavement then they must provide certifiable evidence from a licensed Professional Engineer who specializes in Traffic Engineering that the proposed sign location will not obstruct vehicular sight distance within the boundaries of following described vision triangle:

    a. The vision triangle is determined by measuring from the intersection of the edge of the major street and the minor street or driveway along the major street the appropriate distance as determined based upon the posted speed limit (see table) and a distance of 15 feet along the minor street/driveway. and then connecting: the two points with a straight line.

    b. Sight distance will be measured in accordance with the current Maine DOT standards and procedures.

    c. Major Street Speed Limit Measurement Distances

25 mph	=	250 feet
35 mph	=	350 feet
40 mph	=	400 feet

45 mph	=	450 feet
50 mph	=	500 feet
55 mph	=	550 feet

27. ~~Fuel price signs are permitted to be incorporated into freestanding signs for gasoline filling stations. Fuel prices~~ Free standing signs with changeable messages ~~may be advertised~~ through ~~using~~ manual, electronic or mechanical means ~~and~~ are limited to 12" in lettering or numbering height. If ~~fuel prices are advertised~~ the changeable messages are electronic~~ally~~ they are permitted to use industry standards and colors and are not limited to the requirements under Section XII. G.1. Electronic Message Signs.

C. SIGN DIMENSIONAL CHART [Amended 08/19/09]

The following chart summarizes the maximum gross area (in square footage) that is permitted for signage and is listed by type of signs and zoning districts in which they allowed.

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO-R, Ind., I-O. L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
TEMPORARY SIGNS										
Temporary signs in the right-of-way ~~giving notice: FS/W~~	J	Gross Area	~~12~~ 6 sf				~~16~~ 6 sf			
Temporary Signs on Private Property ~~real estate: FS~~	J	Gross Area	~~9~~16 sf	16 sf	~~9~~16sf	16 sf	32 sf			
Banner (see note 2)	J	Gross Area	24 sf							
~~Temporary real estate: W~~	~~J~~	~~Gross Area~~	~~9 sf~~	~~16 sf~~	~~9 sf~~	~~16 sf~~	~~32 sf~~	~~32 sf~~	~~32 sf~~	~~16 sf~~
~~Temporary construction: FS~~	~~J~~	~~Gross Area~~	~~16 sf~~							
~~Temporary construction: W~~	~~J~~	~~Gross Area~~	~~16 sf~~				~~32 sf~~			

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO-R, Ind., I-O. L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
~~Temporary grand opening (window or banner)~~	~~J~~	~~Gross Area~~	~~16 sf~~				~~60 sf~~			
~~Off-premise farm stand: FS~~	~~J~~	~~Gross Area~~	~~8 sf~~				~~8 sf~~			
~~Temporary going out of business (window or banner)~~	~~J~~	~~Gross Area~~	~~16 sf~~				~~60 sf~~			
~~Temporary relocation (window or banner~~	~~J~~	~~Gross Area~~	~~16 sf~~				~~60 sf~~			
Temp. sandwich board	J	Gross Area	8 sf				8 sf			
CAMPUS SIGNS										
Campus directory	H.	Gross Area						75 sf	75 sf	75 sf
		Height						10’	10’	10’
Campus primary directional	H.	Gross Area						45 sf	45 sf	45 sf
		Height						9’	9’	9’
Campus secondary directional	H.	Gross Area						16 sf	16 sf	16 sf
		Height						8’	8’	8’
Campus pedestrian directional	H.	Gross Area						8 sf	8 sf	8 sf
		Height						8’	8’	8’
~~ADVERTISING / RETAIL SIGNS~~										
~~Advertising~~ Freestanding Signs	B/C	Gross Area: FS	32 sf	32 sf	32sf	32 sf	100 sf			
	C	Length FS	16’	16’	16’	16’	16’	16’	16’	16’
	C	Height FS	8’	8’	8’	8’	16’	16’	16’	16’
~~Advertising~~ Wall Signs	C	Gross Area/bldg. face: Wall *(See Note 5)*	50 sf	50 sf	16 sf	16 sf	100 sf			

MAXIMUM SIGN SIZES – Freestanding (FS) /Wall-Mounted (W)										
TYPE OF SIGN	REF.	MAX. DIM.	RF R4A RFM	RPO	R2, R3, VR2, VR4	R4	B1	B2, B3 BO-R, Ind., I-O. L-I	TVC, TVC-2, TVC-3, TVC-4, RH, RH2, CPD	HP
		Combined Gross Area Corner Lot *(See Note 4)*					150 sf			
Business Directory Signs	F.	Gross Area					150 sf			
~~Home occupation~~ Commercial Signs on Residential Property	B.1	Gross Area	6 sf							
Off-premise directional	I	Gross Area					Not to exceed State standards or ≤ 16" x 72"			
Readerboards *(See Note 3)*	G	Gross Area					25sf	25sf	25sf	
~~Open/retail banner *(See Note 2)*~~	~~B.21~~	~~Gross Area~~	~~24 sf~~							
IDENTIFICATION, BULLETIN AND DIRECTIONAL SIGNS										
Bulletin board	B.4	Gross Area	24 sf							
Directional signs at driveways	B.11	Gross Area	3 sf							
		Height	7'							
Doorway identification	B.12	Gross Area	10% of doorway or opening							
Identification Signs ~~for church or residential developments~~ [1]	B.17	Gross Area	~~20~~ 32 sf							
~~Identification for commercial subdivisions~~ [1]	~~B.17~~	~~Gross Area~~					~~32 sf~~			

Sign Dimensional Chart Notes and Standards

1. Identification signs do not count toward maximum number of signs on a lot, or for applying requirements for separation of signs.

2. Banners allowed under Section XII(B)21. do not count toward maximum number of signs on a lot.

3. Area of readerboard included in the maximum sign area of the freestanding sign of which it is a part of.

4. Gross sign area may be divided between the principal and secondary sign and under this section the principal sign shall not exceed 100 sf.

5. Unless otherwise provided, wall and window signs shall conform to the following:

a. Total gross display area of all wall and window signs shall not exceed 10% of the area of the wall on which they are located. Where separate units of occupancy exist in a building, the gross display area under this paragraph shall be calculated separately for each unit of occupancy, based on the wall areas which enclose each unit, provided that the total gross display area for the building does not exceed the limits of this paragraph.

b. Except in the case of an awning, no wall sign shall project more than 12" inches beyond the surface of the wall to which it is attached, or extend above the drip edge of the roof above it or extend laterally beyond the ends of the wall to which it is attached. Where separate units of occupancy exist in a building, the limitations of this paragraph shall apply separately to the wall surface which encloses each unit.

D. MAXIMUM NUMBER OF FREESTANDING SIGNS PER LOT

MAXIMUM NUMBER OF FREESTANDING SIGNS							
TYPE OF SIGN	RF, R4A, RFM, R2, R3, R4, VR2, VR4	RPO	B1	B2, B3, BO-R	IND, I-O, L-I	TVC, TVC-2, 3, 4, RH, RH2	HP
Temporary	1/lot						
Permanent: frontage on one street	1/lot	1/lot	1/lot	2/lot			
Minimum street frontage for 2 signs				300'			
Permanent: corner lot	1/lot	1/lot	1 principal sign, 1 secondary sign				
Minimum separation			100', measured along rights-of-way or front property line				
Business Directory			1 *(Note 1)*				
Campus Directional Signage				*Note 2*		*Note 2*	
Readerboards			1 incorporated into principal freestanding sign				

Note 1. Lots are limited to one (1) Business Directory signs except for lots that qualify and are approved in accordance with Section XII(F)5.

Note 2. Number of campus directional signs shall be approved by the Planning Board as part of review of Signage Master Plan (see Section H Campus Directional Signs and the Commercial Design Standards)

E. ADDITIONAL FREESTANDING SIGN REQUIREMENTS

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

1. The required minimum distance between signs on the same lot or unified development is one hundred (100) feet.
2. The required minimum lot line setback is fifteen (15) feet from side and rear lot lines.

3. The required minimum setbacks to the front lot line and right-of-way (ROW) is variable based on the height of the sign in accordance with the following chart:

VARIABLE SETBACKS		
DISTANCE FROM ROW	**MAXIMUM HEIGHT**	**MAXIMUM SIZE**
5'	8'	32 sf
10'	10'	60 sf
15'	16'	100 sf

a. There is no minimum front lot line setback required for freestanding signs from the Haigis Parkway right-of-way; all other dimensional requirements established in Section XII (C) shall apply

4. The maximum sign height requirements are listed in Section XII(C) and are, subject to the variable setback requirements above. [10/20/04]

5. The required minimum setback/distance for signage located in a "Business" District is two hundred (200) feet from a "Residential" District. [7/17/91] [4/6/94]

F. BUSINESS DIRECTORY SIGNS [Amended November 17, 1993]

1. Except as otherwise provided in this Subsection (F), a Business Directory Sign shall comply with all the requirements of this Section XII. A Business Directory Sign shall be deemed an on-premise, freestanding sign, not a billboard.

2. Business Directory Signs shall be permitted only in the B-1, TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, HP, BO-R, RH, RH2, CPD and Industrial districts.

3. Notwithstanding the provisions of Sections XII(C) and XII(D), the maximum gross display area of a Business Directory Sign shall be 150 square feet. At least 10 percent of the gross display area shall be devoted to identifying the Unified Development by name (or by generic description such as "office park" or "shopping center" if no name has been assigned) and by street address on the Main Thoroughfare. The numbers of the street address must be no less than 11" (eleven) inches high. The remaining gross display area may be used only to identify and advertise uses within the Unified Development and must be located below the name and street address of the Unified Development. Before the Building Inspector issues a permit for a Business Directory Sign, the Addressing Officer in coordination with the Town Planner must determine that the name of the Unified Development is not identical to or likely to be confused with the name of any other development already existing in Scarborough. [4/6/94]

4. Notwithstanding Subsection XII(F), no lot within a Unified Development which utilizes a Business Directory Sign may contain more than one freestanding sign, except that the lot on which the Business Directory Sign is located may contain both the Business Directory Sign and one other freestanding sign otherwise allowed by this Ordinance. The Building Inspector shall not issue a permit for a Business Directory Sign without the written consent of each lot owner within the Unified Development to the limitation of one freestanding sign per lot and the written agreement of the owner of any lot on which there are two or more freestanding signs to remove all but one of such signs upon the erection of the Business Directory Sign. [4/6/94] [4/5/95]

5. A Business Directory Sign must be located on property within the Unified Development which abuts the Main Thoroughfare, must be visible from the Main Thoroughfare and must be located at or near the driveway or street entrance to the Unified Development in order to direct motorists to that entrance. When a Unified Development abuts and has a driveway or street entrance from more than one Main Thoroughfare, the Planning Board may approve one Business Directory Sign at or near the driveway or street entrance from each of the Main Thoroughfares for a total of two Business Directory Signs.

6. Business Directory Signs shall comply with all applicable setback requirements, except that no setbacks shall be required from property lines separating lots within the Unified Development from one another or from common areas (other than streets), and no setbacks shall be required from boundaries of leasehold or easement interests (other than streets) within the Unified Development.

7. No Business Directory Sign may be located within 200 feet of any other freestanding sign in the Unified Development.

8. If provided, electrical service to a Business Directory Sign must be by underground wiring only.

9. Each owner of a lot or unit of occupancy which is identified or advertised on a Business Directory Sign shall be responsible for any violations of this Ordinance arising out of the erection or maintenance of the Business Directory Sign and shall be deemed an owner of the sign under Section IV(C) of this Ordinance. The Town may enforce the provisions of this Ordinance against any or all such owners.

G. ELECTRONIC MESSAGE AND TIME/TEMPERATURE SIGNS

Electronic message and time and/or temperature signs are permitted only in the B1, B2, B3, BO-R, RH, RH2, I, I-O, L-I, CPD and TVC, TVC-2, TVC-3, TVC-4 Districts subject to the following standards:

1. Electronic Message Signs are required to comply with the following conditions:

a. An electronic message sign may only be used as a readerboard on a free-standing sign. Electronic message signs may not be used as stand-alone signs.
b. An electronic message sign must not give the appearance of motion, flashing, blinking, or shimmering. When the display changes, it must change as rapidly as is

technologically practicable with no phasing, rolling, scrolling, flashing, or blending.

c. The message may be changed no more frequently than twice in each 60 minute period. [Amended 08/19/09]

d. Electronic message sign lettering or numbering height shall be a minimum of 8" and a maximum of 12" and may consist only of white or gold lettering or numbering on a black background. [Adopted 08/19/09][09/21/2011]

2. Time and/or Temperature Signs are required to comply with the following conditions:

a. Any sign otherwise permitted may include a time and/or temperature sign. (09/21/2011)

b. A time and/or temperature sign, or the portion of a sign used to illustrate the time and/or temperature, shall be limited to 10 square feet in area. (09/21/2011)

c. A time sign shall be permitted to change no more frequently than thirty-second intervals.

d. A temperature sign shall not change except when the temperature changes one degree.

H. CAMPUS DIRECTIONAL SIGNS [07/21/04]

1. A primary goal of campus directional signs shall be to assist the public in finding specific business locations or destinations or directing the public within a Unified Development. The number and location of the signs shall be based upon the following criteria: [Amended 02/20/08]

a. The number and visibility of major destinations within the Unified Development.
b. The complexity of internal circulation patterns.
c. The nature of the businesses/institutions as they relate to public accessibility.
d. The characteristics of the clientele. such as but not limited to familiarity with the area, seasonally attracted, tourist oriented, or emergency users.

2. Campus directional signs shall be permitted only in the TVC, TVC-2, TVC-3, TVC-4, B-2, B-3, BO-R, RH, RH2 HP and Industrial districts.

3. Dimensional Requirements

Type of Sign	**Maximum Gross Display Area**	**Maximum Height**
Primary Directional	45 SF	10 feet
Secondary Directional	32 SF	8 feet
Pedestrian Directional	8 SF	8 feet

4. The display area of campus directional signs shall be used to identify the names of destinations within the Unified Development and to provide directions to, from and within said development based on the criteria listed in Section K(1) (a) through (d). [Amended 02/20/08]

5. Depending upon the sign location, sign may be double-faced with information on the opposite side of the sign.

6. Text messages on the sign faces must be of a size and typeface that is readable from a moving vehicle at the posted speed limit. In no case shall the text be smaller than 3 inches in capital letter height. See Scarborough Design Standards for further description of signage requirements.

7. The recommended minimum distance between campus directional signs shall be one hundred (100) feet.

8. Campus directional signs shall be set back a minimum of fifteen (15) feet from the boundaries of the Unified Development.

9. The maximum number of signs for the Unified Development shall be shown on a Signage Master Plan submitted to the Planning Board as part of Site Plan Approval. The Master Plan shall indicate typical ~~content~~ layout for signs, allowing flexibility to change the wording without having to return to the Planning Board. Variations in the number or locations of signs shown on the Signage Master Plan must be approved by the Planning Board prior to implementation. See Scarborough Design Standards for further description of Signage Master Plan.

10. Off-site directional signs shall not be considered campus directional signs. However. for purposes of signage review, off campus directional signs that are part of a Unified Development shall be designed as part of the Signage Master Plan.

I. OFF-PREMISE OFFICIAL BUSINESS DIRECTIONAL SIGNS

Any business establishment located within the Town of Scarborough, which does not front or face upon U.S. Route One and which does not have a freestanding or wall sign fronting or facing upon U.S. Route One regulated by Section XII of this Ordinance, and that is not on a residential property, may locate two signs off the business premises. Whenever any eligible business establishment as defined above applies for an Official Business Directional Sign the following conditions must be met:

1. Comply with Maine Department of Transportation "Regulations for the Installation of Official Business Directional Signs" except as is otherwise specified above.

2. Maximum sign size shall not exceed 16" x 72"; (Note: sign size to be determined by Maine DOT but not to exceed 16" x 72").

3. Off-Premise Official Business Directional Signs shall not be located within the Haigis Parkway Right-of-Way between Payne Road and Route One.

~~**4.** Business establishments undertaken and permitted pursuant to the provisions for home occupations shall not be permitted directional signs under this section.~~

5. The Code Enforcement Officer may permit two directional signs per this Ordinance. No more than two additional signs may be allowed if the Zoning Board rules favorably on an appeal heard pursuant to Section V of the Zoning Ordinance and based upon any of the following criteria:

a. a demonstrated need for adequate visibility of the sign to two-directional traffic;
b. the distance from the nearest State numbered route;
c. the nature of the business as it relates to public accessibility;
d. the characteristics of the clientele such as but not limited to familiarity with the area, seasonally attracted, or tourist oriented;
e. excessive number of turns or confusing route on local roads;
f. complicated intersections of State numbered routes or major arterials;
g. a primary consideration shall be to assist customers seeking the specific business location;
h. the Board shall deny the application for added signs if it finds that their function is one of advertising to attract customers rather than to direct individuals seeking the business;
i. existing double-faced directional signs which must be replaced shall be considered as two single-faced signs, and the relocation of signs to other locations must be approved by the Zoning Board of Appeals subject to the criteria of this section;
j. the Zoning Board must specify the approved number(s) and location(s) of additional signs based upon the provisions of this section.

J. TEMPORARY SIGNS

The following temporary signs are permitted and shall conform to standards within municipal, state or federal ordinances, statutes or regulations.

Temporary signs specified in this section shall not be attached to fences, trees, utility poles, light poles, traffic control devices or the like.

To protect ecologically sensitive areas and scenic views no temporary signs shall be placed in the right-of-way along:

- Route One between Dolloff Way and Southgate Road
- Black Point Road between Camperdown Elm Drive and Tide Mill Lane
- Black Point Road between Old Neck Road and Strawberry Fields Road
- Black Point Road between Spurwink Road and Sprague Way
- Black Point Road between Harmon Street and Winslow Homer Road
- Pine Point Road between Marsh Winds Street and Primrose Lane
- Pine Point Road between Old Blue Point Road and East Grand Avenue
- Pleasant Hill Road from Minuteman Drive to Hackmatack Drive (Pleasant Hill Preserve Area)
- Bayview Avenue between Houghton Street and Morning Street

To protect public safety in and around intersections with high traffic volumes no temporary signs shall be placed in the right-of-way within 50 feet of the following intersections:

- The Route One - Broadturn Road/Pine Point Road intersection
- The Route One - Payne Road intersection
- The Route One - Haigis Parkway intersection
- The Route One Gorham Road/Black Point Road intersection
- The Route One - Pleasant Hill Road intersection
- The Payne Road - Haigis Parkway intersection
- The Payne Road-Gorham Road intersection
- The Payne Road-Gallery Boulevard intersection

The number of temporary signs permitted under this subsection is in addition to the maximum number of signs allowed on a lot or the maximum gross display area allowed on a wall:

1. Temporary Signs in the Right-of-Way

   Temporary signs in the right-of-way are permitted for a period not to exceed 12 weeks in a calendar year with no sign remaining for more than 3 consecutive weeks and with not less than 6 weeks between the end of one sign display time period and the beginning of another. All signs shall be removed by the deadlines established herein. All temporary signs in the right-of-way will include the name and phone number of the person placing the sign. To control the proliferation of signs repeating the same or similar message, temporary signs in the right-of-way shall not be placed within one tenth of one mile of another bearing the same or similar message. This distance requirement applies to streets on a linear basis with a separate measurement done for every intersecting street. Temporary signs in the right-of-way may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public

   ~~Temporary Signs Giving Notice.~~

   ~~Temporary signs giving public notice, such as political posters, advertisements of charitable functions, meeting notices, and other noncommercial signs of a similar nature, are permitted for a period not to exceed twenty (20) days and shall be removed by the person(s) who posted the signs. Temporary signs specified in this section shall not be attached to fences, trees, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.~~

2. Temporary Signs on Private Property

   Temporary signs on private property are permitted for no more than 6 consecutive months. Temporary signs on private property may not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or a disturbance to the health and welfare of the general public.

   ~~Temporary Real Estate Sign. [4/6/94]~~

   ~~a. One temporary real estate sign attached to a building or free standing, may be erected advertising the sale, lease or rental of the premises upon which the sign is located. This sign shall be located on the property that is advertised for sale. Two signs may be utilized depending on the location of the business relative to the main highway. [4/5/95]~~

b. Unless prohibited by State authorities, one off-premises Temporary Real Estate Sign bearing only a general message such as "Home[s] For Sale [or Lease]" or "Land For Sale [or Lease]" and not identifying or advertising any real estate agency, agent or broker or one off-premises Temporary Real Estate sign bearing the message "Open House" (which may identify or advertise a real estate agency, agent or broker) may be placed at the entrance to a dead-end or cul-de-sac street for the purpose of directing motorists to property offered for sale on that street. Such sign may be located within the public right-of-way, but only in locations which do not interfere with vehicular or pedestrian traffic and which do not block the line of sight to and from vehicles exiting the street. Nothing in this subsection authorizes placement of any sign on private property without the permission of the property owner.

c. Notwithstanding the provisions of Section XII(D), a temporary real estate sign advertising lots or homes for sale in a residential subdivision approved by the Scarborough Planning Board may have a gross display area of thirty-two square feet until such time as the last of the lots or houses is sold for use as a residence.

d. Temporary real estate signs shall be removed from the premises within thirty (30) days after the property is sold or leased.

3. Temporary Development or Construction Site.

One temporary development or construction sign, attached to a building or free standing, may be erected provided such sign shall be limited to a general identification of the project and shall be removed within thirty (30) days after completion of the project. [4/6/94]

4. Temporary Grand Opening Signs. [Amended 12/04/02] [Amended 08/17/05] [repealed effective 12/31/05] [1] [Adopted 08/19/09]

Temporary Grand Opening Signs. One (1) Temporary Grand Opening Sign may be installed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government for the purposes of announcing the opening of a new business. Business establishments located on corner lots may install two (2) Temporary Grand Opening Signs. In the instance of two signs, the total gross area of the two signs shall not exceed the maximum sign gross area allowed under subsection E. Temporary Grand Opening Signs may be in the form of a banner or window sign. A Temporary Grand Opening Sign shall be displayed for no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Grand Opening Sign shall comply with the Sign Dimensional Chart under Section XII.E. and the Variable Setback Standards of Section XII.G.3. of this Ordinance.

5. Off-Premises Farm Stand and Agricultural Products Store Signs.

To the extent permitted by State law, the operator of a Farm Stand or Agricultural Products Store may install a maximum of four (4) Off-Premises Farm Stand/Agricultural Products Store Signs for the purpose of directing motorists to the location where local agricultural

[1] Section XII(B)(4) (Temporary Business Signs) shall stand repealed as of December 31, 2005. No Temporary Business Signs shall be allowed after December 31, 2005.

products are offered for sale. Such Off-Premises Farm Stand/Agricultural Products Store Signs must be no more than eight square feet in gross display area and must be located within five miles, road distance, of the farm stand or store. Farm Stand/Agricultural Products Store Signs may be placed in off-premises locations only during periods of the year when the stand or store is open and the product or products identified on the sign are available for sale, or such other time periods as provided in state law. Off-premises Farm Stand/Agricultural Products Store Signs may be located within the right-of-way only on highways which receive no federal aid and only at the edge of the right-of-way, in locations which do not interfere with vehicular or pedestrian traffic and which do not interfere with visibility for pedestrians or motorists. Nothing in this subsection authorizes the placement of any sign on private property without the consent of the property owner.[4/6/94] [12/15/99] [amended 05/05/10]

6. Temporary Going Out of Business Sign. [Adopted 08/19/09]

One (1) Temporary Going Out of Business Sign may be installed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government for the purposes of announcing that the establishment is going out of business. Business establishments located on corner lots may install two (2) Temporary Going Out of Business Signs. In the instance of two signs, the total gross area of the two signs shall not exceed the maximum sign gross area allowed under subsection E. Temporary Going Out of Business Signs may be in the form of a banner or window sign. The display of a Temporary Going Out of Business Sign shall be limited to no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Going Out of Business Sign shall comply with the Sign Dimensional Chart under Section XII.E. and the Variable Setback Standards of Section XII.G.3. of this Ordinance.

7. Temporary Sandwich Board Sign. [Adopted 08/19/09]

One (1) Sandwich Board Sign may be displayed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government commercial or similar public entity for the purposes of advertising specials, other items for sale, or events being offered general commercial uses. Sandwich Board Signs shall be limited to a maximum gross area of eight (8) sq. ft. and a maximum height of 48". The location of Sandwich Board Signs shall be limited to the sidewalk or walkway leading to the main entrance of the building in which the business is located and shall be located no greater than fifteen feet (15') from the building's main entrance. Sandwich Board Signs shall only be displayed during the hours the business or use is open for customers or visitors and shall not be counted toward calculating the maximum number of signs or the maximum gross display area of signs on the property. A Sandwich Board Sign shall require a sign permit, per subsection A.2., which will establish a business or users ability to use such a sign and delineate the area in which it will be displayed. A Sandwich Board Sign shall be located on a sidewalk or walkway in a manner that it does not infringe

on handicap accessibility or safe pedestrian movement and that safely secures the sign in one location.

~~8. Temporary Relocation Sign. [Adopted 08/19/09]~~

~~One (1) Temporary Relocation Sign may be installed on the premises of a retail business and service establishment, personal service establishment, restaurant establishment, business service and business office establishment, financial, insurance, or real estate establishment, health club, hotel or motel, or a fully enclosed place of assembly, amusement, culture and government for the purposes of announcing that the establishment is relocating. Business establishments located on corner lots may install two (2) Temporary Relocation Signs. In the instance of two signs, the total gross area of the two signs shall not exceed the maximum sign gross area allowed under subsection E. Temporary Relocation Signs may be in the form of a banner or window sign. The display of a Temporary Relocation Sign shall be limited to no more than sixty (60) days and shall be removed by the person(s) who posted the sign. A Temporary Relocation Sign shall comply with the Sign Dimensional Chart under Section XII.E. and the Variable Setback Standards of Section XII.G.3. of this Ordinance.~~

K. NON-CONFORMING SIGNS

The eventual elimination of non-conforming signs is an objective of the town. Such elimination of nonconforming signs shall be brought about over a period of time and in such manner as to avoid the invasion of vested rights of the sign's owner and the infliction of unnecessary hardship.

1. Any sign existing at the effective date of adoption of this Section XII which does not conform to the regulations and requirements of this Section XII and any sign existing on the effective date of any amendment to this Section XII which renders the sign nonconforming: may continue to be used and maintained in a condition of good repair until removed, pursuant to the conditions of this Ordinance.

2. No non-conforming sign shall:

a. Be enlarged if such enlargement would increase any nonconformity.

b. Be changed to another nonconforming sign.

c. Be changed in shape or size.

d. Continue to be used or allowed to remain in place after the business, product, service, event or other activity to which it relates has been discontinued for ninety (90) days or longer, or, in the case of a seasonal business, for three hundred sixty-five (365) days or longer.

e. Be repaired, or replaced after damage or destruction, if the expense of repair exceeds fifty percent (50%) of the current cost of replacing or duplicating the existing sign, as determined by a professional sign manufacturer.

f. Continue to be used or allowed to remain in place following any activity that requires site plan approval by the Planning Board.

The addition of a readerboard to an existing nonconforming sign shall not be considered an enlargement under subparagraph (a) above or a change under subparagraphs (b) or (c) above, provided that the addition of the readerboard does not increase the gross display area of the sign beyond the maximum permitted in the zoning district or the gross square footage of the existing sign, whichever is greater. [Amended 08/17/05]

3. A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance. Once a non-conforming sign has been taken down or moved, said sign may only be replaced with a sign that is in conformance with the requirements of this Ordinance, except that a seasonal business may take down nonconforming signs in the off season and replace them in the same locations when the business reopens the following season.

4. Notwithstanding other provisions contained in this Section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

5. Notwithstanding the above, if there is a change of use on a single-use property, and there were one or more on-premise nonconforming signs which advertised the former business or use, any new signs used, and all new signs faces for the new use or business must meet all sign requirements for the underlying zoning district. This provision shall not apply in cases where the supply of parking would be reduced below that required by ordinance, or where the new sign location would create a public safety hazard or block sight distance. A change in use means a change in function as described in the Land-Based Classification Standards of the American Planning Association (APA).

6. Relief from the above restrictions on non-conforming signs may be reviewed and granted by the Board of Appeals in accordance with the Miscellaneous Appeal review process under Section V.B.4.g.

L. SUBSTITUTION CLAUSE

For every commercial sign that is allowed under this Ordinance, any non-commercial message may be legally substituted.

M ~~L~~. DEFINITIONS SPECIFIC TO SIGN REGULATIONS.

As used in this Section XII, the following terms have the following meanings: [Amended 4/6/94] [Amended 05/01/96]

a. Abandoned Sign:
A sign that was legally erected but whose use has ceased or the structure upon which the sign was displayed has been abandoned by its owner for a period of not less than 30 days.

b. Accessory Sign:
A secondary sign that provides on-site information concerning the business that is not indicated on the primary identification sign(s), such as store hours, accepted credit cards, quality ratings, affiliations, vacancies, parking and traffic direction.

c. Advertising Sign:
A sign whose primary purpose is to attract attention to goods offered for sale or lease or services rendered upon property whereupon the advertising is occurring.

d. Animated Sign:
A sign employing actual motion or the illusion of motion. This definition does not include time and temperature signs or electronic message signs. Animated signs. which are differentiated from readerboards or changeable signs, include the following types:

1) Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. These include spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

2) Mechanically Activated: Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3) Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

a) Flashing: An animated sign with an intermittent or flashing light source.

b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

e. Banner:
A sign of temporary construction made of vinyl, canvas, or similar flexible material.

f. Bulletin Board:
A sign associated with religious or educational institutions on which the copy can be changed.

g. Business Directory Sign:
A freestanding sign identifying names and/or uses, and/or locations, in a Unified Development or multi-tenant development.

h. Campus Directional Sign:
A freestanding sign located along a public right-of-way or within an area designated as a Unified Development that directs people to one or more named destinations reachable along that roadway. [Amended 02/20/08]

i. Copy:
Any graphic, letter, number, symbol, insignia, text, sample, model, device, or combination thereof, which relates to advertising, identification, or notification.

j. Directional Sign:
A sign that indicates ingress or egress to a property and does not contain either identification or advertising copy.

k. Doorway Sign:
A sign indicating the location of, or direction to, a separate function performed within one portion of a building that may be erected over or by the doorway or entrance to such portion of the building.

l. Electronic Message Sign:
An electronically activated changeable sign whose variable message capability can be electronically programmed.

m. Exterior Illuminated Sign:
A sign with an exterior light source, either attached or detached from the sign, whose purpose is to illuminate the sign board.

n. Freestanding Sign:
A sign supported by one or more uprights or braces permanently affixed into the ground.

o. ~~Fuel Price~~ Changeable Message Sign:

The portion of a freestanding sign that ~~indicates current fuel prices available at gasoline filling stations~~ changes message by electronic, manual, or mechanical means.

p. Gross Display Area:
On signs which use a signboard or boards, the total area of the board or boards. On signs where the copy is attached directly to a wall, awning or other building surface, the area within a rectangle which completely contains all the sign's copy.

q. Historical Site Signs:
A wall sign erected or provided by local historical society or government agency that denotes a recognized historical site or structure.

r. Identification Sign:
A sign that includes, as copy, only the name of the business, place, organization, building, or person it identifies.

s. Internally Illuminated Sign:
A sign with a light source incorporated into the body of the sign and where light emanates through the message of the sign.

t. Main Thoroughfare:
Means any of the following streets:

U.S. Route 1
Payne Road
Haigis Parkway
Gorham Road
Pine Point Road
Pleasant Hill Road
Spring Street

u. Marquee:
A structure projecting over the entrance to a theater used to support a sign.

v. ~~Menu Board~~ Drive-through Sign:
A permanently mounted sign displaying the bill of fare for a drive-through ~~restaurant~~ commercial establishment.

w. Non-Conforming Sign:
An existing sign that was lawfully erected in compliance with applicable code requirements and maintained prior to the effective date of this Ordinance.

x. Off-Premise Official Business Directional Sign (OBDS):
An off-premise directional sign allowed under Maine DOT Chapter 200 (or current) Regulations.

y. Off-premise Sign:
A sign that identifies one or more businesses that is located off the premises of the said business(es) and that is located within the public right-of-way. [Amended 02/20/08]

z. Orientation Map:
A sign at the entrance to direct motorists to individual buildings or parking lots within a Unified Development.

aa. Pennant:
An all-weather device constructed of lightweight plastic, fabric, or other material, which may or may not contain copy, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

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

cc. Principle Sign:
The main sign on a property.

dd. Projecting Sign:
A sign that is suspended from or supported by any building or structure and projects outward from the supporting structure.

ee. Readerboard:
A free-standing sign or portion thereof on which the copy changes, or can be changed, by manual, electronic, or mechanical means. A readerboard may contain an electronic message sign, or a time and/or temperature sign. [Amended 08/17/2005]

ff. Roof Sign:
A sign located upon or over a roof of a building.

gg. Sandwich Board Signs:
A sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A.

hh. Sign:
An object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, project, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or projected image. See Section XII.A.6 for exceptions.

ii. Temporary Sign:
A sign ~~or advertising display (such as a political poster) designed,~~ intended to be displayed~~, or displayed~~ for a short period of time.

jj. Time and/or Temperature Sign:
A sign designed to show time and outdoor temperature.

kk. Under Common Control:
Subject to the provisions of a condominium declaration or subject to rules and regulations imposed by an incorporated unit owners' association or lot owners' association.

ll. Unified Development:
A group of contiguous lots in a common ownership or under common control, a group of lots in a subdivision approved by the Scarborough Planning Board, or a group of units of occupancy on a single lot, where access to the individual lots or units of occupancy is by a common driveway or by a street which serves principally that Unified Development and which is not a Main Thoroughfare. Examples of Unified Developments include, but are not limited to, office parks, healthcare/hospitals, professional parks, business parks, industrial parks, shopping centers and shopping malls.

mm. Vision Triangle:
The area at the four comers of an intersection that is to be kept free of shrubs, ground covers, berms, fences, signs, structures, or other materials or items greater than thirty (30) inches in height.

nn. Wall Sign:
A sign painted on, attached to, or supported by a building wall or part thereof, provided that the sign does not project more than 12" from the wall.

oo. Window Sign:
A sign placed, painted, or affixed on the inside or within 12" of a window or door, and is visible from the exterior of the building.

PORTION OF THE PLANNING BOARD MINUTES FROM THE AUGUST 7TH MEETING

"**4. <u>The Planning Board will conduct a public hearing to receive comment on the proposed amendments to Chapter 405, the Scarborough Zoning Ordinance, Section XII. Sign Regulations*</u>**

Mr. Chace explained the ordinance amendment process and the Board's role.

Councilor Donovan explained that the amendments to the Section XII. Sign Regulations is designed to bring the Ordinance in compliance with the Supreme Court ruling of Reed v. Gilbert. Councilor Donovan stated that in the ruling the Court reasoned that because signs were classified into different categories on the basis of their message it subjected each category to different restrictions and was unconstitutionally content based. Councilor Donovan explained that the Ordinance committee presented new sections that include limitations on the placement of signs within scenic and ecologically sensitive areas, within 50' of the busiest intersections and frequency of identical signs along the roadway. Councilor Donovan stated that the ordinance is content neutral and was uniformly applied. Councilor Donovan explained that 528' or 1/10 of a mile is the stated number for frequency of temporary signs along the roadway.

Mr. McGee opened the public comment.

Larry Hartwell, 9 Puritan Drive presented the Board with a drawing showing the difficulty of use the 528' method for sign placement at intersecting street. Mr. Hartwell also showed a roadway with an intersecting roadway and stated that sign placement is not clear at intersecting roads.

Mr. McGee closed the public comment.

Mr. Beeley asked if the scenic and ecological areas where chosen due to complaints. Councilor Donovan stated that was in part, but the Ordinance committee felt it will help to protect these sensitive areas and reduce the proliferation.

Ms. Auglis stated she had no issue with the changes and suggested that the changes be posted on the Town's homepage once approved.

Ms. Saunders asked where the 50' from the intersection started. Was it from the centerline or edge of pavement? Councilor Donovan stated edge of pavement.

Ms. Hendrickson asked if the Ordinance committee attempted to reconcile with state law on temporary signs. Councilor Donovan explained that the State has provisions as to the length of time political signs can be up and because the proposed changes are content neutral the committee tried not to focus on the provisions the State has provided for political signs and design exclusively for the Town of Scarborough.

Councilor Donovan explained some of the differences between the proposed ordinance changes and State law for political signs. Ms. Hendrickson stated that any candidate will have to be knowledgeable on two sets of rules and then determine which to follow. Councilor Donovan stated that from the advice of counsel the Town has the authority to regulate signs under their zoning authority and the Town is within their rights to establish these conditions.

Ms. Hendrickson questioned the distance opposing parties can place their signs. Councilor Donovan stated that had not been addressed as they kept it content neutral. Ms. Hendrickson stated that would still allow for a cluster of signs. Ms. Hendrickson suggested looking at the State's rules for political signs to try and harmonize or take from them what might be beneficial. Ms. Hendrickson question the use of the word "similar" in the temporary sign provision and asked how it would be defined and that it needed to be looked at carefully because in an election something could be similar, yet diametrically opposed. Ms. Hendrickson also pointed out that the language used regarding length of time and the fact it didn't solve the problem as there were ways around it. Ms. Hendrickson addressed the 6 month temporary signs restriction on private properties and stated that elections take more than six months and political speech can take lots of forms. Ms. Hendrickson stated she felt it could be an abridgement of political speech and 1st amendment rights. Ms. Hendrickson stated it should be scrutinized very closely to ensure we are not restricting freedom of speech.

Mr. McGee acknowledged the challenges that come with a task of this size and echoed Ms. Hendrickson's sentiments. Mr. McGee had serious concerns with the limitation set on signs on private property and questioned if the language could be viewed as an attempt to limit free speech. Mr. McGee also had concerns with temporary signs in the right of way and the request that it have the name and phone number. Mr. McGee stated that the FEC regulates national candidates and does not require this information and that there is some potential for malfeasance and should be looked at for consistency. Mr. McGee brought up the provision regarding temporary signs and their placement on utility poles or trees and could there be any leeway for a person having a yard sale or looking for their lost cat. Mr. McGee also felt some leeway should be given on illuminated signs on residential buildings.

After further deliberation and recognition of the difficult task, Mr. McGee stated that the Board will make a favorable recommendation to the Town Council with consideration.