

# MEMO



Date: December 5, 2018  
To: Thomas Florence, Town Clerk  
From: Constance Brawders,  
Planning & Community Development Director  
Subject: Section 5.8 Signs – Zoning By-law Amendment

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At the Public Hearing of the Planning Board on December 4, 2018, in response to the proposed amendment to the **Town of East Longmeadow Zoning By law Section 5.8 Signs**, the Planning Board voted to refer the modification of the Zoning By law to the Town Counsel for Public Hearing.

Motion was made by Board member Russell Denver; second Board member Jon Torcia. Motion to continue carried unanimously by a vote of five (5) to zero (0).

## ***Purpose:***

The purpose of this by-law amendment is to repeal sections of the Town of East Longmeadow Zoning By-laws [approved by Town meeting October 27, 2014] which stipulate that all sign application permits must go before the Planning Board for review and approval. After conferring with Building Commissioner, Kevin Duquette, we now respectfully propose to streamline the review of sign applications to promote efficiency in the permitting process by designating certain powers to the Building Commissioner.

Pursuant to Chapter 40A, Section 7 of Massachusetts General Law, the inspector of buildings, building commissioner or local inspector, or if there are none, in a town, the board of selectmen, or person or board designated by local ordinance or by-law, shall be charged with the enforcement of the zoning ordinance or by-law.

Furthermore, as defined by the Town of East Longmeadow Zoning By law, **Zoning Enforcement Authority:** The Building Commissioner is charged with enforcing all zoning bylaws of East Longmeadow. (7.5.3 Definitions).

## **Current By Law**

### **5.8 SIGNS**

A. No exterior or ground sign shall be created, placed, erected, altered or enlarged until a building permit has been issued by the Building Inspector, subject only to the exceptions in Section 5.81 B, D and E. below.

B. All signs requiring building permits in all districts must be approved in writing by the Planning Board before a building permit may be issued by the Building Inspector.

C. No sign shall incorporate or be lighted by flashing or blinking lights, Light Emitting Diode (LED) displays or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical, electrical or computerized motion. All illumination shall have either a source of light from within or exterior to the sign and such exterior lighting shall be limited to white in color. No changeable and/or graphic display is allowed on any sign. These restrictions do not apply to digital clocks and thermometers.

D. See Definitions, Section VIII, including but not limited to the following: (1) Ground sign; (2) sign; (3) sign, area of.

### **5.81 Residential District**

No sign shall be permitted in a Residential District except:

A. A professional nameplate having an area of not more than 144 square inches, in connection with permitted uses.

B. A real estate sign having an area of not more than 10 square feet, advertising the sale, rental or lease of the premises on which they are placed.

C. A church and/or school sign, 20 square feet maximum area.

D. A contractor's lawn sign as outlined in section 5.89.

E. Temporary lawn signs for tag sales, elections or other non-profit social events as outlined in sections 5.89 and 5.90 below.

### **5.82 Commercial District**

Signs shall only be permitted in a Commercial (COM) District subject to the following conditions:

A. Location and Size:

All permitted signs shall be attached to a primary building. Attached signs may not exceed 5 feet in height nor 30 square feet in area, shall not project toward the street more than 2 feet. and shall not extend vertically above the parapet or ridge line, subject only to the following exceptions;

1. One ground sign not to exceed 15 square feet in area nor exceeding 10 feet above ground, which sign shall comply with the setback and side yard requirements for a primary building;

or

2. A sign for a building directory of occupants or tenants not to exceed 40 square feet;

B. Number:

1. There shall not be more than one attached building sign per building occupant/commercial use.

2. A commercial building housing more than one occupant/commercial use is entitled to only one ground sign or one tenant directory sign.

C. Construction:

No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth (1/4) of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting safety of the public.

D. Illumination:

Signs may be illuminated, but shall be non-flashing, non-moving, and non-animated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property; restrictions that pertain to movement do not apply to digital clocks and thermometers.

E. Signs must identify or otherwise relate to the primary building or tenants in such building, and may not be used for other purposes except that on vacant lots, non-illuminated real estate signs having an area of not more than 20 square feet advertising the sale, rental or lease of the premises on which such signs are located, are permitted;

F. Plans for all signs shall be submitted to the Planning Board for approval.

**5.83 Business District**

Signs shall only be permitted in the Business (BUS) District subject to the following conditions.

A. Location: All permitted signs shall be attached to a primary building and shall not extend vertically above the parapet or ridgeline, subject to the following conditions.

1. A sign attached to a building shall be securely affixed to one of the walls or a roof of the building. If affixed to a wall, it shall be parallel with and not project more than twelve (12) inches from the face of such wall and shall not project beyond the face of any other wall of the building. If affixed to the roof, it shall be parallel with the front wall of the store and shall not project beyond the face of any wall of the building. No sign, whether affixed to a wall or roof of a building, shall project above the highest line of the main roof of the building.

B. Size:

A sign attached to a building shall not be more in area than three (3) square feet per linear foot of building front. A sign on the exterior wall of the first floor of a building may extend across the full width of the store wall, unless the store occupies the entire first floor of a detached building, in which event

the sign may extend across not more than three-fourths (3/4) of the width of the wall. The width of signs of stores occupying other than the first floor of a building shall not exceed three (3) feet. No sign shall exceed 100 square feet in area.

C. Number:

1. Exterior wall signs: There shall not be more than one exterior wall sign for each business except that if the business has a direct customer entrance in a wall other than the business front, there may be a second sign affixed to such wall, and if the store has a wall other than the store front with outside wall fronting on a street, there may be a second sign affixed to such wall, whether or not such wall contains an entrance to the store, provided however, that no store shall have more than two secondary signs, in any event. The area of the secondary sign or signs shall not exceed fifty percent (50%) of the maximum permissible area of the sign on the storefront. In addition to the foregoing sign or signs, there may be one directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one-half (1/2) square foot for each occupant or tenant of the building.

2. Ground Signs: Only one ground sign is allowed subject to the following conditions;

a. This sign shall be placed so as to comply with the setback and side yard requirements for a primary building. The top of the sign shall not be more than 20 feet above the mean grade level of the building on the lot on which the sign is placed. Such sign shall not contain more than 50 square feet.

b. During the construction of a building, a ground sign may be erected on the premises identifying the building, the owner, the contractors, the architects or the engineers, but such sign shall not exceed thirty-five (35) square feet in surface area. Such sign shall be removed promptly after the completion of the building.

c. A building housing more than one business is entitled to only one ground sign per the requirements set forth in section 5.83 (2) (a) above. Businesses sharing a common wall are considered to be housed in the same building.

The total area, in aggregate, of all signs, including ground sign, shall not exceed 100 square feet per business use.

D. Construction:

No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth (1/4) of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall

of the building shall be subject to the approval of the Building Inspector for the purpose of protecting safety of the public.

E. Illumination:

Moving and flashing signs are prohibited. No /red or green/ lights shall be used on any sign if, in the opinion of the Building Inspector, such lights would create a driving hazard. No sign may be illuminated between 12 a.m. and 6 a.m. except signs identifying police or fire stations and such other signs as the Planning Board may specifically authorize to be illuminated at other hours, if the Board finds that the nature of the use of the premises is such that such illumination should be permitted in the public interest. The provisions of this paragraph shall apply not only to exterior signs but also to interior signs that are designed or placed so as to shine through windows or doors of the building. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property. These restrictions do not apply to digital clocks and thermometers.

F. Signs must identify or otherwise relate to the primary building or tenants in such building, and may not be used for other purposes except that on vacant lots, non-illuminated real estate signs having an area of not more than 20 square feet advertising the sale, rental or lease of the premises on which such signs are located, are permitted;

G. Gasoline and/or Compressed Natural Gas (CNG) filling and/or electric charging stations and garages:

1. Gasoline and/or CNG filling and/or electric charging stations and garages are limited to the following signs.

a. They may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building, to which they are entitled as hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business, provided however, that the total of the area of the separate signs shall not exceed the maximum area permitted under this Bylaw for a single exterior sign on such wall. In addition, one sign conforming with the terms of section 5.83 C. 2., standing, indicating the company whose gasoline is being sold, may be erected of such type, in such location, and in such manner as the Planning Board may permit. The standard type of gasoline pump bearing thereon in usual size and form, the name or type of gasoline and the price thereof shall not be deemed to be in violation of this Bylaw. Temporary or movable signs of any and every type are specifically prohibited.

H. Window Signs:

Signs painted or placed on the inside of the glass of a window shall be permitted, provided that the aggregate area of such signs does not exceed 30 percent of the area of the window glass.

**5.84 Industrial District**

Signs shall only be permitted in an Industrial (IND) District subject to the following conditions:

A. Signs must identify or otherwise relate to the primary use of the building or tenants in such building and may not be used for other purposes (except that on vacant lots, non-illuminated real estate signs having an area not more than 35 square feet on which such signs are located is permitted).

B. Signs shall conform to the setback, side yards and rear yard requirements for the Industrial (I) District.

C. Signs may be illuminated, but shall be non-flashing, non-moving and non-animated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.

D. No sign shall have a square footage in excess of five percent (5%) of the square footage of the front elevation of the primary building, but in no case shall the square footage of the sign be required to be less than 100 square feet.

E. No sign shall project more than five (5) feet above the roof level of the primary building.

F. Construction: No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth (1/4) of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting safety of the public.

### **5.85 Industrial Garden Park District**

Signs shall only be permitted in an Industrial Garden Park (IGP) District subject to the following conditions:

A. Signs must identify or otherwise relate to the primary use of the building or tenants in such building and may not be used for other purposes (except that on vacant lots, non-illuminated real estate signs advertising the sale of the lot on which it is located, and having an area of not more than 20 square feet is permitted).

B. One ground sign shall be allowed to be placed no closer than ten (10) feet from the front property line. The top of the sign shall not be more than 20 feet above the mean grade level of the building on the lot on which the sign is placed. Such sign shall not contain more than 50 square feet and shall be used only to identify or otherwise relate to the primary use of the building or tenants in such a building and no other purpose. One (1) freestanding sign, not exceeding an area of four (4) square feet, located no nearer than ten (10) feet to any street or entrance drive curb, shall be permitted at each entrance drive into a site. Such signs shall not exceed an area of four (4) square feet on any one side and a height

of ten (10) feet to the top of the sign measured from the pavement grade of the adjacent entrance drive.

C. Signs may be illuminated, but shall be non-flashing, non-moving and non-animated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.

D. No sign shall have a square footage in excess of five percent (5%) of the square footage of the front elevation of the primary building, but in no case shall the square footage of the sign be more than 100 square feet.

E. No sign shall project more than five (5) feet above the roof level of the primary building.

F. Construction: No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth (1/4) of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting safety of the public.

#### **5.86 Golf Recreation District**

Signs shall only be permitted in a Golf Recreational District (GRD) District subject to the following conditions;

A. For a Residential use, the provision of Section 5.81 shall apply.

B. For other Golf Recreational uses, the following provisions shall apply:

1. Only one ground sign is allowed subject to the following conditions;

a. This sign shall be placed so as to provide a setback and side yard of not less than 50 feet. The top of the sign shall not be more than 15 feet above the grade level below the sign. Such sign shall not be more than 5 feet from the base of the actual sign to the top of the actual sign, and shall not contain more than 50 square feet.

b. Signs attached to the primary building may not project toward the street more than 2 feet, may not exceed 5 feet in height from base of the sign to the top of the sign, and may not exceed 50 square feet. The top of such sign shall not extend above the parapet or ridgeline.

c. Signs may be illuminated, but shall be non-flashing, non-moving and non-animated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.

d. Signs must identify or otherwise relate to the primary building or tenants of such building or the use to which such building is placed, and shall not be used for other purposes.

e. Plans for all signs shall be submitted to the Planning Board for approval.

### **5.87 Non-Conforming Signs**

Any non-conforming sign, legally erected prior to the adoption of this Bylaw, may continue to be maintained and repaired. Such a sign shall not be enlarged, reinstated, altered, or the copy and wording thereon may not be changed in any way other than the normal maintenance and repair, unless it is brought into conformity with this Bylaw.

The exemption herein granted is terminated with respect to any sign which:

A. Shall have been abandoned;

B. Advertises or calls attention to any products, business or activities which are no longer carried or sold at the premises;

C. Shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Building Inspector.

### **5.88 Maintenance**

All signs, whether erected before or after the effective date of this Bylaw, shall be maintained in a safe condition and in substantially the same condition when created all to the satisfaction of the Building Inspector.

### **5.89 Contractor's Lawn Signs**

A contractor's lawn sign shall be one sign not exceeding six (6) square feet in area, maintained on the premises while services of a contractor are in process, and containing information identifying the contractor. Such sign shall be removed upon completion of contractor's services.

Only one contractor's sign is allowed on the premises at one time.

### **5.90 Political, Message and/or Non-Profit Event Lawn Signs**

A. Election Signs

Election signs shall be those signs pertaining to a candidate for election or ballot question. Such signs shall be removed within two (2) days after the election or vote. Each sign shall not exceed six (6) square feet in size.

B. Message Signs shall be those signs displaying a political, religious or other non-commercial free speech message other than that allowed under Section 5.81. Each sign shall not exceed six (6) square feet in size.

C. No political sign of any sort shall be placed on town property.

D. Other non-profit message signs, including Tag Sales, shall not exceed 6 sq. ft. in area and must contain a date of the event. Such signs shall be displayed not more than two weeks prior to the event and must be removed within two days after the event.

E. Temporary banners of any size are not permitted unless approved by the Planning Board.

### Proposed By Law Amendments

#### 5.8 SIGNS

A. No exterior or ground sign shall be created, placed, erected, altered or enlarged until ~~a building permit~~ ~~the sign application~~ has been ~~issued~~ ~~approved~~ by the Building ~~Inspector~~ ~~Commissioner~~, subject only to the exceptions in Section 5.81 B, D and E. below.

~~B. All signs requiring building permits in all districts must be approved in writing by the Planning Board before a building permit may be issued by the Building Inspector. (Referred back to Planning Board by Town Council for Public Hearing April 24, 2018)~~

C. No sign shall incorporate or be lighted by flashing or blinking lights, Light Emitting Diode (LED) displays or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical, electrical or computerized motion. All illumination shall have either a source of light from within or exterior to the sign and such exterior lighting shall be limited to white in color. No changeable and/or graphic display is allowed on any sign. These restrictions do not apply to digital clocks and thermometers.

D. See Definitions, Section VIII, including but not limited to the following: (1) Ground sign; (2) sign; (3) sign, area of.

#### 5.81 Residential District

No sign shall be permitted in a Residential District except:

A. A professional nameplate having an area of not more than 144 square inches, in connection with permitted uses.

B. A real estate sign having an area of not more than 10 square feet, advertising the sale, rental or lease of the premises on which they are placed.

C. A church and/or school sign, 20 square feet maximum area.

D. A contractor's lawn sign as outlined in section 5.89.

E. Temporary lawn signs for tag sales, elections or other non-profit social events as outlined in sections 5.89 and 5.90 below.

## **5.82 Commercial District**

Signs shall only be permitted in a Commercial (COM) District subject to the following conditions:

### A. Location and Size:

All permitted signs shall be attached to a primary building. Attached signs may not exceed 5 feet in height nor 30 square feet in area, shall not project toward the street more than 2 feet, and shall not extend vertically above the parapet or ridge line, subject only to the following exceptions;

1. One ground sign not to exceed 15 square feet in area nor exceeding 10 feet above ground, which sign shall comply with the setback and side yard requirements for a primary building;

or

2. A sign for a building directory of occupants or tenants not to exceed 40 square feet;

### B. Number:

1. There shall not be more than one attached building sign per building occupant/commercial use.

2. A commercial building housing more than one occupant/commercial use is entitled to only one ground sign or one tenant directory sign.

### C. Construction:

No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth (1/4) of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting safety of the public.

### D. Illumination:

Signs may be illuminated, but shall be non-flashing, non-moving, and non-animated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property; restrictions that pertain to movement do not apply to digital clocks and thermometers.

E. Signs must identify or otherwise relate to the primary building or tenants in such building, and may not be used for other purposes except that on vacant lots, non-illuminated real estate signs having an area of not more than 20 square feet advertising the sale, rental or lease of the premises on which such signs are located, are permitted;

F. Plans for all signs shall be submitted to the ~~Planning Board~~ **Building Commissioner** for approval.

### **5.83 Business District**

Signs shall only be permitted in the Business (BUS) District subject to the following conditions.

A. Location: All permitted signs shall be attached to a primary building and shall not extend vertically above the parapet or ridgeline, subject to the following conditions.

1. A sign attached to a building shall be securely affixed to one of the walls or a roof of the building. If affixed to a wall, it shall be parallel with and not project more than twelve (12) inches from the face of such wall and shall not project beyond the face of any other wall of the building. If affixed to the roof, it shall be parallel with the front wall of the store and shall not project beyond the face of any wall of the building. No sign, whether affixed to a wall or roof of a building, shall project above the highest line of the main roof of the building.

B. Size:

A sign attached to a building shall not be more in area than three (3) square feet per linear foot of building front. A sign on the exterior wall of the first floor of a building may extend across the full width of the store wall, unless the store occupies the entire first floor of a detached building, in which event the sign may extend across not more than three-fourths (3/4) of the width of the wall. The width of signs of stores occupying other than the first floor of a building shall not exceed three (3) feet. No sign shall exceed 100 square feet in area.

C. Number:

1. Exterior wall signs: There shall not be more than one exterior wall sign for each business except that if the business has a direct customer entrance in a wall other than the business front, there may be a second sign affixed to such wall, and if the store has a wall other than the store front with outside wall fronting on a street, there may be a second sign affixed to such wall, whether or not such wall contains an entrance to the store, provided however, that no store shall have more than two secondary signs, in any event. The area of the secondary sign or signs shall not exceed fifty percent (50%) of the maximum permissible area of the sign on the storefront. In addition to the foregoing sign or signs, there may be one directory of the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. Such directory shall not exceed an area determined on the basis of one-half (1/2) square foot for each occupant or tenant of the building.

2. Ground Signs: Only one ground sign is allowed subject to the following conditions;

a. This sign shall be placed so as to comply with the setback and side yard requirements for a primary building. The top of the sign shall not be more than 20 feet above the mean grade level of the building on the lot on which the sign is placed. Such sign shall not contain more than 50 square feet.

b. During the construction of a building, a ground sign may be erected on the premises identifying the building, the owner, the contractors, the architects or the engineers, but such sign shall not exceed thirty-five (35) square feet in surface area. Such sign shall be removed promptly after the completion of the building.

c. A building housing more than one business is entitled to only one ground sign per the requirements set forth in section 5.83 (2) (a) above. Businesses sharing a common wall are considered to be housed in the same building.

The total area, in aggregate, of all signs, including ground sign, shall not exceed 100 square feet per business use.

**D. Construction:**

No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth (1/4) of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting safety of the public.

**E. Illumination:**

Moving and flashing signs are prohibited. No /red or green/ lights shall be used on any sign if, in the opinion of the Building Inspector, such lights would create a driving hazard. No sign may be illuminated between 12 a.m. and 6 a.m. except signs identifying police or fire stations and such other signs as the ~~Planning Board~~ **Building Commissioner** may specifically authorize to be illuminated at other hours, if the ~~Board~~ **Building Commissioner** finds that the nature of the use of the premises is such that such illumination should be permitted in the public interest. The provisions of this paragraph shall apply not only to exterior signs but also to interior signs that are designed or placed so as to shine through windows or doors of the building. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property. These restrictions do not apply to digital clocks and thermometers.

F. Signs must identify or otherwise relate to the primary building or tenants in such building, and may not be used for other purposes except that on vacant lots, non-illuminated real estate signs having an area of not more than 20 square feet advertising the sale, rental or lease of the premises on which such signs are located, are permitted;

G. Gasoline and/or Compressed Natural Gas (CNG) filling and/or electric charging stations and garages:

1. Gasoline and/or CNG filling and/or electric charging stations and garages are limited to the following signs.

a. They may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building, to which they are entitled as hereinabove provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or departments of the business, provided however, that the total of the area of the separate signs shall not exceed the maximum area permitted under this Bylaw for a single exterior sign on such wall. In addition, one sign conforming with the terms of section 5.83 C. 2., standing, indicating the company whose gasoline is being sold, may be erected of such type, in such location, and in such manner as the ~~Planning Board~~ **Building Commissioner** may permit. The standard type of gasoline pump bearing thereon in usual size and form, the name or type of gasoline and the price thereof shall not be deemed to be in violation of this Bylaw. Temporary or movable signs of any and every type are specifically prohibited.

H. Window Signs:

Signs painted or placed on the inside of the glass of a window shall be permitted, provided that the aggregate area of such signs does not exceed 30 percent of the area of the window glass.

#### **5.84 Industrial District**

Signs shall only be permitted in an Industrial (IND) District subject to the following conditions:

A. Signs must identify or otherwise relate to the primary use of the building or tenants in such building and may not be used for other purposes (except that on vacant lots, non-illuminated real estate signs having an area not more than 35 square feet on which such signs are located is permitted).

B. Signs shall conform to the setback, side yards and rear yard requirements for the Industrial (I) District.

C. Signs may be illuminated, but shall be non-flashing, non-moving and non-animated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.

D. No sign shall have a square footage in excess of five percent (5%) of the square footage of the front elevation of the primary building, but in no case shall the square footage of the sign be required to be less than 100 square feet.

E. No sign shall project more than five (5) feet above the roof level of the primary building.

F. Construction: No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum

depth or projection of one-fourth (1/4) of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting safety of the public.

#### **5.85 Industrial Garden Park District**

Signs shall only be permitted in an Industrial Garden Park (IGP) District subject to the following conditions:

A. Signs must identify or otherwise relate to the primary use of the building or tenants in such building and may not be used for other purposes (except that on vacant lots, non-illuminated real estate signs advertising the sale of the lot on which it is located, and having an area of not more than 20 square feet is permitted).

B. One ground sign shall be allowed to be placed no closer than ten (10) feet from the front property line. The top of the sign shall not be more than 20 feet above the mean grade level of the building on the lot on which the sign is placed. Such sign shall not contain more than 50 square feet and shall be used only to identify or otherwise relate to the primary use of the building or tenants in such a building and no other purpose. One (1) freestanding sign, not exceeding an area of four (4) square feet, located no nearer than ten (10) feet to any street or entrance drive curb, shall be permitted at each entrance drive into a site. Such signs shall not exceed an area of four (4) square feet on any one side and a height of ten (10) feet to the top of the sign measured from the pavement grade of the adjacent entrance drive.

C. Signs may be illuminated, but shall be non-flashing, non-moving and non-animated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.

D. No sign shall have a square footage in excess of five percent (5%) of the square footage of the front elevation of the primary building, but in no case shall the square footage of the sign be more than 100 square feet.

E. No sign shall project more than five (5) feet above the roof level of the primary building.

F. Construction: No sign shall be painted or posted directly on the exterior surface of any wall, including windows and doors. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to a wall of the building. The foregoing, however, shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of one-fourth (1/4) of an inch. The material of the sign and intermediary surface and the manner of affixation of the sign to the intermediary surface and of the intermediary surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting safety of the public.

### **5.86 Golf Recreation District**

Signs shall only be permitted in a Golf Recreational District (GRD) District subject to the following conditions;

A. For a Residential use, the provision of Section 5.81 shall apply.

B. For other Golf Recreational uses, the following provisions shall apply:

1. Only one ground sign is allowed subject to the following conditions;

a. This sign shall be placed so as to provide a setback and side yard of not less than 50 feet. The top of the sign shall not be more than 15 feet above the grade level below the sign. Such sign shall not be more than 5 feet from the base of the actual sign to the top of the actual sign, and shall not contain more than 50 square feet.

b. Signs attached to the primary building may not project toward the street more than 2 feet, may not exceed 5 feet in height from base of the sign to the top of the sign, and may not exceed 50 square feet. The top of such sign shall not extend above the parapet or ridgeline.

c. Signs may be illuminated, but shall be non-flashing, non-moving and non-animated. If lighting is provided, the source of light shall be either from within or exterior to the sign and shielded so as to prevent direct glare from the light source onto any public street or onto any adjacent property.

d. Signs must identify or otherwise relate to the primary building or tenants of such building or the use to which such building is placed, and shall not be used for other purposes.

e. Plans for all signs shall be submitted to the ~~Planning Board~~ **Building Commissioner** for approval.

### **5.87 Non-Conforming Signs**

Any non-conforming sign, legally erected prior to the adoption of this Bylaw, may continue to be maintained and repaired. Such a sign shall not be enlarged, reinstated, altered, or the copy and wording thereon may not be changed in any way other than the normal maintenance and repair, unless it is brought into conformity with this Bylaw.

The exemption herein granted is terminated with respect to any sign which:

A. Shall have been abandoned;

B. Advertises or calls attention to any products, business or activities which are no longer carried or sold at the premises;

C. Shall not have been repaired or properly maintained within 60 days after notice to that effect has been given by the Building Inspector.

### **5.88 Maintenance**

All signs, whether erected before or after the effective date of this Bylaw, shall be maintained in a safe condition and in substantially the same condition when created all to the satisfaction of the Building Inspector.

**5.89 Contractor's Lawn Signs**

A contractor's lawn sign shall be one sign not exceeding six (6) square feet in area, maintained on the premises while services of a contractor are in process, and containing information identifying the contractor. Such sign shall be removed upon completion of contractor's services.

Only one contractor's sign is allowed on the premises at one time.

**5.90 Political, Message and/or Non-Profit Event Lawn Signs**

A. Election Signs

Election signs shall be those signs pertaining to a candidate for election or ballot question. Such signs shall be removed within two (2) days after the election or vote. Each sign shall not exceed six (6) square feet in size.

B. Message Signs shall be those signs displaying a political, religious or other non-commercial free speech message other than that allowed under Section 5.81. Each sign shall not exceed six (6) square feet in size.

C. No political sign of any sort shall be placed on town property.

D. Other non-profit message signs, including Tag Sales, shall not exceed 6 sq. ft. in area and must contain a date of the event. Such signs shall be displayed not more than two weeks prior to the event and must be removed within two days after the event.

E. Temporary banners of any size are not permitted unless approved by the ~~Planning Board~~ **Building Commissioner**.

Respectfully submitted.