



TOWN OF PEMBROKE

Town Hall ~ 311 Pembroke Street, Pembroke, New Hampshire 03275 Tel: 603-485-4747

PEMBROKE PLANNING BOARD NOTICE OF PUBLIC HEARING 2017 ZONING AMENDMENTS Town of Pembroke Zoning Ordinance January 10, 2017

Notice is hereby given the Pembroke Planning Board will hold a first public hearing on Tuesday, January 10, 2017 beginning at 7:00 PM in the Town Hall at 311 Pembroke Street, Pembroke, NH. The intent of the public hearing is to take public comment regarding the adoption of the following proposed change to the Town of Pembroke Zoning Ordinance.

This is the first public hearing for the following proposed amendments

Proposed language is underlined, existing language is crossed out.

Zoning Amendment #2

Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Proposed 2017 Zoning Amendment #2

ARTICLE VIII - Signs (§ 143-57 — § 143-66)

§ 143-57 Purpose.

The purpose of this article is to:

- A. Promote the safety, comfort and well-being of the users of streets, roads and highways and enhance and preserve the aesthetics of the Town of Pembroke;
- B. Reduce distractions and obstructions caused by signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways, including but not limited to, enforcement of RSA 236:6 and RSA 265:14;
- C. Discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and;
- D. Preserve or enhance town character by requiring new and replacement signage which is:
 - (1) Creative and distinctive;
 - (2) Compatible with the surroundings;
 - (3) Appropriate to the type of activity to which it pertains; and
 - (4) Is appropriately sized and its context readable.

§ 143-58 General requirements.

A. The following are prohibited in all districts unless stated otherwise herein:

~~Permitted signs: Only signs which refer to any lawful use, permitted use or an approved special exception use as set forth in Article IV of this Chapter shall be permitted, provided such signs conform to the provisions of this article.~~

~~Signs which are required by federal, state or municipal laws are permitted, and are not to be used in determining the number of signs on a lot.~~

B. ~~Prohibited signs: The following shall not be constructed, posted or erected in any district unless otherwise indicated:~~

- ~~(1) Billboards, streamers, pennants, ribbons, spinners or other similar devices;~~
- ~~(2) Flashing signs, roof signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight;~~

~~Signs indicating the current time and/or temperature may be permitted provided that they can meet all other requirements of this article.~~

~~(3) Reserved [Removed 3-17-2012 Town Meeting by Amendment No. 2]~~

~~(4) Signs using the words "stop", "caution", or "danger" or signs incorporating red, amber or green lights resembling traffic signals or signs which resemble "stop" or "yield" signs in shape or color.~~

~~Exceptions shall include traffic, regulatory or informational signs.~~

~~(1) (5) Signs which physically or visually move, rotate, or create an illusion of movement, or which have parts or surfaces that physically or visually move, rotate, or create the illusion of movement, or which emits audible sounds, noises, or visible matter; or~~

[Added 3-17-2012 Town Meeting by Amendment No. 2]

~~(2) (6) Signs which appear animated or projected, or which are intermittently or intensely illuminated or of a traveling, tracing, scrolling or sequential light type, or signs which contain or are illuminated by animated or flashing light.~~

[Added 3-17-2012 Town Meeting by Amendment No. 2]

(3) Temporary Signage.

~~EB.~~ Placement standards:

- (1) No sign shall be mounted on a roof, or extend above the roof line;

- (2) No projecting sign shall extend into a vehicular public way, or be less than 10 feet above a pedestrian way;
- (3) No sign, together with its supporting framework, shall extend to a height above the maximum building height allowed in that particular district; and
- (4) No sign, sign supports or other accessories shall be placed within the public right-of-way, except for traffic control devices and directional signs deemed essential for the public welfare and safety. Other signs approved by the state or other municipal agencies may be placed in the public right-of-way provided that they conform to the provisions of § ~~143-62 (O)~~. 143-63.G.

D.C. Safety standards:

	No Person may erect a sign which is:
(1)	Is constructed contrary to the standards contained in the State Building Code RSA 155 adopted by the State of New Hampshire. [Amended 3-17-2012 Town Meeting by Amendment No. 2]
(2)	Is structurally unsafe; [Amended 3-17-2012 Town Meeting by Amendment No. 2]
(3)	Constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment;
(4)	Obstructs free entrance or exit from a required door, window or fire escape; or
(5)	Obstructs light, or air, or interferes with the proper functioning of the building;

E.D. Measurement of sign area: Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.

- (1) For signs painted on or applied to a building: The area shall be considered to include all letters, wording and accompanying designs or symbols together with any background of a different color than that of the natural color of finish material of the building.
- (2) For signs consisting of individual letters or symbols attached to or painted on a surface, a building wall, or window: The area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- (3) For signs having two or more faces: The area of all faces shall be

included in determining the area, except where two faces are placed back to back and are at no point more than two feet from each other. In cases of this nature, the sign area shall be taken as the area of either face, and, if the faces are unequal, the larger shall determine the area.

- (4) The area of supporting framework (for example, brackets, posts, etc.) shall not be included in the area so long as said framework carries no symbols or lettering and is solely incidental to the display.

FE. Measurement of height: The height of any sign shall be measured from the surface of the natural grade at the base of the sign to the highest point of said sign.

GE. Non-conforming signs:

- (1) Continuance: A non-conforming sign lawfully existing at the time of adoption or subsequent amendment of this section may continue, although such sign does not conform to the provisions of this section, unless, however, said sign poses a safety problem as defined in § 143-48 (D).
- (2) Maintenance: Any lawfully existing sign cannot be enlarged, redesigned or altered in any way, except to conform to the requirements of this section. This does not include rewording or re-coloring of signs where such changes do not increase non-conformance relative to the existing sign. Furthermore, any such sign which has deteriorated to such an extent that the cost of restoration would exceed 35% of the replacement cost, that sign shall not be repaired or rebuilt or altered, except to conform to the requirements of this section.

[Amended on 3-11-2014 Town Meeting Amendment No. 7]

- (3) Replacement: Any sign replacing a non-conforming sign shall conform to the provisions of this article; and the non-conforming sign shall no longer be displayed.

§ 143-59 Administration.

A. Permits: No sign shall be erected, displayed, altered or enlarged until an application has been filed, and a permit for such action has been issued subject to the following:

- (1) Applications shall be on forms prescribed by the Code Enforcement Officer;
- (2) At a minimum, all applications shall include drawing specifying dimensions, materials, illumination, letter size, colors, support systems and location on the lot or buildings, with all relevant measurements;
- (3) Permits shall be issued only if the Code Enforcement Officer determines that the sign complies with, or will comply with all applicable provisions of this article;
- (4) Such application may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises;
- (5) he Code Enforcement Officer shall act within 30 days of receipt of such application together with any required fee;

- (6) The Code Enforcement Officer's action or lack thereof may be appealed to the Board of Adjustment under the provisions of Article **XIV** of this Chapter; and
- (7) A special exception application for signs in all districts which require a special exception shall be referred to the Board of Adjustment which shall hold a public hearing on the applications as per the requirements of § **143-113** and § **143-119** of this Chapter.

~~(8) Exception to permits: The following signs shall be exempt from the permitting requirements;~~

[Added 3-8-2005 Town Meeting by Amendment No. 10]

- ~~(a) All temporary SALE/RENT/LEASE covered by § 143-63F.~~
- ~~(b) All political signs covered by § 143-63N.~~
- ~~(c) All temporary signs advertising yard sales. These signs shall not exceed six square feet in size and must be removed five days after sale.~~
- ~~(d) Signs less than two square feet in size identifying a personal residency by name and street address.~~
- ~~(e) Hunting, no trespassing, and other such signs less than two square feet in size.~~

B. Fees: A schedule of fees for sign permits may be established and amended from time to time by the Board of Selectmen.

C. Enforcement: The Code Enforcement Officer is hereby authorized to enforce this article by ordering the repair or removal of any sign and its supporting structure which is judged to be dangerous, or in disrepair, or which is erected or maintained contrary to the provisions of this article.

D. Removal of signs: Any sign which has been ordered removed by the Code Enforcement Officer, or which is abandoned or discontinued, shall be removed by the person, firm or corporation responsible for the sign within 14 days of written notice to remove the same. The Code Enforcement Officer may cause the removal of any sign placed on public property or that constitutes a safety hazard.

[Amended 3-8-2005 Town Meeting by Amendment No. 9]

E. Penalties: Violation of any provision of this article or of any lawful order of the Code Enforcement Officer shall be subject to a fine as per § **143-128** of this Chapter.

F. The invalidity of any provision of this Ordinance shall not affect validity of any of the provisions. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding will not affect or impair any other section, clause, provision or portion of this ordinance.

§ 143-60 Sign regulations.

In the following Dimensional Table of Signs the symbols shall mean:

- A. Signs permitted by right in the district shall be designated by the letter (P). Those signs that may be permitted by special exception in that district, in accordance with Article **XIV**, shall be designated by the letter (S). A sign listed in the Dimensional Table of Signs and denoted with a dash (-) is not permitted in that district.
- B. The number on the second line shall indicate ~~maximum size of the sign, in square feet, permitted in that district for that type of sign~~ the total square feet allowed for/in signage on that particular lot
- C. The letter (T) shall indicate that the sign is permitted as a temporary sign only. The letter (V) shall indicate that the size of the permitted sign varies.

§ 143-61 Signs subject to special conditions.

A permitted sign or sign permitted by special exception for which there is any reference in the column of the Dimensional Table of Signs entitled Special Conditions must meet such conditions as are referred to in that column.

§ 143-62 Dimensional Table of Signs.

Signs permitted in each district shall be as set forth in the following Dimensional Table of Signs:

[Amended 3-08-2011 Town Meeting by Amendment No. 4]

TYPE	R1	R3	B1	B2	C1	LO	Special Conditions
Minor Home Business	P	P	P	P	P	P	§ 143-63 (A)
	2	2	2	2	2	2	
Major Home Business	S	S	S	S	S	S	§ 143-63 (B) &143-113
	3	3	3	3	3	3	
Awing	-	-	P	P	P	P	§ 143-63 (D)
			V	V	V	V	

TYPE	R1	R3	B1	B2	C1	LO	Special Conditions
Construction	P	P	P	P	P	P	§ 143-63 (E)
	12(T)	12(T)	12(T)	12(T)	12(T)	12(T)	
Sale/Rent/Lease	P	P	P	P	P	P	§ 143-63 (F)
	6(T)	6(T)	6(T)	6(T)	6(T)	6(T)	
Electronic Changing Signs [Added 3-17-2012 Town Meeting by Amendment No.3]	--	--	--	--	P	--	§ 143-63 (X)
Free Standing	S	S	P	P	P	P	§ 143-63 (G) & 143-113
	12-6	12-6	80-20	80-20	100-85	12	
Number per lot	1	1	2	2	3	2	
Individual Letter/Symbol	S	S	P	P	P	P	§ 143-63 (H) & <u>143-113</u>
	1.5 sf/	1.5 sf/	1.5 sf/	1.5 sf/	1.5 sf/	1.5 sf/	
	1-lf	1-lf	1-lf	1-lf	1-lf	1-lf	
Landmarks	(Pre-existing size to remain unchanged)						§ 143-63 (I)
Marquee	-	-	S	S	S	S	§ 143-63 (J) & 143-113
			1 sf/	1 sf/	1 sf/	1 sf/	
			1-lf	1-lf	1-lf	1-lf	
Multiple	-	-	<u>P</u>	P	P	P	§ 143-63 (K)
				16	16	16	
				+2	+2	+2	

TYPE	R1	R3	B1	B2	C1	LO	Special Conditions
Off-Premise	S	S	P	P	P	P	§ 143-63 (L) <u>143-113</u>
	4	4	4	4	12	4	
Painted Wall	-	-	S 1.5 sf/	S 1.5 sf/	S 1.5 sf/	S 1.5 sf/	§ 143-63 (M) & 143-113
			1-lf	1-lf	1-lf	1-lf	
Political [Amended 3-8-2005 Town Meeting by Amendment No. 8]	P	P	P	P	P	P	§ 143-63 (N)
Projecting - flat	-	-	P	P	P	P	§ 143-63 (O)
			10	10	10	10	
Projecting - 3D	-	-	S	S	S	S	§ 143-63 (O) & § 143-113
			9	9	9	9	
Public Service	P	P	P	P	P	P	§ 143-63 (P)
	2	2	2	2	2	2	
Wall	-	-	P	P	P	P	§ 143-63 (Q)
			1.5 sf/	1.5 sf/	1.5 sf/	1.5 sf/	
			1-lf	1-lf	1-lf	1-lf	
			or 10%	or 10%	or 10%	or 10%	
Window	P	P	P	P	P	P	§ 143-63 (R)
	<u>50%</u> <u>25%</u>	<u>50%</u> <u>25%</u>	<u>50%</u> <u>25%</u>	<u>50%</u> <u>25%</u>	<u>50%</u> <u>25%</u>	<u>50%</u> <u>25%</u>	

TYPE	R1	R3	B1	B2	C1	LO	Special Conditions
Flags	P	P	P	P	P	P	§ 143-63 (S)
Banners	-	-	P	P	P	-	§ 143-63 (T)
Portable Trailer Sign	P	P	P	P	P	P	§ 143-63 (U)
	(T)	(T)	(T)	(T)	(T)	(T)	
Portable Signs	P	P	P	P	P	P	§ 143-63 (V)
	12	12	12	12	12	12	
	(T)	(T)	(T)	(T)	(T)	(T)	
Adult Entertainment Use [Added 3-14-2000 Town Meeting by Amendment No. 3	-	-	-	-	- P	-	§ 143-63 (W) <u>143-63.K.</u>

SPECIAL SIGN CONDITIONS FOR ILLUMINATED SIGNS

TYPE	R1	R3	HB	B1	B2	C1	LO	Special Conditions
ILLUMINATED-External	S	S	S	P	P	P	P	§ 143-64 (A)
ILLUMINATED - Internal-	-	-	P	P	P	P	P	§ 143-64 (B)
ILLUMINATED - Neon-	-	-	-	S	S	S	S	§ 143-64 (B)

§143-63 Special conditions for specific types of signs.

In addition to the standards set forth in the Dimensional Table of signs, signs shall also adhere to the following special conditions:

- ~~A. Minor home occupation: One sign displaying the identification of an on-premise minor home occupation. There shall be no advertising on the premises other than the following:~~

~~[Amended 3-8-2011 Town Meeting by Amendment No. 4]~~

- ~~(1) A single non-illuminated sign which shall not exceed two square feet in area and which may only identify the occupant's name and address; and
(2) The street address of the premises shall be no larger than four inches in height.~~

- ~~B. Major home occupation: One sign displaying the identification of an on-premise major home occupation. There shall be no advertising on the premises other than the following:~~

~~[Amended 3-8-2011 Town Meeting by Amendment No. 4]~~

- ~~(1) A single non-illuminated sign which shall not exceed three square feet in area and which may only identify the occupant's name and address; and
(2) The street address of the premises shall be no larger than four inches in height.~~

~~C. (Removed)~~

~~[Amended 3-08-2011 Town Meeting by Amendment No. 4]~~

~~DA. Awning: A sign painted on or attached to the cover of a movable metallic frame of the hinged, rolled, or folding type of awning or the cover of a fixed metallic frame.~~

~~[Amended on 3-11-2014 Town Meeting by Amendment No. 2]~~

- ~~(1) Such sign must be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.
(2) Letters shall not exceed 10 inches in height; and
(3) A minimum of eight feet above the sidewalk level must be allowed for pedestrian clearance.~~

~~E. Construction: An on-premise sign identifying the contractor, architect, landscape architect, and/or engineer's name, address, and other pertinent information.~~

- ~~(1) Such signs shall not exceed 12 square feet in area, and shall be set back at least 10 feet from the street lot line, or one-half (1/2) the building set-back distance, whichever is less; and
(2) Such a sign may be maintained on the building or property for the interim of construction, and not more than 30 days following the completion of said construction.~~

~~F. For Sale/Rent/Lease: An on-premise sign advertising the property being sold or rented.~~

- ~~(1) Such signs shall not exceed six square feet;~~
- ~~(2) Such signs shall advertise only the property on which the sign is located; and~~
- ~~(3) A maximum of one such sign may be maintained on any property being sold or rented, and it shall be removed by the owner or agent within 30 days of sale, rent, or lease.~~

~~GB. Free-Standing: A self-supporting sign not attached to any building, wall or fence, but in a fixed location. (This does not include portable. or trailer type signs)~~

- ~~(1) Free-standing signs over six feet in height may have no more than two sides; free-standing signs less than six feet in height may have three or four sides; and~~
- ~~(2) A lot with frontage of 300 feet or more may have two free-standing signs, not less than 175 feet apart.~~

~~H. Individual letters or symbols: Individual letters or symbols may be attached to an awning, marquee, building surface, or wall.~~

- ~~(1) Letters or symbols shall not project more than 12 inches from the building surface;~~
- ~~(2) Such letter and symbols shall not obscure the architectural features of the building to which they are attached;~~
- ~~(3) Such letters and symbols shall have an aggregate area not exceeding 1.5 square feet for each foot of building face parallel to a street lot line, or 10 percent of the wall area to which they are affixed, whichever is less; when a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately;~~
- ~~(4) Such letter and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached; and~~
- ~~(5) See also § 143-62 (Q) Wall signs.~~

~~I. Landmark signs: An older sign of artistic or historic merit, uniqueness or extraordinary significance to the town, the character of which warrants their preservation in original condition, or their restoration.~~

~~JC. Marquee signs: A sign painted on, or attached to a permanent overhanging shelter which projects from the face of a building.~~

- ~~(1) Such signs may be painted on or attached flat against the surface of, but not extending beyond or attached to the underside of the overhang;~~
- ~~(2) Letters or symbols shall not exceed 12 inches in height; and~~
- ~~(3) A minimum clearance of 10 feet above the sidewalk level must be allowed for pedestrian clearance.~~

~~KD. Multiple Signs: A group of signs clustered together in a single structure or composition unit; multiple signs are used to advertise several occupants of the same building or building complex.~~

- (1) The display board shall be of an integrated and uniform design;
- (2) The maximum sign area permitted is 16 sq. ft. for the sign; ~~bearing the name of the building or office park, and two square feet for the name of each business or office located there;~~ and
- (3) Complexes with over 300 feet of frontage will be allowed two free-standing signs.

~~(1) Informational and directional signs containing no advertising are permitted to:~~

- ~~(a) Direct traffic flow;~~
- ~~(b) Indicate parking spaces;~~
- ~~(c) Identify points of interest;~~
- ~~(d) Locate businesses; or~~
- ~~(e) Provide other essential information to guide vehicular or pedestrian traffic flow.~~

~~(NOTE: Signs indicating for rent/sale/lease shall not be permitted as off-premise signs)~~

- ~~(2) Off-premise signs shall be uniform in color, having a dark background with light colors, or a light background with dark colors; and~~
- ~~(3) Off-premise directory board containing small identification signs conforming to the above requirements may be permitted in special situations where visibility is a significant problem and where they can be harmoniously integrated with the environment.~~

E. Off-Premise Signs: signage related to or advertising a use or event on a parcel other than where the sign is placed and which must be of a permanent nature. Permissible only in the C1 zone and otherwise not permitted. The off-premise signage shall be included in calculating the signage permitted on the host property.

MF. Painted wall signs: A permanent symbol or message painted directly onto a building surface. A special exception is required for all new signs of this type and must comply with the dimensional requirements of a wall sign; ~~landmark signs are exceptions to these requirements and may be preserved and maintained even if they no longer pertain to the present use of the premise.~~

N. Political signs: A sign designed to influence the actions of voters for the passage or defeat of a measure, or for the election of a candidate to a public office at a national, state or other local election.

- ~~(1) Such signs are permitted if they are stationary, unlighted, and temporary;~~
- ~~(2) Such signs shall be displayed per RSA 664:17 which reads as follows: No political advertising shall be placed on or affixed to any public property including highway rights-of-way or private property without the owner's consent. The~~

~~earliest date on which political advertising may be placed or affixed shall be the last Friday in July prior to a state primary. All political advertising 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 the winner in the primary. No person shall remove, deface, or knowingly destroy any political advertising which is placed on or affixed to any private property except the owner of the property or a law enforcement officer removing improper advertising;~~

- ~~(3) (Reserved) provided, however, that, before a law enforcement officer removes any advertisement, he shall notify the candidate that it is improper, and allow the candidate 24 hours to remove the advertisement himself. Sizes shall be consistent with the Dimensional Table of Signs in § 143-62.~~

~~**[Amended 3-08-2005 Town Meeting by Amendment No. 7]** *Editor's Note: This amendment also repealed former Subsection N(3), which provided for size limitations on political signs.*~~

- ~~(4) A maximum of two such signs per lot is allowed.~~

~~OG. Projecting signs: A wall-mounted sign perpendicular to the building surface.~~

- ~~(1) If flat, each face shall not exceed 10 square feet;~~
- ~~(2) The total area of a three dimensional sign shall be determined by enclosing the largest cross-section of the sign in an easily recognizable geometric shape and computing its area which shall not exceed nine square feet;~~
- ~~(3) Such sign shall be hung at right angles to the building and shall not project closer than two feet to the curb line;~~
- ~~(4) The supporting framework shall be in proportion to the size of the sign;~~
- ~~(5) Signs which overhang a public way (including) sidewalks shall be covered by a public liability insurance policy which names the town as the insured party;~~
- ~~(6) The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity, and visibility as determined by the Code Enforcement Officer; and~~
 - ~~(a) Between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or~~
 - ~~(b) The lowest point of the roof of a one story building.~~
- ~~(7) Projecting signs shall have a minimum clearance of 10 feet above grade when located adjacent to or projecting over a pedestrian way. If projecting over an alley or driveway, the clearance must be at least 15 feet.~~

~~P. Public service signs: A sign located for the purpose of providing directions towards or indication of use not readily visible from the street. (i.e. restrooms, telephone; etc)~~

- ~~(1) Such signs necessary for public safety and convenience shall not exceed two square feet;~~

- ~~(2) Such signs shall bear no advertising; and~~
- ~~(3) Such signs are not included in computing the total number of signs allowed.~~

~~(NOTE: temporary governmental agency signs which carry public-service announcements and notices may be permitted to exceed the dimensional requirements of this article and shall be permitted by special exception for a specified, limited amount of time)~~

QH. Wall signs: A sign which is attached parallel to the exterior surface of a building or structure.

- (1) Such sign shall not obscure architectural features such as, but not limited to, arches, sills, moldings, cornices and transoms, of the building to which said sign is affixed;
- (2) Such sign shall not extend above the lowest point of the roof, nor beyond the ends of the wall to which it is attached;
- (3) Such signs shall have an aggregate area not exceeding 1.5 square feet for each linear foot of building lot line, or 10% of the wall area to which it is attached, whichever is less;
- (4) Where two or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs;
- (5) Wall signs shall not extend higher than the eave line or top part of a parapet wall of the principal building;
- (6) No part of a wall sign, including the display surface shall extend more than 10 inches from the building surface; and
- (7) The size of signs attached to buildings may increase in area (over allowable size) by 25% for every 100 feet of building setback; this shall apply to buildings set back more than 100 feet from the road right-of-way and the increase may be pro-rated according to the actual setback distance.

RI. Window signs: Any sign which is painted or mounted onto a window pane, or which is hung directly inside the window ~~(which do not have the purpose or effect of identifying any premise from the sidewalk or street.)~~ Such signs shall not be counted towards the number of signs permitted on a lot, ~~provided they:~~

- ~~(1) Cover no more than 50% of the window area in which they are displayed; and~~
- ~~(2) Are used as public service signs, temporary announcements of activities or signs required by law.~~

S. ~~Flags: Flags of a patriotic nature and "OPEN" flags are permitted providing that:~~

- ~~(1) Patriotic flags are flown, and cared for in a manner as stipulated by federal and state law; and~~
- ~~(2) No more than one "OPEN" flag shall be displayed at any one time.~~

T. ~~Banners: Banners not exceeding 32 square feet in area shall not be counted towards the number of signs permitted on a lot, provided that:~~

- ~~(1) No banner shall be allowed to be displayed which is determined by the Code Enforcement Officer as to be in a state of disrepair;~~
- ~~(2) Only one banner shall be placed on a lot at any one time; and~~
- ~~(3) The banner shall be temporary in nature, and shall not be utilized to identify the premise from the street or sidewalk.~~

~~U. Portable trailer signs: Portable trailer signs not exceeding 32 square feet in area shall be allowed providing that:~~

- ~~(1) No sign shall be placed on any lot without a sign permit. A new permit shall be required and a new fee charged for each different sign and for each 15 day period. Each sign permit shall specify the date of placement and the date of removal;~~
- ~~(2) Only one sign shall be placed on a lot at any one time;~~
- ~~(3) No lot shall have a sign placed upon it for more than 45 days per calendar year; and~~
- ~~(4) Said signs shall be installed as required by the provisions of § 143-64 (B) (4) of this Chapter.~~

~~VJ. Portable signs: Portable signs not exceeding 12 square feet in area shall be allowed providing that:~~

- ~~(1) No portable sign shall be placed on any lot without a sign permit. A new permit shall be required and a new fee charged for each different sign and for each 15 day period. Each sign permit shall specify the date of placement and the date of removal;~~
- ~~(2) Only one portable sign shall be placed on a lot at any one time;~~
- ~~(3) No lot shall have portable signs placed upon it for more than 45 days per calendar year; and~~
- ~~(4) Said signs shall be installed as required by the provisions of § 143-64 (B) (4) of this Chapter.~~

~~WK. Adult entertainment use: Signs erected on or off site for the purpose of identifying the location of, or (sic), or advertising an adult entertainment uses, are prohibited from depicting or otherwise describing specified anatomical areas or specified sexual activities. Said signage, on-site or off-site, shall only be permitted in the C1 district, in the limited district, per Section 143-44.1.C.1. where the Adult Entertainment Use is otherwise lawfully permitted by right or where a special exception has been previously obtained for said use.~~

[Added 3-14-2000 Town Meeting by Amendment No. 3]

~~X.L. Electronic Changing Signs include, but are not limited to, electronic message center (EMC), electronic message sign (EMS), and changeable copy board (CCB) signs that display illuminated messages that can change frequently, can flash, display and/or convey messages in text, graphics, pictures, symbols, multiple colors, rhythms, animation, and/or patterns. This sign's message may be changed by the electronic switching of lamps, illuminated tubes, bulbs, and/or through the apparent~~

movement of light. These signs are capable of storing and/or displaying single or multiple messages in various formats at varying intervals.

In addition to being permitted in the Commercial/Light Industrial (C1) District (see § 143-62. Dimensional Table of Signs), electronic changing signs are permitted on those lots directly abutting Pembroke Street from properties south of the Pembroke Street/Main Street intersection to the Allenstown town line.

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) No more than one electronic changing sign shall be allowed per lot;
- (2) Electronic changing signs shall be restricted to a maximum of four (4) lines of text or message display, and text shall be restricted to a maximum of ten (10) inches in height;
- (3) Electronic changing signs shall be required to have a minimum of one-hundred and fifty (150) feet between other electronic changing signs, ~~located on the same side of a street or highway;~~
- (4) Electronic changing signs shall be allowed only on lots with a minimum street frontage in accordance with the § 143-21. Table of Dimensional and Density Requirements;
- (5) Electronic changing signs shall be located a minimum of two-hundred (200) feet from any off-site residential dwelling unit;
- (6) Text and message displays of an electronic changing sign, including the background, shall consist of only two colors at any one time;
- (7) Text and message displays of an electronic changing sign may change once every twenty-four (24) hours. ~~Electronic changing signs displaying the time and temperature are exempt from this restriction;~~
- (8) All illumination elements on the face of electronic changing signs shall remain at a fixed level of illumination for a period of not less than one (1) hour;
- (9) 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 sign permit specifying maximum and minimum sign brightness. The maximum brightness shall not exceed 8,000 NITS with a maximum nighttime reading not to exceed 1,600 NITS;

(10) Under the provisions of this subsection, the applicant for the sign permit for an electronic changing sign shall provide, with the application, an affidavit, sworn or attested by the landowner or applicant, and sign installer, attesting to the fact that:

- (a) The sign to be installed meets all of the criteria set forth in this subsection;
- (b) That the sign shall operate in a manner consistent with the criteria set forth in this subsection; and
- (c) The landowner and applicant agree to be held liable, separately or collectively, if these provisions are not met for any fines or cost incurred by the Town of Pembroke to enforce these provisions arising from such violations. This provision shall not be construed to supersede any other responsibility or remedy for such violations set forth in this chapter.

[Added 3-17-2012 Town Meeting by Amendment No. 3]

§ 143-64 Standards for the Illumination of Signs.

(+) A. External illumination: Signs shall be illuminated only with steady, shielded light sources directed solely onto the sign without causing glare.

B. Internal illumination:

(1) Internal illumination is generally discouraged, but may be appropriate in certain circumstances subject to the following:

- (a) Individual back-lit letters which are silhouetted against softly illuminated walls;
- (b) Individual letters with translucent faces, containing soft lighting elements inside each letter; and
- (c) Metal face box signs with cut-out letters and soft glow fluorescent tubes.

(2) Neon window signs may be permitted in cases where they are custom designed to be compatible with the building's historic and/or architectural character, and where their color has been selected to harmonize with the building's exterior color. Gas-filled light tubes shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the public roadway or side-walk;

(3) No person may erect a sign which flashes, rotates, or has motorized moving parts;

(4) All signs must be listed and installed in accordance with the National Electrical Code (NFPA 70);

(5) No person may erect a sign which constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination;

- (6) No sign shall be illuminated between the hours of 11 pm and 6 am, unless the premises on which it is located is open for business;
- (7) Strings of lights shall not be permitted, except on a temporary basis as a part of a holiday celebration; and
- (8) Illuminated signs shall not be permitted to shine onto residential properties and travelled ways.
- (9) Illumination of signs, whether internal or external, shall not create conditions that are dangerous to the comfort, peace, enjoyment, health, or safety of the community or lend to its disturbance or annoyance.

[Added 3-17-2012 Town Meeting by Amendment No. 4]

§ 143-65 Maintenance.

- A. A sign shall be maintained in a secure and safe condition; if the Code Enforcement Officer is of the opinion that a sign is not secure, safe, or in a good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign; and
- B. If the defect in the sign is not corrected within the time permitted by the Code Enforcement Officer, the Code Enforcement Officer may revoke the sign permit until the owner pays the cost of removal, thus placing the sign owner in violation of the Zoning Ordinance and liable for a fine as specified in § 143-128 thereof.

§ 143-66 Number of signs.

[Amended 3-08-2011 Town Meeting by Amendment No. 4]

The maximum number of signs permitted by this article shall be as follows:

R1 Residential-Home Occupation (Minor or Major)	one
R3 Residential-Home Occupation (Minor or Major)	one
B1 Business/Residential District	two*
B2 Central Business District	two*
LO Limited Office	two*
C1 Commercial/Industrial	three*
* or one sign per lot and one sign per use whichever is greater.	

The Table for the number of signs allowed in each zone formally in section 143-686 was incorporated with the Table of Dimensional Signs, Section 143-62.

Proposed Zoning Amendment #3

To amend Zoning Ordinance Section 143-44.1.C as follows:

C. Adult entertainment uses.

- (1)** Live adult entertainment uses and passive adult entertainment uses shall be permitted in the portion of the C1 District that is located near Ricker Road. Passive adult entertainment uses shall not be permitted ~~in the C1 District that is located near~~ within the Route 106 portion of the C1 District. ~~by special exception.~~ Live adult entertainment uses are not permitted within the Route 106 portion of the C1 District. Within these districts, no person shall cause or permit the establishment of any defined adult entertainment use within 500 feet of any church, public or private school or college, park, library, playground, or area zoned for residential use, or within 1,000 feet of another adult use. No adult entertainment use shall be located in any other District in the Town of Pembroke.

Copies of all proposed Zoning Ordinance amendments will be available for review at the public hearing, or can be reviewed in advance at the Town of Pembroke Town Offices at 311 Pembroke Street during normal business hours. Phone 603-485-4747.