



**LEBANON SIGN TASK FORCE
REGULAR MEETING AGENDA
Council Chambers, City Hall
Tuesday, November 21, 2017
5:30pm**

1. CALL TO ORDER:

2. APPROVAL OF MINUTES:

A. SEPTEMBER 26, 2017

Documents:

[9.26.17 Sign Task Force Mins.pdf](#)

3. DISCUSSION ITEMS:

A. POLICY RECOMMENDATION FOR AMENDING CHAPTER 152, ARTICLE IV, NON-PUBLIC SIGNS IN CITY HIGHWAY RIGHT-OF-WAY

Documents:

[2017.10.03_Code Ch 152_Art IV_Draft Edits.pdf](#)

B. REVISIONS TO DRAFT SECTION 608 OF THE ZONING ORDINANCE, SIGNS, AND RECOMMENDATIONS FOR ADOPTION

Documents:

[New Section 608 - Working Draft_V4.Pdf](#)

4. OTHER BUSINESS:

5. ADJOURNMENT:

AGENDA
SECTION 608 SIGN TASK FORCE
November 21, 2017

AGENDA ITEM 2
APPROVAL OF MINUTES:

SEPTEMBER 26, 2017

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**CITY OF LEBANON
SECTION 608 SIGN TASK FORCE
Minutes, September 26, 2017
City Hall—Council Chambers
5:30 p.m.**

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MEMBERS PRESENT: Clifton Below, Stan Brown (alternate), Brian Clancy, Curt Jacques, Mandy Spencer, Rob Taylor

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MEMBERS ABSENT: Gregorio Amaro (alternate), Mark Bradley, Megan Chapman (alternate), Daaron Mathews, Joan Monroe, Mark Pageau, Lindamae Peck (alternate), Amelia Sreen, Candy Swift (alternate), Robert Welsch

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STAFF PRESENT: Planning & Zoning Director David Brooks, Zoning Administrator Tim Corwin

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I. CALL TO ORDER

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The meeting was called to order at 5:34 p.m. by Mr. Corwin.

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II. APPROVAL OF MINUTES: September 12, 2017

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Stan Brown moved to approve the minutes of the September 12, 2017 meeting of the Section 608 Sign Task Force as written. Seconded by Brian Clancy.

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**The motion passed 5-0. Abstaining: Jacques.*

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III. DISCUSSION ITEMS

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A. Draft Section 608 (“Signs”) of the Zoning Ordinance

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B. Chapter 152, Article IV, “Non-public Signs in City Right-of-Way”

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Mr. Corwin said they would pick up where they left off at the last meeting. He said the abutting owner usually owns the property to the center line of the road. He said the question is if they should allow signs in the right-of-way that are not “government speech,” which is exempt from this analysis. For example, should non-profits be allowed to advertise their events there? He said they cannot treat one non-commercial use differently from another non-commercial use. If political signs are allowed, all non-commercial signs must be allowed. He suggested eliminating subsections A, G, and H from Section 152-34 and keeping the rest as-is.

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1 Mr. Below said the State regulates political signs, and he does not know that that is in question.
2 Mr. Corwin said there is no question that the state law is unconstitutional, as it directly violates
3 the Supreme Court decision. Mr. Below said this has not yet been tested in court; it is not the
4 City's job to challenge state law, and until it is challenged, it is still the law. Mr. Corwin said the
5 City does not have to adopt state law. Mr. Below said he does not think the City has to go
6 beyond the state law regarding political advertising. Mr. Corwin disagreed. He said the City can
7 choose not to discriminate against types of non-commercial speech. He said the state law
8 provides a local option to have political signs in the right-of-way but does not require the City to
9 allow them. He said they should think about this policy for the next meeting.

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11 Regarding subsection B, Mr. Below said "licensed activity" is not clear-cut. Mr. Jacques said
12 there should be designated areas where signs can be placed. He said signs for fund-raisers are
13 good for the community. Mr. Corwin said in certain areas, such as Colburn Park, organizations
14 could apply for permits. That could be extended to other areas. Mr. Jacques said the City should
15 charge more for permits for higher-traffic areas. Mr. Clancy said that discriminates in favor of
16 organizations that have more money. He said there should be no signs in the right-of-way except
17 in designated spaces. Mr. Corwin said he will try to come up with a general policy for the next
18 meeting.

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20 Mr. Clancy said non-profits should have the same opportunity as the City. Mr. Jacques said there
21 are illuminated signs that are used in different areas for City information. Ms. Spencer said
22 sometimes that is the only place she learns about upcoming events. Mr. Corwin asked members
23 to send him ideas, and he will distribute them before the next meeting. Mr. Jacques asked if
24 traffic counts are available. Mr. Brooks said there are for some streets, and most of the data is
25 updated every three years.

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27 Regarding Section 608.4 of the Sign Ordinance, Mr. Corwin said the proposal is that each
28 building can have a sign area of 200 square feet or a percentage of the façade, whichever is less.
29 Mr. Below said there are some very large buildings containing multiple businesses for which that
30 size would not be adequate, such as Upper Valley Plaza. Mr. Corwin said perhaps they can get
31 rid of the 200-square-foot part and use just percentages.

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33 Mr. Below asked if signage per tenant means it is content-based. Mr. Corwin said that is not
34 necessarily true. He said administration becomes clunky if they do it per business. Mr. Below
35 said the PowerHouse Mall has businesses that do not have an outside façade, and it is fair that
36 they have signage. Mr. Brown asked if distances are based on a standard of visibility. Mr.
37 Corwin said they are based on the U.S. Sign Council Model Code, and they cite studies. He said
38 he will look at whether this should be based on the lot line or the distance from the nearest public
39 right-of-way. He said the percentages he proposed are probably too high. Mr. Below noted that
40 sometimes there is a business within another business. There was discussion about what the
41 principal façade is.

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43 Mr. Jacques asked about video screens on gas pumps. Mr. Corwin said at a certain point, they
44 cannot regulate everything, unless they reach a point where they *have* to regulate it. Mr. Jacques
45 asked about a wall sign versus a banner. Mr. Corwin said a banner is a temporary sign. He said
46 he has proposed a height and size limit for freestanding signs, which would be deducted from the

1 total allowed sign area. Mr. Brown noted that the proposed regulation referred to roads with
2 speed limits that are over 40 mph and under 40 mph but not roads that have a 40 mph limit. The
3 group decided to divide into under 40 and 40 and over.
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5 Mr. Corwin said he would like to find a way to measure a sign's brightness at its face. They need
6 to find a metric. He said digital billboards would be a good topic for a survey. Mr. Jacques said
7 there should be a "curfew" for those signs. There could also be an energy-saving component. Mr.
8 Brown noted that technology is changing quickly. Mr. Corwin said he cleared up the language
9 regarding mixed-use districts. The height limit was increased from 8 feet to 15 feet. He reviewed
10 Sections 608.5 and 608.6. Mr. Jacques asked about sandwich signs on sidewalks. Mr. Corwin
11 said they cannot block the sidewalk. Mr. Jacques said West Lebanon has narrow sidewalks. He
12 said they should be time-limited; he said he hates looking at Main Street like it is a flea market.
13 He said some of these signs look old and are in poor condition. Mr. Taylor said there could be a
14 requirement for maintenance.
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16 Mr. Corwin said the proposed rules for non-conforming signs are a little more strict than the
17 current ones. Mr. Jacques said an old sign can be outdated and look bad, but it cannot be
18 replaced. Mr. Corwin said signs can be maintained; they can add that the replacement rules refer
19 to the structure. Mr. Below said at some point, a sign would have to come into conformance with
20 the illumination standards without losing its non-conforming status.
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22 Regarding Section 608.7.B, Mr. Below asked if that allows too much latitude, as an owner can
23 say that anything is part of the architectural design. Mr. Corwin said they can take that out for
24 now. Mr. Below asked if 608.7.C should also mention the school district. Mr. Jacques said the
25 limitation in Section 608.7.D(5) may be too small in some cases. Mr. Corwin noted that
26 according to the attorney, they need to find a way to allow directional signs. There was a brief
27 discussion about bulletin boards.
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29 **IV. OTHER BUSINESS: None**

30 **III. ADJOURNMENT**

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33 The meeting was adjourned at 7:38 p.m.
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35 Respectfully submitted,
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38 Charles Glazer
39 Recording Secretary

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article IV Non-Public Signs in City Highway Right-Of-Way

[Adopted 2-18-2009 by Ord. No. 2009-1, effective 2-26-2009]

§ 152-31 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

NON-COMMERCIAL TEMPORARY SIGN [Definition TBD]

RIGHT-OF-WAY

Includes the entire legal width between the boundary lines of any public highway, as defined in RSA 229:1, and is not limited to the portion of that width which has been improved for public travel.

SIGN

Includes any sign, signal, device, flag, marking, painting, spray painting or any other item or representation which contains writing, pictures, logos or other symbols which are intended to, or do, convey information to viewers. The term includes the sign surface, pole, post, supporting structures, anchoring or suspension lines, or any other thing appurtenant to or accessory to the conveyance of the information.

§ 152-32 **Prohibition.**

No person shall erect, place, leave, maintain, draw, paint or display any sign within or upon the right-of-way of any Class IV, V or VI public highway or sidewalk in the City of Lebanon, if said sign:

- A. Purports to be, or is an imitation of, or resembles any official traffic control device, sign or signal, or which hides from view or interferes with the effectiveness or any official sign, device or signal, or which attempts to direct the movement of traffic, or which otherwise in any respect violates RSA 265:14, I; or
- B. Contains any commercial advertising, in violation of RSA 265:14, II, or which is otherwise intended to, or does, convey any commercial message; or
- C. Announces, advertises, or attempts to induce the viewer's attendance at, or participation in, any event, transaction or service, whether commercial, personal, nonprofit or otherwise, which is occurring, or is expected in the future to be occurring, elsewhere; or
- D. Which, even if not falling within Subsection A, B or C above, is affixed, anchored or attached in any way to any structure within the right-of-way, including but not limited to light poles, curbing, retaining walls, utility poles or structures, signposts, or buildings, or which is drawn or painted upon, or otherwise is affixed to or defaces any such structure or any improved or unimproved surface within the right-of-way.

§ 152-33 **Removal.**

- A. City authorities, including employees of the Public Works and Police Departments, may, without notice, remove any sign which is in violation of § 152-32. If the sign is of a type which is capable of being removed without damage, it shall be stored for no less than 30 days at a location to be determined by the Director of Public Works, and shall be released to the owner only upon payment of a reasonable fee to offset the City's costs of removal, storage and accounting for the sign, and of restoration of the highway, sidewalk or right-of-way, such fee to be determined based upon the circumstances of each case by the Director of Public Works. If within the thirty-day period the sign is not claimed and released in accord with this subsection, then the sign may be disposed of by the

City.

- B. Alternatively, the Director of Public Works, or Chief of Police, or his or her designee may issue an order to the owner or violator, ordering him or her to completely remove the sign and restore the highway, sidewalk or right-of-way within a stated reasonable time, and failure to comply with such an order shall constitute a violation of this article, in addition to any violations of § 152-32 arising from the sign itself.

§ 152-34 **Exceptions.**

The following are excepted from the prohibition in this § 152-32, above:

- ~~A. Political advertising, as defined in RSA 664:2, is permitted to be located on public highways if and only if in accordance with RSA 664:14 through RSA 664:17, and all other applicable laws or regulations.~~
- A.** Any activity properly licensed by the City to take place on public highways, including street vendors under City of Lebanon Code Chapter 179, street fairs under RSA 31:100, or parades licensed under RSA Ch. 286 may include signs relating to the licensed activity, to the extent permitted by the respective licensing authority.
- ~~B.~~ **B.** The prohibition in this article shall not apply to official signs and devices properly erected by agents of the City itself for purposes of directing and controlling traffic, or other valid public safety or welfare purpose.
- ~~C.~~ **C.** The prohibition in this article shall not apply to leaflets or placards held at all times by a human being, or to messages or information printed on clothing or other items worn by a human being, so long as said persons are not interfering with traffic and are not in violation of any other laws or ordinances.
- ~~D.~~ **D.** The prohibition in this article shall not apply to signs painted on or otherwise affixed to motor vehicles being operated upon public highways; provided, however, that vehicles which have commercial signs painted on or otherwise attached to them shall not remain or be parked for more than three hours at any one location on any public highway right-of-way in the City, unless said vehicle is being actively used at that location for some business purpose other than parking or advertising, including but not limited to loading, unloading or utility installation or repair, and is not in violation of any other laws or ordinances. The three-hour time restriction in this subsection shall be in addition to other restrictions such as those contained in City of Lebanon Code Chapter 168.
- ~~E.~~ **E.** The prohibition in this article shall not apply to ~~sandwich board signs permitted under Section 608.5(G) of the Zoning Ordinance, which are located on public sidewalks in the Central Business District only, and are otherwise in conformity with that section and all other applicable ordinances and regulations, nor to promotional banners permitted under City of Lebanon Code Chapter 23~~Section 608.8 of the Zoning Ordinance which are explicitly permitted by the City Licensing Board.
- ~~G. The prohibition in this article shall not apply to signs which announce and give directions to yard sales which are in compliance with Section 207 of the Lebanon Zoning Ordinance; provided, however, that:~~
- ~~(1) No such sign shall exceed four square feet in area;~~
 - ~~(2) There shall be no more than a total of three signs for any one yard sale;~~
 - ~~(3) The date(s) of the yard sale shall be written on each sign;~~
 - ~~(4) The exception in this subsection shall apply only upon the actual date of such a yard sale and the~~

~~date prior to the yard sale; and~~

~~(5) City authorities may remove or relocate any such sign which impedes traffic or visibility, or otherwise impairs the safety and convenience of the traveling public.~~

~~H.F.~~ The prohibition in this article shall not apply to non-commercial temporary directional signs advertising residential property for sale and located in the public right-of-way, provided that:

(1) The City Manager designates areas within the public right-of-way that are appropriate and safe for the display of temporary signs;

(2) A temporary sign permit is obtained from the Department of Public Works.

(3) Any such sign shall be no larger than six (6) square feet and shall be displayed for no longer than 30 days per calendar year.

The Department of Public Works may enact reasonable regulations to ensure the effective administration of this section.

~~There shall be no more than two directional signs placed at the nearest street intersections, in each direction, to the property for sale;~~

~~(2) Each sign shall not exceed four square feet in area;~~

~~(3) The signs shall be removed upon completion of the transaction; and~~

~~(4) City authorities may remove or relocate any such sign which impedes traffic or visibility, or otherwise impairs the safety and convenience of the traveling public.~~

§ 152-35 **Penalty and enforcement.**

Any person violating this article shall be guilty of a violation for each day or portion thereof during which a sign remains in a place or in a manner prohibited by this article. In addition, the violator shall be liable to the City in restitution for the City's costs of removal, storage of and accounting for the sign, and of restoring the highway, sidewalk or right-of-way. The City may, alternatively or in addition, apply to a court for equitable relief requiring the violator to remove the sign and restore the public highway, sidewalk or right-of-way.

§ 152-36 **State highways.**

The restrictions in this article shall also apply to state highways outside the urban compact areas of Lebanon, to any extent that the enforcement of such regulations, or of similar statutory restrictions, is validly delegated to the City by the NH Department of Transportation.

ARTICLE VI

ADDITIONAL STANDARDS FOR SPECIFIC USES

SECTION 608 SIGNS.

608.1 Purpose and Intent.

The purpose of this Section is to create the legal framework for a comprehensive and balanced system of **signs** in order to:

- further the goals of the Lebanon Master Plan;
- preserve the right of free speech and expression;
- provide easy and pleasant communication between people and their environment;
- avoid excessive levels of visual clutter or distraction that are potentially harmful to property values, business opportunities, and community appearance;
- Assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets, and other public structures and spaces, are protected by exercising reasonable controls over the character and design of **sign** structures;
- promote the free flow of traffic and protect pedestrians, bicyclists, and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage; and
- promote the use of **signs** which are aesthetically pleasing, of appropriate scale, and integrated with surrounding **buildings** and landscape, in order to meet the community's expressed desire for quality development.

With these purposes in mind, it is the intent of this Section to authorize the use of **signs** that are:

- compatible with their surroundings;
- appropriate to the activity that displays them;
- expressive of the identity of individual activities and the community as a whole;
- legible in the circumstances in which they are seen;
- unlikely to distract drivers to a dangerous degree; and
- able to preserve the right of free speech and expression.

608.2 General Provisions.

A. Signs Prohibited. **Signs** are prohibited in all zoning districts unless the **sign** is:

1. Constructed pursuant to a valid building permit when required under this Section; and
2. Authorized under this Section and complies with all applicable regulations of this Section.

B. Building Permit Required. A building permit from the Planning Department is required prior to the display and erection of any **sign**, except as provided in Section 608.7 ("Signs Allowed Without a Building Permit"). Every building permit application shall include:

1. A photograph of all any existing **signs** ~~, including signs~~ to be replaced, and the sign area and dimensions of each sign to be replaced.

2. A drawing to scale of each proposed **sign**. Each rendering shall identify:
 - a. the total **sign area** in square feet;
 - b. the dimensions of the **sign** in feet and inches;
 - c. the height of the **sign**; ~~and~~
 - d. the proposed location of **sign** on the **building**, if applicable;
 - e. construction material; and
 - d.f. landscaping specifications, if applicable.
 3. A scaled plot plan of the **lot** depicting the proposed location of any **freestanding sign**.
 4. Specifications for the construction or display of the **sign** and for its illumination and mechanical movement, if any.
 5. Where **internal illumination** is proposed, a lighting plan as required per Section 608.4.A.6 ("Illumination").
- C. Enforcement. Any **sign** displayed or erected which is not authorized by this Section and/or is not in compliance with all applicable regulations set forth herein shall be removed and may be subject to confiscation. In addition to all other available remedies, the City shall have the right to recover from the owner or person placing such **sign** the full cost of removal and disposal of such **sign**.
- D. Clear Vision & Movement. No **sign** may obstruct visibility or movement of vehicles or pedestrians, or otherwise cause any hazard to any person or property, and all signs are subject to the requirements of Article II, Section 206, "Sight Distance at Street Intersections".
- E. Maintenance. All **signs** shall be maintained in good condition and repair at all times and shall not require a building permit unless the repairs include electrical work. ~~A change of copy is permitted without a sign permit provided that the copy is substantially similar to and having the same **sign area** as the copy to be replaced.~~
- F. Sign Setback. Notwithstanding any other provisions of this Ordinance, the provisions of Article II, "General Provisions," shall not prohibit the location of a **sign** in a **front, side** or **rear yard**, nor shall those minimum setbacks apply to signs.
- G. No Discrimination Against Non-Commercial Signs or Speech. The owner of any **sign** which is otherwise allowed under this Section and which has obtained a building permit may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of **sign area** permitted on a **lot**.
- ~~H. Product Displays. Nothing in this Section shall be construed to prohibit or limit the outdoor display of products where allowed under this Ordinance, even though a particular product might otherwise be prohibited by this Section if used as a **sign**~~

~~and even if one or more such products may have on them permanent labels that might otherwise be considered a **sign**.~~

H. Outdoor recreational facilities. **Outdoor recreational facilities** are exempt from this Section except that:

1. any **sign** erected on the **lot** of an **outdoor recreation facility** shall be subject to the prohibition of **non-static signs** set forth in Section 608.3.D;
2. all **signs** ~~erected on the lot of an outdoor recreation facility~~ shall be ~~posted on a fence~~ oriented towards the play field, except that one (1) sign having a **sign area** of no greater than ~~twenty (20)~~ thirty (30) square feet may be permitted without such restriction; and
3. one (1) **freestanding digital billboard sign** is allowed per **outdoor recreation facility** provided that the **digital billboard** is oriented towards the play field, and provided that a building permit is obtained in accordance with Section 608.2.B (“Building Permit Required”). Such sign shall have no greater than [] square feet of sign area and a height of no greater than [] feet.

608.3 Prohibited Signs.

The following are prohibited:

- A. **Off-premise signs**, except as may be permitted per Sections 608.6.A.1 and 2.
- B. **Signs** are prohibited within all **public streets** and all public sidewalks, except as set forth in Section 608.4.A.5.f (“Projecting Signs in the CBD”) and Section 608.6.A.6 (**sandwich board sign** regulations) and as may otherwise be allowed pursuant to Chapter 152 (“Streets and Sidewalks”) of the Code of the City of Lebanon.
- C. **Illumination** of **signs** except as may be permitted by Section 608.4.A.6 (“Illumination”).
- D. **Non-static signs**, except **digital billboards** as may be permitted by Section 608.4.A.7 (“Digital Billboards”).
- E. **Portable signs**, except **temporary signs** as may be permitted by Section 608.6 (“Temporary Signs”).
- F. ~~Except as may be permitted by Section 608.6 (“Temporary Signs”),~~ ~~F~~ feather flags, balloons, inflatables, ~~banners, posters,~~ pennants, ribbons, streamers, and spinners or other similarly moving devices which may move or swing as a result of wind pressure, whether part of a **sign** or not, except as may be permitted by Section 608.6 (“Temporary Signs”).
- G. **Signs** of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street **sign** or signal.

H. **Roof signs.**

~~Signs attached to a tree or utility pole.~~

I. **Laser displays.**

608.4 **Non-Residential Uses.**

A. **Non-Residential Uses in Commercial and Industrial Districts.** Signage for non-residential uses in the **commercial** and **industrial districts** shall meet the following requirements:

1. **Sign Area.**

a. **Maximum Sign Area Per Lot.** The maximum **sign area** permitted for a principal **building** is the lesser of either:

- i. 200 square feet; or
- ii. the product of the following formula: [total area of the **principal façade(s)**] multiplied by [applicable percentage as set forth in the Sign Area Table below] = [x] square feet.

Sign Area Table.

<i>principal façade</i> distance from front lot line	percentage of <i>principal façade</i> area
0 to 100 feet	Ten (10%)
101 to 200 feet	Fifteen (20%)
Over 301 feet	Twenty (25%)

b. **Sign Area for Lots Having No Buildings.** A maximum of 30 square feet of **sign area** shall be permitted on any **lot** having no **buildings**.

c. **Additional Use Criteria.**

i. **Strip plazas.** For purposes of calculating maximum permitted **sign area** pursuant to Section 608.4.A.1.a, a **façade** of a **strip plaza** that faces interior to the **lot** may be considered the **principal façade** in place of any other **principal façade**.

ii. **Service Stations.** Additional **sign area** for a **service station** shall be permitted in an amount equal to the length of the side of the fuel pump canopy facing the **public street**; for example, a **service station** with a fuel pump canopy having 40 feet of **frontage** would be permitted to have 40 square feet of **sign area** in addition to the permitted **sign area** calculated pursuant to Section 608.4.A.1.a (“Maximum Sign Area”).

2. Sign Types Permitted. The following **sign** types are permitted in the **commercial** and **industrial districts**: (a) **wall signs**, (b) **freestanding signs**, and (c) **projecting signs**.

3. Wall Signs. **Wall signs** in the **commercial** and **industrial districts** shall be subject to the following regulations:

a. One or more **wall signs** may be displayed on any wall of any principal **building** on a **lot**, ~~except that where the lot contains more than one principal façade, provided that~~ the total **sign area allowed** ~~displayed~~ on any single **building** wall is limited to the total **sign area** that would be permitted for that wall based on the formula set forth in Section 608.4.A.1.a, whether or not it is a **principal façade**.

a.b. The **sign area** of a **wall sign** may not exceed 100 square feet;

b.c. **Wall signs** shall not extend above the highest point of the main roof or parapet of the **building** or be affixed to a parapet more than four feet above the roof of the **building**.

4. Freestanding signs. A **lot** in the **commercial** and **industrial districts** may display one **freestanding sign** subject to the following regulations:

a. Sign Area and Height Regulations.

i. **Freestanding signs** must comply with the dimensions set forth in the following table:

	Zoning District				
<u>Maximum</u>	<u>GC</u>	<u>CBD</u>	<u>IND-L</u>	<u>IND-RA</u>	<u>IND-H</u>
height	25 ft.	8 ft.	8 ft.	8 ft.	8 ft.
sign area	75 sq. ft.	32 sq. ft.	75 sq. ft.	75 sq. ft.	75 sq. ft.

The size of any **freestanding sign** must be deducted from the maximum **sign area** permitted on a **lot** under Section 608.4.A.1.a (“Maximum Sign Area”).

ii. Strip Plazas and Multi-Tenant Buildings. **Freestanding signs** for a **strip plaza** or **multi-tenant building** may exceed the maximum **sign area** set forth in Section 608.4.A.4.a.i by up to 50 percent.

iii. Height. For purposes of measuring the height of a **freestanding sign**, height shall mean the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the sign. The height of any **monument sign** base or other structure erected to support or adorn the **sign** is measured as part of the **sign** height.

b. Design Standards.

- i. Landscaping. A landscaped area located around the base of a **freestanding sign** equal to two and one-half square feet for each square foot of **sign area**, is required for all **freestanding signs**. The landscaped area shall contain living landscape material consisting of native shrubs, and/or native perennial ground cover plants, or a combination of both placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen trees installed in a manner which frames or accents the **freestanding signs** structure is encouraged.
- ii. Spacing. **Freestanding signs** must be spaced at least 150 feet apart on **public streets** with posted travel speeds under 40 miles per hour, and at least 300 feet apart on **public streets** with posted travel speeds over of 40 miles per hour and over.
- c. A PUD or Planned Business Park may have a **freestanding sign**, which **sign** shall have a maximum size and height as set forth above and shall be subject to all other applicable regulations herein.

5. Projecting signs.

- a. GC District and Industrial Districts. ~~A lot and each occupant of a strip plaza or multi-tenant building~~ Projecting signs in the GC District and the **industrial districts** ~~that does not display a freestanding sign~~ may display one **projecting sign** on the **principal façade**, provided that the **projecting sign** shall be subject to the following regulations:

- i. One or more projecting signs may be displayed on any wall of any principal building on a lot provided that the total sign area displayed on any single building wall is limited to the total sign area that would be permitted for that wall based on the formula set forth in Section 608.4.A.1.a, whether or not it is a principal façade.
- ii. The sign area of a projecting sign may not exceed twelve (12) sixteen (16) square feet;
- iii. Projecting signs shall project from the wall at an angle of ninety (90) degrees; and
- iv. Projecting signs ~~Does~~ shall not extend above the highest point of the main roof or parapet of the **building** ~~or is not nor be~~ affixed to a parapet more than four (4) feet above the roof of the **building**.

- b. CBD District. Because of **building coverage** and development density in the CBD District, businesses located therein may not be

able to erect **freestanding signs** or **projecting signs** which do not hang over a public sidewalk. Thus, within the CBD District **projecting signs** may hang over a public sidewalk, subject to the following limitations:

- i. A **building** may have no more than one such **projecting sign** for each **building** entrance which accesses a business located at sidewalk level.
 - ii. No such **projecting sign** shall be larger in size than twelve (12) square feet if used to advertise only one business or sixteen (16) square feet if used to advertise more than one business.
 - iii. No part of any such **projecting sign** or the fixture to which it is attached shall be lower in height than eight feet six inches (8 feet 6 inches) above the sidewalk nor higher than fifteen (15) feet from the sidewalk. However, in no case shall any part of such a **sign** or fixture be located above the bottom of the second floor window sill.
 - iv. No part of any such **projecting sign** or fixture to which it is attached shall project over a public sidewalk more than the greater of three (3) feet or fifty percent (50%) of the width of the public sidewalk, but in no case shall it extend more than six (6) feet over the sidewalk.
 - v. Such **projecting signs** shall not have **internal illumination**.
6. **Illumination. Signs** may have either **external illumination** or **internal illumination**, subject to the following:
- a. **External Illumination.** The use of floodlights or spotlights used for the **external illumination** of **signs** shall be mounted above the **sign** targeted for lighting, and illumination shall be properly focused upon and confined to the area of the **sign**.
 - b. **Internal Illumination.** **Internal illumination** of **signs** shall be designed with an opaque background so that only the lettering, symbols (i.e., logos), or design shall appear to be ~~lighted in order to produce no glare visible from adjacent public streets or rights-of-way~~. An applicant for a permit to illuminate a **sign** must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light.
 - c. **Maximum Luminance.** [TBD]
 - d. **Glare.** Fixtures used to illuminate **signs** shall be located, aimed, and shielded so as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic.

Glare shall not be perceptible to drivers, pedestrians, bicyclists, and other passers-by within adjacent streets or rights-of-way.

e. Shielding. Any lighting fixture on a **sign** that is located within ten (10) feet of a **residential district** or an existing residential use shall be (i) aimed away from the **residential district** or existing residential use; and (ii) shielded on the side closest to the **residential district** or existing residential use.

e-f. Hours of illumination. **Signs may be illuminated any time between 6:00 a.m. and 9:00 p.m. Between 9:00 p.m. and 6:00 a.m. a sign may only be illuminated if and when the business is open to the public.**

7. Digital Billboards. **Digital billboards** on **signs** are permitted ~~in the GC District on properties located with frontage on NH Route 12A~~ [identify locations and/or zoning districts], subject to the conditions set forth below.

Digital billboards:

- a. Are allowed only on **freestanding signs**.
- b. Shall only display static content that remains constant in illumination intensity and does not have movement or the appearance or optical illusion of movement. Changes from one display of static content to another shall be made no more than once every 20 minutes, and shall be instantaneous without any special effects.
- c. Shall be designed and equipped to freeze the digital display in one position if a malfunction occurs.
- d. Shall comply with the requirements of Section 608.4.A.6 (“Illumination”).
- e. May occupy a percentage of the allowable **sign area** as set forth in Section 608.4.A.4, as follows:
 - i. For **signs** using more than twenty-five (25) mm pixel spacing, thirty three percent (33%) of the allowable **sign area**.
 - ii. For **signs** using twenty to twenty-five 20—25 mm pixel spacing, sixty six percent (66%) of the allowable **sign area**.
 - iii. For **signs** using less than twenty (20) mm pixel spacing, one hundred percent (100%) of the allowable **sign area**.

B. Non-Residential Uses in Residential and Mixed Use Districts. For legally existing non-residential uses and for **home businesses** in the **residential** and **mixed use districts**, one **sign** is permitted per **lot** which may be either a **freestanding sign**, **projecting sign**, or **wall sign**. If located in a **mixed use district**, the **sign** may have **external illumination** in accordance with Section 608.4.A.6.c (“External Illumination”).

1. Freestanding Signs. **Freestanding signs** shall:
 - a. Comply with the landscaping requirements set forth in Section 608.4.A.4.c.i (“Landscaping”).
 - b. Have a height of no greater than eight (8) feet; ~~and~~.
2. Sign Area. **Sign area** is limited to four (4) square feet if a single non-residential use is located on the **lot**. For each additional non-residential use on the **lot**, an additional two (2) square feet of **sign area** may be added to the single **sign** permitted on the **lot**. The total **sign area** for each **lot** shall not exceed sixteen (16) square feet.

608.5 Residential Uses.

For residential development projects including a PURD, PRec, or a **multi-family** development with greater than five (5) **dwelling units**, the development as a whole may have one **sign**, not to exceed sixteen (16) square feet in **sign area**, in addition to any other **signs** permitted by this Section.

608.6 Temporary signs.

- A. Permitted Temporary Signs. The following **temporary signs** are permitted without a building permit:
 1. ~~One Two~~ (24) **temporary signs** per **lot** in the **residential** and **mixed use districts**, containing a non-commercial message and not exceeding twelve (12) square feet ~~total in size~~. **Off-premise signs** are permitted.
 2. One (1) **temporary sign** not exceeding twenty-four (24) square feet per **lot** in the **commercial** and **industrial districts**. **Off-premise signs** are permitted if they contain a non-commercial message.
 3. One (1) **temporary sign** not exceeding twenty-four (24) square feet per **lot** for a period of not more than 60 days prior to an election involving candidates for a federal, state or local office. This is permitted in all districts.
 4. A new business in the **commercial** or **industrial districts** is permitted to display pennants, banners, flags and inflatable **signs** for a period not to exceed two (2) weeks when the enterprise first opens for business or permanently closes so long as these **temporary signs** do not create a safety hazard.
 5. **Sandwich board signs** are permitted in the **commercial** and **industrial districts**, subject to the following limitations:
 - a. **Sandwich board signs** may not exceed three and one-half (3.5) feet in height or seven (7) square feet in area.

- b. Only one **sandwich board sign** shall be allowed per **lot**, except for **multi-tenant buildings** and **strip plazas**, where not more than three such **signs** shall be displayed at any one time, and only during the hours that the business is open. It shall be the sole responsibility of the property owner to: 1) allow the use of such signs; and 2) regulate and monitor said use in conformance with these standards.

~~c. In the CBD **sandwich board signs** may be placed on a public sidewalk for any **building** or use having frontage that is coterminous or within three (3) feet of the **street**. Such **signs** shall be placed within five (5) feet of the **principal façade** and shall comply with all applicable requirements herein including Section 608.6.A.6.a and b, and Section 608.6.B below.~~

B. Additional Requirements. The following requirements shall apply to any **temporary sign** permitted under Section 608.6.A:

1. The **sign** shall not be located within any **public street** or public sidewalk, ~~except as permitted by Section 608.6.A.6.c.~~
2. The **sign** may not obstruct visibility or movement of vehicles or pedestrians, or otherwise cause any hazard to any person or property.

608.7 Signs Allowed Without a Building Permit.

The following **signs** (1) are allowed in addition to any other **sign** permitted by this Section, (2) do not require a building permit, and (3) are exempt from the requirements of this Section except for the prohibition of **non-static signs** set forth in Section 608.3.C:

A. **Temporary signs** allowed pursuant to Section 608.6.

~~B. A **sign** that is a permanent **architectural detail** of a **building**.~~

~~C.B.~~ **Any sign** erected and maintained by the federal government, the State of New Hampshire, the Lebanon School District or the City of Lebanon in order to effectuate a substantial government interest.

C. **Signs** that are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic and pedestrian safety, complying with legal requirements, serving the requirements of emergency response, and protecting property rights or the right of persons on property; specifically, the following:

1. Traffic control devices and pavement markings installed and maintained to comply with the Manual on Uniform Traffic Control Devices or other transportation management guidelines adopted by the New Hampshire Department of Transportation.
2. A **lot** with multiple driveways may display one directional **sign** at each entrance or exit in order to ensure safe and efficient vehicular movement. Such signs may not be more than two (2) square feet on two-lane **streets**

or rights-of-way and on any **street** with a posted travel speed under 35 miles per hour, and not more than four (4) square feet on multi-lane **streets** or on any **street** with a posted travel speed over 35 miles per hour.

3. Numerals identifying the address of the property to help ensure that public safety responders can easily identify the address from the **street**. The size and location of the identifying numerals and letters if any must be proportional to the size of the **building** and the distance from the **street** to the **building** and in no case larger than 24 inches in height in the **commercial** and **industrial districts** and 12 inches in height in the **mixed use** and **residential districts**.
4. **Signs** erected by property owners or business owners as required by governmental authorities pursuant to federal, state, or local law or regulation. If the law or regulation describes the form and dimensions of the **sign**, the property owner must comply with those requirements; otherwise, when not defined, the **sign** shall be no larger than two (2) square feet.
5. **Signs** of up to $4\frac{1}{2}$ [TBD] sq. ft. in size to warn trespassers or to warn of hazards on the property.

E.D. **Flags.**

1. Flags no greater than three (3) feet by five (5) feet containing a non-commercial message in all districts.
2. Flags containing a commercial message in the **commercial** and **industrial districts**, in accordance with the following:
 - i. Only one (1) flag is permitted per business.
 - ii. The size of the flag shall be no greater than three (3) feet by five (5) feet.
 - iii. The flag may be displayed only during hours when the business is open.
 - iv. The support for such flag shall be mounted or affixed to the principal **building**.

F.E. **Bulletin Boards.** An on-premise bulletin board not exceeding 24 square feet is permitted in connection with any church, **educational facility**, **community center**, **local government use**, **public recreation facility**, or **public safety facility**.

G.F. **Awnings.** **Signs** on **awnings** if the content does not exceed six (6) inches in height. If the letters are more than six (6) inches in height, then such **signs** shall be considered **wall signs** and shall comply with all applicable requirements for **signs** and **sign area**.

H.G. **Signs Inside Buildings.** **Signs** located inside a **building**, except that **non-static signs** are prohibited. In the **residential districts**, **signs** located inside a **building** with commercial messages are prohibited.

I.H. **Sales Devices.** **Signs** on gasoline pumps and on similar machines and devices used for the sale or dispensing of products if they are either not legible from any

street or any property other than the **lot** on which the **sign** is located; or they consist entirely of letters, numerals or symbols that are less than four inches in height.

- J.I. **Drive-Through Facilities.** In districts where a **drive-through facility** is allowed, up to two (2) **signs** related to the drive-through component of the **drive-through facility**, provided that each **sign** is less than 12 square feet in size, and the content is not legible from any **street** or any property other than the **lot** on which the **sign** is located.

608.8 Non-Conforming Signs.

Except as set forth in Section 608.8.C, any **sign** located within the City as of *[insert date of adoption of amendments]* which does not conform with this Ordinance, is a "legal non-conforming sign" if the **sign** was in compliance with applicable law at the time it was installed. Notwithstanding, legal non-conforming **signs** are subject to the requirements of Section 608.2.D ("Clear Vision & Movement") and Section 608.2.E ("Maintenance"); and the illumination aspects of the existing sign shall not be considered lawfully nonconforming, and any new or replacement sign structures must comply with the current illumination requirements of Section 608.4.A.6 of this Section.

- A. Loss of Legal Non-Conforming Status. A legal non-conforming **sign** shall lose its legal non-conforming status if is altered, reconstructed, replaced, expanded, or relocated. A mere change in copy is not an alteration or replacement for purposes of this section.
- B. Maintenance. Maintenance of legal non-conforming **signs** as required by Section 608.2.E includes repainting, cleaning, and replacing or repairing worn or damaged parts of a **sign** in order to return it to its original state. Such maintenance shall not be considered a modification for purposes of Section 608.8.A ("Loss of Legal Non-Conforming Status").
- C. Removal. Removal of a legal non-conforming **sign** by the property owner and/or sign owner is required when:
1. The **sign** has lost legal non-conforming status per Section 608.8.A; or
 2. The **sign**, or a substantial part of the **sign**, is blown down, destroyed, or for any reason or by any means taken down. As used in this subsection, "substantial" means 50 percent or more of the entire street graphic structure; or
 3. The use of the **sign** or the **lot** on which it is located, has ceased, become vacant, or been unoccupied for a period of 180 consecutive days or more.

The Zoning Administrator shall give written notice of failure to remove, and if the **sign** is not removed within 30 days from the receipt of the notice, the City shall proceed pursuant to Section 608.2.C ("Enforcement").

- D. Separation. No **sign** that is non-conforming solely because it violates a requirement for the spacing of **freestanding signs** shall be required to eliminate

that nonconformity if compliance with the spacing regulation on the **lot** is not possible.

- E. Temporary signs. **Temporary signs** that are non-compliant with the requirements of Section 608.6 as of [insert date of adoption of amendments] shall not be considered legal non-conforming and shall be removed.

APPENDIX A

DEFINITIONS

ARCHITECTURAL DETAIL: Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

AWNING: A cloth, plastic, or other nonstructural covering that is permanently attached to a **building** or can be raised or retracted to a position against the **building** when not in use.

DIGITAL BILLBOARD: A **sign** that changes appearance by any electronic process or remote control.

DISTRICTS, INDUSTRIAL: The IND-L, IND-H, and IND-RA Districts.

DISTRICTS, COMMERCIAL: The GC, CBD, and MC Districts.

DISTRICTS, MIXED USE: The PB, NC, R-O, and R-O-1 Districts.

DISTRICTS, RESIDENTIAL: The R-1, R-2, R-3, RL-1, RL-2, and RL-3 Districts.

FAÇADE: The entire area of a **building** facing or side extending from the roof or parapet to the ground and from one corner of the **building** to another but does not include any structural or nonstructural elements which extend beyond the roof of a **building**.

FAÇADE, PRINCIPAL: Exterior walls of a **building** which are adjacent to or front on a **public street**. If a lot does not have frontage on a public street, then the private road, driveway, or right-of-way that provides vehicular access to the lot shall be considered a public street for purposes of applying Section 608 (“Signs”) to the lot.

ILLUMINATION: A source of any artificial or reflected light, either directly from a source of light incorporated in or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the street graphic.

ILLUMINATION, EXTERNAL: Illumination of a **sign** that is affected by an artificial source of light not contained within the **sign** itself.

ILLUMINATION, INTERNAL: A light source that is concealed or contained within the **sign** and becomes visible in darkness through a translucent surface.

MULTI-TENANT BUILDING: A **building** containing four (4) or more separate commercial uses.

SIGN: A structure or an image, display, or illustration which is affixed to, painted or represented directly or indirectly upon a **building**, structure or parcel of land, which is (a) visible from a **public**

street, private street, or an adjoining property, and (b) designed to communicate a non-artistic message.

SIGN AREA: *Sign area* means the entire area within a geometric form enclosing the extreme limits of writing, representation, emblem or any other figure of similar character, together with any frame, structure, or other material or color forming an integral part of the display or used to differentiate the **sign** from the background against which it is placed; excluding the necessary supports or uprights on which such **sign** is placed. The geometric form shall be limited to a circle, triangle or parallelogram.

Where a **sign** has two or more faces, the area of all faces shall be included in determining the area of the **sign**, except where two such faces are placed back to back and are at no point more than two feet from one another, the area of the **sign** shall be taken either as the area of one face - if the two faces are of equal area, or the area of the larger face - if the two faces are of unequal area.

SIGN, COMMERCIAL: A **sign** that names, advertises, or calls attention to a business, product, service, or other commercial activity.

SIGN, FREESTANDING: A **sign** supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a **building**. It includes a **pole sign** and a **monument sign**.

SIGN, MONUMENT: A **freestanding sign** permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole.

SIGN, NON-COMMERCIAL: A **sign** that does not name, advertise, or call attention to a business, product, service, or other commercial activity.

SIGN, NON-STATIC: Any **sign** that incorporates a technology or method allowing the **sign** or any component of the **sign** to change appearance without having to replace the **sign** or any component of the **sign** either physically or mechanically. This definition also includes a **sign** or any component of a **sign** that rotates, revolves, moves, blinks, flashes, and/or incorporates LED lights manipulated through digital input; any illuminated **sign** or component of a **sign** which changes the intensity or color of illumination; and **digital billboards**.

SIGN, OFF-PREMISE: A **sign** which pertains to a use or activity occurring on a **lot** other than the **lot** on which the **sign** is located.

SIGN, POLE: A freestanding **sign** that is permanently supported in a fixed location by a structure of one or more poles, uprights, or braces from the ground and not supported by a **building** or a base structure.

SIGN, PORTABLE: Any **sign** that is designed to be transported, including but not limited to the following:

1. **Signs** with wheels removed.
2. **Signs** with chassis or support constructed without wheels.
3. **Signs** designed to be transported by trailer or wheels.
4. **Temporary signs**.

SIGN, PROJECTING: A **sign** attached perpendicularly to a **building** wall.

SIGN, ROOF: A *sign* painted, erected, constructed or maintained on the roof of a *building*.

SIGN, SANDWICH BOARD: A free standing, temporary a-frame *freestanding sign* having a message on both sides.

SIGN, TEMPORARY: Any *sign* which (a) is intended to be displayed for a reasonably short and definite period; (b) has the overall appearance of being intended to be displayed for a short and definite period; and (c) is made of paper, cloth, canvas, plastic sheet, cardboard or similar impermanent materials; and (d) is not embedded in the ground or affixed to a structure embedded in the ground. No such *temporary sign* shall be erected for a period of greater than six (6) months.

SIGN, WALL: A *sign* painted on or attached to a wall of a *building* and in the same plane as the wall.

STRIP PLAZA: A linear group of commercial uses under unified control consisting of four (4) or more separate commercial establishments sharing a common *building*, or which are in separate *buildings* that share a common entranceway or parking area.

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