



Town of Brunswick, Maine

ZONING ORDINANCE REWRITE COMMITTEE

85 Union Street, Brunswick, ME 04011-1583

WORK SESSION AGENDA TOWN HALL ROOM 206 85 UNION STREET MONDAY, SEPTEMBER 26, 2016, 9:00 PM

1. Public Comment
2. Planning Board Draft:
 - a. Shoreland Zoning Revisions
 - b. Stormwater Management Revisions
 - c. Revised Solar Energy Collection Facilities
 - d. Signs
 - e. Rural Mixed Use Impervious Coverage – Request to Increase
3. Next Meeting – Topics
4. Other Business

Please note that this is a Committee work session. The public is invited to attend with public comment allowed regarding discussion topics. Please call the Brunswick Department of Planning and Development (725-6660) with questions or comments. Individuals needing auxiliary aids for effective communications please call 725-6659 or TDD 725-5521.

Chapter 2 - Zoning Districts
Section 2.3 Overlay Zoning Districts
Subsection 2.3.3 Shorelands Protection Overlay (SPO) District

upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; and all land areas within 75 feet, horizontal distance of the edge of a stream.;

- i. Normal high-water line of any river;
- ii. Upland edge of a coastal wetland, including all areas affected by tidal action, and
- iii. Upland edge of a freshwater wetland; plus
- b. All land areas within a horizontal distance of 75 feet from the normal high-water line of a stream.
- b. The SPO Stream Protection Sub-District (SPO-SP) includes all land areas within 75 feet, horizontal distance of the edge of a stream, exclusive of those areas within 250 feet, horizontal distance, of the normal high-water line of a river, or upland edge of a freshwater or coastal wetland.
- c. The SPO Resource Protection Sub-District (SPO-RP) includes the following areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.
 - i. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.
 - ii. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
 - iii. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
 - iv. Areas within 250 feet, horizontal distance, of the upland edge of freshwater and/or coastal wetlands, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W), and as shown on the Brunswick Official SPO Map.
- d. SPO District and Sub-District boundaries are delineated on the Brunswick Zoning Map to the greatest extent practicable, and are defined herein.

Confirm

Comment [JW64]: Add this for boat ramps, aquaculture, public rec. swimming areas - all with reduced setbacks and lax cutting standards.

C. Additional Requirements for the SPO District

The requirements in this subsection shall apply to all development within the SPO District.

(1) Setbacks of Structures from Water Bodies and Wetlands

- a. All ~~any~~ new principal ~~or and~~ accessory structures, ~~except structures requiring direct access to the water as an operational necessity (including, but not limited to, piers, docks, retaining walls excluding functionally water-dependent uses,~~ and public waterfront trails, but excluding recreational boat storage buildings), shall be

[Handwritten signature]

Comment [JW65]: Drilling SPO map with lidar 2-foot contours for replacement.

District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

NOTE: See definition of "great pond classified GPA" in Section 17. In most municipalities all of the great ponds are classified GPA. In municipalities where all of the great ponds are classified GPA, the term "great ponds classified GPA" can be changed to "great ponds". It may also be helpful to list the names of the great ponds found in the municipality within the definition of "great pond" in Section 17.

F. Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- (1) Shelter from prevailing winds and waves;
- (2) Slope of the land within 250 feet, horizontal distance, of the shoreline;
- (3) Depth of the water within 150 feet, horizontal distance, of the shoreline;
- (4) Available support facilities including utilities and transportation facilities; and
- (5) Compatibility with adjacent upland uses.

NOTE: A municipality may opt to identify one or more CFMA Districts, each of which may be as small as a single parcel, provided that the municipality includes in this district or combination of CFMA districts, all land currently occupied by or suitable for active water dependent uses, taking into consideration the above-listed factors.

G. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water

bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

14. **Table of Land Uses.** All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

- Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
- No - Prohibited
- PB - Allowed with permit issued by the Planning Board.
- CEO - Allowed with permit issued by the Code Enforcement Officer
- LPI - Allowed with permit issued by the Local Plumbing Inspector

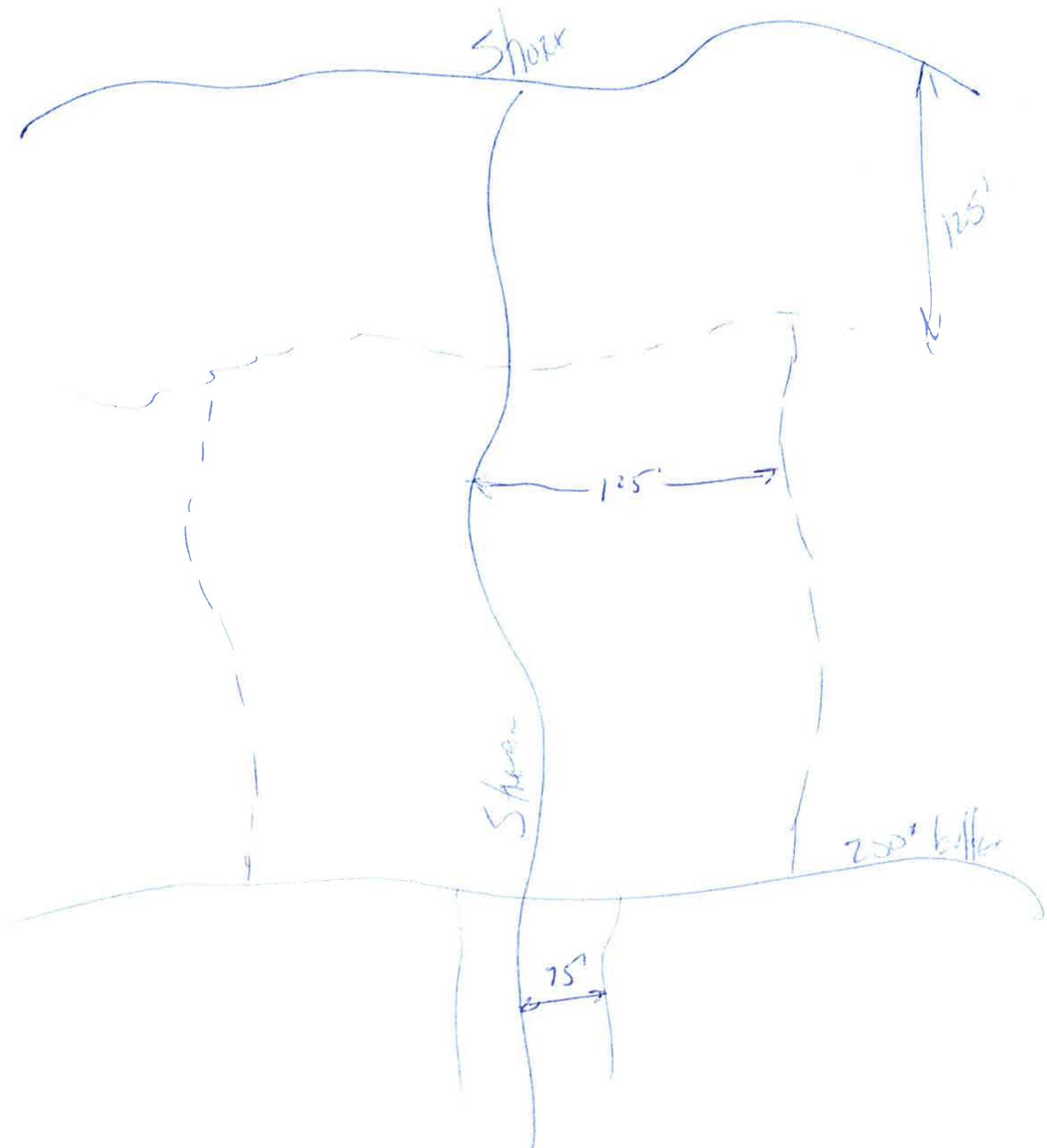
Abbreviations:

- RP - Resource Protection GD General Development I and General Development II
- LR - Limited Residential CFMA - Commercial Fisheries/Maritime Activities
- LC - Limited Commercial SP - Stream Protection

The following notes are applicable to the Land Uses Table on the following page:

NOTE: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that receive shipments by water or use water for cooling, to traditional commercial fishing enterprises, and public shorefront parks. Communities are encouraged to define the functionally water-dependent uses which are to be allowed and which are prohibited in each CFMA district, based on considerations of prevailing existing uses, desired future uses, available support facilities, site suitability and compatibility with adjacent uses. A municipality can narrow the range of allowed uses by precluding certain functionally water-dependent uses, or by adopting conditional uses for certain functionally water-dependent uses that it determines would only be compatible with its plan for the waterfront under certain conditions.

NOTE: Recreational water-dependent uses such as marinas and excursion vessels may, in some communities, displace or threaten to displace traditional commercial fisheries and maritime activities. Therefore communities may wish to preclude or further limit these types of uses in this district in order to protect berthing space and onshore staging areas for commercial fishing enterprises.



Chapter 3 - Property Use Standards
Section 3.4 Supplementary Use Standards
Subsection 3.4.1 Principal Uses

- of the wind energy collection facility installation, shall not exceed 55 dba (decibels day/night average) for any period of time. The 55 dba sound level may be exceeded during short-term events out of the owner's control such as utility outages or severe wind storms;
- v. The turbine and tower shall have a nonreflective surface. ;
 - vi. The blade tip or vane of any small wind energy system shall have a minimum ground clearance of 15 feet as measured at the lowest point of the arc of the blades;
 - vii. All signs on a wind turbine, tower, building or other structure associated with a small wind energy system visible from any public road, are prohibited with the exception of (a) the manufacturer's or installer's identification, (b) appropriate warning signs, or (c) owner identification,;
 - viii. No illumination of the turbine or tower shall be allowed unless required by the FAA;
 - viii. The wind turbine and tower shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground.
 - ix. This use shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator;
 - x. A wind turbine which is not generating and has not generated electricity for 12 consecutive months shall be deemed abandoned and shall be dismantled by the owner within 120 days of receipt of notice from the Town unless the wind turbine is not in operation due to the property being in the process of being sold. A system owner may request in writing to the Codes Enforcement Officer an extension of up to one year if the owner is actively pursuing the repair of the system for future use.

(2) Solar Energy Collection Facilities

a. Ground Mounted Systems

i. General Standards

- (A) Ground mounted solar energy collection facilities shall be operated, and their angles of collection controlled in accordance with Section 4.14.J (Performance Standards). ~~to prevent glare from entering the windows of any primary structure containing a residential use on an adjacent property.~~

ii. Small-Scale Ground Mounted Systems

- (A) A ground-mounted small-scale solar energy collection system shall mean a solar-energy conversion system consisting of ground-mounted solar arrays or other solar energy fixtures, and associated control or conversion electronics, occupying no more than one-quarter (.25) acre of land.
- (B) Maximum Height: All ground-mounted small-scale solar energy collection systems shall comply with accessory building height limits as contained in Subsection 4.2.5.B (4) e. (Setback Requirements for Accessory Structures).
- (C) Setbacks: If accessory to a principal structure, ground mounted small-scale solar energy collection systems shall be located in accordance with Subsection 4.2.5.B (4) e. (Setback Requirements for Accessory Structures).

Comment [AB91]: Staff revisions 8/24/16.

Comment [AB92]: Revised based on ZORC discussion 9/19/16.

If a principal use, placement of a ground-mounted small-scale solar energy collection system shall comply with all applicable zoning district setbacks. If necessary for the system's effectiveness, ground-mounted small-scale solar energy collection systems may be located within the minimum setbacks as provided for accessory structures in Subsection 4.2.5.B.(4) e.

iii. Large-Scale Ground Mounted Systems

(A) A ground-mounted large-scale solar energy collection system shall mean a solar-energy conversion system consisting of ground-mounted solar arrays or other solar energy fixtures, and associated control or conversion electronics, occupying over one-quarter (.25) acres.

(B) Maximum Height: Ground mounted large-scale solar energy collection facilities shall not exceed 20 feet in height, measured from the ground level to the highest point of the facility.

(C) Setbacks: Ground-mounted large-scale solar energy collection facilities shall be located a minimum of ten (10) feet from all property lines and other structures, or be setback a distance equal to the total height of the facility, whichever is greater. Additional setbacks may be required to mitigate visual and functional impacts.

The facility shall be secured from unauthorized access subject to the review and acceptance of the Brunswick Fire Chief relative to the provision of emergency services.

(E) Ground mounted solar energy collection facilities shall be screened from view from any residential use, located within 100 feet or less of the facility, by a solid/ completely blocking from view fence or vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height.

(F) Ground mounted large-scale solar energy collection facilities shall be screened from view from each adjacent abutting public right-of-way by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six (6) feet in height, designed to achieve 100% opacity within five (5) years. All ancillary structures shall comply with all applicable zoning district dimensional standards.

(G) Site lighting shall comply with Sections 4.10 (Outdoor Lighting) and 4.12 (Neighborhood Protection).

Ground-mounted solar energy collection facilities shall not exceed 20 feet in height, measured from the ground level to the highest point of the facility.

Ground-mounted solar energy collection facilities shall be located a minimum of ten feet from all property lines and other structures, or be setback a distance equal to the total height of the facility, whichever is greater.

f.b. Building Structure Mounted Systems

- i. Solar energy collector systemss may be located-mounted on a principal or accessory structure in any zoning district.
- ii. StructureRoof-mounted solar energy collector systemss shall not exceed the maximum height permitted in the zoning district in which it is located by more than 18 inches.

- iii. ~~Roof~~Structure-mounted solar energy collector systems shall not extend more than 18 inches above the tallest roofline of a single or two-family residential structure, or, if being placed on a flat-roof, no more than three (3) feet above the roofline of a multi-family, mixed use or non-residential structure.

Comment [AB93]: Revised based on ZORC discussion 9/19/16

~~g-c.~~ **Solar Energy Collection Facilities or Collectors Systems within the Village Review Overlay District**

~~Ground mounted or structure mounted~~ Solar energy collection systems facilities or collectors proposed on a lot within the Village Review Overlay District shall obtain require a Certificate of Appropriateness pursuant to subsection 5.2.7 (Village Review Overlay Design Review).

~~(2)~~(3) **Geothermal Energy Collection Facilities**

Comment [AB94]: Approved by ZORC 1/7/16

- a. Accessory use geothermal energy collection facilities shall be located entirely underground, except that facilities connecting underground collection facilities to an aboveground structure are permitted provided:
- They are located on a side or rear side of the building not abutting a public or private right-of-way unless screened by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height;
 - They do not exceed two feet in height above grade level; and
 - They do not extend more than two feet horizontally from the building face.
- b. Primary use geothermal energy collection facilities shall be located entirely underground, except that aboveground monitoring and control equipment are permitted provided:
- They are located on the rear one-half of the property; The equipment does not exceed four feet in height above grade level; and
 - They are screened from view from adjacent public or private rights-of-way by a vegetative buffer of at least 50% opacity at the time of installation, not to exceed six feet in height.

V. Agricultural Use Protections

(1) **Agricultural Buffers**

Wherever new non-agricultural development is proposed to abut existing agricultural uses, buffering and/or screening in accordance with Subsection 4.6.4 may be provided to reduce agricultural-related odors, noise and other potential nuisances related to the agricultural operation. Costs for such buffering and/or screening shall be the responsibility of the developer.

Comment [AB95]: Added back from current ordinance and updated to reflect current state law. 6/6/16

(2) **Setbacks from Existing Wells**

Structures housing livestock, poultry or other farm animals shall have a minimum setback of 50 feet from any pre-existing well or drinking water supply, including those located on adjacent properties. Any new well shall be located no less than 50 feet from such structures.

Comment [AB96]: ZORC change from "shall" to "may" from current ordinance standard. 6/9/16.

(3) **Right-to-Farm**

A farm, farm operation or agricultural composting operation may not be considered a public or private nuisance under Subsection 4.1.4 if the farm, farm operation or agricultural composting operation alleged to be a nuisance is in compliance with applicable state and federal laws, rules and regulations, as well as M.R.S.A. Title 7,

The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner

Section 4.15 Site Feature Maintenance
Subsection 4.15.1 General Standard

may be considered offensive if it is commonly associated by way of character, intensity, or duration with a permitted use in the zoning district in which it is located. Odors commonly associated with a permitted use may not be perceptible beyond the zoning district boundary unless the use is permitted in an adjacent zoning district.

G. Specific Standard: Vibrations

No use or activity shall cause inherent and recurring generated vibration perceptible without instruments at any point along the property line. Temporary construction is excluded from this restriction.

H. Specific Standard: Unlicensed Motor Vehicles

With the exception of properties on which a legally established vehicle sales, rental, or storage use, or a vehicle service or repair use, is located, not more than two currently unregistered and/or uninspected motor vehicle shall be parked, kept, or stored outside. This provision shall not apply to vehicles that do not require registration and/or inspection.

I. Specific Standard: Motor Vehicle and Watercraft Parking in Required Setbacks

The parking of motor vehicles and watercraft exceeding 16 feet in length (excluding canoes, kayaks, and rowing skulls), is not permitted in a required setback except for parking on driveways, parking lots and motor vehicle and watercraft display areas legally established in a required setback. For the purpose of watercraft storage, seasonal storage of all watercraft is allowed in a side and rear setback, but not in a front setback.

J. Specific Standard: ~~Outdoor~~ Lighting and Glare

(1) All installed outdoor lighting shall be operated to comply with Section 4.10 (Outdoor Lighting).

(2) Building materials, including solar panels, with high light-reflective qualities shall not be used in the construction of buildings in such manner that reflected sunlight will throw intense glare to surrounding areas.

Comment [AB195]: Expanded per ZORC discussion 9/19/16.

4.15 Site Feature Maintenance

4.15.1. General Standard

The Planning Board shall advise the applicant that site features constructed or installed as required by a development approval must be maintained in good repair, and replaced if damaged or destroyed, or in the case of living materials, if they die or are effectively destroyed after installation.

4.15.2. Specific Standards: Landscape Maintenance

- A. Landscaped areas, screens, and plant materials required to be installed or protected by this Ordinance or conditions attached to a development approval shall be maintained in a healthy growing condition and in a neat and orderly appearance, free from refuse and debris.
- B. If required plant material dies or becomes diseased, it shall be replaced by the property owner on or before October of the year the dead or diseased planting is discovered or such further time frame deemed reasonable by the Codes Enforcement Officer.

Comment [AB196]: Revised per ZORC discussion 4/25/16

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Section 4.13 Signs
Subsection 4.13.1 General Standard

- (5) No drive-through facility audio speakers shall be located between the nonresidential or mixed use development's principal building(s) and property lines shared with Growth Residential district lots containing a single or two-family dwelling, unless the speaker is located at least 100 feet away from and oriented to project sound away from the Growth Residential district boundary.
- (6) Hours of operation for nonresidential uses located adjacent to a Growth Residential district single or two-family dwelling shall be limited to 7:00am – 11:00pm.
- (7) All operations on the Growth Mixed Use or Growth Special Purpose property shall comply with the standards of subsection 4.13.1.C (Performance Standards – Noise) and all applicable Town ordinances regarding loud, offensive, or unreasonable noises.

4.13 Signs

Comment [AB170]: Staff revision 9/22/16

4.13.1. General Standard

All new outdoor signs must be compatible in design and scale with their surroundings and shall not unreasonably interfere with the safe operation of adjoining roads, sidewalks, parking areas, or uses.

4.13.2. Specific Standards

Signs may not unduly impact property values, and should enhance and protect the physical appearance of the community, avoid ~~sign or advertising~~ distractions and obstructions, and reduce hazards that may be caused by signs.

A. Standards and Permits Required

- (1) No sign shall be erected or altered unless it conforms with these regulations. Signs must be kept clean, legible, and free from all hazards, such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, or constitute a distraction or obstruction that may impair traffic safety. Any such sign that becomes a nuisance or a hazard to public safety shall be removed from the premises if so ordered by the Codes Enforcement Officer.
- (2) If applicable, no sign shall be erected or altered unless it conforms with the Cooks Corner Design Standards, the Village Review Overlay Design Guidelines or the Brunswick Landing Design Guidelines administered by the Midcoast Regional Redevelopment Authority.
- (3) The construction, alteration, maintenance and repair of all signs shall conform to all applicable building and electrical codes adopted by the Town of Brunswick.

B. Nonconforming Signs

(1) Continuance

A nonconforming sign may be continued even though it does not conform to the requirement of this Ordinance.

(2) Change

Any change in the content of a nonconforming sign ~~including names, words, logos, or similar information~~ shall not constitute a change requiring the sign's compliance with the

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Section 4.13 Signs

Subsection 4.13.2 Specific Standards

current sign standards in this Section 4.12-13 provided that, the sign is not a prohibited sign under subsection 4.1213.2.C (Signs Expressly Prohibited), the changes do not make the sign more nonconforming, and a permit is obtained for the changes from the Codes Enforcement Officer.

(3) **Termination of Identified ~~or Advertised Business or~~ Use or Activity**

If a sign becomes nonconforming because the ~~business-associated~~ use or activity it identifies ~~or advertises~~ is terminated ~~(i.e., because it no longer relates to a business use or activity on the premises),~~ the sign face shall be removed within 30 days after the date the ~~business-use~~ or activity is terminated. If the sign face is not reused by another ~~business-use~~ or activity occupying the same site within one (1) year after the termination of the previous ~~businessuse~~, the ~~whole-entire~~ sign, ~~including all mountings, brackets, poles, sign faces, and other signage material,~~ shall be removed.

(4) **New ~~Signage Signs~~ and Waivers**

New ~~signage-signs~~ may be proposed for a site that contains nonconforming ~~signagesigns~~, provided that all new ~~signage-signs~~ ~~complies-comply~~ with this Section 4.1213. The Review Authority may waive sign standards to allow new ~~signage-signs~~ on a site containing nonconforming ~~signage-signs~~ provided it finds that extenuating circumstances render compliance with this Section 4.1213, infeasible or impractical, and that the signage plan for the entire site furthers the spirit and intent of this Ordinance by reducing visual clutter, or otherwise improves the aesthetic appearance of the signage on ~~the~~ site by bringing the overall site into closer compliance with the requirements of this Section 4.1213.

(5) **Restoration and Reconstruction**

Any nonconforming sign that is destroyed or damaged by any cause may be restored or reconstructed to its pre-destruction or pre-damage condition provided that a permit for the restoration or reconstruction is obtained within one (1) year after the date of destruction or damage, and no existing nonconformity is increased and no new nonconformity is created. Any restoration or reconstruction of the sign approved more than one (1) year after the destruction or damage shall comply with all requirements of this Ordinance.

C. Signs Expressly Prohibited

The following signs are prohibited in all zoning districts:

- (1) Off-premise signs. The Codes Enforcement Officer or his/her duly authorized representative has the authority to immediately remove any unauthorized off-premise sign.
- (2) Flashing illuminated signs, with the exception of Changeable Message signs allowed in subsection 4.1213.3.D.
- (3) Moving signs, including but not limited to inflatable/expandable object signs, wind/feather signs, streamers, pennants, large bundles ~~[greater-more than six (6)]~~ of balloons, flags and other signs with moving parts ~~(excepting "Open" flags)~~ meant to attract the attention of the general public.
- (4) Roof signs.
- (5) Portable signs with the exception of those used for the conveyance of traffic and other public safety information.

Comment [AB171]: F or ZORC discussion

Comment [AB172]: F or Zorc discussion

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Section 4.13 Signs
Subsection 4.13.2 Specific Standards

- (6) Signs located in, on, or projecting over any public right-of-way with the exception of Special Requirement Signs as permitted in subsection 4.1213.6.

D. Exemption of Certain Town-Authorized Signs

Signs authorized by the Brunswick Town Council to be displayed on, or over public rights-of-way are exempt from all standards of this Section 4.13, with the exception of subsection 4.1213.6 (Special Requirement Signs).

Comment [AB173]: F or ZORC discussion

E. Calculation of Size of Sign

(1) **Two-Sided Sign**

Only one (1) side of a sign shall be counted when determining the size of a two-sided sign.

(2) **Signs Within or on Structures**

When the graphic representation of the sign occurs on a sign board, the size of the sign shall be calculated by include the square footage of the sign board. For illuminated signs, all proportions of the sign that are illuminated shall be included in the square footage. Where individual sign graphics are attached to a structure and no sign board is used, the sign area is the sum of the areas of each of the graphic elements.

F. Illumination

(1) **Directly Illuminated Signs**

(a) The light emitted from a directly illuminated sign shall not result in light trespass beyond the intended area of illumination.

(b) Directly illuminated signs located in GR or any Rural District is permitted only between the hours of 7:00 am and 11:00 pm or during hours open to the public, whichever is less.

Comment [AB174]: F or ZORC discussion

(2) **Internally Illuminated Signs**

Internally illuminated signs are permitted only in the GM4, GM5, GM7, GM8 (Bath Road only), GA, and GI Districts.

(3) **Tube Illuminated Signs**

Tube illuminated signs, a light source supplied by a tube that is not concealed and is filled with gasses, forming letters, symbols or other shapes are permitted internally in a window and shall not result in light trespass beyond the intended area of illumination.

Comment [AB175]: F or ZORC discussion

G. Maximum Sign Size

No sign shall exceed 200 square feet, except for:

- (1) Any sign for which a smaller sign area is indicated in this Section 4.13; and
- (2) Wall signage on structures greater than 30,000 square feet, which shall not exceed 250 square feet.

H. Advertising Messages Substitution Incorporated into Approved Signage

An owner of an approved sign may replace a commercial message with a noncommercial message. Permanent advertising messages or business information (such as signage indicating business hours, signage indicating which types of bank machine cards are accepted, or other similar message) shall be considered a sign subject to review, unless that message is in a sign not subject to permit. Review of such signage shall also consider other signs on the site.

Comment [AB176]: Revised (Reed v. Gilbert).

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

I. Sign Maintenance

All signs shall be maintained pursuant to Section 4.15 (Maintenance).

4.13.3. Standards for Sign Types Requiring Permits

Signs are permitted as indicated in each subsection below subject to a permit issued by the Codes Enforcement Officer. The permit application shall indicate the type, size, and location of the sign and shall be accompanied by a fee as determined by the Town Council.

A. Awning Signs

- (1) The area of an awning sign shall not be included in the total building sign area permitted by this ordinance.
- (2) The total area of awning signage shall not exceed one (1) square foot for each one (1) linear foot of awning width up to a maximum of 16 square feet.
- (3) A vertical clearance of no less than eight (8) feet shall be maintained for all parts of an awning.

B. Building Directory Signs

- ~~(1) Any building directory sign shall be attached at a building entrance to identify the business occupants for pedestrians entering the building and shall not be included in the total building sign area permitted by this ordinance.~~
- ~~(2) A building directory sign shall not exceed a total of six (6) square feet in size.~~
- ~~(3) A building directory sign located in the GM6 zoning district shall be made of wood or material resembling wood.~~

C. Campus-Type Signs

The following signage is permitted on parcels of land developed in a campus-type environment, as defined as larger parcels of land with multiple buildings including hospitals, mill complexes, business parks or public or private educational facilities.

(1) Main Entrance Signs

A freestanding pole or monument sign may be located at main vehicular entrances to the campus. ~~and unless otherwise permitted, such signs shall be limited to a symbol and/or name identifying the campus and (if desired) the street address.~~ Each sign shall comply with the following standards:

- a. Freestanding pole signs shall not exceed 25 square feet in total sign area nor exceed 15 feet in height.
- b. Freestanding monument signs shall not exceed 32 square feet in total sign area nor exceed ten (10) feet in height.
- c. Main entrance signs shall be sited within the boundaries of the campus and shall not be located within the right-of-way of any public street nor create or aggravate a traffic hazard.
- d. For a campus-type parcel with secondary vehicular entry points, one (1) additional main entrance sign, to be installed in accordance with subsections a through c above, may be sited at each secondary vehicular entry point, provided that any secondary entrance signs are not readily visible from any other main entrance signs located on the same campus parcel.

Comment [AB177]: Include in wall signs

Comment [AB178]: Review

Comment [AB179]: Included in definitions

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Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

(2) **Interior Campus Destination Signs**

Interior campus signs providing detailed ~~directional and/or informational text or mapping~~ assistance to on-site destinations may be installed and shall comply with the following standards

- a. ~~Campus destination~~Interior campus signs shall not exceed ~~15-32~~ square feet in size ~~per~~ nor exceed ~~ten (10)~~seven (7) feet in height.
- b. ~~Interior Campus destination~~ signs shall be sited within the boundaries of the campus and shall not be located within the right-of-way of any public street, nor create or aggravate a traffic hazard.

(3) **Campus Directory Map**

~~Map directions graphically identifying the various destinations across the campus, may be installed and shall comply with the following standards.~~

- a. ~~Campus directory signs shall only be located along private vehicular or pedestrian access ways or parking areas to prevent unsafe conditions along public ways.~~
- b. ~~Campus directory signs shall not be located within the right-of-way of any public street.~~
- c. ~~Campus directory signs shall not exceed 32 square feet in total sign area nor exceed seven (7) feet in height.~~

(4) **Miscellaneous Campus Signs**

~~Signs displaying circulation, directional or regulatory information not exceeding a total sign area of six (6) square feet nor eight (8) feet in height, are exempt from the requirement of obtaining a sign permit. Such signs shall not be installed within a right-of-way of a private or public street or highway, nor create or aggravate a traffic hazard.~~

Comment [AB180]: Now included in campus interior signs

Comment [AB181]: Included in interior campus signs.

D.C. Canopy Signs

Canopy signs are allowed in addition to other types of signs permitted by this Section 4.13. The sign area shall not extend beyond the edges of the canopy and shall comply with one (1) of the two (2) following alternative provisions:

- (1) The total sign area shall not exceed nine (9%) percent of the total square footage of all sides of the canopy with no more than two (2) signs located anywhere on the canopy.
- (2) The total sign area shall not exceed 15 percent of the area of the side of the canopy on which it is located with no side containing more than one (1) sign.

E.D. Changeable Message Signs

All changeable message signs shall comply with the following standards.

- (1) Changeable message signs shall only be permitted in the GM4, GM5, and GM8 (Bath Road frontage only) districts.
- (2) Each sign shall meet the dimensional requirements in this per Section 4.1213 of this ordinance.
- (3) Messages shall remain fixed on the display surface for not less than five (5) seconds and may transition as rapidly as technologically practicable, but not to

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

exceed a transition time of one (1) second, with no phasing, rolling, scrolling, flashing, or blending of content.

(4) ~~Each~~ Such signs shall be equipped with a sensor or other device that automatically determines the ambient illumination conditions and be programmed to automatically dim the sign illumination to not exceed the ambient light conditions by more than 0.3 foot-candles. The Codes Enforcement Officer shall use the Illumination Measurement Criteria in accordance with the "Night-time Brightness Levels for On-Premise Electronic Message Centers" as recommended by the International Sign Association dated April 2011, as amended, which is on file in the ~~Planning and Development~~ Department of Planning and Development office.

~~(4)(5)~~ Such signs shall not be visible from a controlled-access highway or ramp.

(5) ~~Each sign may consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial, or photographic images. No sign shall include animated or video content.~~

Comment [AB182]: Deleted – Reed case

F. Development Signs

~~A single sign not to exceed 16 square feet in area shall be permitted to identify the name of a development. The development sign shall be located on a common area within the development.~~

Comment [AB183]: Delete here and allow as a pole or monument sign.

G.E. Directory Pole Signs

Directory Pole Signs are ~~allows permitted~~ at major entrances to commercial, business, retail, multi-tenant, or industrial developed properties and shall comply with the following standards:

(1) In the GA, GM1, GM2, GM3, ~~GM4~~, GM5, GM7, GM8 (Bath Road frontage only), and GI Districts a directory pole sign may consist of 25 square feet per ~~non-residential use, tenant~~; not to exceed a cumulative ~~sign area~~ of 200 square feet ~~of total sign area~~ nor 15 feet in height.

(2) In the GM6, ~~and~~ GM8 (excluding Bath Road frontage lots) ~~and RM~~ Districts a ~~directory~~ pole sign may consist of 18 square feet per ~~non-residential use, tenant~~, not to exceed a cumulative ~~sign~~ area of 54 square feet nor 12 feet in height.

Comment [AB184]: Added by staff 9/22/16

H.F. Monument Signs

(1) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (Bath Road frontage only), and GI Districts the size of the face of a monument sign shall not exceed 32 square feet nor a height of ten (10) feet.

(2) In the GC1-4, GM6, ~~and~~ GM8 (excluding Bath Road frontage lots) ~~and RM~~ Districts the size of a monument sign shall not exceed 18 square feet nor a height of eight feet. The maximum height of a monument sign is ten (10) feet.

Comment [AB185]: Added by staff 9/22/16

(3) Only one (1) monument sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) monument sign is permitted.

I.G. Neon Window Signs

Neon signs, ~~also known as tube illuminated signs~~, that are placed inside a window are permitted, ~~provided that the signs do not and shall not~~ exceed 25 percent of the glass area of the window on which the sign is to be placed.

J.H. Entrance/Exit Directional Signs

(1) An entrance/exit directional sign may not exceed two (2) square feet in area.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property owner

Section 4.13 Signs

Subsection 4.13.3 Standards for Sign Types Requiring Permits

(2) An entrance/exit directional sign shall be placed so as not to impede sight distance.

K.I. Pole Signs

- (1) Only one (1) pole sign per 250 feet of lot frontage is permitted. For a lot of record with less than 250 feet of lot frontage, one (1) pole sign is permitted.
- (2) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI Districts, the height of the pole sign shall not exceed 15 feet and the size of a pole sign shall not exceed 25 square feet.
- (3) In the GM6, GM8 (excluding lots with Bath Road frontage), ~~and~~ GC1-4, ~~and~~ RM Districts, the height of a pole sign shall not exceed ten (10) feet and the size of the pole sign shall not exceed 18 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.
- (4) In all other zoning districts the height of a pole sign shall not exceed ten (10) feet and the size of a pole sign shall not exceed 15 square feet. Pole signs in these districts shall be constructed of materials that are made of or resemble wood.
- (5) Pole signs shall be set back at least five (5) feet from a side or rear property line.

Comment [AB186]: Include development signs.

Comment [AB187]: Added by staff 9/22/16

L.J. Projecting Signs

- (1) In all Growth Residential (GR) ~~D~~istricts, GM6, and GM8 (excluding lots with Bath Road frontage) Districts, Growth College (GC) ~~D~~istricts, and Rural Area Districts the size of a projecting sign shall not exceed six (6) square feet and the sign shall not project more than three (3) feet beyond the wall to which it is attached.
- (2) In the GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), and GI Districts, the size of a projecting sign shall not exceed 25 square feet.
- (3) Where a projecting sign projects over a sidewalk, it must clear the sidewalk by at least eight (8) feet.
- (4) Any use that contains a projecting sign may not contain a pole sign, unless the projecting sign is located 50 feet or more from a public right-of-way street.
- (5) Projecting signs shall not be placed above the first story of a structure unless it is advertising-related to a use that occurs above the first floor. Where a projecting sign occurs above the first story of a structure, it may not be placed higher than the midpoint of the second story.

M.K. Wall Signs

- (1) No wall sign shall protrude beyond the roof line or cornice structure of a building, and shall not cover windows, doors or architectural detailing of the building to which it is affixed.
- (2) In the GA, GM1, GM2, GM3, GM4, GM5, GM7, GM8 (lots with Bath Road frontage only), GC1-4, and GI Districts, each ~~nonresidential~~ establishment shall be allowed wall signage not to exceed a total of 25 square feet. However establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 25 square feet or ten (10%) percent of that portion of the principal facade occupied by that establishment, whichever is greater.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.4 Temporary Signs Allowed and Not Subject to Permitting

- (3) In the GM6, ~~and GM8~~ (excluding lots with Bath Road frontage) ~~and RM~~ Districts, wall signs shall not exceed 16 square feet. Wall signs shall be placed on the building floor level of which the establishment is located.
- (4) In all other districts, each ~~nonresidential~~ establishment shall be allowed wall signage not to exceed a total of 16 square feet. However, establishments occupying a portion of the building's principal facade shall be allowed wall signage not to exceed 16 square feet or ten (10) percent of that portion of the principal facade occupied by that establishment, whichever is greater.

4.13.4. Temporary Signs Allowed and Not Subject to Permitting

Temporary signs are permitted as indicated below and are not subject to a permit. Temporary signs listed below shall not be placed in a position that will impair vision, obstruct traffic, or create a hazard or nuisance to the general public.

A. Sidewalk or Sandwich Signs

Sidewalk or sandwich signs, including but not limited to, easel signs and other similar signs are permitted. They shall be made of durable materials (i.e., not of cardboard or paper). ~~Such signs and shall not be placed to impede pedestrian access or create a vehicular traffic hazard and shall not exceed eight (8) square feet in size per side. Only one (1) sign per establishment 50 linear feet of street frontage is permitted, not to exceed three (3) such signs per property.~~ Such signs can only be placed outside while the establishment is open.

Comment [AB188]: F or ZORC discussion

B. Household Signs

Signs that display street numbers, last names, and personal names given to residential structures.

C. ~~Contractor~~Freestanding/Yard Signs

- (1) The size of a ~~contractor~~freestanding/yard sign shall not ~~to~~ exceed 24 ~~eight (8)~~ square feet ~~in GN, GR1-10, RR, RN, RF and RP1-2 Districts nor 24 square feet in all other Districts.~~
- (2) A ~~contractor~~freestanding/yard sign shall be removed within 24 hours of the end of the activity and shall be removed within five (5) days of the issuance of a Certificate of Occupancy, where one is required. A contractor sign used during home improvement or renovation projects that are not subject to Certificate of Occupancy shall be removed within five (5) days after the work has been completed.
- (3) Freestanding/yard signs are prohibited to be located within a public right-of-way.

D. Farm Stand Signs

Farm stand signs are permitted provided that each sign is no greater than ten (10) square feet in area and they are displayed only during the season when the premises are open for business. Farm stand signs may have changeable copy and shall only be located on the property at which the farm stand exists.

E. Lawn, Yard, or Garage Sale Signs

- (1) Lawn, yard, or garage sale signs are prohibited on any State or Town-owned parcel.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.5 Special Event or Notice Signs Requiring Notice to Codes Enforcement Officer

~~(2) Signs shall not be posted more than three (3) days prior to the sale and shall be removed within 24 hours of the end of the sale.~~

~~(3) Signs are limited to four (4) square feet in area.~~

F.D. Motor Vehicle Signs

The use of ~~business~~ logos, identification or advertising on registered motor vehicles primarily and actively used for ~~a use business purposes~~ is permitted.

G. Political Campaign Signs

~~Political Campaign Signs are permitted on private property, not to exceed eight (8) square feet in size. Political signs shall not be located on or in front of Town-owned property including but not limited to schools, parks, cemeteries, road right-of-ways, and Town-owned buildings.~~

H. Real Estate Signs

~~(1) A real estate sign for the sale of a residential structure shall not exceed four (4) square feet in area. A real estate sign for all other uses and vacant land shall not exceed 32 square feet in area.~~

~~(2) Real estate signs shall be removed within ten (10) days after the sale or lease of the property.~~

H.E. Window Signs

Window signs are allowed provided they are placed on the inside of the window and occupy no more than 25% of the glassed area of the window on which the sign is to be placed.

Comment [AB190]: Limit?

Comment [AB191]: Freestanding/Yard Signs

4.13.5. Special Event or Notice Signs Requiring Notice to Codes Enforcement Officer

- A. Prior to ~~displaying~~ installing any special event ~~or notice~~ sign, the building occupant or property owner shall submit written notification to the Codes Enforcement Officer of the ~~proposed~~ sign's installation and removal.
- B. No individual building occupant or property owner may ~~display~~ install a special event ~~s or notice~~ sign for more than 90 days within a calendar year, provided that special events or notice signs for an event ~~or notice~~ exceeding 90 days in length may remain in place for (a) a period not to exceed five calendar days immediately following the conclusion of the event ~~or notice~~, or (b) 180 days per calendar year, whichever is less, upon written approval by the Codes Enforcement Officer.
- C. Special events ~~or notice~~ signs shall not interfere with pedestrian or vehicular access.
- D. Special events ~~or notice~~ signs shall be located on the property of which the special event ~~or notice~~ is to take place.

4.13.6. Special Requirements Signs

The following signs are allowed subject to special requirements without obtaining a permit from the Codes Enforcement Officer.

A. Public Safety Signs

Governmental bodies may erect and maintain signs necessary for the public safety and welfare, or as required by law, ordinance or government regulation.

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.13 Signs

Subsection 4.13.6 Special Requirements Signs

B. Banners

Town Council permission is required to raise a banner over a Town-owned public right-of-way and the Town Council or its designee may restrict where and when such banners may be displayed.

C. ~~Nonprofit Organization Fundraising~~ Other Signs on Town-Owned Property

~~Nonprofit organization fundraising signs,~~ when recommended by the Town Manager and approved by the Town Council or its designee, other signs shall be permitted at locations on public ~~and private~~ property, subject to the following:

Comment [AB191]: Revision needed (Reed v. Gilbert)

- (1) The sign shall be a freestanding sign, with an area not exceeding 24 square feet.
- (2) The height of such sign shall not be greater than six (6) feet.
- (3) The sign shall not be illuminated.
- (4) The sign shall be removed one (1) week after the activity fund-raising event has ended.

D. Official Business Directional Signs

An Official Business Directional Sign visible from a public way may be erected or maintained in the Town of Brunswick in accordance with the following standards and with applicable provisions of the Maine Traveler Information Services Act (23 M.R.S.A. § 1901-1925) and any related regulations of the Maine Department of Transportation (MDOT), not inconsistent with the provisions of this Section 4.13.

(1) Qualifying Uses

The following uses are qualifying uses:

- a. Public and private schools and colleges.
- b. Airports.
- c. Cultural facilities and historic monuments.
- d. Recreational facilities.
- e. Municipal and other government facilities.
- f. Nonprofit organizations.
- g. Public accommodations and commercial businesses.
- h. Retail agricultural operation.

(2) Number of Signs

Not more than four (4) official business directional signs may be permitted per each qualified use.

(3) Placement of Signs

Official Business Directional Signs may not be installed on a State-Aid highway/road frontage, a Bath Road frontage, in the GM6 District, the Village Review Overlay District, or the Maine Street or Park Row right-of-way.

(4) Additional Requirements

The following additional requirements shall apply to Official Business Directional Signs:

0 The Recreation Commission has the sole authority to determine if the requirement to provide recreation facilities can be met through the provision of land or facilities as part of the development rather than paying the impact fee. If a developer or property

Section 4.14 Performance Standards

Subsection 4.14.1 Operation of Uses and Development

- a. The minimum distance between Official Business Directional Sign posts shall be at least 300 feet as measured along the shortest straight line.
- b. No Official Business Directional Sign shall be placed closer than 200 feet from the property line of a commercial business offering directly competing goods or services.
- c. An Official Business Directional Sign shall be located no closer than 200 feet, nor further than 2,500 feet, from an intersection where a change in direction as indicated on said sign is required.
- d. No more than three (3) Official Business Directional Signs may be attached to an individual sign post assembly. No new sign post assembly shall be installed until existing sign post assemblies suitable for any newly proposed Official Business Directional Sign contain the maximum number of permitted signs.

(5) Permitting and approval process

Any entity wishing to erect an Official Business Directional Sign shall make application with the Maine Department of Transportation on an application form provided by MDOT. Prior to submittal to the MDOT for final review, the application will require the signature of the Brunswick Codes Enforcement Officer certifying compliance with the Town's Zoning Ordinance and the approval of the Town's Police and Public Works Departments.

4.14 Performance Standards

4.14.1. Operation of Uses and Development

A. General Standard

Unless otherwise pre-empted by federal or state law, the following standards shall apply to all development activities and uses regulated by this Ordinance, and shall be enforced by the Codes Enforcement Officer.

B. Specific Standard:

- (1) The general standard in Subsection 4.14.1.A above shall be enforced by the Codes Enforcement Officer.
- (2) All construction, drilling, or demolition work shall be conducted between 7:00 am and 7:00 pm except when prior written approval has been obtained from the Codes Enforcement Officer. The Codes Enforcement Officer shall only grant approval for work after hours in the case of special circumstances, and such approval shall not be granted on a regular basis.
- (3) Operating or permitting the operation of any tools or equipment used in construction, drilling, or demolition work is prohibited on Sundays and days which the following holidays are observed: New Years, Memorial Day, 4th of July, Labor Day, Thanksgiving, and Christmas.

Comment [AB192]: Moved from Noise subsection since applies generally

Comment [AB193]: Same comment

C. Specific Standard: Noise

- (1) The following activities are exempt from the requirements of this section: parades, farming, forestry, emergency signals, watercraft, aircraft and automobile traffic.

Chapter 1 - General Provisions
Section 1.7 Definitions and Rules of Construction
Subsection 1.7.2 Definitions

Setback — In Shoreland Area: In a shoreland area, the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

Shoreland Area: The Shoreland Protection Overlay (SPO) District.

Shoreline: The normal high-water line of, or upland edge of, a freshwater or coastal wetland.

Sign: Any object, device, or structure, or part thereof, situated outdoors or displayed in a window, freestanding or attached to a structure or registered motor vehicle, that is used to advertise, identify, display, or direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by means of words, letters, figures, design, symbol, advertising flags, fixtures, colors, illuminations, or projected images.

Sign Face: The portion of a sign that includes words, letters, figures, designs and background.

Sign, Animation: The usage of multiple frames running at a fast enough speed that the human eye perceives the content to be in continuous movement.

Sign, Awning: A covering that is (or appears to be) made of cloth or canvas and is either permanently attached to a building or can be raised or retracted or fixed to a position against the building when not in use.

~~Sign, Building Directory: A wall mounted sign that identifies the occupants of a building.~~

~~Sign, Business: A temporary freestanding sign used for the advertisement of specific products, daily specials, or services.~~

Sign, Campus-Type: Signs as permitted on large parcels of land developed in a campus-type environment with multiple buildings, including but not limited to medical centers, mill complexes, business parks, specialized residential facilities, or public or private educational facilities.

Comment [AB30]: Added 9/22/16

Sign, Canopy: A sign that is part of, or attached to a structural protective cover over a drive thru or outdoor service area (not including an awning sign).

Sign, Changeable Display: A sign that utilizes computer generated displays or some other electronic means of changing copy. These signs include displays using LEDs, LCDs, or incandescent lamps.

~~Sign, Contractor: A temporary sign erected during the construction phase of a project only.~~

~~Sign, Development: A sign used to identify the name of a development.~~

Sign, Directly Illuminated: A sign illuminated by a light source that is outside of the sign.

Sign, Directory Pole: A pole sign that advertises more than one use or establishment on single parcels developed with multiple uses; or multiple uses located on four or fewer adjacent properties with shared access.

Sign, Dissolve/Fade: A mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first display gradually reduces intensity or appears to dissipate to the point of not being legible and the subsequent display gradually appears or increases intensity to the point of legibility.

Sign, Easel: A free-standing, moveable sign, usually shaped like a painter's easel stand, used onsite.

~~Sign, Farm Stand: A sign used to advertise a farm stand selling fruits, vegetables, or other agricultural crops and products.~~

Sign, Flashing Illuminated: A sign in which the light source, in whole or in part, physically changes in light intensity or gives the appearance of such change at less than a 5 second time interval. Time and temperature signs emanating white light are excluded from this definition.

Chapter 1 - General Provisions
Section 1.7 Definitions and Rules of Construction
Subsection 1.7.2 Definitions

Sign, Freestanding/Yard: ~~A pole sign or monument sign. Any permanent or temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.~~

Comment [AB31]: Added 9/22/16

Sign, Household: A sign that display street numbers, last names, or personal names given to residential structures.

Sign, Internally Illuminated: A sign illuminated by a light source that is within the sign.

Sign, Monument: A sign mounted directly on the ground.

Sign, Motor Vehicle: Any sign ~~permanently or temporarily attached to or placed displayed~~ on a registered motor vehicle ~~in any manner so that the sign is used primarily as a stationary identification or advertisement sign. where the primary purpose is to advertise a product, service business, or other business related activity.~~

Comment [AB32]: Revised 9/22/16

Sign, Official Business Directional: An off-premise sign erected and maintained by the Maine Department of Transportation in accordance with the Maine Traveler Informational Services Act, 23 M.R.S.A. § 1901-1925, and this Ordinance, that identifies and points the way to public accommodations and facilities, commercial services for the traveling public, and points of scenic, historical, cultural, recreational, educational, and religious interest.

Sign, Off-Premise Advertising: A sign that ~~advertises~~ identifies an establishment business or their business's products, services, or activities not sold, distributed, or carried out on the premises.

Sign, On-Premise Directional Entrance and Exit: A sign used to provide direction to entrances and exits from parking or pedestrian areas.

Comment [AB33]: Staff revision 9/22/16

Sign, Pole: A sign attached to a pole or poles erected directly into the ground.

Sign, Political Campaign: ~~A temporary sign bearing messages relating to an election, primary, or referendum.~~

Comment [AB34]: Deleted. Now freestanding/yard sign

Sign, Portable: A sign designed for and intended to be moved from place to place and not be permanently affixed to land, buildings, or other structures.

Sign, Projecting: A sign attached to a wall at a right angle.

Sign, Real Estate: ~~A temporary sign advertising the lease or sale of land, space, or structure.~~

Comment [AB35]: Deleted. Now freestanding/yard sign.

Sign, Roll: A mode of message transition on a Changeable Message Sign wherever the message appears to move horizontally across the display surface.

Sign, Roof: A sign mounted to the roof of a building or wall mounted signs projecting above the roof line. Signs mounted on the face of a mansard roof are not considered roof signs, but as wall signs.

Sign, Sandwich: ~~A free-standing sign which is ordinarily in the shape of an "A" or some variation thereof, readily moveable, and is not permanent attached to the ground or any structure. moveable sign, usually shaped like an "A", used to advertise specific products, daily specials, or special events.~~

Comment [AB36]: Revised 9/22/16

Sign, Scroll: A mode of display transition on a Changeable Display Sign where the display appears to move vertically across the display surface.

Sign, Special Events or Notice: A temporary sign—such as a banner, pennant, or poster,—that is mounted onto a building structure to announce special events or notices and; are limited to the property of which the special event is located.

Comment [AB37]: Revised 9/22/16

Sign, Temporary Business: ~~A temporary sign such as a sandwich sign, easel sign, and other similar signs intended to advertise specific products, daily specials, or services.~~

Comment [AB38]: Deleted 9/22/16

Sign, Temporary: ~~A portable sign or any sign not permanently embedded in the ground or affixed to a building or permanent sign structure.~~

Comment [AB39]: Staff addition 9/22/16

Sign, Transition: A visual effect used on a Changeable Display Sign to change from one message to another.

Sign, Video: A Changeable Display Sign that displays motion or pictorial imagery, including a display from a "live" source.

Sign, Wall: A sign applied, painted, or affixed flush to the exterior of a structure.

Site Feature: An element of site design other than the characteristics of the lot itself, the uses on the lot, the structures on the lot, or signs on the lot, such as landscaping, or lighting fixtures.

Small Wind Energy System (SWES): A wind-driven machine that converts wind energy into electrical power for the primary purpose of on-site use and not for public resale.

Solid Waste: Unwanted or discarded material with insufficient liquid content to be free-flowing including, but not limited to, rubbish, garbage, scrap, junk, refuse, inert fill, and landscape refuse, excluding septic tank sludge and agricultural and aquaculture waste.

Start of Construction:

- (1) For purposes of the floodplain management regulations for the FPO District, the date the flood hazard development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start of construction means either: the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (2) For purposes other than floodplain management, start of construction shall include demolition, excavation, filling, grading, clearing of vegetation, and construction of buildings or structures. Activities noted in Section 5.2.8.F(2)b are exempt from this definition.

Storm-Damaged Tree: For SPO District purposes, a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream: For purposes of the Shoreland Protection Overlay (SPO) District, a channel between defined banks created by the action of surface water and has two or more of the following characteristics.

- (1) It contains or is known to contain flowing water continuously for a period of at least six months of the year under normal seasonal rainfall conditions.
- (2) The channel bed is primarily composed of mineral material such as sand, scoured silt, gravel, clay, or other parent material that has been deposited or scoured by water.
- (3) The channel contains aquatic animals such as fish, aquatic insects, or mollusks in the water or, if no surface water is present, within the stream bed.
- (4) The channel contains aquatic vegetation and is essentially devoid of upland vegetation. Bordering freshwater wetlands that are not separated from the stream channel by a distinct change in elevation (such as hillside groundwater seeps) or barrier, and wetlands that are subject to periodic flooding or soil saturation as a result of high stream flows are considered part of the stream. Where these

Comment [AB40]: D
EP SP revision.

Chapter 1 - General Provisions
Section 1.7 Definitions and Rules of Construction
Subsection 1.7.2 Definitions

Junkyard or Automobile Graveyard: A land area used to store or dispose of old, discarded, worn-out, scrapped, or junked materials such as, but not limited to, plumbing, heating supplies, household appliances, furniture, lumber, rope, rags, batteries, paper trash, rubber debris, waste, scrap iron, steel, copper, brass, and other scrap ferrous or nonferrous material or three or more unserviceable, discarded, worn-out, or junked motor vehicles. This use includes garbage dumps, waste dumps, and sanitary landfills.

kennel: Any establishment including cages, dog runs, and/or structures where more than three dogs aged six months or older are kept for sale, boarding, or breeding.

Lane: A secondary access road located behind a house within a subdivision.

Leachable Materials: Liquid or solid materials including solid wastes, sludge, and agricultural wastes—that are capable of releasing waterborne contaminants into the ground.

Level of Service: A technical measure that assesses the traffic impact associated with new or expanded uses, calculated in accordance with the provisions of the Highway Capacity Manual, most recent edition, published by the National Academy of Sciences, Transportation Research Board.

Lot of Record: A parcel of land described in a recorded deed or shown on an approved and recorded subdivision plan and meeting zoning standards at the time it was created.

Lot or Parcel: An area of land with ascertainable boundaries, all parts of which are owned by the same person(s) or entities.

Lot, Rear: A lot located to the rear of another lot that lacks the minimum road frontage required in the zoning district and is accessed by either by a strip of land that is part of the parcel or a deeded right-of-way or easement over one or more lot(s).

Lot Width: The horizontal distance between side lines measured along a line that is parallel to the front lot line.

Lowest Floor: For purposes of the floodplain management regulations for the FPO District, the lowest floor of the lowest enclosed area (including basement) of a building. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Housing: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A , as amended.

Marina: A business establishment having frontage on navigable water that, as its principal use, provides for hire moorings, slips, and/or docking facilities for boats, and that may also provide accessory services such as boat and related sales, boat repair and construction, setting of moorings, boat and tackle shops, and marine fuel service facilities.

Marine Activity: Construction including but not limited to piers, docks, wharves, breakwaters, causeways, marinas, boat launching ramps, yacht clubs, boatyards, boat storage, facilities associated with commercial fishing, bridges over 20 feet in length, and accessory uses associated with any of these activities. Excluded are non-commercial structures which are accessory to a single or two-family dwelling.

Market Value: For SPO District purposes, the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Message, Commercial: Any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Comment [AB25]: D
EP SP revision.

Chapter 1 - General Provisions
Section 1.7 Definitions and Rules of Construction
Subsection 1.7.2 Definitions

Message, Noncommercial: Any sign wording, logo or other representation that is not defined as a commercial message.

Comment [AB26]: Added 9/22/16

Mineral Extraction: Any operation that removes within any 12 month period more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or similar mineral from its natural location for sale or use off-site.

Mixed Use: Any combination of residential and non-residential uses on the same lot or in the same building or building complex.

Mobile Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (1), as amended.

Mobile Home Park: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.B, as amended.

Mobile Home Park Site: The area of land within a mobile home park designed and used for placement of an individual mobile home and reserved for use by the occupants of that home.

Modular Home: Shall have that meaning defined in Title 30-A, M.R.S.A. §4358.1.A (2), as amended.

Motor Vehicle: A self-powered wheeled vehicle, designed to run primarily on improved roads, which transports passengers or cargo, such as but not limited to, cars, trucks, motorcycles, recreational vehicles, and buses, but not including trains and emergency vehicles.

Motor Vehicle Fueling Station: An establishment providing sales of fuel for motor vehicles, including but not limited to gasoline, diesel fuel, compressed natural gas, or electricity, that may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or painting, or major repair of engines or drivetrains. Does not include Vehicle Service or Repair or Marina

Motor Vehicle Service or Repair: An establishment where motor vehicles and equipment are repaired or serviced, but not including boat or small engine service or repair.

Municipal Facility: Any Town owned or leased facility that is provided to meet a municipal need, including, but not limited to recreational facilities, municipal offices, and utilities provided by Brunswick and Topsham Water District and Brunswick Sewer District necessary to provide utility services to residents of the Town, but not including schools. Facilities of the Brunswick and Topsham Water District, the Brunswick Sewer District, and any facility that was formerly Town owned but has since been purchased, transferred, or leased from the Town in order to continue to provide services to meet a municipal need, are considered to be municipal facilities.

National Geodetic Vertical Datum (NGVD): For floodplain management purposes, the NGVD is the national vertical datum, whose standards were established in 1929, which is used by the National Flood Insurance Program (NFIP). The NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

Native Tree: For SPO District purposes, a native tree is indigenous to the local forests.

Comment [AB27]: D EP SP revision.

Naturally Occurring Stand Dominated by Woody Vegetation: An area of forest, shrub land, heath barren or regenerating timber harvest. This definition does not include artificially planted Christmas tree farms or pine plantations.

Neighborhood Store: A retail store of not more than 2,000 square feet, located on a collector street, offering primarily grocery items and that may also offer takeout food items. A Neighborhood Store does not incorporate and is not accessory to a vehicle fueling station.

Net Site Area: The portion of a parcel subject to Development Review and used in the determination of allowable density. See Section 4.2.5.A, Calculation of Net Site Area.

New Floodplain Construction: Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by the Town of Brunswick and includes any subsequent improvements to such structures.