

MEMORANDUM

TO: Cape Elizabeth Town Council
FROM: Ordinance Committee
DATE: December 4, 2012
SUBJECT: Sign Ordinance Amendments

The Town Council referred to the Ordinance Committee a request to review the Sign Ordinance to respond to comments made by local business owners.

At the October 24, 2012 meeting, the new owner of the Cape Elizabeth Veterinarian and Rehabilitation Center requested consideration to allow a larger sign for a nonresidential use in a residential zone. Written comments were also submitted regarding temporary signs. At a later meeting, further concerns regarding temporary signs were not offered.

The Ordinance Committee approved the following motions at the November 19, 2012 meeting:

- The Ordinance Committee recommends changes to the Sign Ordinance that allow nonresidential uses located in a residential zone with frontage on an arterial (Route 77) to have the same size sign as allowed in the business districts.
- The Ordinance Committee recommends allowing the same Little League season advertising signage at Plaisted Park as is currently allowed at Lions Field.

The Ordinance Committee discussed temporary signage for businesses, but upon receipt of communication that the Good Table was satisfied with current provisions, Ordinance Committee members did not recommend any changes to the temporary sign provisions. The Ordinance Committee did direct the Town Manager to provide notice to abutters in advance of the first Town Council meeting when the Sign Ordinance Amendments would be heard.

CHAPTER 21

SIGNS

Article I Signs. [Adopted effective 4/12/91; Amended Eff. 5/12/93; Amended Eff. 11/14/97; Amended Eff 5/11/2005; Amended Eff. 10/12/2005; Amended Eff. 11/10/2007; Amended Eff. 06/27/2008]

Sec. 21-1-1 Purpose. The purpose of this ordinance is to govern the placement and maintenance of signs, promote signs in keeping with the town character, discourage excessive signs by minimizing the number and size of signs, eliminate intrusive sign lighting, and encourage structurally sound and well-maintained signs in the interest of the health, safety and general welfare of the residents of Cape Elizabeth.

Sec. 21-1-2 Definitions. As used in this ordinance, unless the context otherwise indicates:

"Advertising sign" shall mean any sign that directs attention to a business, profession, activity, commodity, service or entertainment conducted, sold, or offered upon the premises, or within the premises where such sign is located.

"Agricultural operations" shall mean the conduct of activities involving the production, keeping or maintenance of plants and /or animals or activities ancillary thereto, as a business or gainful occupation. It does not include the conduct of activities such as landscaping businesses and restaurants. [Amended Eff. 06/27/2008]

"Banner" shall mean a sign on a textile or plastic material, which is secured, to a pole or structure in a fashion, which may allow movement by the atmosphere.

"Freestanding sign" shall mean a sign in a fixed location supported by structure, supports, or the ground and not attached to or dependent for support upon any building.

"Internal illumination" shall mean a light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface.

"Message board sign" shall mean a permanent or temporary sign designed for or operated with changeable copy, but shall not include gasoline price per gallon signs.

"Off-premises sign" shall mean any advertising sign located off the property of a business or home occupation.

"On-Premises Informational Sign" shall mean any sign that indicates point of egress, ingress to an establishment or that provides direction or instruction to guide persons to facilities intended to serve the public such as parking areas, restrooms, etc., which provides no advertising of any kind.

"Permanent sign" shall mean any structure, display, logo, device or representation which is designed or used to advertise or call attention to any item, business, activity or place and is visible from outside a building that is intended to be in place for a period that is longer than 30 days. [Amended Eff. 11/10/2007]

"Permanent window display" shall mean a sign attached to, placed upon or painted on the interior of a window or door of a building, which is intended for viewing from the exterior of a building.

"Projecting or Suspending Sign" shall mean a sign fixed at an angle or perpendicular to the wall of any building in such a manner as to read perpendicular or at an angle to the wall on which it is mounted.

"Public Way" shall mean any road capable of carrying motor vehicles, excluding private driveways.

"Roof sign" shall mean any sign where more than 50% of the surface area extends directly above the roof or parapet line of a building.

"Shopping Center" shall mean any four or more separate commercial establishments sharing a common building, entranceway or parking area.

"Sign" shall mean any structure, display, logo, device or representation which is designed or used to advertise or call attention to any item, business, activity or place and is visible from outside a building. It does not include the flag, pennant or insignia of any nation, state or town.

"Sign Area" shall mean the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the sign surface. For a sign painted on or applied to a structure, the area shall include any background of a different color than the color or finish of the structure. For a sign consisting of individual letters or symbols without a distinguishable background, the area shall be that of the smallest rectangle which encompasses all of the letters and symbols. Total sign area shall be the aggregate of all exposed faces and shall include temporary signs. Dimensions of signs shall not include supporting structures but shall include any frames.

"Sign Height" shall mean the distance from the average grade of the land beneath the sign to the top of the sign.

"Temporary sign" shall mean any sign erected, affixed or maintained on a premises for a short, fixed period of time including portable and/or mobile signs such as sandwich boards and signs on trailers. For purposes of measuring length of time a temporary sign is displayed, use of a sign for any length of time in a 24-hour period shall constitute 1 day.

"Traffic control sign or device" shall mean any sign, permanent or temporary, erected within the public right of way or on municipal property by the Maine Department of Transportation or by the Town of Cape Elizabeth erected for the purpose of providing direction or information to citizens and visitors. These signs shall be exempt from the requirements of this ordinance. [Amended Eff. 10/12/2005]

"Visible" shall mean capable of being seen without visual aid by a person of normal visual acuity.

"Wall sign" shall mean any sign affixed to a wall or printed on a wall in such a manner as to read parallel to the wall on which it is mounted, but shall also include awnings and canopies.

Sec. 21-1-3 Zoning Districts. The erection of signs in the Town of Cape Elizabeth is regulated based upon the Zoning Districts provided for in Sec. 19-2-1 of the Revised Official Code of the Town of Cape Elizabeth as may be amended from time to time.

Article II Permitted Signs.

Sec. 21-2-1 Signs Allowed in All Zones Without a Permit. The following signs shall be allowed in all Zoning Districts without a permit:

(a) Traffic control signs or devices

(b) Temporary signs announcing a non-political campaign, drive, activity or event of a civic, philanthropic, educational or non-profit organization may be erected and maintained for a period not to exceed 30 days prior to the event and removed within three days after the event.

(c) Political signs announcing candidates seeking public office, political parties, and/or political and public issues contained on a ballot may, within the public right-of-way, be erected no earlier than six weeks before an election and must be removed within one week after the election. No political signs shall be placed on the pavement of a public roadway or bikeway, on traffic islands, nor on Town-owned property except signs authorized by the Town Clerk of Cape Elizabeth to indicate the date, time and place of polling. Political signs as contemplated in this sub-section shall be limited to eight (8) square feet per exposed face, or 16 square feet in total area, per sign, with the maximum horizontal measurement being four (4) feet. The maximum sign height shall not exceed three and one-half (3 1/2) feet. [Amended Eff. 10/12/2005]

(d) One sign identifying the name and/or address number of a single-family dwelling or attached apartment building or townhouse with said sign not to exceed 2 square feet per exposed face.

(e) Two on-premises signs advertising a garage sale, yard sale, etc. and not more than three off premises sign advertising a garage sale/yard sale etc. each not exceeding more than 4 square feet per exposed face. Such signs shall be placed and removed not more than 24 hours preceding the first day of the sale and 24 hours following the last day of the sale. No property may have such signage advertising such sales more than three times per calendar year.

(f) Not more than one temporary real estate sign, attached or freestanding may be erected advertising the sale, lease or rental of the premises upon which the sign is located. Where a lot abuts two or more streets, additional signs, one oriented to each abutting street, shall be permitted. Signs shall not exceed 6 square feet per exposed face, or 12 square feet in total area. [Amended Eff. 10/12/2005]

(g) Up to three (3) temporary real estate open house signs may be placed off premises at the closest intersections of a real estate open house and shall be placed not more than one hour before an open house and removed within one hour after an open house.

(h) Home occupation fish stands and fish markets as defined in the Zoning Ordinance, which do not have frontage on an arterial road, are allowed one off-premise sign. The sign shall be placed at the nearest intersection of two non-minor roads for up to one hour before and after the hours of operation. The signs shall not exceed 6 square feet per exposed face, or 12 square feet in total area. The maximum sign height shall not exceed three (3) feet. [Amended Eff. 10/12/2005 and Eff. 06/27/2008]

(i) Agricultural operations including pick your own produce and pick your own plants and trees grown on the premises may install a maximum of six (6) off-premises signs for the purpose of directing to the location of the agricultural operation. The signs shall not exceed 6 square feet per exposed face, or 12 square feet in total area. The maximum sign height shall not exceed three (3) feet. The off-premises signs must be within three miles, road distance, of the agricultural operation, and must be removed when the product or service is no longer available. Off premises agricultural signs may be located within the right of way, in locations which do not interfere with movement or visibility of modes of transportation utilizing the right of way. Nothing in this subsection authorizes the placement of any sign on private property without the consent of the property owner. [Amended Eff. 06/27/2008]

(j) "No trespassing", "No Dumping", "Private Road", "Private Driveway", utility placement notification, and signs of a similar intent are allowed, but shall be kept neat and in good repair. Signs shall not exceed 2 square feet per exposed face.

(k) Newspaper delivery boxes may identify, on their sides, the newspaper being distributed to any such boxes, but no other advertising.

(l) "On premises informational signs" as defined in this ordinance.

(m) One temporary construction sign, attached or freestanding, not to exceed six square feet per exposed face, may be erected at any construction site for which there is an approved building permit. Home improvements not requiring a permit, such as painting, siding and landscaping may also have one temporary sign, attached or free-standing, not to exceed six square feet per exposed face. All construction and home improvements signs shall be placed not more than 48 hours before the start of the project and removed within 48 hours of the completion of the project. [Added Eff. Sept. 11, 1991]

(n) One banner, not intended as an advertising sign as defined in this ordinance, which is no larger than 15 square feet per exposed face with a maximum dimension of 5 feet. [Amended Eff. 10/12/2005]

(o) The town manager or his or her designee shall approve the placement of any temporary signage on municipal property or along the right of way adjacent to municipal property. [Amended Eff. 11/10/2007]

Sec. 21-2-2 Signs Permitted in All Zones With a Permit. The following signs shall be permitted in all Zoning Districts with a permit:

(a) One temporary residential development or construction sign, attached or freestanding, may be erected after the Planning Board has granted necessary approvals for the development, provided such sign shall be limited to a general identification of the project and shall be removed within 30 days after completion of the project. Such sign shall not exceed 36 square feet per exposed face, or 72 square feet of total area. A permit issued by the Code Enforcement Officer is required which shall expire within 3 years of issuance. Temporary development or construction signs beyond three years may be granted solely by the Planning Board. [Amended Eff. 10/12/2005]

(b) One sign per entrance indicating the name and other pertinent information of a residential subdivision, housing for the elderly project, condominium development or multiplex development with said sign not to exceed 36 square feet per exposed face, or 72 square feet of total area. One sign for each entrance should be permitted only if entrances are more than 1,000' apart or connect to different streets. The sign shall be freestanding with a minimum setback of 15 feet from side and front property lines and shall not project higher than 7 feet, as measured from the base of the sign or grade of the nearest roadway, whichever is higher. The sign may be illuminated by a shielded light and shall be maintained by the property owner or by an approved association. A permit from the Code Enforcement Officer is required. [Amended Eff. 10/12/2005]

(c) One sign indicating a home occupation or home business not exceeding 2 square feet per exposed face, or 4 square feet of total area, is permitted which announces the name, address, profession or home occupation or home business of the occupant of the premises on which the sign is located. The maximum sign height shall not exceed 5 feet. [Amended Eff. 10/12/2005 and Eff. 11/10/2007]]

Agricultural operations and fish markets, year-round or seasonal, shall be allowed two (2) signs, which shall not exceed 16 square feet per exposed face or 32 square feet in total area. The maximum sign height shall not exceed 5 feet. A permit from the Code Enforcement Officer is required. [Amended Eff. 10/12/2005 and Eff. 06/27/2008]

(d) Churches and other civic organizations may erect one sign and shall not exceed 36 square feet per exposed face, or 72 square feet in total area, including a message board. A church or civic organization having an entrance on two streets may erect one sign on each frontage. Signs may be freestanding or attached to the building. A permit for sign erection is required from the Code Enforcement Officer. [Amended Eff. 10/12/2005]

(e) Projecting or suspending signs which do not exceed 6 square feet per exposed face or 12 square feet in total area may be allowed, except that in Residential zones sign area shall not exceed 2 square feet per exposed face or 4 square feet in total area. The sign shall not be erected over a right-of-way and shall maintain a 13' clearance over driveways as measured from the bottom of the sign to the ground. A permit from the Code Enforcement Officer is required. [Amended Eff. 10/12/2005]

(f) Walls signs on the premises of agricultural operations shall be allowed. Size shall be proportional to the space but shall not exceed 32 square feet. A permit from the Code Enforcement Officer is required. [Amended Eff. 06/27/2008]

(g) All nonresidential uses in residential zones which are not specifically addressed in Sec. 21-2-1 or Sec. 21-2-2 above shall be allowed no more than one freestanding or wall sign. Except for nonresidential uses located on a lot with frontage on an arterial, the maximum size of the sign shall be 6 square feet per exposed face or 12 square feet in total area. The maximum sign height shall not exceed five (5) feet. Nonresidential uses located on a lot with frontage on an arterial shall be allowed no more than one freestanding or wall sign of the same size as permitted for business uses in the Town Center District. [Amended Eff. 10/12/2005]

Sec. 21-2-3 Permitted Signs in TC, BA, BB and BC Zones.

(a) Signs in the Business Signs Table in Appendix "A" are allowed with a permit in the TC, BA, BB and BC Zoning districts of the Zoning Ordinance. The total allowable sign area per establishment shall not exceed 75 square feet in the aggregate except as provided elsewhere in this ordinance. Signs under this section, which shall be erected for a period not to exceed 30 days, shall be considered temporary and shall require a permit from the Code Enforcement Officer. No more than three (3) temporary signs per establishment per year shall be allowed. [Amended Eff. 10/12/2005 and Eff. 11/10/2007]

(b) No permanent message board shall be located within 750 feet, as measured along the centerline of abutting roads, of another permanent message board.

(c) Unless specifically designated, all sign types in the town shall be limited to the size restrictions in Sec. 21-1-3 (a). Proposed signs shall be assigned the most applicable sign type category by the Code Enforcement Officer. [Eff. 7/10/91]

Article III Signs Not Permitted

Sec. 21-3-1 Signs Not Permitted in Any Zone. The following signs are not permitted in any zone:

(a) Projecting or suspending signs, in excess of 6 square feet per exposed face or 12 square feet in total area. [Amended Eff. 10/12/2005]

(b) Roof Signs, where more than 50% of the sign face is erected above the roof or parapet line of the building.

(c) Banners extending over a public way.

(d) Off-premises signs except as specifically permitted elsewhere in this ordinance.

(e) Signs with flashing lights, beacons or moving parts.

(f) Signs on parked motor vehicles that in the judgment of the Code Enforcement Officer nullify the intent of this ordinance. [Amended Eff. 11/10/2007]

(g) Signs obstructing normal sight distance, which are located in a public right-of-way.

(h) Temporary message board signs with internal illumination.

Article IV Special Sign Standards.

Sec. 21-4-1 Criteria for Sign Permits from Issuing Authority. In reviewing applications for sign permits, the issuing authority may deny any sign that does not meet the following criteria:

- (a) Compliance with the size, height, number, zoning district and other requirements of this ordinance.
- (b) Wall signs shall complement the materials of any building to which they are attached. Colors shall be compatible with the building facade and adjacent signs.
- (c) Appropriate landscaping at the base of freestanding signs may be required.
- (d) Illumination of signs from an external light source shall be shielded so as to prevent glare onto a public way or private properties. No sign shall be illuminated in a manner, which creates a public hazard by adversely impacting the movement of people and vehicles, and the enjoyment of adjacent properties. Lighting shall minimize glare and reflection and shall be of an intensity and brightness in keeping with the general lighting level of the area. Hours of illumination may be limited to reduce adverse impact on adjacent properties and to conserve energy resources.
- (e) A freestanding sign shall not impair a driver's normal sight distance nor be placed within 30 feet of a crosswalk.
- (f) All signs shall be designed and constructed in compliance with the most current applicable sections of the IBC/IRC Code. [Amended Eff. 11/10/2007]

Sec. 21-4-2 Sign Standards for Shopping Centers.

One freestanding identification sign is permitted for a shopping center. The sign shall not exceed 50 square feet per exposed face or 100 square feet in total area. The maximum height shall be 20 feet. Any sign shall have a minimum 15 foot side setback from the side property line within a business district or as much as 200 feet side setback when abutting a residential district. A shopping center may add a directory sign to its identification sign, which directory sign shall not exceed 50 square feet per exposed face or 100 square feet in total area. A permit for shopping center directory and identification signs is required from the Planning Board. Individual establishments within shopping centers are not permitted to have freestanding signs except for outlying establishments with frontage on a different street, which are allowed one sign per road frontage. No individual establishment is permitted more than 1 sign of any type excluding on premises informational signs and temporary signs as defined in this ordinance. The individual establishment signs are subject to the standards in Sec. 21-2-3. [Amended Eff. 10/12/2005]

Sec. 21-4-3 Sign Standards for Gasoline Stations. Gasoline stations and any establishment that sells gasoline from a pump shall be subject to the same sign regulations as other business establishments, with the following additions:

- (a) Two additional sign types shall be allowed.

1. Service island signs shall not contain advertising material, but may identify the type of service offered, the price of gasoline and other relevant information. They may be either wall or freestanding signs, one per island, not to exceed 6 square feet per exposed face or 12 square feet in total area. They may be located on the wall of the principal building, on the pumps or in the service station yard. They shall not be located higher than 15 feet. [Amended Eff. 10/12/2005]

2. Service bay identification signs may be wall signs only, one per bay, no more than 10 square feet per sign and shall project no more than 16 inches from the surface of the wall. They shall not extend higher than 20 feet from the base of the building. [Amended Eff. 10/12/2005]

(b) The total allowable permanent signage area per gas station or establishment that sells gasoline from a pump shall be 250 square feet in the aggregate for all exposed faces. [Amended Eff. 10/12/2005]

Sec. 21-4-4 Advertising Signage at Lions Field Complex and School Athletic Fields. The Lions Field Complex, Plaisted Park and athletic fields on the school grounds complex may include advertising signage. No more than 540 square feet of advertising signage in the aggregate shall be allowed per field at the Lions Field Complex, Plaisted Park and at athletic fields on the school grounds complex. Advertising signage shall be affixed to the inside of outfield and sideline fences and shall be made of a textile or plastic fabric material. Individual signs shall not exceed 3' x 6' and no more than 30 signs shall be allowed per field. Display of signs at the Lions Field Complex and Plaisted Park shall be limited to the period from the week before Little League Opening Day to the week after the end of post-season play. Signs at the athletic fields on the school grounds complex may be in place for the Spring and Fall sports seasons and the regulations governing income generated and appropriate signage within the overall signage limits are at the discretion of the Cape Elizabeth School Board. [Added Eff. 11/14/97; Amended Eff. 5/11/2005; Amended Eff. 10/12/2005]

Article V Maintenance Requirements.

Sec. 21-5-1 Maintenance. All signs permitted under this ordinance shall be appropriately maintained. Appropriate maintenance consists of no missing lettering, no peeling paint, no cracked or broken glass or plastic, a solid foundation for fixed signs, all lighting being fully operational and no unsafe conditions. The Code Enforcement Officer shall determine if a sign is being appropriately maintained. If, in his/her judgment, a sign is not appropriately maintained, he/she shall give thirty days notice to have it repaired or removed. The owner of the sign shall have the option to repair or remove the sign. Anyone not complying with the order of the Code Enforcement Officer may be subject to a fine as provided in Section 21-5-3.

Sec. 21-5-2 Removal of Non-Conforming Signs.

(a) Any temporary sign erected after the effective date of this ordinance that is not in compliance with this ordinance may be removed by the Code Enforcement Officer or a designee.

(b) Any permanent sign erected after the effective date of this ordinance that is not in compliance with this ordinance shall be ordered removed by the Code Enforcement Officer with notice of seven business days.

(c) Any temporary sign in place at the time of enactment of this ordinance that is not in conformance with the standards of this ordinance shall be removed by the owner on the effective date of this ordinance.

(d) Any permanent sign not conforming with the standards of this ordinance at the time of its enactment may continue until such time that any substantial change other than normal maintenance is made to the sign. Normal maintenance shall include activities that keep the sign in safe, presentable, and sound structural condition, such as replacement of defective parts, periodic cleaning and painting, repairs due to vandalism, and seasonal removal and reinstatement of the same sign.

(e) Any sign that poses an immediate hazard to public safety may be removed by any authorized municipal agent. [Amended Eff. 11/10/2007]

(f) The Town has no responsibility or liability for any sign removed under this ordinance. [Amended Eff. 11/10/2007]

Sec. 21-5-3 Penalty. Any person, or entity owning, occupying, or having the control and the use of, any building, land, sign or part thereof, who violates any of the provisions of this ordinance, shall be punished by a fine of not less than \$50.00 and not more than \$100.00. Each day such violation is permitted to exist after notification thereof by the Code Enforcement Officer shall constitute a separate offense. [Amended Eff. 11/10/2007]

Sec. 21-5-4 Permit Fees. The Town Council shall adopt a schedule of sign permit fees, which shall be paid by the applicant upon application for a sign permit under this Ordinance.

Appendix “A” Business Signs Table

Type of Sign	Permit Issued By	Max. Total Sign Area	Max. Total Sign Area	Max. Height In Feet	Maximum # Allowed
		2 Exposed Faces	1 Exposed Face		
Freestanding Permanent Pole	Code Enforcement Officer	40 s.f.	20 s.f.	20	1
Freestanding Permanent Ground	Code Enforcement Officer	40 s.f.	20 s.f.	5	1
Wall Sign	Code Enforcement Officer		40 s.f. or 10% of Wall Area whichever is smaller	20	1
Projecting/Suspending	Code Enforcement Officer	12 s.f.	6 s.f.	20	1
Banner	Code Enforcement	30 s.f.	15 s.f.	20	1

	Officer				
Awning	Code Enforcement Officer	4 s.f.	4 s.f.	10	1 per bldg.
Permanent Window Display	Code Enforcement Officer		50% of Total Glass Storefront	--	1
Message Boards	Code Enforcement Officer	24 s.f. Maximum Dimensions 4 feet	12 s.f.	4	1