

§ 190-19 North Conway Village Commercial (NCVC) District.

F. Signs.

(1) Sign content. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

~~(4~~ 2) Freestanding sign. There shall be no more than one freestanding sign per lot, except that where a lot fronts on two or more public rights-of-way and has two entrances at least 500 feet apart, two freestanding signs shall be permitted.

(a) The size of the message area shall not exceed 40 square feet.

(b) The height of the message area shall not exceed 15 feet above the undisturbed ground.

(c) The width of the message area shall not exceed 12 feet.

(d) Setbacks.

[1] The minimum setback shall be 25 feet from a platted right-of-way and five feet from all other property boundaries.

[2] Freestanding sign setbacks may be reduced to 10 feet from a platted right-of-way if the size of the message area is reduced to 30 square feet maximum. All of the dimensional requirements, except the size of the message area and the minimum front setback, shall be required of these signs.

~~(e) Where an existing nonconforming sign serves more than one commercial establishment, each having at least 60,000 square feet, or residential development, each comprised of at least 20 residential units sharing common access, the size of the message area may be expanded based upon 40 square feet per commercial establishment and 20 square feet per residential development; provided, however, that the total message area shall not exceed 80 square feet in any case.~~

~~(f~~ e) Projecting signs, including sign structure, not to exceed six square feet in the Village Commercial District, are permitted in lieu of a freestanding sign. The sign shall be at least 10 feet above the ground; the top of the sign shall be no more than 15 feet above the ground.

~~(g~~ f) The Zoning Board of Adjustment may grant the following special exceptions:

[1] For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional freestanding sign may be permitted for use as a directory sign, provided that the following conditions are met:

[a] The sign shall be used only to identify and locate businesses within;

[b] The message area shall not exceed 12 square feet;

[c] The height of the message area shall not exceed 20 feet above the undisturbed ground;

[d] The sign shall meet all setbacks; and

[e] The additional wall sign permitted by special exception under Subsection F(~~2~~3)(d)[2] is not used.

[2] Where existing buildings are set back from the right-of-way less than the setback required for freestanding signs in Subsection F(1), the right-of-way setback of the

freestanding sign may be reduced from 25 feet to any lesser amount down to five feet, provided that the following conditions are met:

- [a] The message area shall be reduced to not more than 20 square feet;
- [b] The sign shall not obstruct vehicular or pedestrian traffic;
- [c] The sign shall not obstruct the line-of-sight for traffic entering or exiting the site; and
- [d] The sign shall not unduly obstruct the visibility of other signs or property in the area.

(h g) One appendage may be attached to a freestanding or projecting sign, and the message area of this appendage shall be considered part of the total message area of the sign. No appendage shall be permitted on supports nor directional signs.

(2 3) Wall sign. For lots without multiple commercial tenants, each lot shall be permitted one wall sign. For lots with multiple commercial tenants, each commercial tenant shall be permitted one wall sign. All wall signs shall be located on a wall which is common to both the interior and exterior of the business identified by the sign. The height of the message area shall not exceed the greater of 20 feet from the undisturbed ground or a height equal to 75% of the total height of the building, nor shall it exceed the height of the wall to which it is attached. The message area of the wall sign shall be based on the following formulas, subject to increase by bonus granted per Subsection **F(12)(c)**.

- (a) For floor areas up to and including 50,000 square feet, the maximum message area shall be calculated as follows: $20 + (\text{total square feet floor area} \times 0.0016)$.
- (b) If the floor area of the business is greater than 50,000 square feet, the maximum wall sign message area shall be 100 square feet. A business with a floor area greater than 50,000 square feet shall be permitted one additional wall sign if it has two or more exterior public or customer entrances, excluding emergency entrances that are at least 20 feet apart. The message area of the second wall sign shall not exceed 20 square feet.
- (c) The Zoning Board of Adjustment may grant the following special exceptions:
 - [1] For a major business in a shopping center or mall that does not have wall frontage facing its primary parking lot, one additional wall sign may be permitted, provided that the following conditions are met:
 - [a] The size of the message area shall not exceed 40 square feet;
 - [b] The sign shall be located on a wall facing the primary parking lot;
 - [c] Total wall sign area on the wall shall not exceed 10%; and
 - [d] All relevant height restrictions specified in Subsection **F(2)** apply.
 - [2] For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional wall sign may be permitted, subject to the following:
 - [a] The sign shall be used only to identify and locate the businesses within;
 - [b] The message area shall not exceed 12 square feet;
 - [c] The sign shall be located immediately adjacent to the common entrance; and
 - [d] The additional freestanding sign permitted by special exception under Subsection **F(42)(g)[1]** is not used.

~~(3) Sign content. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech.~~

~~Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.~~

(a 4) Pedestrian-oriented off-site commercial signs (POOC signs) to encourage pedestrian activity (as opposed to vehicular traffic) in the North Conway Village Commercial District shall be permitted as follows:

- ~~[1]~~ **(a)** The POOC sign shall be posted in, and refer only to a business located in, the North Conway Village Commercial District;
- ~~[2]~~ **(b)** The POOC sign shall be located on private property;
- ~~[3]~~ **(c)** The POOC sign shall not be subject to setbacks;
- ~~[4]~~ **(d)** The POOC sign shall be mounted either on a freestanding pole or a wall, and when mounted on a freestanding pole there shall be no backing board of any kind;
- ~~[5]~~ **(e)** The POOC sign shall be located and oriented to direct and inform pedestrians, and visibility to vehicles on roads shall be minimized where reasonable;
- ~~[6]~~ **(f)** The POOC sign shall be a one- or two-sided sign with dimensions being four inches tall by 18 inches long;
- ~~[7]~~ **(g)** A business utilizing any other type of off-site commercial sign(s) within the Town shall be prohibited from using the POOC sign;
- ~~[8]~~ **(h)** A business shall be permitted to utilize no more than two POOC signs;
- ~~[9]~~ **(i)** No more than 10 POOC signs shall be located on a lot;
- ~~[10]~~ **(j)** A permit is required for the establishment of a new POOC sign, as well as for the change of message if the business identified by the POOC sign changes;
- ~~[11]~~ **(k)** Both the property owner of the lot on which the sign is located and the owner of the business to which the sign refers shall be co-applicants and must both sign the application and abide by the conditions of approval;
- ~~[12]~~ **(l)** The POOC sign shall provide a directional message only, and shall refer only to an off-site business; and
- ~~[13]~~ **(m)** The POOC sign shall be located within 400 feet of the lot to which it provides direction and, further, shall be on the same side of Route 16/302.

(45) Signs in platted ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

- (a)** Special promotional banners that cross a public or private road, with a message area of 200 square feet or less, as approved by the Board of Selectmen for ~~public or institutional events~~ Special Events.
- ~~(b) One directional sign to identify the entrance to a particular subdivision or development, not to exceed 12 square feet, and not to exceed eight feet in height nor six feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision. Signs sanctioned by a municipal, state or federal signage program.~~

(56) Temporary event signage. In addition to signage otherwise permitted herein, temporary events may display up to 20 square feet of additional signage and that signage may be in the form of banners. Such signage shall comply with the following dimensional restrictions:

- (a)** Signs shall be set back a minimum of five feet from a platted right-of-way, and signs shall be set back a minimum of 10 feet from all other property boundaries;

- (b) Maximum sign height shall be eight feet; and
 - (c) Maximum sign width shall be 10 feet.
- (67) Special event signage. In addition to signage otherwise permitted herein, special events may display up to 40 square feet of additional signage and that signage may be in the form of banners. Such signage shall comply with the following dimensional restrictions:
- (a) Signs shall be set back a minimum of five feet from a platted right-of-way, and signs shall be set back a minimum of 10 feet from all other property boundaries;
 - (b) Maximum sign height shall be eight feet; and
 - (c) Maximum sign width shall be 10 feet.
- (78) Signs exempt from property line setbacks and no permit required:
- (a) Signs with a message area of one square foot or less which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy."
 - (b) Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.
 - ~~(c) Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.~~
 - (d c) Business name and directional signs with a message area of three square feet or less which are located over doorways. Such signs may project from the wall surface. [Amended 4-14-2015 ATM by Art. 3]
 - ~~(e) Flags.~~
 - (f d) One portable A-frame sign per lot of record is permitted in the district. It may be displayed during business hours only, it shall have a message area of six square feet or less, no illumination of the sign is permitted, and no appendages to the sign are permitted.
 - (g e) Window signs with a sign area that does not exceed 50% of the window area are permitted. Window signage that exceeds 50% of the window area is prohibited. [Amended 4-12-2016 ATM by Art. 4]
 - ~~(h) One sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, to be erected not more than two days prior to the event and removed within one day of the end of the event.~~
 - ~~(i) Sign for a government election, with time limits as specified in state law, or if no state law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.~~
 - (j f) Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all districts.
 - (k g) Special promotional signs for public or institutional Special Events as approved by the Board of Selectmen events, with a message area of 40 square feet or less.
 - (l h) Directional signs to help locate facilities for disabled persons, with a message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1990.
 - (m i) A home occupation may display a non-illuminated outdoor sign not exceeding three square feet in size.

~~(n) One real estate sign to identify lots for sale at each entrance to the subdivision in which the subject lots are located, not to exceed 12 square feet, and not to exceed eight feet in height nor six feet in width. [Added 4-14-2015 ATM by Art. 4]~~

(89) Signs subject to property line setbacks and no permit required:

~~(a) For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.~~

~~(b) For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.~~

(c) Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

~~(d) For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.~~

(e) Signs which convey only a noncommercial message, including but not limited to ideological, political, social, cultural, or religious messages, with a message area of 12 square feet or less.

(910) Permit required for all other signs.

(a) Sign application process. Any action requiring a sign permit shall be permitted only upon the application to and approval of the Zoning Officer. Applications shall use the following process:

[1] An application form for each sign shall be completed and signed by the owner of the property.

[2] A complete application shall also include the following:

[a] Fee as set from time to time by the Board of Selectmen; [Amended 4-11-2017 ATM by Art. 2]

[b] Written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign;

[c] Statement specifically addressing compliance with off-site commercial sign restrictions; and

[d] Analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

[3] Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

[4] If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

[5] If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one year from date of approval. If the sign is not erected within one year, the permit shall expire.

(1011) Design standards. The following design standards shall be required to ensure compliance with the intent of these regulations:

(a) Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. The lighting sources shall be of white light and be energy-efficient fixtures when possible. Fixtures shall be located, directed and/or shielded such that no direct light

emissions are visible at any point along the property boundary, nor shall they be distracting to vehicular traffic.

- (b)** Neon. Neon lighting shall be prohibited.
 - (c)** Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.
 - (d)** Flashing/Blinking. Flashing, blinking, alternating-type or digital-type lighting such as a digital message board shall be prohibited.
 - (e)** Structural supports and base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100% of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.
 - (f)** No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.
 - (g)** No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.
- (1112)** Movable signs. Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this chapter. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.
- (1213)** Flags, banners, pennants, etc.
- (a)** In addition to the signs otherwise permitted by this chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or noncommercial; except that off-site commercial flags shall be restricted as set forth in this chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flagpole. A "flagpole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flagpoles shall be erected vertically, or within 45° of the vertical. No portion of any flagpole shall be sited within 10 feet of a property line. No flagpole shall extend more than 35 feet in height above grade or, if mounted on a building, 55 feet above the average finished grade of the building.
 - (b)** Banners, feather flags, pennants, searchlights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein. [Amended 4-14-2015 ATM by Art. 2]
 - (c)** This subsection shall not be construed to prevent any sign otherwise permitted by this chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.
- (1314)** Maintenance. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and sightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit

is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

- (14.15)** Sign incentives. The purpose of these sign incentives is to reduce visual clutter and distraction from the natural environment caused by signs. This system offers design and size bonuses as a means of encouraging certain site and sign designs.
- (a)** Any freestanding, projecting or wall sign which conforms to all provisions of this chapter shall be permitted to utilize up to 20% of the maximum permitted message area for changeable copy.
 - (b)** A freestanding sign which conforms to all provisions of this chapter shall be permitted to increase its message area by up to 20 square feet above that otherwise permitted under this chapter if the lot has at least 300 feet but less than 500 feet of frontage on a Class V or better road; or by up to 40 square feet above that otherwise permitted under this chapter if the lot has 500 feet or more of frontage on a Class V or better road. In no case, however, shall such increases cause any sign message area to exceed 80 square feet. The applicant shall submit a satisfactory written declaration, to be recorded at the Carroll County Registry of Deeds, in which the owner, its heirs, successors and assigns agree that, if the frontage of the property is subsequently reduced below that amount required for the bonus granted, the sign shall be removed or replaced with a sign which fully conforms with the provisions of this chapter; and that no subdivision of a lot shall be permitted unless a freestanding sign erected under this provision continues to conform to this provision; and such agreement must be legally enforceable by the Town of Conway. [Amended 4-11-2017 ATM by Art. 2]
 - (c)** On a site where the freestanding sign conforms to all provisions of this chapter, the maximum wall sign message area permitted per Subsection **F(2)** may be increased by 50%.