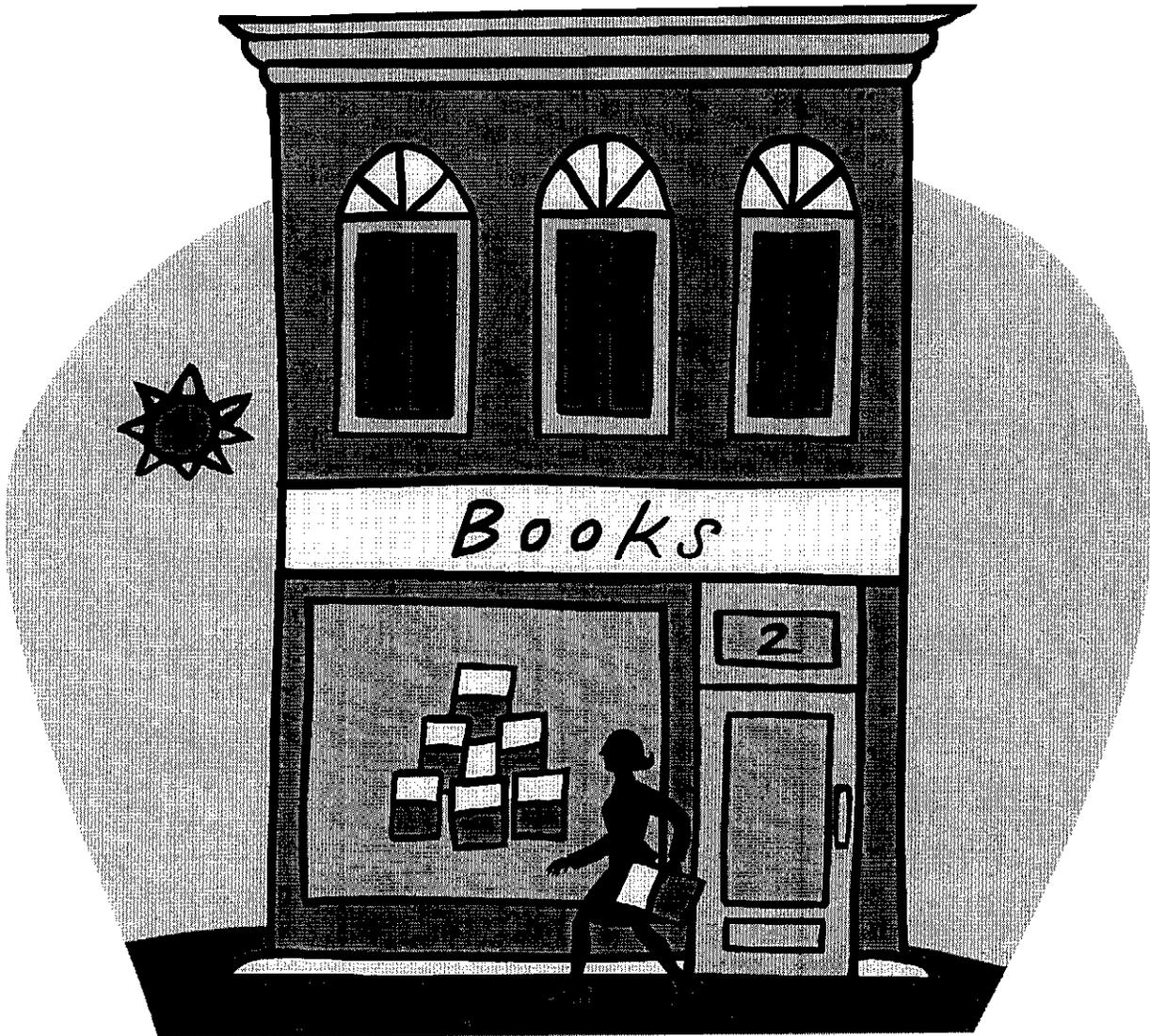


Town of Conway Sign Guide



Contact Information: Planning and Zoning 603/447-3811 x23
www.conwaynh.org

September 30, 2013

Table of Contents

	<u>Page</u>
1. Starting the Process.....	3
2. Regulations.....	3
A. Purpose and Intent of Sign Ordinance.....	3
B. Applicability.....	3
C. Sign Application Process.....	5
D. Sign Regulations by Zoning District	6
E. Sign Content	8
F. Signs in Platted ROW.....	9
G. Design Standards	10
H. Movable Signs	11
I. Flags, Banners, Pennants, Etc.....	11
J. Maintenance.....	11
K. Non-conforming Signs.....	11
L. Sign Incentives.....	12
3. Definitions.....	12
4. Sign Guide Illustration.....	15

1. Starting the Process

How do I get a permit for a commercial sign or find out if an existing sign is legally permitted?

A. Determine the zoning district in which your property is located by referring to the Zoning Maps found in the Chapter 147 – the Zoning Ordinance. You can do this by obtaining a paper copy at Town Hall or review it on line at: <http://www.conwaynh.org/boards/selectmen/ordinances.html> or simply call us at 447-3811. You can also review the Property Record Card which is available in the Tax Assessor's office in Town Hall.

B. Review all sign regulations that apply to the zoning district in which the property is located. Again, you can do this by obtaining a paper copy at Town Hall or on line at: <http://www.conwaynh.org/boards/selectmen/ordinances.html> or simply call us at 447-3811.

C. Complete a SIGN PERMIT APPLICATION (available at Town Hall or on line at: <http://www.conwaynh.org/generalinformation/applications.html> for the sign and drop it off at Town Hall or mail it to: Zoning & Planning Dept., c/o Conway Town Hall, 1634 East Main St. Conway, NH 03813. You must include the \$60 (per sign) fee with the application.

D. Once you receive approval, you may install the sign as per the conditions of the permit

2. Regulations

The following is a condensed version of the Zoning Regulations that apply to signs:

A. **Purpose and intent.** The principle guiding these regulations is that signing should not destroy or detract from the scenic vistas, compete unnecessarily with the natural environment which is a major asset to the Town's tourist-based economy or proliferate in number with competitive advertising sales campaigns. Therefore, recognizing that any business needs identification and that the public needs direction, the following sign regulations are written for the special needs of Conway. These regulations are to encourage the use of street graphics, which are compatible with the community character, readable and clear, non-distracting to vehicular traffic and maintained in safe and good repair.

B. **Applicability.** All signs are subject to the restrictions contained in this chapter.

1. Signs that do not require a permit and are exempt from property line setbacks:

(a) signs with a message area of one square foot or less, which bear only property numbers, post office box numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy" directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

(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) Business name and directional signs with a message area of three square feet or less which are located over doorways.
- (e) flags, as permitted in ALL DISTRICTS.
- (f) one portable a-frame sign per lot of record in the Business Districts; (HIGHWAY COMMERCIAL & VILLAGE COMMERCIAL Districts), may display the sign during business hours only, and shall have a message area of six square feet or less, no illumination of the sign is permitted, no appendages to the sign are permitted.
- (g) window signs which are affixed to the interior of the window, not to cover more than 50% of any window.
- (h) one sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and 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) 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) Special promotional signs for public or institutional events, with a message area of 40 square feet or less.
- (l) Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1990.
- (m) Wall mounted directional signs which advertise only one business located on the same lot, but not within the same building as the building onto which the signs are affixed. The dimensions of these signs shall be six (6) inches in height by thirty (30) inches in length. The top of these signs shall be mounted no greater than fifteen (15) feet above grade. No more than eight (8) of these signs shall be allowed on any building. When more than one sign is affixed to a building, signs shall be mounted directly above or below other signs, with uniform spacing between signs. Only one (1) such sign shall be permitted for any business.

2. Signs that do not require a permit but are subject to property line setbacks specified in each District:
 - (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 an ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.
3. All other signs require a permit and are subject to property line setbacks specified in each District.

C. 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 of \$60;
 - (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 offsite commercial sign restriction; 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 (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

D. Signs Regulations By Zoning District. Sign regulations vary among the zoning districts, as follows:

- (1) **Business Districts (HIGHWAY COMMERCIAL & VILLAGE COMMERCIAL).** Sign regulations in the Business Districts shall be as follows:

- (a) **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. The size of the message area shall not exceed 40 square feet. The height of the message area shall not exceed 15 feet above the undisturbed ground. The width of the message area shall not exceed 12 feet. The minimum setback shall be 25 feet from a platted right-of-way, and five feet from all other property boundaries. Freestanding sign setbacks may be reduced to 10' 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, excepting the size of the message area and the minimum front setback shall be required of these signs.

[1] Where unallowable or preexisting 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 twenty square feet per residential development; provided, however, that the total message area shall not exceed 80 square feet in any case.

[2] Projecting signs, including sign structure, not to exceed 20 square feet in the Highway Commercial Districts, and 6 square feet in the Village Commercial Districts are permitted in the lieu of a freestanding sign. The sign shall be at least ten feet above the ground; the top of the sign shall be no more than fifteen feet above the ground.

[3] The Zoning Board of Adjustment may grant the following special exceptions:

- i. 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: the sign shall be used only to identify and locate businesses within; the message area shall not exceed 12 square feet; the height of the message area shall not exceed 20 feet above the undisturbed ground; the sign shall meet all setbacks; and the additional wall sign permitted by Special Exception under Section [b] is not used.
 - ii. Where existing buildings are set back from the right-of-way less than the setback required for freestanding signs, the right-of-way setback of the freestanding sign may be reduced from 25 to any lesser amount down to five feet, provided that the following conditions are met: the message area shall be reduced to not more than 20 square feet; the sign shall not obstruct vehicular or pedestrian traffic; the sign shall not obstruct the line of sight for traffic entering or exiting the site; and the sign shall not unduly obstruct the visibility of other signs or property in the area.
 - iii. 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.
- (b) **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 Section 147-19.L(3):

For floor areas up to and including 50,000 square feet, the maximum message area shall be calculated as follows:

$$20 + (\text{total s.f. floor area} \times 0.0016)$$

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 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.

3. The Zoning Board of Adjustment may grant the following special exceptions:
 - (a) 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: the size of the message area shall not exceed 40 square feet; the sign shall be located on a wall facing the primary parking lot; total wall sign area on the wall shall not exceed 10%; and all relevant height restrictions apply.
 - (b) 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: the sign shall be used only to identify and locate the businesses within; the message area shall not exceed 12 square feet; the sign shall be located immediately adjacent to the common entrance; and that the additional freestanding sign permitted by Special Exception is not used.

4. All other Districts (**RESIDENTIAL/AGRICULTURAL & INDUSTRIAL**). Sign regulations in all districts other than the Business Districts shall be as follows:
 - (a) There shall be no more than one freestanding sign per lot.
 - (b) Maximum sign height shall be eight feet.
 - (c) Maximum sign width shall be six feet.
 - (d) 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 15 feet from all other property boundaries.
 - (c) Message area shall not exceed three square feet for professional or home occupations, nor shall message area exceed 12 square feet for identification of any nonresidential use.

E. 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, except as follows:

- (1) Pedestrian-oriented off-site commercial signs (POOC signs) to encourage pedestrian activity (as opposed to vehicular traffic) in North Conway Village Commercial District shall be permitted as follows:
 - (a) the POOC sign shall be posted in, and refer only to a business located in, the North Conway Village Commercial District;
 - (b) the POOC sign shall be located on private property;
 - (c) the POOC sign shall not be subject to setbacks;
 - (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;
 - (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;
 - (f) the POOC sign shall be a one- or two-sided sign with dimensions being 4" tall by 18" long;
 - (g) a business utilizing any other type of off-site commercial sign(s) within the Town shall be prohibited from using the POOC sign;
 - (h) a business shall be permitted to utilize no more than two POOC signs;
 - (i) no more than 10 POOC signs shall be located on a lot;
 - (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;
 - (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; and
 - (l) the POOC sign shall provide a directional message only, and shall refer only to an off-site business.
 - (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.

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

- (1) Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.
- (2) 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 non-residential uses, this sign may identify businesses located within the subdivision.

G. Design Standards. The following design standards shall be required to ensure compliance with the intent of these regulations:

- (1) 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. 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 it they in any way be distracting to vehicular traffic.
- (2) Neon. Neon lighting shall be prohibited.
- (3) [deleted 3/9/93]
- (4) Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.
- (5) Flashing/Blinking. Flashing, blinking, alternating type, or digital type lighting shall be prohibited, except that alternating time/temperature signs shall be permitted.
- (6) 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 percent 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.
- (7) No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

- (8) 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.

H. 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 ordinance. 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.

I. Flags, Banners, Pennants, Etc. 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 non-commercial; 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 flag pole. A "flag pole" 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 flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole 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.

- (1) Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.
- (2) 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 the sign.

J. 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.

K. Non-conforming Signs. Signs lawfully in existence before the adoption of regulations, which made them non-conforming shall be permitted to continue in existence and be maintained. No change in type, size of message area and/or support structure, height, location, message, illumination, number, or material shall be permitted without application to and approval from the Town. Non-conforming aspects of the sign may continue, but no additional types of non-conformity shall be created by any change. Permitted changes may allow reduction in any one or more non-conforming aspects, but shall not allow any nonconforming aspect of the sign to become increasingly non-conforming. If a nonconforming sign is abandoned, the grandfathered rights shall terminate and any replacement shall comply with the requirements of this chapter.

L. 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.

- (1) 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.
- (2) 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 but less than 500 feet of frontage on a Class 5 or better road; or by up to 40 square feet above that otherwise permitted under this chapter if the lot has 500 or more feet of frontage on a Class 5 or better road. In no case, however, shall such increases cause any sign message area to exceed 80 square feet. The factory 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.
- (3) On a site where the freestanding sign conforms to all provisions of this chapter, the maximum wall sign message area permitted may be increased by 50 percent.

3. Signage Definitions:

The following definitions will help you understand the sign regulations:

SIGN: Any device, fixture, placard, structure or attachment thereto that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of an person or entity, or to communicate information of any kind to the public, whether commercial or non-commercial. Any portion of any awning, either freestanding or attached to a structure, decorated with any sign element either attached or part thereof, shall be considered wall signs.

SIGN MESSAGE AREA - The total area used to display a sign's message including all lettering, designs, symbols, logos, together with but not including any support framework or bracing which is incidental to the sign and which is not designed to attract attention. Where the message area consists of letters, symbols, logos or devices affixed to the surface of a wall, building, awning or window, **the message area shall be measure by a single, continuous, rectangular perimeter drawn to enclose the extreme limits of the sign elements.** The message area of one side of a double-faced sign shall be regarded as the total message area of the sign. For double-faced signs, each face must be attached directly to the other.

FREESTANDING SIGN: A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include movable signs.

WALL SIGN: A sign affixed to the wall of a building or to an awning, provided the sign does not extend more than 12 inches beyond the surface to which it is attached.

WINDOW SIGN: A window, or portion thereof, on which sign message is displayed, whether by permanent or temporary attachment, but exclusive of merchandise display.

APPENDAGE: A sign, which is attached directly to or under a freestanding or projecting sign.

OFF-SITE SIGN: A sign, which is not located on the lot to which its message refers.

OFF-SITE COMMERCIAL SIGN: A sign with a commercial message relating to a commercial activity not conducted on the lot.

SIGN HEIGHT: The measure from undisturbed ground directly under the sign to the top of the message area.

CHANGEABLE COPY: A sign, or portion thereof, with manually changeable lettering or display. This shall not include electronic-type displays with changeable messages.

SIGN MAINTENANCE: Repainting; other surface renewal; change of message on the same surface; replacement of any sign surface, support framework or component with substantially similar construction material or component.

NON-CONFORMING SIGNS. Signs lawfully in existence before the adoption of regulations, which made them non-conforming shall be permitted to continue in existence and be maintained.

No change in type, size of message area and/or support structure, height, location, message, illumination, number, or material shall be permitted without application to and approval from the Town. Non-conforming aspects of the sign may continue, but no additional types of non-conformity shall be created by any change. Permitted changes may allow reduction in any one or more non-conforming aspects, but shall not allow any nonconforming aspect of the sign to become increasingly non-conforming. If a nonconforming sign is abandoned, the grandfathered rights shall terminate and any replacement shall comply with the requirements of this chapter.

FLAG: A piece of flexible fabric of distinctive design which is used as a symbol of a nation, state, province, county, town or religion, or which uses color, form, graphic, symbol, or writing to communicate information of any kind to the public, whether commercial or non-commercial.

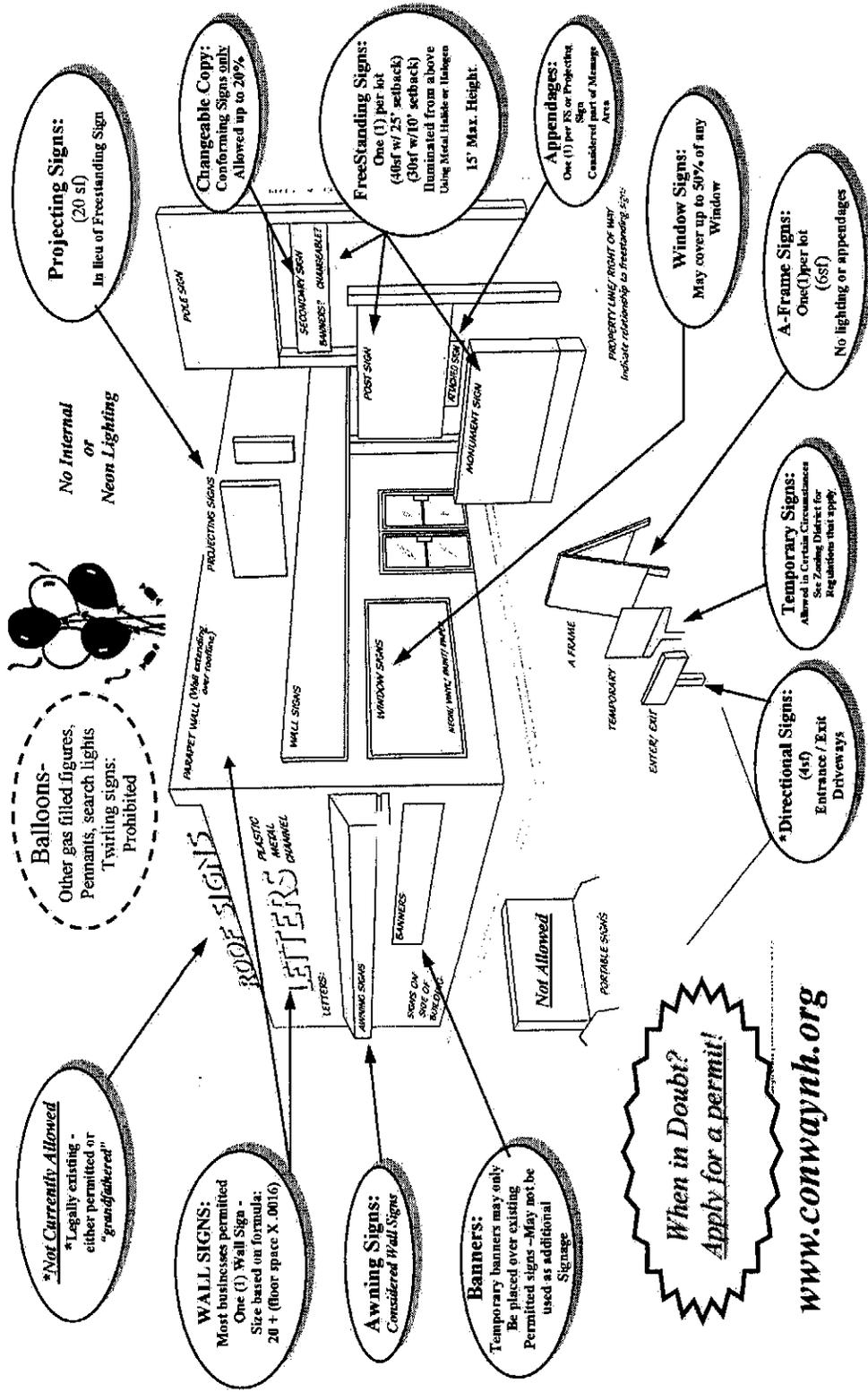
SIGN MAINTENANCE: Repainting; other surface renewal; change of message on the same surface; replacement of any sign surface, support framework or component with substantially similar construction material or component.

SETBACK: The minimum distance by which buildings and structure are required to be set back from the nearest lot line (rear or side), measured at right angles or radial thereto. "Setbacks" from a road shall be measured from the nearest edge of the right-of-way of such road in the same manner. Where the edge of the road right-of-way is not shown on a recorded plan, then such edge shall be deemed to be located thirty (30) feet from the center of the traveled portion of said road unless the right-of-way of such a road can be shown to be wider than sixty (60) feet. A road shall include either a public or a private right-of-way.

STRUCTURE: Anything constructed or erected, on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, permanent or temporary; signs; carports; porches; and other building features, including stacks and antennas, but not including sidewalks; fences; driveways; septic systems; utility poles; boundary markers and field or garden walls or embankment retaining walls. For floodplain management purposes, a gas or liquid storage tank that is principally above ground is a structure.

4. Sign Guide Illustration

Town of Conway - Commercial Sign Regulations:



*When in Doubt?
Apply for a permit!*

www.conwaynh.org