

ORDINANCES, LAWS, AND REGULATIONS FOR THE TOWN OF AMHERST



MARCH 2016

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- E. STRUCTURES WHICH DO NOT COMPLY with zoning setbacks, when demolished for new construction, may be reconstructed where located before, providing there is no increase in non-compliance. (3-14-89)
- F. EXISTING CONFORMING LOTS shall not be made non-conforming and existing non-conforming lots shall not be made more non-conforming by altering lot lines. (3-14-89)
- G. A NON-CONFORMIING USE which has been abandoned, vacated or discontinued for a period of eighteen (18) consecutive months, said non-conforming use shall be discontinued.

Section 3.3 Water Pollution Control Regulations.

Water pollution control requirements shall be those required by laws and regulations of the State of New Hampshire as well as local ordinances.
(3-6-73, 3-14-89)

NOTE: See Section G for Water Pollution Control Regulations

Section 3.4 Signs. (3-12-91)

A. DEFINITIONS.

Awning. Any visual message incorporated into an awning attached to a building.

Banner. Any sign, painted, printed, or otherwise displayed on cloth, plastic film, or similar material. (3-8-94)

Business Sign District. Shall include the Industrial, Commercial, and Limited Commercial Zones in the Town of Amherst and shall include those lots in the General Office Zone with frontage on NH Route 101A. (3-10-92, 3-13-07)

Copy-Change Sign. A sign on which the visual message be periodically changed.

Directional Sign. A sign limited to providing directional or guide information, on the most direct or simple route, on the location of an activity, business, or event.

Event-Specific Sign. A temporary sign used to announce an event such as a festival, parade, dance, meeting, church, or club-sponsored event or tournament, or appearance by a political candidate or other speaker. (3-9-10)

Free-Standing. Any sign not attached or part of any building but separate and affixed in or upon the ground. Included are pole signs, pylon signs, and masonry wall-type signs.

General Sign District. Shall include the General Office (except for those lots included in the Business Sign District). Residential/Rural, Northern Transitional, and Northern Rural zones in the Town of Amherst. (3-10-92)

Illuminated Sign. Any sign illuminated by electricity, gas, or other artificial light either from the interior or exterior of the sign and which includes reflective and phosphorescent light.

Information Sign. A sign, without advertising, designed and intended to convey information about a permitted use to the general public, to convey regulations or restrictions, or to otherwise provide needed guidance.

Lineal Building Frontage. The length of a ground-level straight line or lines parallel to and equaling the length of the building front that fronts on the principal public roadway. In the case of a multi-unit development, the frontage of each separate building is additive for the purpose of determining permissible sign area. (3-13-07)

Off -Premises Sign. A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Portable Sign. A sign, whether on its own trailer, wheels, motor vehicle, or otherwise, designed to be movable and not attached to the ground, a building, a structure, or another sign. (3-13-07)

Prohibited Signs. No banners, pennants, ribbons, streamers, spinners of similar moving, fluttering or revolving devices shall be permissible for display as signs, except as exempted above as New Hampshire or United States flags.

Projecting Sign. That which is attached to the building, wall, or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall; or a sign which is perpendicular to the face of such wall or structure.

Representational Sign. A three-dimensional sign built so as to physically represent the object advertised.

Sign. Any material, structure, or device, or part thereof, composed of lettered or pictorial matter that is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice, or name, and shall include any declaration, demonstration, display, representation, illustration, or insignia used to advertise or promote the interests of any person, or business, or cause when such is placed in view of the general public. Signs shall include: Any sign defined in this section or otherwise regulated under this ordinance; flags, banners, pennants, streamers, balloons, spinners or similar devices; and any other fixed or portable device or vehicle placed on a parcel of land and used as a sign to convey information to the public. (3-10-98)

Sign Directory. A listing of two (2) or more business enterprises, consisting of a matrix and sign components.

Sign Structure. The supports, uprights, bracing, and framework for the sign.

Sign Surface Area. The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign and pole covers or

architectural embellishments shall be excluded unless the structure is designed in a way to form an integral background for the display. Only one face of a double-faced, free-standing sign shall be included as surface or area of such a sign. In the case of a sign consisting of two (2) or more sides where the angle formed between any two (2) or more sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign area. (3-10-92)

Temporary Sign. A sign having a continuous display duration of no more than thirty (30) days. (3-13-07)

Wall Sign. A sign that is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of such wall.

Window Sign. A sign visible from a sidewalk, street, or other public place, painted or affixed, on glass or other window material, or located inside within two (2) feet of the window, but not including graphics in connection with customary window display of products.

Zoning Official. The Planning Director, Building Inspector, or Code Enforcement Officer, whichever is responsible for the administration of these provisions. (3-13-07)

- B. **PURPOSE OF THE SIGN ORDINANCE.** The purpose of this section of the Town of Amherst Zoning Ordinance is to provide for reasonable uniformity in the size, treatment and presentation of signs used to call attention to the existence of a business the existence of a business, activity, product or service. This section recognizes the need to protect public health and safety and welfare by reducing conflicting, ambiguous and unnecessary information presented through sign messages and structures, while understanding the need for adequate business identification and advertising. The Town does not want signs in any district to detract from the rural character which the Town, through its adopted Master plan, has expressed a strong desire to maintain.
- C. **GENERAL REGULATION.** Except as otherwise provided, no person shall erect, alter, or relocate any sign without first obtaining a permit from the Zoning Office. Subsequent to this initial application, no permit shall be required for a sign to be repainted or repaired provided that the sign is returned to its original design, condition, placement or presentation. (3-13-07)
1. **Application Procedure.** Applications shall be made in writing to the Zoning Office on forms prescribed and provided by the Town and shall contain the applicable information requested on that form and accompanying sign specification sheet. (3-13-07)
 2. **Permit.**
 - a. Upon the filing of a completed application for a sign permit and the payment of the required fee, the Zoning Official shall examine the plans, specifications, and other data submitted, and the premises on which the sign is to be erected. If it shall appear that the sign will be in compliance with all the requirements of this local ordinance, he shall then, within thirty (30) days, issue a permit for the erection of the proposed sign. The issuance of

- a permit shall not excuse the applicant from conforming to the other laws and ordinances of the Town or sign master planning provisions. (3-13-07)
- b. If the erection of the sign authorized under any such permit has not been completed within two (2) years from the date of issuance, the permit shall become null and void, but may be renewed upon filing of a subsequent completed application and compliance with current requirements.
3. Exempt Signs (require no permit). The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the general requirements of this local ordinance and other conditions specifically imposed by all other regulations. No two (2) permitted signs may be combined to create a larger sign.
- a. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious, or non-profit organizations; not exceeding six (6) square feet. Such signs may fall under the regulation of the Historic District Commission, and these provisions shall not supersede such requirements.
 - b. Flags and insignia of any government, except when displayed in connection with commercial promotion.
 - c. On-premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances, and exits, and similar signs, not exceeding six (6) square feet per face and three (3) feet in height. Not to include any names or logos. (3-14-00)
 - d. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.
 - e. Number and name plates identifying residents, mounted on house, apartment or mailbox, not exceeding two (2) square feet in area.
 - f. Lawn signs identifying residents, with no more than two (2) faces and not exceeding two (2) square feet per face. Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support, with no advertising message thereon.
 - g. Private owner merchandise sale signs for garage sales and auctions, not exceeding two (2) square feet per face for a period not exceeding fourteen (14) continuous days during any calendar year. (Amended 3-8-94, 3-13-07)
 - h. One (1) off-premises directional sign for the purpose of directing the public to an "OPEN HOUSE." Such sign may not exceed four (4) square feet of sign surface area. Messages must include the words "Open House" and shall be otherwise limited to name/address or identification, arrow or direction, and distance. Off-premises directional signs may be erected no earlier than one (1) day prior to the "OPEN HOUSE" and must be removed by the end of the day the "OPEN HOUSE" ends.
 - i. Up to two (2) temporary signs for a roadside stand selling agricultural produce in season, providing that such signs do not exceed a total of thirty-two (32) square feet and setback beyond the public right-of-way at least fifteen (15) feet from the edge of the roadway. (Amended 3-8-94)
 - j. Temporary (for thirty [30] continuous days only), non-illuminated window signs, and posters not exceeding twenty-five (25) percent, up to a maximum of four (4) square feet, of

a single window surface of a single wall opening on which the sign(s) is displayed.
(Amended 3-8-94, 3-13-07)

- k. Holiday decorations, including lighting, are exempt from the provisions of this local and may be displayed in any district without a permit.
 - l. Integral graphics or attached price signs on gasoline pumps at gasoline stations.
 - m. Decals used to reference authorized services (e.g. credit or bank cards) when not exceeding one hundred forty-four (144) square inches in total display area per business.
 - n. Political posters, banners, promotional devices, and similar signs, not exceeding four (4) square feet in the General Sign District or sixteen (16) square feet in the Business Sign District, providing:
 - i. Placement shall not exceed thirty (30) days, and all signs must be retrieved within three (3) days following the election for which they were used.
 - ii. The names and addresses of the sponsor and the person responsible for removal are identified on the sign.
 - iii. No signs are attached to any trees, shrubs, bushes, traffic control devices, historical markers or placed on private property without the consent of the property owner.
 - o. One "OPEN" sign may be displayed for each separate business unit. Open signs may be displayed during business hours only. Open signs, if illuminated, must be displayed in or in the building, except as provided for in an approved Sign Master Plan. Open signs shall be no more than thirteen (13) inches in height and thirty-two (32) inches in width. No name, logo, or lettering other than the word "OPEN" may be displayed on such signs. (3-14-00)
 - p. In the Business Sign District, one (1) non-illuminated "OPEN" flag may be displayed for each separate business unit. No name, logo, or lettering other than the word "OPEN" may be displayed on such flags. Open flags may be displayed at the building during business hours and must be displayed at the building entrance. Open flags shall be no more than three (3) feet in height and six (6) feet in length. Flag colors are limited to standard, non-fluorescent red, white, and blue. (3-9-10)
4. Prohibitions. These prohibitions shall apply to all signs erected in the Town of Amherst, whether exempted or regulated under this section:
- a. No off-premises signs shall be allowed other than as permitted under the provision of an approved sign master plan.
 - b. No sign shall be illuminated by or contain flashing, intermittent, rotating moving lights or lettering and graphics except to show time and temperature. (3-13-07)
 - c. No sign shall impair or cause confusion of vehicular pedestrian traffic in its design, color, placement or display characteristics. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within twenty-five (25) feet of the intersection of the street or highway lines.
 - d. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices. (3-10-92, 3-14-95, 3-14-00)
 - e. No advertising message shall be extended over more than one (1) sign placed along a street or highway unless included as an integral part of a sign master plan.

- f. No sign shall be placed within the road, street, or intersection right-of-way of the Town or State, except as provided for under off-premise directional signs as part of an approved master plan.
- g. No sign consisting of the message “Sold,” “Under Contract,” or a similar message denoting a closed or completed transaction, shall be permitted.
- h. No signs shall be attached to fences, trees, utility poles, rocks, or other parts of a natural landscape, nor in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety, and welfare of the general public.
- i. No portable signs shall be allowed in any district. (3-10-92)

D. SIGN STANDARDS.

1. Temporary Signs for Activities or Events. Temporary signs for special events must receive a temporary sign permit from the Community Development Office. No more than four special event sign permits shall be issued to any business, non-profit organization or individual in any calendar year, except within its first year of operation where no more than six shall be issued. Special event signs shall not exceed sixteen (16) square feet in the Business Sign District nor eight (8) square feet in the General Sign District. No more than two (2) signs may be permitted for any special event. Such signs may be displayed for a maximum of twenty-one (21) days and must be removed at the end of the event. Temporary signs for special events shall not be attached to trees, rocks, other parts of a natural landscape, utility poles or fences, nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public. In addition, up to ten (10) off premises directional signs, not to exceed two (2) square feet may be permitted. (3-8-16)
2. (deleted 3-8-16)
3. Permanent Signs. Within any zoning district, unless otherwise specified, the following permanent signs may be erected; provided, however, that this subsection shall not serve to expand the number or area of signs otherwise allowed, and pursuant to the following:
 - a. Special cases.
 - i. A non-illuminated, single-sided real estate development sign, including industrial and commercial development, residential subdivision or construction sign denoting the architect, engineer and/or contractor, not exceeding thirty-two (32) square feet in Business Sign District nor sixteen (16) square feet in General Sign District, may be erected on property being sold, leased or developed. Such sign shall be erected parallel to the fronting highway, setback a minimum of fifteen (15) feet from the property line or attached to the building face. Such sign shall be removed upon completion of the project and shall be in place for a period not exceeding two (2) years, renewable for an additional two years, upon filing of a subsequent completed application and payment of the appropriate fee. (3-13-07)

- ii. Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, may be erected on the premises of such institutions. One (1) such sign or bulletin board not exceeding twenty-four (24) square feet may be erected.
 - iii. For multiple commercial or industrial units, or residential dwellings or apartment developments one (1) sign identifying the name of the development, located at the entrance of the development, not exceeding thirty-two (32) square feet. (3-13-07)
- b. Business Sign District (I, C, LC, GO on Rt. 101A). Unless otherwise specified, the following permanent sign provisions shall apply:
- i. The area of the freestanding sign permitted on any lot shall be two (2) square feet of sign area per lineal foot of building front, but in no case shall exceed sixty-four (64) square feet, whichever is less, excepting Sign Master Planned developments. A minimum sign area of thirty-two (32) square feet shall be permitted any lot regardless of building frontage. (3-11-03, 3-13-07)
 - ii. The total number of permitted signs on a single business or industrial lot shall not exceed two (2), of which only one (1) may be free-standing, excepting master planned developments.
 - iii. A lot with approved entrances on two (2) public roads shall be permitted a secondary sign, not on the same public road as the principal sign, provided that such sign does not exceed forty (40) square feet, notwithstanding Para. “i” and “ii” above.
 - iv. In addition to the above, one (1) wall sign shall be permitted each separated business unit, not to exceed twenty-five (25) square feet per unit.
 - v. Temporary, non-illuminated “For Sale” or “For Rent” real estate signs and signs of similar nature concerning the premises upon which the sign is located: in the General Sign District, one (1) sign per lot not exceeding four (4) square feet per side; in the Business Sign District, one (1) sign per lot not exceeding thirty-two (32) square feet per side setback at least fifteen (15) feet from all property and highway R.O.W. lines. All such signs shall be removed within three (3) days after the sale, lease, or rental of the premises. (See Prohibitions, Item g) (Amended 3-8-94, 3-13-07, 3-9-10)
- c. GENERAL SIGN DISTRICT (RR, NR, NTR,GO). Unless otherwise specified, the following permanent sign provisions shall apply to non-residential uses:
- i. The total number of permitted signs on a single lot shall not exceed two (2) of which only one (1) may be free-standing, accepting master planned developments.
 - ii. The total cumulative area of all signs permitted on such lot shall not exceed twenty-four (24) square feet, excepting wall signs for multiple tenants/units. The free-standing sign shall not exceed fourteen (14) square feet. (3-13-07)
 - iii. One wall or projecting sign, not to exceed ten (10) square feet per sign, shall be permitted for each separated business unit in the development.
 - iv. One (1) on-premise sign, either free-standing or attached, in connection with any residential building in any zoning district for permitted professional offices or home occupations, not exceeding six (6) square feet and set back at least fifteen (15) feet from the highway right-of-way. Such sign shall state name, street address, and vocation

only. Illumination shall not produce a direct glare beyond the limits of the property line and shall be mounted on the sign and directed downward. (3-11-03)

- v. Temporary, non-illuminated “For Sale” or “For Rent” real estate signs and signs of similar nature concerning the premises upon which the sign is located: in the General Sign District, one (1) sign per lot not exceeding four (4) square feet per side; in the Business Sign District, one (1) sign per lot not exceeding thirty-two (32) square feet per side setback at least fifteen (15) feet from all property and highway R.O.W. lines. All such signs shall be removed within three (3) days after the sale, lease or rental of the premises. (See Prohibitions, Item “g.”) (Amended 3-8-94, 3-13-07, 3-9-10)

- 4. New Business Signs. A new business, or a business in a new location, awaiting installation of a permanent sign, may utilize a temporary sign for a period of not more than thirty (30) days until installation of a permanent sign. Such sign must meet all appropriate construction standards of the Town. A separate temporary sign permit for such a new business sign shall be required. (3-13-07)

E. WALL SIGNS.

- 1. Wall signs shall not extend beyond the ends or over the top of the walls to which attached, and shall not extend above the floor level of the second floor of the building, with a maximum height of fifteen (15) feet measured from the adjacent ground level. (3-13-07)
- 2. Wall signs shall not extend more than fifteen (15) inches from the face of the buildings to which attached.
- 3. Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of seven (7) feet, six (6) inches.
- 4. Wall signs may be mounted on roofs or eaves as long as they are mounted no more than five (5) feet up from the eaves, provided that the sign height shall not exceed fifteen (15) feet when measured from the highest part of the sign to the ground directly below. (3-10-92)

F. FREE-STANDING SIGNS.

- 1. No free-standing sign shall be located less than fifteen (15) feet from the curb, edge of pavement, or inside of sidewalk, provided the sign is not within the governmental right-of-way and is located on the applicant’s property. No free-standing sign may be located less than one hundred (100) feet from any other free-standing sign. (3-14-00)
- 2. If for any reason the property line is changed at some future date, any free-standing sign made non-conforming thereby must be relocated within ninety (90) days to conform with the minimum setback requirements to the extent possible.
- 3. No free-standing sign shall be more than sixty-four (64) square feet, except as provided for in an approved sign master plan.

4. The top of the free-standing sign shall not be more than twelve (12) feet in height above road level. (3-11-03, 3-13-07)
5. No free-standing sign shall extend over or into the public right-of-way, pedestrian walkway, or driveway; nor shall it overhang the property lines.

G. AWNING SIGNS.

1. No sign shall project from an awning.
2. Awning graphics may be painted or affixed flat to the surface of the front or sides, shall indicate only the name and/or address of the enterprise or premises.
3. Awning graphics shall be a single line of lettering not exceeding six (6) inches in height, but if over three (3) inches in height, shall be debited against the permitted wall sign surface area.
4. No awning sign shall be internally illuminated.
5. There shall be no more than one (1) awning sign at each separate business location. (3-13-07)

H. EXISTING SIGNS.

Non-Conforming Signs. In the event of a sign lawfully erected prior to the effective date of this ordinance does not conform to the provisions herein, such shall meet the following specifications:

1. A non-conforming sign shall not be enlarged or replaced by another more non-conforming sign. (3-12-91, 3-10-92)
2. No non-conforming sign shall be permitted within a development under a sign master plan.

I. REMOVAL OF SIGNS.

1. Any sign existing on or after the effective date of this ordinance, whether in conformance with this ordinance or not, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed within fifteen (15) days.
2. If the Zoning Official shall find that any sign regulated in the local ordinance is not used, coded in advertising, is abandoned, unsafe or insecure, or is a menace to the public, the administrator shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within fifteen (15) days from the date of the said time period. The Selectmen shall revoke the permit issued for such sign and may invoke court action. Failure to remove or repair such sign would be considered a violation of this provision. (3-13-07)

J. CONSTRUCTION STANDARDS.

This section provides guidance and standards for construction of signs requiring permits and shall serve as guidance for the construction of exempt signs. It identifies the specifications needed so that signs are constructed to ensure the community's safety.

K. GENERAL.

1. All signs installed after the effective date of this local ordinance shall have attached to the sign a name plate giving the sign permit number and the name and address of the owner, person, or corporation responsible for general requirements and maintenance as outlined in this ordinance.
2. All free-standing signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of surface area.
3. All signs, including wall-mounted and projecting signs, shall be securely anchored and shall not spin or move in any manner. (3-10-92, 3-8-94)
4. All signs, sign finishes, supports, and electric work shall be kept clean, neatly painted, and free and from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys, and anchors.
5. All projecting free-standing or wall signs shall employ acceptable safety material and shall not constitute a hazard to pedestrian travel or the general public.
6. All signs shall be painted/fabricated in accordance with generally accepted standards.
7. All signs shall be in accordance with the BOCA Code and shall not conflict with the Manual on Uniform Traffic Control Devices for Streets and Highways (USDOT/FHWA) or the Life Safety Code (NFPA101). All electrical wiring of signs shall conform to the National Electrical Code. (NFPA-70)
8. Underground wiring shall conform to the National Electrical Code. (NFPA-70)

L. DESIGN GUIDELINES FOR SIGN MASTER PLANS.

1. Where groups of three (3) or more contiguous commercial or industrial units are to be located together in a development or where a lesser number of businesses total not less than twenty thousand (20,000) square feet of gross leasable area, the development may adopt a Sign Master Plan to govern advertising. The intent of this section is to promote a uniform and aesthetic message presentation that is designed to provide information to the general public through its design and coordination of elements. (3-13-07)
2. The development of a sign master plan shall be governed by the specifications of this section and generally reflect the requirements of the applicable sign district. Application of the sign

master planning provisions should not detract from the rural character which the Town, through its adopted Master Plan, has expressed a strong desire to maintain. (3-10-92)

3. General Requirements. Total sign area permitted for the entire development or center shall be calculated at the rate of two (2) square feet of sign per foot of lineal building front with a maximum area of five hundred (500) square feet. The Planning Board may waive the maximum area at its discretion. Each master planned development may have one (1) common free-standing sign denoting the name of the facility not exceeding eighty (80) square feet per side and with bottom panel not less than five (5) feet above road level and a maximum height of fifteen (15) feet. All other signs shall be attached to buildings, a wall, projecting or soffit type, and coordinated in material, shape, lettering, color, and/or decorative elements. Information and directional signage, with the exception of uniform traffic control devices, shall be consistent with the general sign design of the development and is exempt from the sign area calculation provided that it does not contain advertising. (3-13-07)
 - a. Signs shall be designed to be compatible with the surrounding and appropriate to the architectural character of the building on which they are placed. Sign panels and graphics should relate with and not cover architectural features, and should be in proportion to them.
 - b. Signs should be appropriate to the types of activities they represent.
 - c. Layout should be orderly and graphics should be of simple shape, such as rectangle, circle, or oval.
 - d. The number of colors used should be the minimum consistent with the design and must provide a reference or relationship to the enterprise or activity being advertised.
 - e. Illumination should be appropriate to the character of the sign and surrounding and shall bear a relationship to the operating hours of the enterprise or activity being advertised. Illumination of signs permitted only from one (1) hour before opening until one (1) hour after closing.
 - f. Groups of related signs shall express uniformity, create a harmonious appearance, and provide a visual and aesthetic coordination of the information presented to the public. (3-13-07)
 - g. Height and physical placement shall be consistent throughout the master planned area.
 - h. The sign master plan, including a site plan, shall be approved by the Planning Board, at a public hearing, and detail placement, design, color coordination, visibility, information messages and compatibility with the general design of the development.
 - i. Off-premises directional signs for the convenience of the general public and for the purpose of directing persons to a business, activity, service, or community facility operating within the Town of Amherst may be erected as part of the sign Master plan, providing such signs do not exceed four (4) square feet per sign nor total more than two (2) such signs per development. Messages shall be limited to name or identification, arrow or direction, and distance. Advertising messages shall be prohibited.
 - j. Off-premise directional signs shall be classified as free-standing sign shall not be placed within one hundred (100) feet of another free-standing sign. Illumination is prohibited. Such signs shall be limited to Major Arterial and Minor Arterial roads as defined in the 1988 Functional Classification System for Amherst Street Network published in the Town-

Wide Transportation Master plan. Such signs may be permitted on Collector streets, as defined in the same classification system, within the Business Sign District.

- k. Sign panels may be made of any conventional weather resistant and rigid sign material acceptable to the Town of Amherst Planning Board. They shall be fully reflectorized and shall be similar to “Engineering Grade,” reflective sheeting with respect to color (day and night), brightness, reflectivity, and durability as specified in the latest edition of the Manual on Traffic Control Devices for Streets and Highways. The panel shall have white legend on a blue background with a half (1/2) inch white border. The legend shall be white and four (4) inch minimum “Highway Type” letters, except that nationally, regionally, or locally-known commercial symbols or trademarks, in their customary colors, may be used when applicable. Sign colors may be coordinated with the development master plan color scheme provided that such a display does not conflict with standardized traffic control devices and is specifically approved by the Planning Board. Nationally recognized approved symbols for services may be incorporated as alternates to word messages. All off-premise sign legends are subject to approval by the Town of Amherst Planning Board. (3-13-07)

M. ADMINISTRATION.

1. Review and Appeals.

Any person aggrieved by a decision of the Zoning Administrator relative to the provisions of this local ordinance may appeal such decision, in writing, to the Board of Appeals as provided in the Zoning Regulations and shall comply with all procedural requirements prescribed by such board. In granting any variance from the provisions of this ordinance, the Board of Appeals must find that the variance is necessary for the reasonable use of the land or buildings, that granting the variance is in harmony with general purposes and intent of this ordinance, that such will not be injurious to the neighborhood character or otherwise detrimental to the public welfare, and that denial of the variance would result in unnecessary hardship to the applicant.

2. Violations and Penalties.

- a. Any person, firm or corporation, whether as owner, lessee, agent or employee, who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, or who, in any other way, violates any provision of this local ordinance shall be guilty of an offense and receive punishment as established in the RSA's. Each day's continuous violation shall constitute a separate additional violation.

- b. In case of a violation of this local ordinance, the Town and its officers may, in addition to any other remedies specifically conferred by ordinance, institute any appropriate proceedings to prevent unlawful erection, construction, reconstruction, alteration or use of any sign not in compliance with this ordinance. (3-12-91)
- c. Any sign, permitted or not, placed within any public or private right-of-way or placed so as to impede public access, shall be considered to be a threat to public safety and may be removed at the direction of the public safety officers or Zoning Officials.

N. INTERNALLY ILLUMINATED SIGNS.

1. Purpose.

The purpose of this ordinance is to permit the installation and operation of internally illuminated signs within the Town of Amherst, recognizing their value in providing information to the general public and an aid in the advertising of businesses.

2. General Provisions.

- a. Internally illuminated signs shall be permitted in the Business Sign District within the Town of Amherst only when incorporated as an integral part of an approved sign master plan.
- b. The total area of internally illuminated signage shall not exceed twenty-five (25%) percent of the permitted sign area for the master planned development.
- c. Internally illuminated signs shall conform to all other applicable provisions of the Town of Amherst sign regulations with respect to design, placement, presentation, and other regulated features.
- d. Only one (1) internally illuminated sign shall be permitted per physically separated business unit and shall replace another otherwise permitted sign.
- e. One (1) free-standing internally illuminated sign shall be permitted per development and shall be equal in all other regulated aspects to the free-standing sign it shall replace excepting for the illuminated area limitation of twenty-five (25%) percent as in provision (2) above.
- f. The area of the internally illuminated sign shall not exceed the area of the sign it shall replace for the business or development.
- g. No internally illuminated sign may be erected within three hundred (300) feet of any residential zone within the Town. (3-12-91)
- h. No internally illuminated sign erected as part of a sign master plan may be illuminated until the full master plan is implemented, unless a phasing plan is approved by the Board.

Section 3.5 (Not used yet).