



# PORTLAND MAINE

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*Penny St. Louis Littell - Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

March 25, 2009

Alana Peterson  
Head Games Salon  
44 Oak Street  
Portland, ME 04101

Re: 44 Oak Street (116 Free Street), Head Games Salon – 039 B011 – B-3 – PAD  
District – slide show in window

Dear Ms. Peterson,

This letter is a follow up to the telephone conversation that we had on March 17, 2009.

It had been brought to the attention of our office that you were hanging a sheet in the window of your salon facing Free Street and rear projecting a slide show at night. The slide show was advertising your services, and the images were changing every 30-45 seconds. I told you that this was not permitted because it was considered a sign, and it did not meet the criteria in the sign ordinance.

Section 14-367 defines a sign as “any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Under this definition, the slide show is considered a sign.

Section 14-370.7(a) of the ordinance states that window signs are allowed without a permit but that a window sign cannot cover more than fifty percent of the area of a window. It is my understanding that the sheet covers half of the store front that faces Free Street. As far as the slides changing every 30 to 45 seconds, the City of Portland follows the state ordinance which says that a changeable sign may not change more than once every twenty minutes. Finally, the store front facing Free Street is in the Pedestrian Activity District. Under the design guidelines for the Pedestrian Activity District windows are supposed to be open and not covered so the pedestrians can see into the space.

Since the showing of slides through the window does not meet the criteria of the sign ordinance, it is not permitted, and it must stop immediately. If the slides continue to be shown through the window, we will turn the matter over to our Corporation Counsel, and they may begin legal proceedings to bring the property into compliance.

You have the right to appeal my decision. Section 14 – 368.5(g) of the ordinance states that an applicant who has been denied a permit or approval for failure to meet the signage regulations of section 14 – 369.5 “may apply to the planning authority for review of the denied signage pursuant to the standards set forth in section 14 – 526(a)(23)”. If the planning authority disapproves the application, then under section 14 –527 of the ordinance you may appeal the decision to the Planning Board within ten (10) days of the decision being rendered. If you choose to appeal, you may not show the slides while the appeal process is going on.

Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

Ann B. Machado  
Zoning Specialist  
(207) 874-8709.