

Introduced: 06/15/13  
Public Hearing: 07/15/13  
Adopted: 07/15/13

**ORDINANCE 2013-05**  
***AN AMENDMENT TO THE ZONING ORDINANCE***  
***TO ADD A NEW SUB-SECTION FOR "A"- FRAME SIGNS IN***  
***MULTI-TENANT COMMERCIAL DEVELOPMENTS***

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***WHEREAS*** it was brought to the attention of the Building Department that the limited use of "A"- Frame Signs many improve business in multi-tenant commercial developments; and

***WHEREAS*** the Planning and Economic Development Department staff supported the crafting of an ordinance amendment with citizen input; and

***WHEREAS*** the Planning Board has recommended that the Town Council act favorably upon the request;

***NOW THEREFORE BE IT ORDAINED*** by the Town Council of the Town of Londonderry that Section 3.11 of the Town Zoning Ordinance as attached; be amended to add a new Sub-Section 3.11.6.3.9.5 "A"- Frame Sidewalk Signs for use by individual tenants in multi-tenant commercial developments.

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Tom Dolan, Vice Chairman  
Londonderry Town Council

***A TRUE COPY ATTEST:***

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***Kathleen Donnelly***  
***Deputy Town Clerk/Tax Collector***  
***07/15/13***

***Town Seal***

## **3.11 SIGNS**

### **3.11.1 Purpose & Intent**

The purpose of this Section is to establish uniform regulations for the installation and use of signs in the Town of Londonderry and to protect and improve the livability and quality of life in Londonderry through sign regulations that:

- 3.11.1.1 Protect the health, safety, and welfare of the public;
- 3.11.1.2 Maintain and enhance the appearance and aesthetic environment of Londonderry;
- 3.11.1.3 Maintain and promote the rural, agricultural, and historical character of Londonderry;
- 3.11.1.4 Control visual clutter and encourage high professional standards in sign design and display;
- 3.11.1.5 Promote signs that are harmonious in color, material and lighting with the buildings and surroundings to which they relate;
- 3.11.1.6 Retain the Town's ability to attract and encourage economic development and growth;
- 3.11.1.7 Promote the economic growth of Londonderry by creating a community image that is conducive to attracting new business and industrial development.

### **3.11.2 Authority**

- 3.11.2.1 Pursuant to the authority granted by Chapter 674 et seq., New Hampshire Revised Statutes Annotated, as amended, the Town of Londonderry adopts the following sign regulations.

### **3.11.3 Severability**

- 3.11.3.1 If any section, clause, provision or phrase of this section is held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of the Ordinance.

### **3.11.4 Permit Process**

- 3.11.4.1 All signs, with the exception of those listed uses listed in section 3.11.6.1 shall require a permit issued by the Building Inspector. A permit shall be required to erect, construct, install, alter, or replace a sign. The applicant shall submit to the Building Inspector an application form, a set of plans to scale showing site location, sign size, method of illumination, if any, types of material to be used in construction and such other as may be required by the Building Inspector. The location, size, design and illumination of signs associated with new commercial or industrial construction shall be approved in conjunction with Site Plan Review by the Planning Board. Permits for such signs shall not be issued by the Building Inspector without a signed site plan. In reviewing applications for sign permits, the following standards shall apply:
  - 3.11.4.1.1 The sign will not cause visual confusion, glare or offensive lighting in the neighborhood;
  - 3.11.4.1.2 The sign will not significantly alter the character of the zoning district;
  - 3.11.4.1.3 The sign will not interfere with traffic safety in the area;
  - 3.11.4.1.4 The sign will comply with the other provisions of this ordinance.

After reviewing the application and Planning Board comments, if the site plan approval is required, the Building Inspector shall grant or deny the application with or without conditions. The decision of the Building Inspector may be appealed to the Zoning Board of Adjustment.

### **3.11.5 Measurement and Calculation of Area**

#### **3.11.5.1 Area of Freestanding Signs**

"Freestanding sign" is defined as a sign that is permanently erected in a fixed location and supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, where no part of the sign is attached to any part of a building, structure, or other sign. Examples include, but are not limited to, monument signs and pole signs.

3.11.5.1.1 Sign face area is calculated as the total area within the smallest rectangle, circle, or triangle, which will completely enclose the sign face. The sign structure shall not be included as a portion of the sign face, provided that no message, symbol, or anything that can be construed as part of the sign face is displayed on or designed as part of the sign structure.

3.11.5.1.2 The area of one side of a double-faced sign shall be regarded as the total area of the sign provided that such sign faces are either parallel or at an angle of thirty (30) degrees or less to each other. If the sides are of unequal area, the larger shall determine the area.

#### **3.11.5.2 Area of Wall Signs**

3.11.5.2.1 The sign face area of signs attached or affixed to buildings or other structures shall include all lettering, designs, or symbols, together with the background, whether open or enclosed, upon which they are displayed. When signs are incorporated into canopies or awnings, the entire panel containing the sign copy is counted as the sign face area.

3.11.5.2.2 Where a sign consists of individual letters or symbols attached, painted or applied to a building, wall or window, without any distinguishing border, panel or background, the area shall be considered to be the smallest rectangle, triangle, or circle encompassing all the letters and symbols.

3.11.5.2.3 In no case can the additional surrounding background area exceed the area of the copy. For the purpose of this section, the permitted background area is the total area between the lintel bar and the parapet on a one (1) story building or between the lintel bar and the floor level of the floor above on a multi-story building

#### **3.11.5.3 Sign Height**

3.11.5.3.1 No sign other than those specified in section 3.11.6.4.6 (Airport District) shall exceed ten (10) feet in height.

3.11.5.3.2 The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of the following:

- (1) The existing grades of the lot before construction, or
- (2) The newly established grade of the lot after construction inclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

3.11.5.3.3 Clearances are measured from the grade directly below the sign to the bottom of the sign structure enclosing the sign face.

### **3.11.6 General Requirements**

#### **3.11.6.1 Signs Not Requiring a Permit**

The following signs shall be exempt from paragraph 3.11.4.1 requiring the issuance of a sign permit, but shall be in conformance with all other applicable provisions of this Ordinance and all other Town regulations.

3.11.6.1.1 Construction – Construction signs for public safety and / or information

3.11.6.1.2 Flags - Flags of any nation, state, political subdivision.

3.11.6.1.3 Historical Reference

3.11.6.1.3.1 Any sign not exceeding six (6) square feet indicating only the date of erection or name of a building.

- 3.11.6.1.3.2 Historic plaques or markers no greater than two (2) square feet in area.
- 3.11.6.1.4 Holiday Decoration - Signs of a decorative nature and commonly associated with any national, local or religious holiday, provided that such signs shall be displayed for a period of not more than thirty (30) days prior to and fifteen (15) days after the date of the holiday.
- 3.11.6.1.5 Indicator and Directional
  - 3.11.6.1.5.1 House numbers and name plates.
  - 3.11.6.1.5.2 Nameplates - For each single family home or duplex house, one (1) nameplate not exceeding a combined area of two (2) square feet for each dwelling unit.
- 3.11.6.1.6 Newspaper Boxes – Newspaper boxes for home delivery provided that all copy and logos (the sign face area) do not exceed one-half (.5) square foot per box.
- 3.11.6.1.7 Political Signs
  - 3.11.6.1.7.1 Political signs shall conform to all New Hampshire State Statutes, including R.S.A. 664:14 through 664:18 and as may be amended, and enforcement shall be through the office of the New Hampshire Attorney General.
- 3.11.6.1.8 Public notices.
- 3.11.6.1.9 Real Estate - One (1) temporary non-illuminated on premise For Sale, Rent or Lease sign not exceeding six (6) square feet in Residential Districts nor greater than twelve (12) square feet in all other districts.
- 3.11.6.1.10 Temporary Special Event Signs - Temporary window signs and displays, poster, banners, string lights, cluster flags pertaining to drives or events of civic, philanthropic, educational or religious organizations provided that signs are posted no more than thirty (30) days before the event and remain in place no more than forty-five (45) days total.
- 3.11.6.1.11 Warning – Customary warning signs such as "No Trespassing," "No Dumping" and "Danger" no greater than two (2) square feet in area.
- 3.11.6.2 Signs Prohibited in All Districts
 

The following types of signs are expressly prohibited in all districts except as otherwise provided by this Ordinance.

  - 3.11.6.2.1 Portable or wheeled signs except as permitted in paragraphs 3.11.6.3.5 and 3.11.6.3.6.
  - 3.11.6.2.2 Any vehicle or trailer which has attached to it a sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle.
  - 3.11.6.2.3 Banners, pennants, search lights, twirling signs, all frame signs or other sidewalk signs, unless allowed for under paragraphs 3.11.6.3.5 and 3.11.6.3.6 of this Ordinance.
  - 3.11.6.2.4 Any sign that is an imitation of, or resembles an official traffic sign or signal pursuant to RSA 265:14
  - 3.11.6.2.5 Off-premise signs are prohibited in the Town of Londonderry except as permitted in paragraph 3.11.6.3.3,.
- 3.11.6.3 Signs Permitted in All Districts
 

The following signs are permitted in all districts.

  - 3.11.6.3.1 Construction Site - One (1) sign not exceeding thirty-two (32) square feet on a construction site identifying the architect, owner and/or contractor. The sign is to be maintained on the premises during actual construction and removed within seven (7) days after issuance of a certificate of occupancy.

having frontage on a public right-of-way.

- 3.11.6.3.3 Any sign not exceeding four (4) square feet in area, limited solely to directing traffic within a parking area or indicating parking restrictions in the use of such parking area.
- 3.11.6.3.4 Any sign not exceeding six (6) square feet in area solely indicating entrance and exit driveways.
- 3.11.6.3.5 Any sign not exceeding six (6) square feet indicating only the date of erection of a building.
- 3.11.6.3.6 Off Premise - An off-premise sign which identifies the name and location of business located in the Town of Londonderry may be allowed by special exception from the Zoning Board of Adjustment provided the following conditions are met.
  - 3.11.6.3.6.1 No more than one (1) off-premise sign shall exist on an individual parcel.
  - 3.11.6.3.6.2 No business shall be advertised on more than two (2) off premise signs except as provided in section 3.11.6.4.2.3.2.
  - 3.11.6.3.6.3 Off-premise signs located in an Industrial or Commercial district shall have a maximum surface area of twenty-five (25) square feet.
  - 3.11.6.3.6.4 Off-premise signs located in districts other than Industrial or Commercial shall have a maximum surface area of eight (8) square feet.
  - 3.11.6.3.6.5 Directional Signs - where a business is located a significant distance from commonly traveled ways, and a need is demonstrated, the Board may allow one (1) or more additional directional signs. Such signs shall be limited to the name of the business and specific directions. The maximum size of a directional sign shall be two (2) square feet.
  - 3.11.6.3.6.6 The sign must otherwise conform to other applicable regulations of this ordinance.
  - 3.11.6.3.6.7 Other conditions or restrictions as the Board of Adjustment may deem to be in the public interest.
- 3.11.6.3.7 Open House - "Sandwich" Board signs and Open House signs will be allowed in Residential districts in conjunction with an Open House or Model Home demonstration conducted by a Realtor for two (2) days before the opening of such a demonstration and up to two (2) days after for total of six (6) days. The location and date of display of these signs shall be recorded with the Building Inspector. Where the Open House or Model Home is maintained for an on-going project, these time limits do not apply.
- 3.11.6.3.8 Temporary, Residential, Commercial and Industrial Signs - Banners, posters, pennants, "A" frame, sandwich board, and portable signs shall not be used on a permanent basis. The location and date of display of these signs shall be recorded with the Building Inspector. Only one (1) temporary sign will be permitted at the opening of a new business or reopening of an existing business under new management or special sales in a Residential, Commercial, or Industrial district on no more than two occasions per calendar year for a total period not to exceed thirty (30) consecutive days for each occasion as approved by permit from the Building Inspector.
- 3.11.6.3.9 Other Signs
  - 3.11.6.3.9.1 Up to two (2) incidental signs may be attached to a freestanding sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, and official notices of services required by law or trade affiliations. Area of each

- may not exceed eight (8) square feet.
- 3.11.6.3.9.2 Price information signs on gasoline pumps are permitted, indicating the name and type of gasoline and the price thereof. Such Signs shall not exceed 1 square foot in size per sign.
- 3.11.6.3.9.3 Any identification wall signs with non-illuminated letters up to but not exceeding three (3) inches in height nor two (2) square feet in area are not restricted.
- 3.11.6.3.9.4 Flags other than those of any nation, state, political subdivision.
- 3.11.6.3.9.5 “A”-Frame Sidewalk Signs – “A”-frame (sandwich board style) sidewalk signs may be used for individual tenants in multi-tenant commercial developments.
  - 3.11.6.3.9.5.1 A-Frame signs shall be limited to a maximum frame dimensional size of 24” X 36”.
  - 3.11.6.3.9.5.2, A-Frame signs located on a public sidewalk or public right-of-way must maintain a five (5) foot, clear passageway at all times.
  - 3.11.6.3.9.5.3 A-Frame signs shall be displayed during normal business hours only.
  - 3.11.6.3.9.5.4 A certificate of insurance in the amount of one hundred thousand dollars (\$100,000) (bodily injury/property damage) shall be filed with the Building Inspector to ensure sufficient liability coverage of the applicant.
  - 3.11.6.3.9.5.5 The applicant shall execute a “Hold Harmless Certification Letter” in favor of the Town of Londonderry to protect, defend and indemnify the Town against liability.

#### 3.11.6.4 Signs Permitted and Prohibited by District

##### 3.11.6.4.1 Within any Residential zone, signs are permitted as follows:

- 3.11.6.4.1.1 One (1) sign per vehicle entrance of each subdivision, mobile home park or condominium complex having an area not exceeding a total of sixteen (16) square feet per sign.
- 3.11.6.4.1.2 For non-residential uses, one (1) identification sign for each developed parcel not exceeding a total of six (6) square feet in area for all signs. For purposes of this section, a developed parcel is a tract of land which has been developed for a non-residential use. Subdivision of a parcel is not considered “development” for purposes of signage for non-residential uses.
- 3.11.6.4.1.3 Identification signs and other similar structures for governmental agencies which may be regulated by the Town are subject to approval thereof by the Building Inspector.
- 3.11.6.4.1.4 All signs shall be placed flat against a building or designed as part of any architectural feature thereof except that signs may be detached if they do not exceed a height of six (6) feet.
- 3.11.6.4.1.5 No freestanding sign, or any part thereof, shall be located nearer than fifteen (15) feet to a property line.

##### 3.11.6.4.2 For agricultural use on lots of three (3) acres or greater within any AR-1 zone.

- 3.11.6.4.2.1 One (1) freestanding sign indicating the name, nature and address of the occupancy for each agricultural lot, not to exceed thirty-two (32) square feet of the total sign face area allowed, 100% may be used for changeable signage.
- 3.11.6.4.2.2 One (1) wall or facia sign indicating only the name and nature of the occupancy.
  - 3.11.6.4.2.2.1 Said wall sign shall not exceed a total area of forty (40) square feet.
  - 3.11.6.4.2.2.2 When a building faces two (2) rights-of-way, the permitted area of the wall sign may be divided between the two (2) building faces.
- 3.11.6.4.2.3 Seasonal Agricultural Signage

- 3.11.6.4.2.3.1 Seasonal on-premise signs not to exceed eight (8) square feet in area, that advertise the availability of seasonal produce or product during the season within which said produce is available for sale or harvest.
- 3.11.6.4.2.3.2 Seasonal agricultural signage must be constructed of durable materials.
- 3.11.6.4.2.4 Each customary home occupation recognized as such by this Ordinance shall be permitted to display one (1) sign not to exceed three (3) square feet in size.
- 3.11.6.4.3 Within the Commercial I, II, III, & MUC sub-districts, signs are permitted as follows:
  - 3.11.6.4.3.1 One (1) freestanding sign for each developed parcel up to a maximum of sixty-five (65) square feet. Of total sign face area allowed, 75% may be used for changeable signage. For purposes of this section, a developed parcel is a tract of land which has been developed for a non-residential use. Subdivision of a parcel is not considered "development" for purposes of signage in the Commercial or Industrial Districts.
    - 3.11.6.4.3.1.1 No freestanding sign, or any part thereof, shall be located nearer than fifteen (15) feet to a property line.
  - 3.11.6.4.3.2 One (1) wall of facia sign indicating only the name and nature of the occupancy, for each occupancy within the developed parcel.
    - 3.11.6.4.3.2.1 Said wall sign shall not exceed a total area of fifty (50) square feet. For multi-tenant commercial buildings where multiple wall signs are permitted, the maximum size of said wall signs shall not exceed forty (40) square feet per tenant.
    - 3.11.6.4.3.2.2 When a building faces two (2) rights-of-way, the permitted area of the wall sign may be divided between the two (2) building faces.
  - 3.11.6.4.3.3 In multi-tenant commercial developments of eight (8) acres or more, the maximum permitted area of freestanding signs may be increased, according to the following:
    - 3.11.6.4.3.3.1 Maximum area increased by ten (10) square feet for each acre over eight (8) up to a maximum of one hundred (100) square feet; **OR**,
    - 3.11.6.4.3.3.2 If the lot has frontage on 2 or more roadways, a second freestanding sign, can be permitted, so long as the total square footage of both freestanding signs combined does not exceed 10 square feet for each acre over 8, up to a maximum of 100 square feet (for example – a 11 acre site with frontage on 2 roadways may have 2 freestanding signs with a combined square footage of 95 square feet).
  - 3.11.6.4.3.4 Directory signs, in addition to the principal sign, may be used for property with two (2) or more business establishments having a common public entrance. Directory signs may not exceed an area based on one (1) square foot for each establishment on the property up to thirty-two (32) square feet. Directory signs shall be located in an area adjacent to the building they serve.
  - 3.11.6.4.3.5 Sexually Oriented Businesses - Signage shall comply with the requirements for signs in the zoning district in which the business is located. Signs shall not include nudity or include images or references to sexual conduct, whether actual or simulated, or instruments, devices, or paraphernalia which are designed for use in connection with sexual conduct

3.11.6.4.4 Within the Commercial IV zone, signs are permitted as follows:

- 3.11.6.4.4.1 One (1) freestanding sign up to a maximum of thirty (30) square feet. Of total sign face area allowed, 50% may be used for changeable signage fifteen (15) feet to a property line.
- 3.11.6.4.4.2 One (1) wall facia sign for each occupancy within the developed parcel.
  - 3.11.6.4.4.2.1 Said wall sign shall not exceed a total area of twenty five (25) square feet.
  - 3.11.6.4.4.2.2 When a building faces two (2) rights-of-way, the permitted area of the wall sign may be divided between the two (2) building faces.

3.11.6.4.5 Industrial I and Industrial II Zones

Within the IND-I and IND-II zones, signs are permitted as follows:

- 3.11.6.4.5.1 One (1) freestanding sign for each developed parcel not to exceed one hundred (100) square feet. Of total sign face area allowed, 25% may be used for changeable signage.
- 3.11.6.4.5.2 One (1) wall or facia sign for each occupant within the developed parcel. Said sign shall not exceed a total of one hundred (100) square feet.
- 3.11.6.4.5.3 When a building faces two (2) rights-of-way, the permitted area of the wall sign may be divided between the two (2) building faces.
- 3.11.6.4.5.4 No freestanding sign, or any part thereof, shall be located nearer than ten (10) feet to a property line.
- 3.11.6.4.5.5 Directory signs in addition to the principal sign may be used for property with two (2) or more business establishments having a common public entrance. Directory signs may not exceed an area based on one (1) square foot for each establishment on the property up to thirty-two (32) square feet. Directory signs shall be located in an area adjacent to the building they serve.

3.11.6.4.6 Airport District

- 3.11.6.4.6.1 The purpose of the Airport signing system is to move the traveling public through a myriad of roadways and corridors using a concise and comprehensible system of directional, informational, and regulatory messages. Notwithstanding any other provision of Section 2.6.7.3 within the Airport District, the following signs shall be permitted, subject to a sign permit:
  - 3.11.6.4.6.1.1 Traffic Control signs, which shall conform in size, shape, color and copy to the recommendations of the U.S. Department of Transportation, Federal Highway Administration, Manual on Uniform Traffic Control Devices for Streets and Highways, current edition.
  - 3.11.6.4.6.1.2 Directional and informational signs for the terminal Airport parking lots and airside Aeronautical Activities, which shall be reflectorized white copy on a charcoal gray background.
  - 3.11.6.4.6.1.3 Any such signs to be placed freestanding near a roadway or an overhead sign structures shall be designed in accordance with the AASHTO standard specification for structural supports for highway traffic signs, luminaries, and traffic signals.
  - 3.11.6.4.6.1.4 Prior to installation of a sign under this subsection, the Airport shall submit an application for a sign permit to the Building Inspector, who shall review applications for compliance with this subsection.
  - 3.11.6.4.6.1.5 For signs described in this subsection, the Airport shall maintain an up-to-date Airport Signing Plan showing the location and text of each directional, informational, and regulatory sign in the Airport District,



annually to the Building Inspector.

- 3.11.6.4.6.2 All signs other than those described above within the Airport District shall conform to the requirements of Section 3.11.6.4.3. or 3.11.6.4.5., depending upon whether the use to which the sign is appurtenant is commercial or industrial and shall require a permit in accordance with section 3.11.4.

3.11.6.4.7 Route 102 Performance Overlay District – See Section 2.6.1.7.6

3.11.6.4.8 Route 28 Performance Overlay District – See Section 2.6.2.7.6

3.11.6.4.9 Signs for Religious Facilities

- 3.11.6.4.9.1 There shall be no more than one (1) freestanding sign (double sided) permitted for any religious facility

- 3.11.6.4.9.1.1 The maximum freestanding sign area shall be: 30 (thirty) square feet

- 3.11.6.4.9.1.2 Freestanding signs shall be set back a minimum of ten (10) feet from the front property line.

- 3.11.6.4.9.2 There shall be no more than one (1) building mounted sign permitted for any Religious Facility

- 3.11.6.4.9.2.1 Wall signs may be as large as one (1) square foot per three (3) linear feet of building frontage or a maximum of thirty (30) square feet, whichever is less.

3.11.6.4.10 Historic District – See Section 2.6.4.8.5.

### **3.11.7 Design, Construction, and Maintenance**

3.11.7.1 Location

- 3.11.7.1.1 Signs or their supports shall not be placed in such position or manner as to obstruct or interfere, either physically or visually, with any fire alarm, police alarm, traffic signal or sign, or any devices maintained by or under public authority; or with vehicular or pedestrian ingress or egress to or from any public or private ROW, roadway, driveway, or sidewalk.
- 3.11.7.1.2 Where applicable, signs shall be erected only at locations shown on site plans approved by the Planning Board.
- 3.11.7.1.3 Signs shall not be placed on or affixed to public property within roadway rights-of-way and shall be only permitted on private property only with owner's consent.
- 3.11.7.1.4 Wall signs shall not project above the roofline or eaveline of any building.

3.11.7.2 Construction and Maintenance

- 3.11.7.2.1 The material and construction of any sign shall be in accordance with the Building Code.
- 3.11.7.2.2 All signs, whether erected prior to or after the effective date of this Ordinance shall be maintained in a safe condition and, together with their structural elements, shall be kept in good repair to the satisfaction of the Building Inspector.
- 3.11.7.2.3 Dark backgrounds with light colored lettering are encouraged. Fluorescent or glowing colors are prohibited.
- 3.11.7.2.4 Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, cornices, and the like.
- 3.11.7.2.5 Signs on adjacent storefronts within the same building should be coordinated in design, height, and proportion.

materials.

3.11.7.2.7 Signs are encouraged to be constructed of natural or natural looking materials.

3.11.7.2.8 Signs are encouraged to be constructed in such a way that waste materials are minimized.

3.11.7.2.9 No sign shall have more than two (2) faces.

#### 3.11.7.3 Sign Landscaping

3.11.7.3.1 All free-standing signs and the premises surrounding same shall be landscaped in an aesthetically pleasing or appropriate manner with hardy plant materials, groundcover, lawn or hard surfaces that will remain attractive throughout the year and be maintained by the owner thereof clear of rubbish and weeds.

3.11.7.3.2 Landscaping and plantings shall not obstruct the view of any portion of the sign face.

#### 3.11.7.4 Sign Movement

No sign shall be permitted which is animated by means of flashing, shimmering or traveling lights or any other means, nor shall any sign contain any parts which move.

#### 3.11.7.5 Illumination of Signs

3.11.7.5.1 Direct and indirect lighting of signs is permitted, provided it meets the criteria from Section 3.13 of the Site Plan Regulations.

3.11.7.5.2 Externally illuminated signs and signs that are consistent with Section 3.12.g of the Site Plan Regulations are strongly encouraged.

3.11.7.5.3 Animated, moving, flashing, and noise making signs are prohibited. Changeable electronic message board signs are prohibited in all zoning districts.

3.11.7.5.4 No sign or related outdoor lighting fixture shall be so placed as to focus light directly into any oncoming traffic or any street or into any window of any residence that abuts or is in the immediate vicinity of the fixture.

3.11.7.5.5 In the C-IV and Residential districts, a sign, if lighted, shall be illuminated with lights by indirect method only with no light placed within the sign.

3.11.7.5.6 Except in the C-I, CII, CIII, and Industrial districts, if specifically approved by the Planning Board, no sign shall be illuminated between the hours of eleven (11) p.m. and seven (7) a.m.

### 3.11.8 Pre-Existing Signs

#### 3.11.8.1 Legally Pre-Existing Signs

Any sign located within the Town of Londonderry on the date of adoption of this Ordinance, which does not conform with the provisions of the Ordinance is eligible for characterization as a "legally preexisting" sign and is permitted, provided it also meets the following requirements:

3.11.8.1.1 The sign was covered by sign permit or variance on the date of adoption of this Ordinance if one was required under applicable law; or

3.11.8.1.2 If no sign permit was required under applicable law for the sign in question, the sign was in all respects in compliance with the applicable zoning law on the date of adoption of this Ordinance, and was in compliance with all other applicable Town ordinances or requirements.

#### 3.11.8.2 Loss of Legal Non-Conforming Status

A legally preexisting sign shall immediately lose its legal preexisting status designation

if:

- 3.11.8.2.1 The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance);
- 3.11.8.2.2 The sign is relocated; or
- 3.11.8.2.3 The sign is replaced, other than replacing the sign in its exact original conditional and statements; or
- 3.11.8.2.4 The sign shall have been abandoned (See Section 4.2).
- 3.11.8.2.5 The sign advertises or calls attention to any products, businesses or activity which are no longer carried on or sold, whether generally or at the particular premises; or
- 3.11.8.2.6 The sign shall not have been repaired or properly maintained within 60 days after written notice to that effect has been given by the Building Inspector; or
- 3.11.8.2.7 On the happening of any one of 1, 2, 3, 4, 5, or 6, the sign shall be immediately brought into compliance with this Ordinance with a new permit secured therefore, or shall be removed.

#### 3.11.9 Definitions

Definitions pertaining to signage may be found in section 4.7 of this Ordinance

### 3.12 HOME OCCUPATIONS

#### 3.12.1 General Home Occupations by Special Exception

- 3.12.1.1 Home Occupation shall be permitted by special exception only (property owner must apply to the Board of Adjustment for a special exception). Standards for Child Care and Adult Day Care Home Occupations are set forth in Sections 3.12.2 and 3.12.3.
- 3.12.1.2 Home Occupation shall be carried on by the occupant only within a dwelling and/or garage and shall be incidental and secondary to the use of the property as a dwelling for dwelling purposes and shall not change the residential character thereof. For purposes of this section, a garage shall be defined as a detached accessory building or portion of a principal building used or occupied for the parking or temporary storage of household goods and/or motor vehicles of the occupants of the premises.
- 3.12.1.3 No exterior renovations or construction, nor the outside storage of any materials related to the proposed home occupation will be permitted as part of a Home Occupation.
- 3.12.1.4 The Home Occupation shall not occupy more than twenty-five percent (25%) of the normal living area (as defined in Section 4.7 of this ordinance) of the home, regardless of the location of the home occupation on the property.
- 3.12.1.5 In order to qualify as a Home Occupation, only members of the occupant's immediate family residing on the property may be employed. Upon request, the Board of Adjustment is authorized to permit the employment of one additional employee on site.
- 3.12.1.6 In considering a special exception for a Home Occupation, the Board of Adjustment shall consider, in addition to the requirements set forth above, whether the proposed Home Occupation will adversely affect the property involved, or neighboring properties, by reason of any unusual sight, light, noise, smell, traffic or other effects of the Home Occupation. The Board shall consider the adequacy of off-street parking for anticipated customers, although no parking areas in excess of those necessary for normal residential purposes will be allowed.
- 3.12.1.7 The Board of Adjustment shall impose such conditions and restrictions as it deems desirable or necessary to protect the residential character of the neighborhood.