

Proposed Sign Bylaw 2022 Annual Town Meeting

ARTICLE X: ZONING BY-LAW SECTION 3500 SIGNS AMENDMENT :

To see if the Town will vote to amend Section 3500, Signs by replacing the Planning Board as the permitting authority to the Building Commissioner. By doing so, the following sections as amended:
3500. SIGNS

3510. Purpose. The purpose of this Section 3500, Signs, is to promote the safety, comfort, and well-being of the user of streets, roads, and highways in Carver; to reduce distractions and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways; to discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and to preserve or enhance town character by requiring new and replacement signage which is compatible with the surroundings, appropriate to the type of activity to which it pertains, expressive of the identity of individual proprietors or of the community as a whole, and appropriately sized in its context, so as to be easily readable.

3520. General Regulations

3521. Permitted Signs. Only signs which refer to a use permitted by the Zoning By-Law or protected by statute are permitted, provided such signs conform to the provisions of this Sign By-Law.

VILLAGE AND AGRICULTURAL/ RESIDENTIAL DISTRICTS#

Sign	Permitted	Max. Number	Max Area	Max Height	Clearance/ Setback
Address*	Yes	1 per building	2 square feet	4 feet	Setback at least 3 feet from right of way
Traffic Flow*	Yes	Unlimited	3 sq. feet per sign	4 feet	
Directory*	Yes	1 per multiple-occupancy commercial building	4 sq. ft. for the name of the building; 2 sq. ft. for each business	5 feet	
Freestanding♣	Yes	1 per single-occupancy commercial building	4 square feet	5 feet	
Marquee/ Canopy	Yes	1 per business	4 square feet; letters may not exceed 12” in height	Lowest point of the roof	10 foot clearance above sidewalk
Monument	No	1 per single-occupancy commercial building or business park			
Wall	Yes	1 per business	10% of wall area	Lowest point of the roof	Shall not project more than 6” from building
Window	Yes	1 per business	30% of the window area		
Individual letters or symbols	No				
TOTAL OF ALL SIGNS		2 per business	8 sq. ft. per business		

Signs for home occupations are subject to the provisions of Sections 2241 and 2242

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GENERAL BUSINESS AND SPRING STREET INNOVATION DISTRICT (SSID)

Sign	Permitted	Max. Number	Max. Area	Max. Height	Clearance/ Setback
Address*	Yes	1 per building	2 sq. feet	4 feet	setback at least 3 feet from right of way
Traffic Flow*	Yes	unlimited	3 sq. ft. per sign	4 feet	
Directory*	Yes	1 per multiple-occupancy commercial building	16 sq. ft. for the name of the building; 2 sq. ft. for each business	10 feet	
Freestanding	Yes	1 per single-occupancy commercial building	10 sq. feet	10 feet	
Marquee/ Canopy	Yes	1 per business	8 sq. feet; letters may not exceed 12” in height	lowest point of roof	10 foot clearance above sidewalk
Monument	Yes	1 per single-occupancy commercial building or business park	10 square feet	4 feet	
Projecting	Yes	1 per business	10 square feet	Bottom sill of the second story window or the lowest point of the roof of a 1 story building	setback at least 2 ft from the curb; 8” clearance above sidewalk; 13” clearance above driveway
Wall	yes	1 per business	10% of wall area	lowest point of the roof	shall not project more than 6” from building
Window	Yes	1 per business	30% of the window area		
Individual letters of symbols	Yes		10% of wall area		shall not project more than 12” from building surface
TOTAL OF ALL SIGNS		2 per business	16 sq. ft. per business		

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HIGHWAY COMMERCIAL/INDUSTRIAL DISTRICTS

Sign	Permitted	Max. Number	Max. Area	Max. Height	Clearance/ Setback
Address*	Yes	1 per building	2 square feet	4 feet	setback at least 3 feet from right of way
Traffic Flow*	Yes	unlimited	3 sq. ft per sign	4 feet	
Directory*	Yes	1 per multiple-occupancy commercial building	16 sq. ft for the name of the building; 2 sq. ft for each business	10 feet	
Freestanding	Yes	1 per single-occupancy commercial building	16 sq. feet	10 feet	
Marquee/ Canopy	Yes	1 per business	8 sq. feet letters may not exceed 12” in height	lowest point of the roof	10 foot clearance above sidewalk
Monument	Yes	1 per single-occupancy commercial building or business park	16 square feet	4 feet	
Projecting	Yes	1 per business	10 square feet	bottom sill of the second story window or the lowest point of the roof of a 1 story building	setback at least 2 ft from the curb; 8’ clearance above sidewalk; 13’ clearance above driveway
Wall	Yes	1 per business	10% of wall area	lowest point of the roof	Shall not project more than 6” from building
Window	Yes	1 per business	30% of the window area		
Individual letters or symbols	Yes		10% of wall area		Shall not project more than 12” from building surface
TOTAL OF ALL SIGNS		2 per business	32 sq. ft per business		

* Shall not count in the total number or area of signs allowed per business.
2 wall signs may be permitted per business where the business has frontage on two streets.

♣ Free standing signs over six feet in height may have no more than two sides; those less than six feet in height may have three or four sides.

The name of the business included within a directory sign will not count as the one sign per business. However, the aggregate area will include both the directory sign and the additional sign permitted per business.

3522. Prohibited Signs

- a. Billboards, streamers, pennants, ribbons, spinners, signs tacked, posted, painted or otherwise attached to utility poles, posts, trees, sidewalks, buildings or curbs, or to motor vehicles and trailers regularly located for fixed display or other similar devices shall not be constructed, posted or erected in any zone; provided, however, that streamers, pennants, ribbons, spinners, or other similar devices may be permitted in conjunction with the grand opening of a business and for twenty (20) days thereafter. Flags and bunting exhibited to commemorate national patriotic holidays, and temporary banner announcing charitable or civic events are exempted from this prohibition.
- b. Flashing signs, signs containing moving parts, and signs containing reflective elements which sparkle or twinkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted provided they meet all other provisions of this By-law.

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- c. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.
- d. Off-premises signs are not permitted in any district, with the exception of directional signs on public property.
- e. Roof signs which project above the highest point of the roof are not permitted in any district.
- f. When visible from a public way, no advertising shall be permitted on storage tanks, vehicles or similar types of containers. This restriction applies to both permanently located and mobile units, and trailers and trucks regularly located for fixed display. This prohibition shall not apply to properly registered vans, panel trucks, or any other business vehicles used on a regular basis on public ways for normal business.
- g. Signs on trees, etc., except for approved subdivision entrance signs or signs warning of danger or prohibiting trespass or the like; no sign shall be painted on or affixed to any tree, fence, utility pole, painted or posted on any wall.
- h. Signs shall be illuminated from the exterior only by a stationary, shielded light directed solely at the sign, without causing glare for motorists, pedestrians or neighboring premises. Signs of the exposed neon or other gas-filled tube type are prohibited. No sign shall be internally illuminated, except those utilizing the “soft-glo” method.
- i. Illuminated features other than approved signs, on the exterior of a building that call attention to the building, product or services available within the building are prohibited.
- j. Individual freestanding signs are not permitted for multiple-occupancy commercial buildings. All information relating to establishments within the building or complex must be contained within one directory sign permitted for the entire premises.

3530. Standards.

3531. Illumination Standards.

- a. Signs shall be illuminated only with steady, stationary light sources directed solely onto the sign without causing glare. Internal illumination is prohibited. Lightbulbs and gas-filled tubes providing external illumination shall be shielded in such a way as to be hidden from view from any point along the roadway or sidewalk.
- b. Strings of bulbs are not permitted, except as part of a holiday celebration; provided, however, that strings of bulbs may be permitted to decorate trees where such display does not interfere with neighboring land uses.
- c. Signs may be illuminated during business hours and for thirty (30) minutes before and after the hours of operation of the business advertised thereon.
- d. No person may erect a sign that constitutes a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.
- e. Decorative neon window signs may be permitted where the ~~Planning Board~~ **Building Commissioner** determines that such window signs are compatible with the building's historic or architectural character in style, scale and color.
- f. Canopies shall not be illuminated from behind in such a way that light shines through canopy material creating the effect of an internally illuminated sign.

3532. Placement Standards.

- a. No person may erect a sign which is affixed to a utility pole, tree, or shrub.
- b. No sign together with any supporting framework shall extend to a height above the maximum building height allowed in the zoning district in which it is located.

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- c. Signs shall not cover architectural details such as, but not limited to arches, sills, moldings, cornices, and transom windows.
- d. Signs for businesses withing the same structure shall be coordinated as to placement, porportion, and format.

3533. **Safety Standards.** No person may erect or maintain a sign which is structurally unsafe; constitutes a hazard to public safety and health by reason of inadequate maintenance, dilapidation or abandonment; obstructs free entrance or exit from a required door, window, or fire escape; obstructs the line of sight of drivers exiting from the property onto the street; obstructs light or air or interferes with proper functioning of the building; or does not conform to the State Building Code.

3534. **Materials Standards.**

- a. Village and Residential Districts: All signs shall be made of wood or metal. If plywood is to be used, it must have exceptionally smooth and weather resistant surfaces, such as those obtained with medium density overlay (MDO) board.
- b. General Business, Highway Commercial, Industrial and Airport Districts: The use of wood or metal signs is highly recommended.

3535. **Color Standards.**

- a. The number of colors shall be limited to three (3), except in the instance of an illustration.
- b. Colors should be chosen to complement the facade color of the building.
- c. Dark backgrounds with light colored lettering are strongly encouraged. Examples of preferred background colors are burgundy red, forest green, chocolate brown, black, charcoal, and navy blue.
- d. "Day Glow" colors are prohibited.

3536. **Measurement of Sign Area.**

- a. Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
- b. For a sign painted on or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building.
- c. For a sign consisting of individual letters or symbols attached to, painted, or carved or engraved on a surface, building wall, or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
- d. The area of supporting framework (for example brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.
- e. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

3537. **Measurement of Height.** The height of any sign shall be measured from the surface of the road up to the highest point of the sign. In situations where a sign is intended to be visible from two roads of different elevations measurement shall be from the surface of the lower roadway.

3538. **Maintenance.** A sign shall be maintained in a secure and safe condition. If the Sign Officer is of the opinion that a sign is not secure, safe, or in good state of repair, written notice of this fact shall be given to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Sign Officer, the Sign Officer may revoke the sign

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permit and take possession of the sign until the owner pays the cost of removal, thus placing the sign owner in violation of the sign bylaw and liable for a fine as specified in Section 3567.

3539. Exceptions. For the purposes of this Section, the term "sign" shall not include:

- a. signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, bylaw or other regulation;
- b. a bulletin board or similar sign not exceeding twenty (20) sq. ft in display area, in connection with any church, museum, library, school, or similar public or semi-public structure, provided that the top of such sign shall not be more than eight (8) feet above ground level and provided that it does not possess any of the characteristics listed in Section 3522 above;
- c. signs relating to trespassing and hunting not exceeding two (2) sq. ft. in area.

3540. Nonconforming Signs. Nonconforming signs and sign structures which were lawfully in existence before the adoption of this bylaw may remain except as qualified below:

3541. Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, or changed in size. Remodeling shall include changes in lettering or symbols due to change in tenancy or ownership of the premises. Changes in directory signs are excepted, and individual portions of a directory sign may be changed as tenancy or ownership dictate.

3542. Nothing in this Sign By-Law shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting and replacement of broken or deteriorated parts of the sign itself. Supporting structures for nonconforming signs may be replaced, providing that such replacement makes structure conforming as to height, setback, and other requirements.

3543. A nonconforming sign or sign structure which is destroyed or damaged by a casualty may be restored within six (6) months after such destruction or damage only after the owner has shown that the damage did not exceed fifty percent (50%) of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty percent (50%), it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming in all respects.

3544. A nonconforming sign or sign structure shall be removed within thirty (30) days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of the building's appraised value.

3550. Additional Regulations For Specific Types Of Signs

3551. Directional Signs on Public Property

- a. Such signs may be allowed with permission of the ~~planning board~~. **Building Commissioner**
- b. Signs shall contain the business name and logo only (logo allowed for seasonal attractions only), with no additional advertising.
- c. Signs shall not exceed 3 sq. ft. and shall not be illuminated.
- d. ~~The Planning Board may formulate additional rules and regulations for such signs, including duration of display, appearance, number of signs allowed per location, fees, etc.~~

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3552. Moveable or Temporary Signs (and/or moveable). Such signs are prohibited except as follows:

Type	Duration	Max. Size	Permit Required
Charitable or Civic Events	Week prior to event	80 square feet	no
Commercial	30 days; twice yearly	32 square feet	yes
Construction	6 months	12 square feet	no
For Sale/Rent/Lease	Till 30 days after sale or lease	6 square feet	no
Grand Opening Banner	21 days	32 square feet	no
Holiday displays: Banners & Bunting	4 separate 30 consecutive day periods in each calendar year	as appropriate(shall consist of cloth, canvas, vinyl or the like)	no
Political - unlighted	30 days prior; 7 days after election *	6 square feet	no
Yard Sale	5 days prior	2 square feet	no

* signs erected for a primary election may remain up through the final election

3553. Projecting Signs

- a. Such sign shall be hung at right angles to the building and shall not project closer than two (2) feet to the curb line.
- b. The supporting framework shall be in proportion to the size of such sign.
- c. No such sign shall overhang a public way travelled by vehicles of any kind.
- d. The top of the sign may be suspended in line with one of the following, whichever is the most successful application of scale, linear continuity, and visibility as determined by the sign officer:
 - 1. Suspended between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or
 - 2. The lowest point of the roof of a one story building.
- e. Projecting signs shall have a minimum clearance of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. If projecting over a driveway, the clearance must be at least thirteen (13) feet.

3554. Public Service Signs

- a. Such signs necessary for public safety and convenience shall not exceed two (2) sq. ft.
- b. Such signs shall bear no advertising.
- c. Such signs are not included in computing total sign area allowed.

3560. Administration

3561. Sign Permits

- a. No sign shall be erected, displayed, altered or enlarged until an application has been filed, and until a permit for such action has been issued by the ~~Planning Board~~. **Building Commissioner**Applications may be filed by the owner of the land or building, or any person who has the authority to erect a sign on the premises, and shall be on forms prescribed by the ~~Planning Board~~. **Building Commissioner** At a minimum, all applications shall include a scale

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drawing specifying dimensions, materials, illumination, letter sizes, color, support systems, and location on land or buildings with all relevant measurements. Permits shall be issued only if the ~~Planning Board~~ **Building Commissioner** determines that the sign complies or will comply with all applicable provisions of this Sign By-Law.

- b. ~~The Planning Board shall act within 30 days of receipt of such application together with the required fee. The Planning Board's action or failure to act may be appealed to Superior Court within sixty (60) days after the expiration of said 30 day period.~~
- c. ~~After the Planning Board has issued a sign permit, a copy of the permit shall be transmitted to the Building Inspector, who shall assign a registration number to the sign, issue a building permit if required, and monitor compliance with the terms of the permit.~~

3562. Fees. A schedule of fees of such permits may be established and amended from time to time by the ~~Planning Board~~ **Building Commissioner**

3563. Duration of Permits. The ~~Planning Board~~ **Building Commissioner** may limit the duration of any sign permit and may condition said permit upon continued ownership or operation of the business advertised upon the sign.

3564. Enforcement. The Zoning Enforcement Officer is hereby designated as the Sign Officer, and is hereby authorized to enforce this bylaw. The Sign Officer is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous, or in disrepair or which is erected or maintained contrary to this bylaw.

3565. Removal of Signs. Any sign which has been ordered removed by the Sign Officer, or which is abandoned or discontinued, shall be removed by the person, firm, or corporation responsible for the sign within thirty (30) days of written notice to remove. Any sign not removed within the time limit shall be deemed a public nuisance, and shall be removed by the Town of Carver. The cost of said removal shall be borne by the sign and/or property owner and may be recovered by the Town, if necessary, in an action in the appropriate court. A sign or structure removed by the Town shall be held for not less than thirty (30) days by the Town during which period it may be recovered by the owner upon payment to the Town of the cost of removal and storage, and upon payment of any fine which may have been imposed. If not recovered within said thirty (30) day period, the sign or structure shall be deemed abandoned and title thereto shall be vested in the Town for disposal in any manner permitted by law.

3566. Penalties. Violation of any provision of this bylaw or any lawful order of the Sign Officer shall be subject to a fine of not more than \$300.00 per offense. Each day that such violation continues shall constitute a separate offense.

~~3570. Special Permit to Exceed Dimensional and Lighting Requirements for Signs. The Carver Planning Board, acting as the Special Permit Granting Authority, may issue a Special Permit to exceed the number and size of signs and to allow "internally lit" signs within the HC, BG, V, GBP, IC, IA, IB and AP zoning districts. The Board's decision shall be based upon the following criteria:~~

~~3571. Signs are compatible with surrounding Neighborhood.~~

~~3572. Signs are not considered visual pollution.~~

~~3573. There is no obstruction to traffic, and or public safety.~~

~~3574. Amount and number of signs will be of a benefit to the community as a whole.~~

- ~~1. Planning Board may also provide for other conditions that it deems necessary.~~

BUILDING COMMISSIONER

***INFORMATIONAL SUMMARY:** The purpose for this change is to give the applicant more flexibility for attaining a sign permit. The applicant would need to file a building permit application with the Building Department and not have to wait for a Planning Board meeting that may happen twice a month. Also this would give the Planning Board more time for the planning duties that they are required to do. At their meeting on 11-23- 21, the Planning Board agreed to support this change.*

(2/3 Vote Required)

