

Purpose: *To make this ordinance compliant with the 2015 U.S. Supreme Court “Reed v. Town of Gilbert” ruling regarding the regulation of signs.*

4.4 Signs

4.4.1 Purpose

The purpose of this Article is to provide standards for the size and treatment of signs within the various zoning districts to preserve the visual and rural character of the community, which the Town, through its Master Plan, is guided to maintain. The Town also recognizes the need for regulation of the size and location of signs related to public and vehicular traffic safety. Signs shall be permitted in any district subject to the requirements contained in this Article, and should be consistent with the goals of the Master Plan.

4.4.2 District Requirements

4.4.2.1 Zone R-1 – One (1) sign shall be allowed per lot, or, in the case of multiple housing units on a single lot, then one (1) sign shall be allowed per dwelling unit. Each sign shall not exceed four (4) square feet in area, or exceed four (4) feet in height, including the mounting structure, and shall not be located within ten (10) feet of any public right of way.

One (1) additional sign shall be permitted when there is an approved Home Occupation or Home Business. Each such sign shall not exceed four (4) square feet in area, or exceed six (6) feet in height, including the mounting structure, and shall not be located within ten (10) feet of any public right of way.

4.4.2.2 Zone C1 and C2 - In Zones C1 and C2, a permit from the Building Inspector is required for signs. On any lot there may be no more than one Common Sign, either freestanding or wall-mounted. Common Signs shall not exceed thirty (30) square feet in area and fifteen (15) feet in height, including the mounting structure.

4.4.2.2.1 Each individual owner or tenant is allowed one (1) additional wall-mounted sign not exceeding fifteen (15) square feet in area.

4.4.2.2.2 Properties or units for sale or rent may have one additional temporary sign not exceeding fifteen (15) square feet in area.

4.4.2.2.3 No sign shall exceed fifteen (15) feet in height, including the mounting structure, or be located within ten (10) feet of any public right of way.

4.4.2.3 Site Plan Review - Any application for Site Plan Review shall include a plan for any proposed signs for individual owners and tenants within the complex. The locations and size descriptions of all signs for individual owners or tenants shall be designated on the plan. The maximum wall sign area permitted for each individual owner or tenant is fifteen (15) square feet.

4.4.3 Sign Regulations - The following regulations shall apply to all signs:

4.4.3.1 Signs shall be constructed and placed in such a way that they do not endanger traffic by obstructing the view of highways, streets, intersections, or by confusion with official street signs or traffic signals.

4.4.3.2 Each sign shall be constructed of durable material and shall be properly attached to the ground, and be maintained in a high state of repair at all times.

4.4.3.3 The use of movable signs shall be prohibited.

4.4.3.4 Flags, banners or pennants containing commercial content shall be considered signs. National, State, and historically significant or military service flags shall not be considered signs.

4.4.3.5 Flags, banners and pennants without content intended to draw attention to signs shall be prohibited because of their distracting detriments to vehicular traffic safety.

4.4.3.6 Signs which flash, revolve, are animated, create the illusion of movement, are neon or internally illuminated, have moving or revolving copy, shall be prohibited because of their distracting detriments to vehicular traffic safety.

4.4.3.7 Signs may be lighted externally. Such lighting shall be shielded so as not to present a vision impairment, safety issue for vehicular traffic, and shall be downcast to meet the Lighting Requirements of Article 15 of the Chester Zoning Ordinance. Signs shall not be externally lighted between the hours of 10:00 p.m. and 7:00 a.m.

4.4.3.8 No sign shall be mounted to any tree or utility pole, or project over any street or sidewalk lane.

4.4.3.9 Building-mounted signs shall not extend above the eave of a hip, gambrel or other pitched roof building, or below the main roof deck line of a building with a mansard roof.

4.4.3.10 Off-premises signs shall be prohibited. Existing off-premises signs shall not be expanded upon.

4.4.4 Additional On-Site Signs Allowed under this Article

4.4.4.1 Residential identification and house number signs limited to less than one (1) square foot in area.

4.4.4.2 Signs required or erected by government agencies.

4.4.4.3 Signs indicating the National or State Register of Historic Places status of a property.

4.4.4.4 Incidental signs on-site indicating Open, Closed, Sale, or Business Hours limited to one (1) square foot in area.

4.4.4.5 Incidental signs on-site guiding traffic safely to disability and regular parking spaces, loading spaces, stacking lanes, entry and drive exits, direction of traffic flow, and pedestrian ways on private property not exceeding three (3) square feet in area and bearing no advertising.

4.4.4.6 Signs regulating or defining the access to private property limited to one (1) square foot in area. This includes (for example) signs such as those indicating whether or not someone could trespass, hunt, hike, bike, or snowmobile on private property.

4.4.4.7 Signs identifying conservation properties limited to eight (8) square feet in area.

4.4.4.8 Temporary Signs

Temporary signs that comply with the following standards do not require approval.

4.4.4.8.1 Definition - Temporary Sign:

- a. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, wood, metal or other like materials and that appears to be intended to be displayed for a reasonably short or definite limited period of time, e.g. such as a weekend “yard sale” where the sign would be installed five (5) days in advance and would be taken down within two (2) days after the yard sale, or thirty (30) days or less for a fundraising or other community event.
- b. A single “OPEN” flag sign, limited to eight (8) square feet in area.
- c. If the sign display area is permanent but the message displayed is subject to periodic manual changes, that sign shall not qualify as a temporary sign.

4.4.4.8.2 All Temporary Signs shall be securely constructed and properly secured, and shall comply with Article 4.4.3.

4.4.4.8.3 Allowed Temporary Signs:

- a. Properties in Zone R-1 for sale or rent may have one additional temporary sign which shall not exceed four (4) square feet in area.
- b. Signs erected in Zone R-1 by or with the consent of the property owner, where such signs coincide with the timing of a political campaign or other matter on which voters may vote, and where the combined area of such signs shall not exceed thirty-two (32) square feet. Said signs shall be removed within seven (7) days after the conclusion of the political campaign or relevant election.

4.4.5 Administration and Enforcement

All applications for sign permits shall be submitted to and approved or disapproved by the Building Inspector. The Building Inspector is hereby authorized and directed to administer the provisions of this Ordinance.

4.4.6 Nonconforming Signs

4.4.6.1 This Article shall not be construed to require removal, lowering or other change or alteration of any structure or sign not conforming to this Article as of the effective date hereof, or to otherwise interfere with the continuance of any nonconforming use or to require any change in the construction, alteration and intended use of any sign structure under construction or alteration which was begun prior to the effective date of this Article and is diligently completed within one year thereof, provided said nonconforming use was a pre-existing conforming use under the previous Chester Zoning Ordinance.

4.4.6.2 Any sign which is structurally altered or relocated shall be brought into compliance with all the provisions of this Article.

4.4.6.3 Any legally established nonconforming sign required to be relocated by reason of road alterations by the Town of Chester or State of New Hampshire may be relocated upon obtaining a permit, provided that each sign shall be relocated to another site on the owner's property, which site is in conformance with this Article, provided further that the dimensions of said sign are not increased.

4.4.7 Severability Clause

If any provision of this ordinance is declared invalid by a court, then the remaining provisions of the ordinance shall still be valid.