

# Order

## of the Bar Harbor Town Council For the November 2, 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.

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### Warrant Article

**Article \_\_ LAND USE ORDINANCE AMENDMENT - Signage** - Shall an ordinance, dated June 2, 2021, and entitled "An amendment to create new, and amend existing, regulations regarding signage;" be enacted?

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### Signage

An amendment to Articles V and XII to address where certain types of internally illuminated signs can and cannot be located; to clarify how to calculate what percent of a building's exterior wall a sign covers; to establish a color temperature limit for externally illuminated sign light sources; to amend and clarify what types of sign may be replaced without Design Review Board review; to amend existing definitions related to internally illuminated signage; and to add new definitions for two types of internally illuminated signs: push-through lettering (of which one subtype would be allowed anywhere in town and another subtype would be allowed only on lots with frontage on Route 3, Route 102 and Route 233) and neon sign (such signs are already allowed, up to a certain size and in specific parts of town, but there is no definition at present).

*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.

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## Chapter 125 , LAND USE ORDINANCE

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<b>Article V. Site Plan Review</b>
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§ 125-67 **General review standards.**

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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.

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(3) Prohibitions.

(h) Internally illuminated signs of Type 1, cabinet with translucent face, ~~and Type 23~~, channel letter, and type 4 halo 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 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.

(j) The color temperature of an externally illuminated sign's light source shall not exceed 3,000 degrees Kelvin (K).

**Figure 1**



**Legend**

-  Types 2-B & 5-B 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.

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(4) General requirements for all signs.

(f) Wall signs. The maximum area of a wall sign shall not exceed 10% of the wall-area facade to which it is attached. Projecting wall signs shall have a minimum of 10 feet of clearance from the ground.

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(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.

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(f) Property owners of multitenant buildings shall submit an overall signage plan for their property. No individual sign shall be approved on a multitenant building unless a signage plan has been submitted and approved. The signage plan need not show the specific message content for any individual sign contained therein; ~~but as changes occur, individual signs will be reviewed.~~ In addition to Table 2,[4] the signage plan shall show:

- [1] Allowable square footage for each unit;
- [2] Any restrictions on signage as may be imposed by the landowner.

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(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.

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**Article XII. Construction and Definition**

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**§ 125-109 Definitions.**

The following terms shall have the following meanings:

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**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 5-A:** Twenty percent (or less) translucent face/80% (or greater) opaque background field.
  - (2) **Type 5-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.

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### EXPLANATION:

This amendment would:


- Correct an error in the list of internally illuminated signs that are prohibited in all districts (where “Type 2” was supposed to be “Type 3”), and additionally add Type 4 (halo) to the list of internally illuminated signs prohibited in all districts;
- Delineate where certain subtypes (Type 2-B and Type 5-B) of internally illuminated signs would be allowed and prohibited (newly allowing them on Route 233, and newly prohibiting them on a specific section of Route 3 in the downtown area);


- Add an inset map illustration to graphically show the section of Route 3 where Type 2-B and Type 5-B signs would be prohibited;
- Establish a color temperature limit for light sources of externally illuminated signs by codifying the 3,000 Kelvin limit the Design Review Board has been recommending to applicants;
- Change a limit on wall sign size from being capped at 10% of “wall area” (which is not defined in the ordinance) to “facade” (an existing definition);
- Resolve a discrepancy between §125-67 BB. (6) (f) and §125-67 BB. (6) (o) [2] regarding review of signs under a multi-tenant signage plan by striking part of 125-67 BB. (6) (f);
- Allow for the replacement of individual, conforming, non-illuminated signs without requiring Design Review Board review, broadening an existing exemption that is limited to three specific types of signs.
- Create and define a fifth type of internally illuminated sign called “push-through lettering”;
- 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.

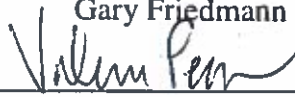
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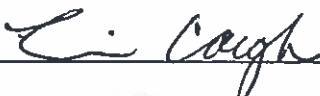
Given under our hands and seal at Bar Harbor this seventeenth day of August, 2021:


**Municipal Officers of the Town of Bar Harbor**

  
\_\_\_\_\_  
Jefferson Dobbs, Chair

  
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Matthew A. Hochman, Vice Chair

Gary Friedmann  
  
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Valerie Peacock

  
\_\_\_\_\_  
Joseph Minutolo  
  
\_\_\_\_\_  
Erin E. Cough

  
\_\_\_\_\_  
Jill Goldthwait