

Draft Order

Of the Bar Harbor Town Council For the June 8, 2021 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot.

Warrant Article

Article XX LAND USE ORDINANCE AMENDMENT — Signage — Shall an ordinance, dated December 16, 2020, and entitled “An amendment to amend existing regulations regarding certain types of internally illuminated signs, establish a color temperature limit for externally illuminated signs, amend what types of sign may be replaced without Design Review Board review, and add related definitions,” be enacted?

Signage

An amendment to amend existing regulations regarding certain types of internally illuminated signs, establish a color temperature limit for externally illuminated signs, amend what types of sign may be replaced without Design Review Board review, and add related definitions

EXPLANATION: This amendment would clarify in the general review standards (§127-67) that uses providing lodging for transients are permitted to have outdoor neon signs; correct the list of internally illuminated signs that are prohibited in all districts by changing Type 2 to Type 3; more clearly delineate where certain subtypes (Type 2-B and Type 5-B) of internally illuminated signs are allowed and prohibited; add an inset map illustration to show where Type 2-B and Type 5-B signs are prohibited; establish a color temperature limit for externally illuminated signs by codifying the limit the board has been recommending; and allow for the replacement of any one, conforming, non-illuminated sign on a particular property without requiring Design Review Board review, broadening an existing exemption that is limited to three specific types of signs.

It would also, in the definitions section (§127-109), create and define a fifth type of internally illuminated sign called push-through lettering; more clearly differentiate the two subtypes of Type 2 internally illuminated signs, as Type 2-A and Type 2-B; and create and define a new type of sign called neon sign, recognizing it is a type of sign that already exists in town under certain

circumstances and which is referred to elsewhere in the ordinance but is not presently defined, with the definition including signs designed to simulate the appearance of neon signage.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

Please note: Old language is ~~stricken~~. New language is underlined.

All changes are highlighted for ease of reference.

Chapter 125 , LAND USE ORDINANCE

Article V. Site Plan Review

§ 125-67 General review standards.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(3) Prohibitions.

(a) No sign shall hereafter be erected, altered, or changed except in conformity with the provisions of this chapter.

(b) No sign, whether new or existing, shall be permitted that causes a traffic, health, or welfare hazard, or results in a nuisance due to illumination, placement, display or manner of construction.

(c) No sign in a business district shall be located in the rear or side yard of any premises which abuts a lot in a residential district.

(d) Unless otherwise allowed, signs located on private property shall be related only to goods or services sold or rendered on that property.

(e) No sign shall have visible moving parts, or blinking, intermittent, or glaring illumination, or consist, in whole or in part, of pennants, ribbons, streamers, spinners or other similar devices. No light-emitting-diode (LED) motion signs are allowed. No sign or other advertisement shall include the use of smoke, vapors, noxious odors or noise. Analog clocks, analog thermometers, flags and banners otherwise permitted shall be allowed as the only exceptions to this subsection.

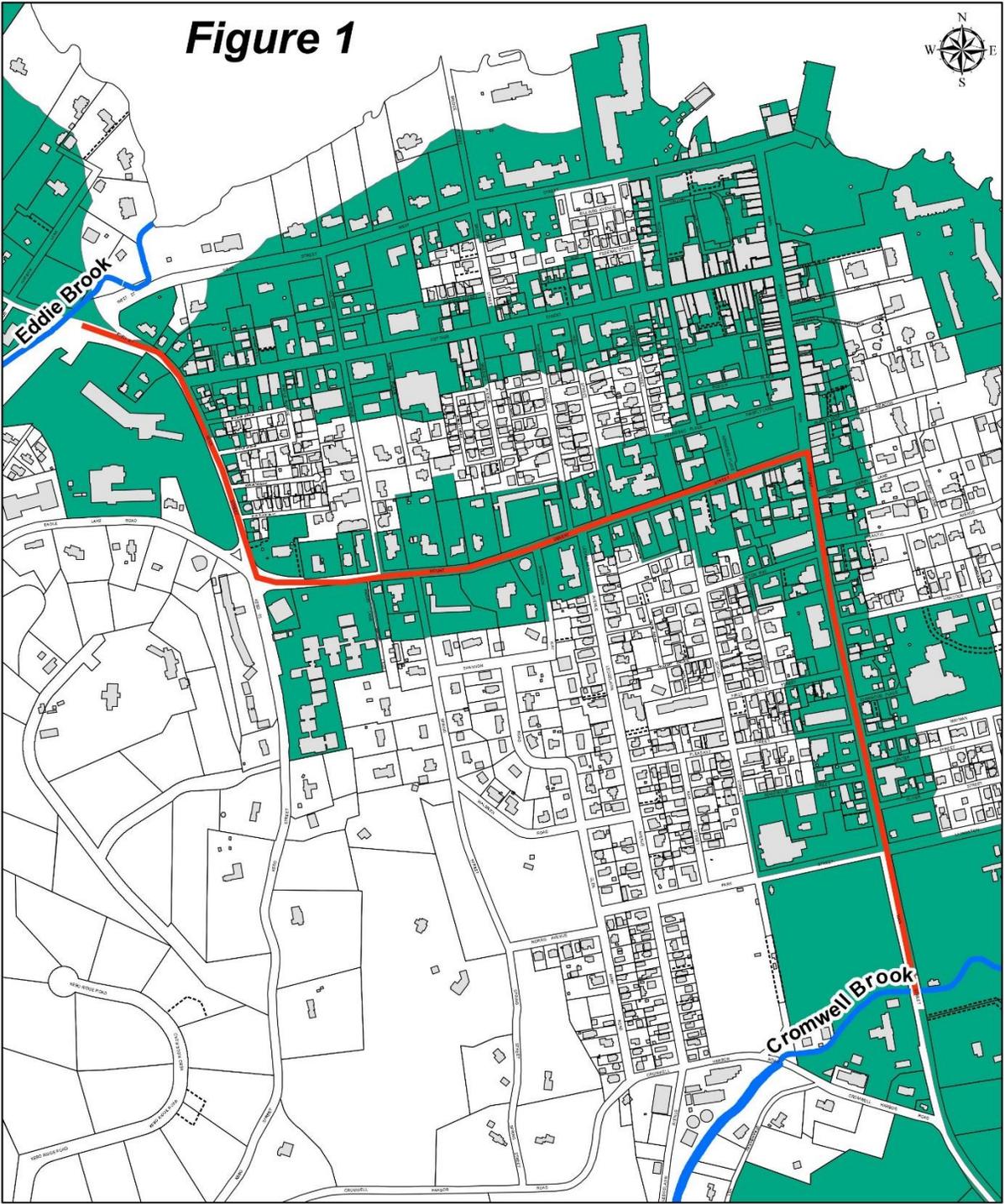
(f) Outdoor neon signs are prohibited, except that neon signs containing only the words "Vacancy" or "No Vacancy" and limited to a maximum sign area of two square feet are permitted for all transient accommodations, hotels, motels, all bed and breakfasts, and cabins located in business and corridor districts.

(g) No sign shall be erected, painted, drawn or attached to, or on any utility pole, tree, rock or other natural feature, except that this subsection shall not be deemed to prohibit the attachment to rocks of metal commemorative plaques.

(h) Internally illuminated signs of Type 1, cabinet with translucent face, and Type 23, channel letter, are prohibited in all districts.

(i) Internally illuminated signs of Type 2-B, cabinet with light limiting face, 30% (or less) translucent face/70% (or greater) opaque background field, and Type 5-B, push-through lighting, 30% (or less) translucent/70% (or greater) opaque background field, are prohibited in all districts within the Design Review Overlay District except for lots with frontage on Route 102, or Route 3, or Route 233. They are also prohibited on lots with frontage on the section of Route 3 beginning in the north where it crosses over Eddie Brook and ending in the south where it crosses over Cromwell Brook (as shown in Figure 1).

Figure 1



- Legend**
-  Illuminated Signs Prohibited
 -  Design Review Overlay

Per §125-67 BB. (3) (i), internally illuminated signs of Type 2-B and Type 5-B (see §125-109 for definitions) are prohibited on lots with frontage on the section of Route 3 beginning in the north where it crosses over Eddie Brook and ending in the south where it crosses over Cromwell Brook.

(j) The color temperature of externally illuminated signs shall not exceed 3,000 degrees Kelvin (3,000K).

(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness. All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the identified districts or are associated with a conditionally permitted use. Signs located in all other districts shall receive a building permit from the Code Enforcement Officer prior to installing the sign.

(o) Exemptions. The following activities are not subject to design review:

[1] Replacement of one conforming ~~wall-mounted, hanging, or window~~ non-internally illuminated sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged.

[2] A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.

[3] Installation of one twenty-four inch-by thirty-six inch sandwich board sign, provided that it is not located in a public way and is taken inside at the close of business each night.

[4] Installation of lighting for signage, provided that such lighting complies with § 125-67Z.

Article XII. Construction and Definition

§ 125-109 Definitions.

The following terms shall have the following meanings:

SIGN, INTERNALLY ILLUMINATED — A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are ~~four~~ **five** types, as follows:

- A. **TYPE 1; CABINET WITH TRANSLUCENT FACE** — An internally illuminated sign with a cabinet-style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.
- B. **TYPE 2; CABINET WITH LIGHT LIMITING FACE** — An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories:
 - (1) **Type 2-A:** Twenty percent (or less) translucent face/80% (or greater) opaque background field.
 - (2) **Type 2-B:** Thirty percent (or less) translucent face/70% (or greater) opaque background field.
- C. **TYPE 3; CHANNEL LETTER** — An internally illuminated sign comprised of three-dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letters are mounted.
- D. **TYPE 4; HALO** — An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.
- E. **TYPE 5; PUSH-THROUGH LETTERING** — An internally illuminated sign with an opaque surround cabinet-style fixture with light-limiting translucent face(s), protruding translucent sign graphics within an opaque background field, through which light from an internal source passes. The protruding (push-through) section is limited to one-half inch in depth. This type of sign has two acceptable categories:
 - (1) **Type 2-A:** Twenty percent (or less) translucent face/80% (or greater) opaque background field.
 - (2) **Type 2-B:** Thirty percent (or less) translucent face/70% (or greater) opaque background field.

SIGN, NEON — A sign featuring exposed visible tubing illuminated by neon or other fluorescing gas. The term “neon” shall also include light-emitting diode (LED) or similarly lit signs intended to simulate the appearance of neon signage.

Given under our hands and seal at Bar Harbor this XXXX day of XXXX, 2021:

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Valerie Peacock

Erin E. Cough

Jill Goldthwait