

MEMORANDUM

To: Planning and Development Chair Heather Shand

From: Mayor Sean Reardon and Director of Planning and Development Andy Port

Date: February 5, 2024

Re: Communication 529 on Sign Ordinances

The Administration has reviewed Communication 529 and wants to identify its priorities in updating sign ordinances, an effort with which we will be happy to collaborate. There are a number of changes we have identified, and we will also plan to follow the Council initiated discussion to learn of other areas that may need updating. Our current priorities are as follows:

1. **Signs on Public Property in Zoning Ordinance:** Provision 1.j under VIII-D - Allowed Signs and Regulations states that “No signs shall be erected on public property.” This would make it seem that even the City cannot place signs on its own property, which is not the case. This is also sometimes misinterpreted as signs must not be placed in the public right of way, which would not be covered by the Zoning ordinance as it applies only to parcels. The City’s sign ordinances would already prevent unwanted signs on City property.
2. **Conflicts in Sign Ordinance and Zoning Ordinance:** There are several places where the language in the Zoning Ordinance regarding signs conflicts with the Code of Ordinances or has other provisions that we recommend changing. Section 12-1.3 details the permitting processes for Temporary Signs and signs for a Residential Open House in a Public Way, which would both be prohibited under the Zoning Ordinance. It would be best to remove these prohibitions from the Zoning Ordinance and instead enforce the Sign Ordinance sections only, which are appropriately comprehensive.
3. **Updating the Banner Policy:** Our City Solicitor is working on a policy that will more clearly establish that the banners the City permits in Atkinson Common and Fuller Field should be thought of as government speech, rather than a public forum, which will allow for content based approval of these signs. A similar policy will be written for downtown lamppost banners. The City should also decide if similar hung banners should be allowed at the Little River Trail entrance at Low Street, where banners are sometimes placed. If these banners on public parcels are determined to be allowable then the Zoning Ordinance will need to be changed accordingly to resolve any existing conflict in policy.
4. **Determine Policies on Wayfinding Signs:** The Communication includes a picture of the Wayfinding signs used in the Industrial Park. We also have wayfinding signs downtown, both in the form of sign posts and as more historic looking markers. The Administration is currently working on improving its downtown wayfinding, and believes that well designed and maintained signs that are consistent with the neighborhood context should be allowed to be incorporated. We believe the current wayfinding signs in the Industrial Park are consistent with the City’s Sign Ordinances, but if there are concerns with these signs, we would want any policy on wayfinding

signs in general to still allow for certain signage.

5. **Improve Enforcement and Communication on Existing Policies:** The current ordinances, as long as they include clarification to remove perceived overlaps with Zoning, are most likely sufficient for enforcement purposes, with zoning-based infractions enforced by the Zoning Administrator and other infractions enforced by a Mayor-designated person downtown and by the DPS outside it. The City can post contact information for these individuals and better publicize the process for reporting signage violations.
6. **Coordination with other Bodies:** The Ordinances may be revised to include references to the Parks Commission and other bodies tasked with setting and enforcing these policies on lands they supervise.