**ORDINANCE** **03 2014 03**

**CITY OF LACONIA**

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**In the Year of our Lord two thousand and fourteen**

**AN ORDINANCE AMENDING CHAPTER 235, ZONING**

The City of Laconia ordains:

That the ordinances of the City of Laconia, as amended, be and are further amended in Chapter 235 (strikethrough indicates deletions, bolding indicates additions):

Amend **§ 235-53. Signs allowed and exempted from permit requirements.**

B. Temporary signs. Temporary signs are as follows:

(1) **On-premise** signs containing the message that the real estate on which the sign is located [including building(s)] is for sale, lease or rent, together with information identifying the owner or agent. [Amended 10-14-1997 by Ord. No. 10.97.10]

(a) Individual lots. Such signs may not exceed six square feet in area in residential districts or 32 square feet in area in nonresidential districts and shall be removed within 14 days after the sale, lease or rental of the property. For lots of less than five acres, a single sign on each street frontage may be erected. For lots of five acres or more in area and having a street frontage in excess of 400 feet, a second sign not exceeding six square feet in area may be erected.

(b) Subdivision developments. Where multiple lots within a single subdivision are being marketed for sale, one **on-premise** sign, up to 32 square feet in area, may be erected. Provided it is maintained in good repair, as determined by the Director of Planning and Community Development or his or her designee, it may remain in place for no longer than two years with one two-year extension as may be issued by the Director of Planning and Community Development or his or her designee. [Amended 8-14-2000 by Ord. No. 07.2000.07]

(2) Construction site identification signs. Such **on-premise** signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including but not limited to sale or leasing information. Not more than one such sign may be erected per site, and it may not exceed 32 square feet in area. Such signs shall not be erected prior to the issuance of a building permit and shall be removed within 30 days after the issuance of the final occupancy permit.

(3) Signs attached temporarily to the interior of a building window or glass door. Such signs, individually or collectively, may not cover more than 75% of the surface area of the transparent portion of the window or door to which they are attached. Such signs shall be removed within 30 days after placement.

(4) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ~~10~~ **30** days following the holidays.

(5) **Political** signs erected in connection with elections or political campaigns pursuant to RSA 664, Placement and Removal of Political Advertising. Such signs ~~are permitted no sooner than 30 days prior to an election~~ **shall be removed by the candidate no later than the second Friday following the election unless the election is a primary and the advertising concerns a candidate who is a winner in the primary**. ~~and must be removed within 10 days of the closing~~

~~of the polls~~. No such sign may exceed 16 square feet in area.

(6) Signs, including pennant signs, indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located. Such signs may be erected not sooner than three weeks before the event and must be removed not later than five days after the event.

(7) Temporary **on-premise** signs not covered in the foregoing categories. Such signs must meet the following restrictions:

(a) Not more than one such sign may be located on any lot.

(b) Such a sign may not be displayed for longer than seven consecutive days nor more than 14 days out of any one-year period.

(c) No such sign may exceed four square feet in area.

*And*

**§ 235-56. Computations.**

A. Computation of area of individual signs. The area of a sign shall include all of the surface area on which the letters, pictures, designs and symbols appear, together with the background, on which they are displayed, whether open or closed, and all beveled, rounded, angled or bordering surfaces intended or designed to enhance the visual impact of the sign. The area of a sign does not include its sides, or any supporting framework and bracing that is incidental to the display itself and is not designed to attract attention. Where the sign consists of letters or symbols affixed to a surface or building, without any distinguishing border, panel or background, the area shall be considered to be the smallest rectangle or shape which encompasses all of the letters and symbols. The area of one face of a double-faced sign, **even if the two faces are not identical in message,** shall be regarded as the total area of the sign, provided that such sign faces are part of the same sign structure and are not more than 42 inches apart.

B. Computation of height of a freestanding sign. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the existing grades before construction, or the newly established grade after construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

**C. ~~Signs~~ Properties bisected by District boundaries shall abide by the most restrictive zone's sign regulations.**

*And*

**§ 235-57. Prohibited signs.**

All signs not expressly permitted under this chapter or exempt from permit requirements hereunder are prohibited in the City of Laconia. Such signs include, but are not limited to, the following:

A. On corner lots, signs of a height between 2 ½ and eight feet above street grade in an area bounded by the adjacent street right-of-way lines and a straight line joining points along said right-of-way lines 20 feet from the point of their intersection.

B. Signs, or any point in a sign, higher than the roof ridge, the plate of a flat roof or the highest point of the roof.

**C.** ~~Wall signs located such that any part thereof is located above the sills of the windows above the first story.~~ **Wall signs installed in such a way that windows on any story of a building are blocked.**

D. Projecting signs that are lower than eight feet above grade or protrude above the sills of the windows above the first story.

E. Pennant signs except as specified in §235-53B, Temporary signs.

F. No sign shall contain any flashing lights, except such portion of a sign which consists solely of indicators of time and temperature or is part of an animated sign. [Added 10-14-1997 by Ord. No. 10.97.10]

**G. Off-premise signs, except for temporary signs permitted, shall meet zoning standards, and may be allowed by Special Exception by the Zoning Board of Adjustment if the Board determines:**

**(1) Circumstances, unique to the structure, use or access, and the area in which the structure, use or access is located, exist, and**

**(2) The additional sign or sign area is necessary or desirable for public information and safety, and**

**(3) The additional sign or sign area is compatible with the area in which the sign will be located.**

**(4) Off-premise temporary signs for the purposes of advertising special events shall be exempt from this section.**

*And*

**§ 235-58. Table of Sign Regulations.**

The following table displays the number, area and type of signs permitted for nonresidential uses in each of the zoning districts, and subject to the following provisions:[35]

**35. Editor's Note: Said table is included at the end of this chapter.**

A. The total number of signs for each ~~sign frontage of a building~~ **business** is indicated in the table. The total sign area for each ~~sign frontage~~ **lot** shall not exceed the lesser of the following:

(1) In the C and CR Districts, an area equal to 1.5 square foot per linear sign frontage, or the maximum sign area indicated in the table.

(2) In all other districts, an area equal to one square foot per linear sign frontage, or the maximum sign area indicated in the table.

*And*

**§ 235-60. Illumination of signs.**

A. No sign in residential districts may be illuminated from within, but may be illuminated by a **fully** shielded external light source. For nonresidential uses in residential districts, signs may be illuminated during the hours that the use is open or in operation, **or between the hours of 6:00 AM and 11:00 PM.**~~; otherwise no sign may be illuminated between the hours of 11:00 p.m. and 6:00 a.m. Illumination of signs in nonresidential districts is not restricted as to timing or type of illumination.~~

**B. Fixtures used to illuminate signs shall be located, aimed, and shielded so as to minimize glare perceptible to drivers, pedestrians, bicyclists, and other passersby within adjacent streets or rights-of-way. Light sources shall utilize energy efficient fixtures to the greatest extent practicable. Light fixtures including bulbs or tubes used for sign illumination shall be selected and positioned to achieve the desired brightness of the sign which ensuring compliance withal applicable requirements of this Chapter.**

C. **Illuminance of a sign face shall not exceed the following standards:**

(1) **External illumination: Illumination suspended or located on the exterior of a sign, such as goose-neck fixtures shall be limited to 50 foot-candles as measured on the sign face.**

(2) **Internal illumination: Illumination of signs from within, but with no graphic displays shall be limited to 10,000 nits (candelas per square meter measured perpendicular to the rays from the source) during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.**

(3) **Direct illumination: No more than 10,000 nits during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.**

(4) **All electronic changing signs shall be equipped with automatic dimming controls, so the brightness level will be highest during the day and lowest at night. Manufacturer specifications shall be submitted at the time of the sign permit specifying maximum sign brightness.**

D. **Electronic Message Center (EMC):**

**All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions at all times of the day or night. Electronic changing signs may be freestanding or building mounted, one or two-sided, may be a component of a larger sign or billboard, and shall conform to the following minimum requirements along with all other requirements for signage within this ordinance:**

(1) **Electronic Message Center portion of the sign shall not make up more than 75% of the actual sign surface. In no case shall an electronic message center exceed 32 square feet.**

(2) **Animation on Static EMCs shall be limited to the actual changing of the message. No flashing, blinking, or pulsating of lights shall be allowed. Electronic Message Centers must be equipped to freeze in one position or discontinue the display in the event that a malfunction occurs.**

(3) **Minimum Display Time: All illumination elements on the face of Static electronic changing signs shall remain at a fixed level of illumination for a period of not less than five minutes.**

(4) **No more than one EMC will be allowed per lot.**

(5) **Software for operating the EMC must be able to show current and factory brightness levels upon request. The owner/installer of Electronic Message Displays shall certify as part of the application that signs will not exceed the brightness levels specified in this section.**

*And*

Definitions:

**SIGN, ANIMATED - A sign, or part of a sign, employing actual motion or the appearance of motion, that does not employ the use of a panel of lights to create the copy or images themselves, including;**

(a) **Tracer or chase sequence lights that turn on and off quickly and in succession;**

**(b) Flashing, where either words, lights, or images change or intermittently flash on and off, or give the appearance of changing, blinking or flashing;**

**(c) Any sign or part of a sign that changes physical position.**

**SIGN AREA – The area of a sign shall include all of the surface area on which the letters, pictures, designs and symbols appear, together with the background, on which they are displayed, whether open or closed, and all beveled, rounded, angled or bordering surfaces intended or designed to enhance the visual impact of the sign. The area of a sign does not include its sides, or any supporting framework and bracing that is incidental to the display itself and is not designed to attract attention. Where the sign consists of letters or symbols affixed to a surface or building, without any distinguishing border, panel or background, the area shall be considered to be the smallest rectangle or shape which encompasses all of the letters and symbols.**

SIGN, CHANGEABLE COPY – A **non-digital** sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face of the surface of the sign. ~~The copy of the changeable copy sign shall not be allowed to change more than once an hour~~. A sign on which the message automatically changes shall be considered an animated sign **or Electronic Message Center** and not a changeable copy sign for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a time-and-temperature portion of a sign and not a changeable copy sign for purposes of this chapter. [Amended 7-11-2005 by Ord. No. 06.2005.06]

**SIGN, ELECTRONIC MESSAGE CENTER (EMC) - A sign, or any portion thereof, capable of displaying electronic text, symbols, figures, pictures, or images that can be electronically or mechanically changed by remote or automatic means. There are two subcategories:**

**(a) SIGN, ELECTRONIC MESSAGE CENTER (EMC), STATIC - Copy and pictures may not change light intensity during the digital message; intensity may only change to comply with the light requirements discussed in section 235-60(C). Transition effects shall not be used between digital messages including, but not limited to fly in, fading, blinking, or rotation of images or words.**

**(b) SIGN, ELECTRONIC MESSAGE CENTER (EMC), DYNAMIC - Any characteristics of a sign that appear to have movement or that appear to change, that incorporates technology allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This includes displays that incorporate LED, "digital ink", or any other method of technology that allows the sign face to present a series of images or displays, to include transition effects such as fly in, fading, blinking, or rotation of images or words, scrolling where, in total or in part, letters or images scroll across the face of the sign, flashing, and other animated sequences.**

SIGN, ~~OFF-SITE~~ **OFF-PREMISE** - ~~A sign other than an on-site sign~~. **A sign that is located on property that is not the premises, property, or site of the use identified or advertised in the sign.**

SIGN, ON-~~SITE~~ **PREMISE** – A sign relating in its subject matter to the lot on which it is located or to an activity conducted on the lot.

**SIGN, VEHICLE – Any sign exceeding four square feet in area mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed so that the sign thereon is discernible from a public street or right-of-way as a means of communication and which by its location, size, and manner of display is reasonably calculated to exhibit commercial advertising identifying an on-premise business or supplying directional information to an off-premise business. A vehicle sign may be defined as a vehicle that functions primarily as a sign rather than as a transportation device, as determined by any combination of the following factors:**

**(a) The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed;**

**(b) The vehicle upon which the sign is displayed is not parked in a lawful or authorized location or is on blocks or other supports or is parked in a manner that is not in conformity with the identified parking space on the lot;**

**(c) The vehicle is parked for extended periods of time, both during business hours and when the business is closed and the land and vegetation surrounding the vehicle shows signs that the vehicle has not often moved;**

**(d) The vehicle remains parked on the premises after normal business hours when customers and employees are not normally present on the premises.**

**(e) Vehicle signs are prohibited in all districts.**

SIGN, WINDOW – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside or upon glass and is visible from the exterior of a building or structure. **Such signs shall be permitted as long as they do not cover more than 75% of the total visible widow casing area.**

This ordinance amendment shall take effect upon its passage.

Edward Engler, Mayor

Passed and approved this 27th day of May, 2014.

Mary A. Reynolds, City Clerk