

ARTICLE XXIII SIGNS

175-119. Applicability.

It is the purpose and intent of this article to provide standards for the erection, installation and maintenance of signs, vending machines, awnings, marquees, canopies, public time pieces and thermometers for the purpose of conformity with aesthetic values outlined in the Master Plan, and for the convenience, comfort, propriety and general welfare of the Town of Durham.

- A. ***Nonconforming signs and communication devices.*** Any sign, vending machine, marquee, canopy, public time piece or thermometer, or other such structure not conforming to the terms of this chapter shall be allowed to continue nonconforming. Nothing herein shall prevent the substantial restoration or reconstruction, within 1 year, of a sign destroyed in part or whole by fire or other casualty so long as this use does not result in a new or increased violation. Once a nonconforming sign has been removed as per 175-119 (B), any new signs shall conform to the standards set forth in this section.
- B. ***Removal of certain signs.*** Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or product sold on the premises, shall be removed by the owner, agent or person having the beneficial use of the building or property upon which the sign may be located. Removal shall take place within 14 days after written notification from the Code Enforcement Officer. Otherwise said sign shall be deemed to constitute a public nuisance.

175-119.1 Definitions

The following definitions apply in this article:

Accessory Sign - Any sign relating to a business on the premises on which the sign is located.

Flashing Sign - Any sign that moves, flashes, contains traveling lights, or gives the impression of any movement or flashing.

Freestanding Sign - Any sign which is not a part of or attached to any building but is located elsewhere on a lot.

Neon Sign - Any light sign using exposed neon tubes for illumination or display.

Pole Sign - A type of freestanding sign supported by or suspended from a freestanding column or columns of structural steel, pipe or poles.

Reader Board - A sign that is flush mounted, does not exceed 3 square feet in size and provides a fixed location for the advertisement of daily specials.

Roof Sign - Any sign erected upon or over the roof of any building.

Sandwich Board Sign - A portable sign with an A-frame shape intended to be placed in a front yard or on a public sidewalk.

Sign - Any exterior or exterior-oriented structure, or part thereof, or device attached thereto, or other outdoor surface including billboards or any combination of one or more of the foregoing containing any word, letter, symbol, drawing, model, banner, flag, picture or design, or any device used for visual communication which identifies

or calls attention to any premises, person, product activity, or business, directing the subject thereof to the attention of the public.

Snipe Sign - Any sign of a non-permanent nature or construction attached to trees, poles, posts or sides of buildings or structures.

Temporary Sign - Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard or wallboard or other light materials, with or without frames, intended to be displayed for a short period of time only.

175-120. General Provisions.

- A. See Article XVII for additional provisions that apply to signage located in the Durham Historic District.
- B. In measuring signage, the square footage shall be computed based on the smallest rectangle (or other appropriate regular shape) that will encompass the outer limits of the writing, representation, logo, and other images, along with any material or color forming an integral part of the background of the sign. A conventional border around the sign panel shall not count toward the sign size except if the size of the border is unusually large or prominent in which case it shall count toward sign size. In unusual circumstances, the Zoning Administrator may make reasonable adjustments in determining how to measure the sign.
- C. The sign shall have a matte finish.
- D. On commercial buildings, the appropriate zone for signage, including the brackets for projecting signs, is above the storefront windows and below the sills under the second floor windows.
- E. Signs shall be placed where they respect an existing sign line established by the signs on adjacent establishments.
- F. Signs shall not obscure architectural features.
- G. Projecting signs shall be placed perpendicular to the building.
- H. Sign brackets shall be made of painted wood, wrought iron, prefinished/pre-painted metal or a comparable material. The specifications for the sign bracket (including dimensions, materials, design and color) shall be provided with the application.
- I. Signs shall be mounted without damage to buildings. On masonry buildings, bolts shall extend through mortar joints rather than through masonry units.
- J. Use of environmentally sustainable materials is encouraged.
- K. Use of fluorescent or “day glow” colors is not permitted.
- L. Typefaces shall be carefully selected to be complementary to the building and nature of the business. Type shall be high quality and classic and shall not be digitally expanded nor condensed nor distorted in any way.
- M. When lighting is used it shall illuminate only the sign and shall be: a) low key; b) low wattage; and c) shielded to prevent glare.

175-121. Application Process

Application for a permit to erect a sign shall be made in writing to the Code Enforcement Officer, Town of Durham, for all signs in excess of 6 square feet of total exposed surface area or

6 feet in height, vending machines, awnings, marquees, canopies, public time pieces, and thermometers, except for the following: temporary signs (except where otherwise noted) and snipe signs. The application shall include all pertinent information and specifications as determined by the Code Enforcement Officer, including written consent of the owner of the building or land for the sign.

Note: Signs shall only be permitted for the promotion of goods and services sold on the site in question.

175-122. Placement and Design of Signs.

- A. All signs shall be prohibited within public rights-of-way (ROWs) with the exception of necessary traffic control devices and directional signs deemed essential for the public welfare and safety and which are authorized by municipal and state agencies and sandwich board, projecting, awning, canopy, and marquee signs (See below).
- B. No sign shall be designed or placed so as to endanger, obscure or confuse or otherwise create a hazardous condition to motor vehicles or pedestrians.
- C. No sign shall project above the roof or parapet line of a building.
- D. Vending machines and Automated Teller Machines (ATMs) shall not be permitted on the exterior surface of any building or structure, or on any sidewalk or thoroughfare.

175-123. Illumination of Signs.

- A. Signs may be illuminated only by stationary exterior white light sources, and shall be placed so that they will not contribute to light pollution or constitute a hazard to street or highway driving by glare. The maximum amount of lighting permitted shall be the minimum amount of lighting necessary to illuminate the sign, and the spillover of light beyond the sign surface shall be minimal to nonexistent.
- B. No flashing or animated signs, nor signs with visible moving parts or intermittent lighting to create the visual effect of movement shall be permitted.
- C. No neon or tubular gas filled signs shall be allowed in any district.
- D. Signs will be illuminated only during business hours.

175-124. Permitted Messages.

- A. Signs shall refer only to a use or activity conducted on the lot upon which they are situated, except that a limited number of signs, each sign not exceeding 2 square feet in area on each of 2 sides and intended solely to provide directional information, may be permitted by the Code Enforcement Officer for a limited period of time.
- B. Farms shall be permitted by the Code Enforcement Officer to place not more than 4 signs, each sign not exceeding 6 square feet in area on each of 2 sides and intended solely to provide information about farm products for sale, as well as directional information.
- C. No sign which contains a registered trademark or name which portrays a specific commodity or service for sale will be allowed in any zone unless the trademark or name is of the principal commodity or service offered for sale by the establishment.
- D. This section is not intended to regulate or restrict signs expressing political, noncommercial, or non-advertising messages.

175-125. Condition of Signs.

- A. Signs other than permitted temporary or snipe signs shall be constructed of durable materials, and shall be maintained in good condition and repair. When by reason of neglect a sign becomes hazardous, unsightly, or otherwise tends to depreciate its surroundings, the sign shall be deemed to constitute a public nuisance (see Section 175-128).
- B. Any clock or thermometer displayed for the public convenience shall be accurate.
- C. The sign shall be properly maintained.

175-126. Types of Signs Permitted.

- A. **Total Sign Area.** Each business establishment will be allowed a maximum of 48 square feet of total signage. This can be composed of any combination of signs in accordance with this ordinance. Each business establishment in the Central Business District is permitted 1 additional Sandwich Board sign or Reader Board sign.
- B. **Snipe Signs.** The use of snipe signs is permitted on private property only for noncommercial events and elections. The limitations that follow are intended to allow for political speech while minimizing any visual distraction that could become a hazard to the traveling public, and also to preserve the visual and rural environment of the town. Snipe signs larger than that permitted below create an unsightly clutter which detracts from the visual appearance of the town, and create a danger to the traveling public by obscuring sight lines, entering and exiting traffic, and curb cuts and adjoining intersections. Such signs are limited to a period of 45 days preceding and 7 days after the relevant event, except political advertisements which are governed by RSA 664:17, provided:
 - 1. The size of any snipe sign shall not exceed 32 square feet; nor be more than 5 feet above the adjacent finished ground level.
 - 2. The number of such signs is limited to 1 per lot in Residence A and B Districts and to 2 per lot in other districts; provided that this provision does not apply to signs that express political speech such as an endorsement of a candidate for office or an issue on an election ballot.
 - 3. Such signs are not permitted on public property.
 - 4. Signs within a public right-of-way are allowed provided they comply with RSA 664:17 and that the top of the sign extends no more than 3 feet above the ground surface so as not to restrict vehicle sightlines.
- C. **Temporary Signs.** One temporary sign such as used by real estate agents advertising property for sale or those used by contractors, architects, painters or other artisans advertising work in progress may be permitted on a lot in any district provided:
 - 1. It is unlighted;
 - 2. It is set back at least ½ the required depth of the street yard;
 - 3. It does not exceed 12 square feet in size;
 - 4. Its proper appearance is maintained;
 - 5. It is removed upon completion of the work or transaction; and
 - 6. Only 1 additional directional sign is allowed for each Real Estate for-sale sign, and it must be located at the nearest street intersection to the property that is for sale. This

sign is limited to not more than 4 square feet in size, and may project no more than 2 feet above the ground.

- D. ***Real Estate Open House Signs.*** Real Estate Signs promoting an Open House may be used on the day of the event between 9:00 AM and 4:00 PM, once the Code Enforcement Officer has been notified in writing by fax, mail or electronic mail, provided:
1. No more than 3 signs are used for wayfinding;
 2. No balloons or flags are attached to the signs; and
 3. Signs are no more than 4 square feet.
- E. ***Yard Sale Signs.*** Yard sale signs will only be permitted from 12:00 PM on Friday until 12:00 PM on Monday, provided that:
1. The address of the yard sale is located on the sign for identification purposes;
 2. Signs are no more than 4 square feet;
 3. No more than 3 signs are used for wayfinding
- F. ***Residential Accessory Signs.*** Residential accessory signs, including signs for home occupations, may be displayed on a lot in any district provided such signs:
1. Are not illuminated;
 2. Are set back at least ½ the required depth of the street yard or are attached to the building;
 3. Do not exceed 1 in number, and the sign is of no more than 6 square feet in size in the R, RC, PO, CH, C, CC, OR, MUDOR, and ORLI Districts, or no more than 3 square feet-in size in the RA and RB.
- G. ***Professional Offices and Permitted Commercial Use Signs in RB and RC and R Districts.*** Signs stating the name and nature of a professional office or permitted commercial use may be displayed on a lot in these districts provided such signs conform with the same regulations that apply to residential accessory signs in the R District (175-126.F), except such signs may be lighted during normal business hours subject to 175-130 Illumination of Signs.
- H. ***Directory Signs.*** Directory Signs, for businesses located on Secondary Streets within the CB District, may be allowed in the Town right-of-way if permission is granted by the Durham DPW and the Town Administrator. A plan must be in place to identify all businesses, and signage must be updated as uses change over time.
- I. ***Projecting Signs.*** Within the CB, PO, CH, C, CC, OR, MUDOR, ORLI, and DBP Districts, only 1 accessory projecting sign shall be permitted for each business ownership; it shall not project horizontally in excess of 6 feet; it shall be erected at a height of not less than 8 feet above the sidewalk or ground level; and it shall not exceed 20 square feet in surface area on each of 2 sides nor a total of 40 square feet on all sides.
- J. ***Wall Signs.*** Within the CB, OR, MUDOR, ORLI, and DBP Districts, no wall sign shall exceed 10 percent of the area of the building face to which it is attached, but in no case shall it exceed 48 square feet in size. Within the PO, CH, C, and CC Districts, the cumulative size of permitted signs on any one business establishment shall not exceed 48 square feet.
- K. ***Window Signs.*** Signs may be displayed in a window but the signs may not cover more than 25 percent of the total visible window area.

- L. ***Multi-Tenant Developments.*** Owners of new multi-tenant developments shall submit a Signage Master Plan to the Planning Board for approval. Owners of existing multi-tenant developments shall submit a signage master plan to the Code Enforcement Officer for approval though he or she may refer the master plan to the Planning Board for review and approval at his or her discretion. The Planning Board may alter any of the standards for signage in Section 175-120 General Provisions and in Section 175-126 Types of Signs Permitted at its discretion for good cause provided it specifies in the approval which standards are being altered.

Free Standing or Ground Mounted Directory Sign – an entrance sign shall be allowed with a maximum of 60 square feet of sign area, and a maximum height of 20 feet. This signage will not count toward the individual businesses total allowable signage. However, a maximum of 100 square feet may be allowed by conditional use.

- M. ***Freestanding Signs.*** In the PO, MUDOR, OR 108, and ORLI Districts maximum sign size will be 20 square feet, and maximum sign height will be 6 feet.
- N. ***Sandwich Board Signs.*** The message area shall not exceed 6 square feet in size on each side of a 2-sided sign. The Sandwich Board Sign shall be no wider than 2 feet and no taller than 3 feet. The location of all sandwich board signs shall be limited to the outer edge of the sidewalk within the public ROW and shall be no closer than within 1 foot of the curb line. The sandwich board sign placement shall be within 10 feet of the primary entrance of the establishment (unless the entrance is located such that this is not possible), shall not obscure or impede pedestrian travel, and shall allow a minimum of a 4-foot accessible path along the side walk.
- O. ***Roof Signs and Pole Signs.*** No such signs shall be permitted anywhere.
- P. ***Special Event Signs.*** The Durham Town Administrator, for good cause, may approve the placement of a temporary sign within the Historic District for a one-time special event, where the sign does not meet one or more requirements for signage as specified within the Historic District ordinance otherwise applicable. The Town Administrator may incorporate any appropriate conditions and restrictions in granting a request for a special event sign.

175-127. Sign Construction.

The design and placement of signs shall be as an architectural element of the building and site they identify. The design shall be consistent with, and not detract from, the overall architectural concept of the site.

- A. ***Glass Requirements.*** Any glass forming a part of a sign shall be of safety glass, and where any single piece or pane of glass has an area of more than 3 square feet, it shall be constructed of wired glass securely held in place or a similar technology meeting the same industry standard for safety.
- B. ***Wind Pressure and Dead Load.*** The supporting structure of, and fasteners for, all signs shall be designed to withstand 5 times the combined effect of wind pressure and dead load. A wind pressure of 25 pounds per square foot on the maximum horizontally projected area of the sign shall be assumed; dead load shall be the weight of the sign. Analysis must be provided by a structural engineer, and must meet the current standards in the State Building Code.

- C. **Obstructions to Doors and Windows.** No sign shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape.
- D. **Marquees.** No marquee shall be erected unless designed by a registered structural engineer and approved by the Code Enforcement Officer. It may extend over the sidewalk across the ROW to the curb line provided it has a minimum height above the sidewalk of 10 feet above the curb level and does not exceed 5 feet in height. The marquee must be able to support a live load of not less than 100 pounds per square foot, and any sign attached to or hung from a marquee shall fully comply with this chapter.
- E. **Ground Supported or Wall Mounted Canopies.** Canopies may be constructed of cloth or metal, provided, however, that the lowest portion of any canopy shall not be less than 8 feet above the level of the sidewalk or public thoroughfare. Canopies must be designed by a registered structural engineer and be approved by the Code Enforcement Officer. The area of the canopy used for signage shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any structural, decorative, or architectural features.
- F. **Awnings.** Non-retractable awnings may be constructed of cloth or metal, provided, however, the lowest portion thereof shall be not less than 8 feet above the level of the sidewalk; they may extend into the public right of way, but not nearer than 18 inches to the curb line. Awnings must be designed by a registered structural engineer (or otherwise be acceptable to the Code Enforcement Officer) and must be approved by the Code Enforcement Officer.

175-128. Enforcement.

Notification and Removal. It shall be the duty of the Town Administrator (or his or her designee), upon notification by the Code Enforcement Officer of any violation of the provisions of this section to notify the violator and/or building owner of such condition in writing, and if such condition is not corrected in 5 days from the date of notification, the Town Administrator shall take legal action to have removed immediately the sign, vending machine, awning, marquee, canopy, public time piece, thermometer, structure, or machine. The owner shall be liable for any costs incurred for such removal. Any such use in violation hereof, after such notice has been duly given, is hereby declared to be a public nuisance (as in any other use or violation which is otherwise hereby declared to be a public nuisance), and the Town Administrator is authorized to abate the violation by application for injunction or other lawful means. Nothing herein shall prevent the Town Administrator from causing prosecutions to be had for violations to obtain or impose fines for such violations, either as supplemental or alternative corrective actions.

175-129. Penalties.

Any person violating any of the provisions of this Article shall be subject to the penalties as provided by Section 175-10.

175-130. Appeal.

Any person aggrieved by a decision taken under this Article shall have the right to appeal the making of said decision to the Zoning Board of Adjustment, as provided in Section 175-19.