

**Town of Cape Elizabeth  
Ordinance Committee Minutes**

November 3, 2016

1:15 p.m.

Town Hall

Present: Caitlin Jordan, Chair  
Sara Lennon  
Jessica Sullivan

Staff: Maureen O'Meara, Town Planner

Councilor Jordan called the meeting to order. The minutes of the October 20, 2016 meeting were approved.

Public Comment

No member of the public wished to speak.

Sign Ordinance

Councilor Jordan began review of the draft sign ordinance on page 6, Temporary signs. She noted that "a sign" should be replaced with "signage" because more than 1 sign is allowed. The committee noted that a 1-sided wall type sign can be larger than a 2-sided sign.

There was a question about the amount of signage used by an existing business in comparison to the proposed sign allowances and also signs on farms. The committee received written comment itemizing the typical amount of signage on a farm and it looks like we need to increase the amount of private traffic control signage allowed. Traffic control can be foot traffic, not just vehicles and is related to public safety.

The committee discussed the amount of signage allowed and briefly considered changing the groupings by street classification. For example, feeder roads can be included in the arterial, collector, rural connector group. The committee decided to keep the current groupings. It was noted that temporary sign limits would be enforced mainly by requiring the date the sign was installed on the sign. Temporary signs regulations limit the size of the sign and time, but there is an unlimited number of temporary signs allowed in the right-of-way.

The committee discussed the temporary signs related to school activities. The committee recognized that state law prohibits signage on telephone poles, and the local ordinance is not inconsistent with state law. The typical temporary signage amount appears to be allowed by the proposed ordinance.

Councilor Lennon asked about the note on shopping centers and gas stations, which the committee will address later.

The committee discussed the resulting reduction in size for temporary residential development signs because all signs get the same size budget. The committee was generally ok with the reduction to 12 sq. ft. consistent with the limit for all other temporary signs. The time for that sign is usually a year, and would now be reduced to 8 weeks. Councilor Lennon noted that the sign allowed will have room for a website address, so that more information can be obtained in another way. It was noted that a new "neighborhood sign" has been reclassified as a traffic control type sign and is larger.

The committee reviewed the Prohibited signs section, which comes from the old ordinance. They reviewed the projecting or suspending sign definition. The committee discussed examples of suspended signs, and noted that small signs are allowed. The committee agreed to keep this provision.

The committee discussed roof signs and agreed to keep the prohibition from the current ordinance where no more than 50% of the sign can project above the roof.

The committee discussed banners, which are not allowed over public rights-of-way, but might have been used in the past. The committee questioned if banners have been used across public roads for the Beach to Beacon or the 250 celebration. If allowed, who would be allowed to install one? They could say anything. The Town could stop anyone from installing one and instead charge a fee for the town to install the banner, for safety reasons using an established procedure. The ordinance should represent what the town will do, and not assume that this prohibition will be ignored if an event will include a banner. How much do we use banners? They have been up for no more than a day. Councilor Lennon said that banners are a tradition of small town America. The committee agreed to retain a prohibition on banners across the public right-of-way and to ask the Town Attorney if there is a way to regulate banners if we allow them, after which we will revisit.

The committee agreed to keep a prohibition on signs with flashing lights, beacons or moving parts.

The committee discussed examples of signs on parked cars, which can be prohibited if the intent is to nullify the sign ordinance. The committee discussed removable sandwich boards on the roof of cars, and business names and logos on vehicles. It was agreed the traditional business name and logo placed on a car is allowed. It is when the car is parked, and is the judgement of the Code Enforcement Officer. Councilor Sullivan noted the signage is mounted on the vehicle and the sign size is larger than otherwise

would be allowed. Councilor Lennon questioned the temporary pods, and it was agreed that was not a vehicle but a storage container. The committee agreed to the proposed language that give discretion to the Code Enforcement Officer.

The committee reviewed signs obstructing sight distance, and Councilor Jordan suggested that there be a reference for normal sight distance. A reference to the Subdivision Ordinance, which includes the road classifications, and includes sight distance requirements will be referenced.

The committee discussed internally lit message board signs. The discussion covered both changeable lettering signs, such as "spider" signs, and also the requirement on a minimum distance between message boards. Councilor Lennon noted the town's message board sign. The committee agreed to add a message board sign definition to the ordinance and to keep the ban on internally lit message board signs.

Ms. O'Meara will prepare a routine sign permit procedure for review at a future meeting. Councilor Jordan summarized that a sign permit would be needed for permanent signs, other than traffic control signs. A revised review standards section will be drafted that focuses on a minimal number of objective standards.

The committee reviewed and accepted the maintenance provision imported from the current ordinance.

The committee reviewed construction requirements. The current light standard is subjective and would be hard to enforce. Staff will rewrite to be clearer. Councilor Jordan would prefer not to use a footcandle measurement as it is not user-friendly. Staff will update the reference to a structural code standard. The requirement that a sandwich board sign be weighted has been revised to refer to temporary signs.

The committee reviewed the nonconformance provision and discussed grandfathering. This section is changed from the existing ordinance that existing signs that do not conform to the new ordinance would be allowed to remain and to be replaced at their current size. The size limits in the proposed ordinance will make some signs nonconforming and this provision allows those signs to continue. Another alternative is to allow larger signs so these existing signs remain conforming, but overall this will likely increase signage in town. Councilor Lennon was concerned with the grandfathering. A new business would not be able to install the same amount of signage as an existing business. Councilor Jordan believes it is more fair not to take away what people already have. Councilor Sullivan likes that this will save costs for people who already have signs, and we don't have pressure to put exceptions into the ordinance. The committee liked this compromise to achieve a Reed compliant ordinance. They also agreed to allow some rearranging of the total square footage as

long as the new sign fits within the size of the original sign. The committee wants comments from the town attorney on the new grandfathering approach.

Reviewing the administration section, the committee discussed the applicability of the substitution clause and that it does not apply to the traffic control signs because they should be able to meet the strict scrutiny test.

Councilor Lennon asked how we have addressed temporary signs for agriculture. Councilor Jordan said that is addressed as temporary signs. The number of signs is unlimited but the size is limited and they are limited to 8 weeks.

Councilor Jordan wants to address if private traffic control signs can include signs such as "keep out, trespassing." Ms. O'Meara noted emails from Mr. Cox and it appears that he uses 65 sq. ft. of what would be considered private traffic control signage. Councilor Jordan made clear these are all safety traffic control signage that move the flow of people such as uneven ground, watch your step, danger, stay away, electric fence. No advertising would be on these signs. These can be permanent or temporary as they are not included in the permanent or temporary categories. The committee agreed to increase the amount of signage from 24 to 72 sq. ft.

The committee agreed that staff will make all the revisions discussed by the committee and then send it to the town attorney for review, hopefully having legal comments for the next meeting.

Councilor Sullivan wants the state requirement for contact person and date to be clearly located in the ordinance.

### Next Meeting

The next meeting is scheduled for November 17th. Councilor Lennon recommended that the committee try to complete this ordinance before the new committee is appointed. Committee members agreed to try and finish this so new people won't have to get up to speed. Another meeting was scheduled for December 1st, if needed.

### Public Comment

Jay Cox, 1148 Sawyer Rd - He suggests that a practical way to allow banners only for the municipality is to make the requirements onerous, such as requiring an engineer's stamp for the suspension system and a bond posted. He asked if open signs are banners. Staff said they can be treated as temporary signage. He is concerned with the wording of temporary signs and the committee noted they had already changed the wording to "signage." He said the Police Department had asked him to post no parking in the right-of-way. Staff suggested that could be treated as town traffic control signage.

The committee adjourned at 2:48 p.m.