

ITEM

17-036

To hold a Public Hearing to consider and act on repealing and replacing Section 315-63 (Signs) of the Cumberland Code, as recommended by the Planning Board

Notice of Decision

Date: March 2, 2017

To: Bill Shane, Town Manager
Town of Cumberland
290 Tuttle Road
Cumberland, ME 04021

Re: Public Hearing: Recommendation to Town Council to Repeal and Replace Section 315-63 (Signs) of the Cumberland Code. Applicant: Town of Cumberland.

This is to advise you that on February 28, 2017, the Planning Board voted to recommend to the Town Council to Repeal and Replace Section 315-63 (Signs) of the Cumberland Code excluding the EMC/LED lighting sign provisions within the draft document.

Cumberland Planning Board

Stephen Moriarty, Board Chair

Chapter 315. Zoning
Article VI. General Regulations
§ 315-63. Signs.

A. PURPOSE

It is the intent of these regulations to provide for attractive, coordinated, informative, and efficient signs with the express purpose of protecting property values, enhancing the physical appearance of the Town, and providing for public safety.

B. DEFINITIONS

(1) Abandoned Sign: Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.

(2) Advertising Sign: A sign that has as its purpose to promote, advertise, or sell a product or service obtainable on the premises upon which the sign is located, and not to identify the premises.

(3) Agricultural Sign: A permanent or temporary identification sign on a parcel of land used in whole or in part for agricultural purposes and/or an advertising sign for the sale of products produced on the property where the sign is located.

(4) Athletic Field Sign: A one-sided sign that is placed on a fence that fully or partially surrounds an athletic field.

(5) Awning Sign: Any sign placed on the face of an awning. An awning is a flexible, woven cloth fabric mounted above and/or projected above a window or door.

(6) Banner or Streamer Sign: A sign made of flexible materials and supported along one or more sides or at two or more corners by staples, tape, wires, ropes, strings or other materials that are not fixed or rigid.

(7) Billboard Sign: A board or panel exceeding 15 square feet in area used for the display of posters, or printed or painted advertising matter that directs attention to goods, merchandise, entertainment, or services offered elsewhere than the **premises** where the sign is located.

(8) Changeable Copy Sign: A non-digital sign with characters, numerals or letters that can be changed or rearranged without altering the face of the surface of the sign.

(9) Construction Sign: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project, not to exceed the duration of the project.

(10) Contractor Sign: A temporary sign placed on-site by a contractor to advertise the work done on the property during the time such work is being performed.

(11) Development Identification Sign: An on-site sign identifying by logo, trademark, symbol, address, name or any combination thereof, of a building, premises or property, for example a subdivision or a shopping center.

(12) Directional or Instructional Sign: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance," "Exit," "Parking," "One Way" or similar direction or instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

(13) Electronic Message Center Sign: A digital form of a changeable copy sign that is electronically controlled by remote or automatic means to display characters, numerals or letters through the use of internal illumination, such as Light Emitting Diodes (LEDs).

(14) Entity: An organization or being that possesses separate existence for tax purposes. Examples would be corporations, churches or not for profit organizations.

(15) Flags: A piece of cloth, varying in size, shape, color, and design, usually attached at one edge to a staff or cord, and used as the symbol of a nation, state, organization or other entity and/or is designed to provide information, e.g., "open". Examples of "flags" are banners and pennants.

(16) Font Pitch: A standard measurement to indicate the resolution of a digital sign based on the spacing of LED clusters known as pixels. The pixel pitch is the measurement in millimeters from the center of one pixel to the center of the next.

(17) Freestanding Sign: Any non-moveable sign not attached to a building. This can be a sign with only the name of one entity or a kiosk type sign showing multiple entities on the parcel.

(18) Helium or Inflated Sign: A sign that remains airborne when inflated with helium or other gas designed to inflate or levitate the sign.

(19) Historical Designation Sign: A sign that gives notice that a property is of an historic nature as determined by a state, federal or local government agency.

(20) Home Occupation Sign: A sign containing only the name and occupation of a permitted home occupation.

(21) Identification Sign: A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

(22) Illumination: A source of light for a sign that is external or internal to the sign.

(23) Indirect Illumination: A sign whose light source is external to the sign and which casts light onto the sign from some distance.

(24) Internal Illumination: A sign designed to give forth artificial light through transparent or translucent material from a source of light within the sign, which includes, but may not be limited to sources of light such as Light Emitting Diodes (LEDs).

(25) Kiosk Sign: A sign or group of signs attached to a building or freestanding which identifies the business, owner, address, or occupation of a group of businesses, but contains no advertising.

(26) Maine Department of Transportation (MDOT) Business Directional Sign: An off-site sign which provides direction to a business location and which is issued by the Maine Department of Transportation (MDOT).

(27) Non-Conforming Sign: A sign lawfully existing at the time of adoption, revision, or amendment of the ordinance which no longer conforms to the zoning standards because of said revision or amendment.

(28) On-Premise Sign: A sign that is erected and maintained upon the real property on which a business, facility or point of interest advertised by the sign is located that is intended to be permanent in nature. This includes, but is not limited to, Advertising Signs, Directional or Instructional Signs, Home Occupation Signs, Window Signs and Historical Designation Signs.

(29) Portable Sign: A sign, not to exceed 2' x 4' in size, that is not permanently affixed to a structure or the ground and that is designed to be transported. Portable Signs may include, but are not limited to, signs designed to be transported by wheels, signs with A or T-frames or menu and sandwich boards.

(30) Projecting Sign: An outdoor sign which is attached to a wall at an angle. Projecting signs must clear the ground by at least eight (8) feet and contain advertising for no more than two activities or businesses.

(31) Public Way: Any way designed for vehicular or pedestrian use and is maintained with public funds.

(32) Real Estate Sign, Off-Site: A readily removable sign announcing the proposed sale or rental of property other than the property upon which the sign is located and providing directions to the subject property.

(33) Real Estate Sign, On-Site: A sign announcing the sale or rental of the property upon which the sign is located.

(34) Roof Mounted Façade Sign: A sign mounted above the eave line of a structure.

(35) Sign: A communication device, structure, or fixture that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service or to provide direction or identification for a premises or facility.

(36) Sign Area: The area of the square, rectangle, triangle, circle or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders. The structural support of a sign is to be excluded in determining the sign area. Where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured. Where a sign includes two-sides, only one side shall be counted for purposes of determining the Sign Area.

(37) Sign Setback: The closest distance back from the road right of way that a sign may be located.

(38) Sign Structure or Support: The supports, up-rights, bracing, or framework of any structure that exhibits, supports or is capable of supporting a sign.

(39) Signage Plan: A graphic representation showing a comprehensive detailed presentation of all signage proposed for a particular lot or lots.

(40) Subdivision Sign: A freestanding sign, illuminated or non-illuminated, located at the entrance to a residential subdivision, which gives the name of the subdivision and logo, if any. A subdivision sign may have two faces back-to-back or, if integrated as part of landscaping or solid structural features, may be two signs, each constructed at either side of the entrance into the subdivision.

(41) Suspended Sign: A sign that is suspended, parallel, or perpendicular from a building wall, roof, façade, canopy, marquee, or porch by means of brackets, hooks, or chains and the like.

(42) Temporary Off-Premise Commercial Sign: A freestanding, non-illuminated sign that is placed within the public right-of-way for a limited period of time. This includes, but is not limited to, Contractor's Signs, Off-Site Real Estate Signs and Yard Sale Signs.

(43) Temporary Off-Premise Noncommercial Sign: A sign bearing a noncommercial message that has been placed within the public right-of-way for a limited period of time, not to exceed six weeks per calendar year. This includes, but is not limited to, signs such as campaign or election signs and signs promoting or advertising civic events.

(44) Temporary On-Premise Sign: A freestanding, non-illuminated sign that is placed upon the real property upon which a business, facility or point of interest advertised by the sign is located that is intended to be temporary in nature for a specified period of time. This includes, but may not be limited to, Construction Signs, Contractor Signs,

Development Identification Signs, Real Estate Signs, Portable Signs, and Yard Sale Signs that are in place for the duration of a specific event, project and/or sale.

(45) Third-Party Sign: Any sign identifying an enterprise and/or including a sponsoring advertisement such as Coca-Cola.

(46) Vehicular Sign: A vehicle that displays a logo, image or text that advertises or calls attention to any thing, person, business, activity or location.

(47) Wall Sign: An outdoor sign which is attached flat to, painted on, or pinned away from a building or wall or part thereof, and does not project more than 18" from the wall.

(48) Wind Activated Sign: Any sign designed and fashioned in such a manner as to move when subjected to wind pressure.

(49) Window Sign: A sign affixed to the interior or exterior of a window or placed immediately behind a window pane so as to attract the attention of persons outside the building.

(50) Yard Sale Sign: A sign with a message advertising the resale of personal property that has been used by the resident.

C. APPLICATION PROCESS, PERMITS AND FEES.

(1) A person who wishes to erect or display a sign within the Town shall make application on a prescribed application form and submit the same to the Town Planner for each location where a sign is desired. For parcels on which more than one sign is permitted under this Section, only one application shall be required. A fee as established by the Town Council in Chapter 84 of the Cumberland Code shall be submitted with each application, except as indicated in Subsection D(1). Each application shall include, at a minimum, information regarding the dimensions, materials, colors, lighting, and method of mounting for the proposed sign.

(2) The Town Planner shall review the application and make a recommendation to the Code Enforcement Officer for approval or denial. The Code Enforcement Officer shall either approve or deny the application within eight (8) working days of receipt of submission. If the application is denied by the Code Enforcement Officer, reasons for the denial shall be provided to the applicant.

(3) Any person aggrieved by the decision of the Code Enforcement Officer regarding an application may appeal to the Board of Adjustment and Appeals, which shall consider said appeal within 30 days or at its next regularly scheduled meeting, whichever event occurs later, and the decision of the Board of Adjustment and Appeals shall be final.

(4) No sign shall be erected, attached, suspended or altered until a permit has been issued to the person or owner in control of the sign.

D. APPLICABILITY AND EXEMPTIONS.

(1) The provisions of this Section shall apply to all new and replacement, temporary and permanent signs proposed for erection or display in the Town of Cumberland.

(a) The provisions of Subsection C of this Section shall not apply to:

- [1] Temporary On-Premise Signs.
- [2] Temporary Off-Premise Noncommercial Signs.
- [3] Historical Designation Signs.
- [4] Agricultural Signs (temporary on premise or temporary off-premise only; permanent on premise signs shall be subject to the provisions of Subsection C)
- [5] Signs relating to or controlling the use of private property.
- [6] Signs associated with one-day sales such as yard/garage/tag sales.
- [7] Directional or Instructional Signs
- [8] Municipal Signs (No current definition.)

E. PROHIBITED SIGN TYPES

(1) The following types of signs shall be prohibited:

- a) Temporary Off-Premise Commercial Signs
- b) Wind Activated Signs
- c) Helium or Inflated Signs
- d) Banner or Streamer Signs
- e) Window Signs
- f) Billboards
- g) Any sign located within a public right of way, except as otherwise permitted by Maine law or this Section.
- h) Roof Mounted Façade Signs
- i) Vehicular Signs that are continuously in the same location, extend beyond the height, width or length of the vehicle, or are used to circumvent the provisions of this Section or Maine law (23 M.R.S.A. § 1913-A (1) (C)).
- j) Internally Illuminated Signs, except where expressly permitted.
- k) Contractor Signs within the public right of way.

(2) Authorized Town Personnel have the authority to immediately remove any sign that is in violation of this Section.

F. EXISTING NON-CONFORMING SIGNS

- (1) Non-conforming signs existing at the time of adoption of this Section or subsequent amendment may continue, but may not be altered, rebuilt or relocated on the same premises. Normal maintenance and repairs are permitted.
- (2) A non-conforming sign destroyed by accident or act of God may be replaced with a sign that meets the standards of this Section at the time of destruction, provided that a duly issued permit has been obtained.
- (3) Nonconforming signs located within the public right-of-way shall not be permitted to be altered or relocated within the public right-of-way.

G. GENERAL REGULATIONS

(1) Maintenance and Location.

- (a) Signs must be kept clean, neatly painted and free from all hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe conditions so as not to be detrimental to the public health or safety or to the physical appearance or scenic or natural beauty of the community, or constitute a distraction or obstruction that may contribute to traffic accidents. Whenever a sign shall become structurally unsafe or endanger the safety of a building or the public, the Code Enforcement Officer shall order such sign to be made safe or removed. Such order shall be complied with within 10 days of the receipt thereof by the person owning or using the sign, or by the owners of the building or premises on which such sign is affixed or erected.
- (b) Any sign which no longer advertises or identifies a **bona fide** business conducted, product sold, activity being conducted, or public notice shall be taken down and removed by the owner, agent or person having the beneficial use of the building or premises upon which such sign may be found within a period of 14 days following the date the activity has ceased.
- (c) No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction.
- (d) No advertising or identification sign, whether permanent or temporary, shall be erected on any premises other than the premises where the activity to which the sign pertains is located, except as permitted under Subsection D(1)(a).

(2) Number of Signs.

Up to two (2) signs per business may be displayed on any lot in all zoning districts within the Town. These two signs shall not include Temporary On-Premise Signs otherwise permitted by this Section that are placed for a limited duration in association with a specific event, sale or project. One sign may be located at the entrance and another sign on the building. If two signs per business are proposed, one of the two signs may include advertising for products sold on the premises or by the business located on the premises, and such second sign shall not exceed 50% of the allowable sign size for the district in which it is located, regardless of whether it includes product advertising.

(3) Dimensional Standards.

(a) Sign Area: No individual sign shall contain more than 30 square feet of Sign Area in the Highway Commercial (HC), Village Center Commercial (VCC), Mixed-Use (MUZ), Office Commercial South (OC-S), Office Commercial North (OC-N), Village Office Commercial I (VOC I), Village Office Commercial II (VOC II), Village Mixed-Use (V-MUZ), Industrial (I) and Rural Industrial (RI) Districts. Signs in all other districts shall not contain more than 25 square feet of Sign Area.

(b) Height: No individual sign shall have a height greater than 25 feet above the ground level of land upon which it is located and as measured from the ground to the highest point on the sign. Signs attached to a principal structure as defined in Section 315-4 shall not extend above the roofline or the parapet, whichever is higher, but in no event shall the sign be higher than the structure to which it is attached.

(c) Setback: No sign (or attached structure or support) shall be placed at or near the edge of any public way (as may be determined by a lawful authority) so as to obstruct sightlines for pedestrians, cyclists or drivers from the property on which the sign is located or from within the right of way, or otherwise encroach into the airspace of any public right-of-way. Sign setbacks shall be measured from the closest projecting edge of the sign. Portions of a sign structure may project no more than two (2) feet from the edge of the sign area.

(5) Freestanding Signs.

(a) Freestanding signs shall have no more than two faces. If the two faces are not back-to-back, the angle of separation between the two faces shall be less than 45 degrees. If the angle is 45 degrees or greater, the sign shall be considered as two separate signs and shall be approved only if the site qualifies for two signs. The back of freestanding signs with only one face used for signing area shall be a single color.

- (b) The top of freestanding signs shall not exceed the height limit of principal structures in the zone where located or 25 feet, whichever is less.
- (c) The area surrounding freestanding signs shall be kept neat, clean, and landscaped.
- (d) Freestanding signs shall be designed to complement the architecture of the associated building.

(6) Flags

- (a) Freestanding flags that bear messages or are intended to call attention to a business or property in the same manner as a sign shall not be permitted. Flags, such as those that display the word “open,” a business logo or a country or State flag, may be attached to signs, provided that such sign is permitted by and meets all other requirements of this Section. However, no more than one flag may be attached to a permitted sign of any kind.

(7) Route One, Route 100, Town Center District (TCD).

- (a) Signs that are located in the Town Center District (TCD), or along the Route 1 or Route 100 Corridors are subject to the design **guidelines and/or** standards found in this Chapter. Refer to the documents for those districts for specific standards.

H. SPECIFIC SIGN TYPES

(1) Athletic Field Signs.

- (a) Signs may be installed on the fences of all athletic fields, subject to the following:

- [1] Individual signs are to be no more than four (4') feet by **eight (8')** feet.
- [2] Text and graphics shall be on only one side of the sign, and the signs shall be installed so the text and graphics face in toward the field.
- [3] All signs must be removed at the end of the sport's season for which the athletic field is designated.

(2) Awning Signs

Awning Signs shall be allowed in all districts, provided that they receive a permit pursuant to Subsection C of this Section.

(3) Changeable Copy Signs.

Changeable Copy Signs shall be permitted in all districts on lots that do not include residential uses, provided that they receive a permit pursuant to subsection C of this Section.

(4) Electronic Message Center (EMC) Signs.

Electronic Message Center Signs shall be permitted in the **Town Center District** (TCD) only; however residential uses in all zones, including the TCD, are prohibited from displaying EMC signs. No more than one EMC will be allowed per lot. Abutting lots on the same street that are under the same ownership or owned by related entities shall not have more than one EMC.

A special permit is required. This permit will state the requirements for use of an electronic message sign as listed below.

(a) **EMC Sign Requirements:**

1. Electronic Message Center (EMC) signs shall be limited to alpha-numeric text only. No symbols, figures, pictures or images may be displayed.
2. The EMC Sign shall have only white alpha-numeric characters with conventional fonts on a black background with no other colors or graphics allowed. Font pitch **(resolution)** shall not exceed 16 **millimeters** so as to simulate a traditional painted sign.
3. The EMC Sign shall show only one fixed message at a time.
4. The EMC Sign may not change messages more frequently than once every 20 minutes.
5. When the message changes, it must be done as quickly as **possible**.
6. There shall be no flashing, revolving, animation effects, lights of changing degree and intensity or lights or lighting effects that cause glare.
7. No phasing, rolling, scrolling, flashing or blending is allowed when the message is changed.
8. The EMC Sign must have installed automatic or manual controls or an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article.

9. The illuminance of the sign face of the EMC during daylight hours shall be limited to 10,000 nits (candelas per square meter measured perpendicular to the rays from the source) and to 500 nits in the permitted hours between dusk and dawn. The illuminance levels shall be confirmed by the installer and are subject to external monitoring by the town, or representative thereof, whose measurement shall prevail.

10. The EMC Sign shall be turned off completely between the hours of 10:00 p.m. and 7:00 a.m.

11. The EMC Sign shall not exceed 42" x 72".

12. The EMC Sign must be encased by a frame made of wood (or wood-like material) or stone (or stone-like material) and designed to be consistent with the architecture of the building. The frame may not exceed 10% of the EMC sign itself.

13. No portable EMC Signs are permitted.

(4) Home Occupation Signs.

(a) Home occupation signs shall be permitted in all districts. Home Occupation Signs may not exceed four (4) square feet in surface area. A Home Occupation Sign shall be placed on the structure in which the home occupation is located, unless the structure is not visible from the right of way, in which case the sign may be located at the entrance to the property on which the home occupation is located provided that it is located so as not to impact visibility from the driveway or right of way. The sign may only include the name, address, and type of home occupation of the occupant(s) of the premises on which said sign is located.

(5) Maine Department of Transportation (MDOT) Business Directional Signs.

(a) Purpose. This Subsection regulates and restricts business directional signs within the Town in order to promote the safety and well-being of the users of the public ways, reduce distractions, and preserve the natural beauty and other aesthetic features of the Town.

(b) Location.

(1) Business directional signs may be located within the State of Maine DOT right-of-way, subject to Maine Department of Transportation (DOT) placement approval, only on approaches to the Town intersections of roads that include one or more State of Maine roads:

- [i] U.S. Route 1 at Tuttle Road;
- [ii] Tuttle Road at Middle Road;
- [iii] Route 9 at Winn Road;
- [iv] Route 9 at Tuttle and Blanchard Roads;
- [v] Route 9 at Greely Road;
- [vi] Skillin/Blackstrap Roads at Routes 26 and 100;
- [vii] Blanchard Road at Skillin Road;
- [viii] Route 100 at Range Road;
- [ix] Route 88 and Tuttle Road;
- [x] Route 100 and Blackstrap

(c) Standards. Business directional signs erected or in place after the effective date of this Section shall meet all specifications set forth in the Maine Department of Transportation Official Business Directional Signs Regulations.

(1) Directional signs shall be located within 1,000 feet of the intersection where a change in direction is required, and there shall be no more than three signs per post assembly, with only one post assembly per intersection approach. Businesses must be located within five miles of the intersection sign, and businesses may be eligible for no greater than four signs within the Town.

(d) Maintenance.

(1) All signs shall be furnished by the business owner or applicant and shall be installed by the DOT at approved locations on approved signposts furnished by the DOT, which shall thereafter maintain the sign support.

(2) Signboards which are lost, stolen, defaced, or damaged shall be replaced by the owner for reinstallation by the DOT.

(3) Businesses with signs which are no longer applicable due to business name or location changes, or other reasons, shall notify the DOT within 30 days of such change to have the sign removed. An owner failing to properly maintain a sign may subject the sign to removal by the DOT.

(6) Temporary Off-Premise Noncommercial Signs.

Temporary off-premise noncommercial signs located in the public right-of-way shall comply with the requirements of 23 MRSA § 1913-A (1) (L). No such sign shall be located within five (5) feet of the traveled portion of the right-of-way or within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary off-premise noncommercial sign may not exceed 4 feet by 8 feet in size. A sign under this Subsection must be labeled with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the designated time

period the sign will be maintained within the public right-of-way. Temporary off-premise noncommercial signs may be placed within the public right-of-way for no more than six (6) weeks per calendar year.

I. LIGHTING STANDARDS

(1) A sign may be externally illuminated, provided that its sole purpose is to identify the premises on which it is displayed and does not include advertisements for products offered at the location. An externally illuminated sign may be displayed in the following zoning districts: Highway Commercial (HC), Office Commercial North (OC-N), Office Commercial South (OC-S), Village Center Commercial (VCC), Village Office Commercial I (VOCI), Village Office Commercial II (VOCII), Mixed Use Zone (MUZ), Village Mixed Use Zone (VMUZ), Industrial (I), Rural Industrial (RI) and Town Center District (TCD), provided that it does not emit a glare beyond the premises upon which it is located.

(2) No sign, other than EMC Signs, may be internally illuminated.

(3) All illuminated signs may only be lit during the actual hours of operation of the business for which the sign is advertising, provided that no sign may be lit between the hours of 10:00 p.m. to 7:00 a.m. Illuminated signs for business operations that are 24/7, such as emergency services or churches, may be continuously lit during the hours of 7:00 am – 10:00 pm regardless of actual operations or events.

(4) In all districts where an externally illuminated sign is permitted, the source of light of an externally illuminated sign shall be shielded or concealed. Lighting fixtures should be located, aimed, and shielded such that light is only directed onto the surface of the sign. Fixtures should be mounted above the sign and be aimed downward to prevent illumination of the sky.

(5) Colored lights are not permitted for any illuminated sign.

J. ENFORCEMENT

The Code Enforcement Officer shall be responsible for enforcing the provisions of this Section. In the event of a violation of any provision of this Section, the Code Enforcement Officer shall notify the property owner or person responsible for such violation, if not the property owner and if such person can be readily determined, and shall indicate the nature of the violation, the action necessary to correct the violation and the time period within which such corrective action must be taken. Where due written notification has been given by the Code Enforcement Officer and compliance has not been made within the required time period, the Town may cause removal of such sign and charge the cost of such removal to the owner.

K. VIOLATIONS

Any violation of this Section shall constitute a nuisance, and the owner, person or firm having control or use of any premises or sign violating any provisions hereof shall be fined as established by order of the Town Council for each day such violation is permitted to exist after notification in writing from the Town.

L. MINIMUM REQUIREMENTS

The provisions of this Section are minimum requirements. Whenever the requirements of this Section are at a variance with the requirements of any other lawfully adopted statute, rule, regulation, ordinance, deed restriction, or covenant, the most restrictive or that imposing the highest standard shall govern.

M. WAIVERS

The Code Enforcement Officer, upon recommendation from the Town Planner, shall, prior to the issuance of any sign permit, approve the sign design, lighting and landscaping, if required. In the event that the applicant and the Code Enforcement Officer are unable to agree on appropriate sign designs, lighting and/or landscaping, the applicant shall appear before the Board of Adjustment and Appeals for review and determination.

N. INTERPRETATION

The Code Enforcement Officer shall have sole discretion to classify any sign that is not otherwise expressly defined by this Section in accordance with the provisions of this Section that most closely apply to the type of sign at issue.

O. EFFECTIVE DATE.

This Ordinance shall become effective on the date of adoption by the Cumberland Town Council.