

EXISTING ZONING BYLAW

ARTICLE 9 SIGNS (amended 1/29/07)

9.1 PURPOSE

The purpose of this article of the Zoning Bylaw is to:

1. Preserve the character of the community while allowing all residents and businesses their constitutional right to freedom of speech;
2. Protect the public health, safety, convenience, comfort, and general welfare.
3. Permit only signs that do not constitute a hazard to public safety or create a nuisance either by their location, their appearance, their message or their condition;
4. Provide Winchendon businesses an opportunity to promote themselves as well as the goods and services they offer in order to enhance their viability and profitability;
5. Permit commercial signs appropriate to each business with reasonable consideration of aesthetics, lot size, building size, the type of traffic, nearby signs, and nearby land uses; (SEE FIGURE A.9.1)
6. Enhance the scenic and natural beauty of Winchendon and its visual environment by reducing the hazards, distractions, and visual clutter common with signs; and by creating a more aesthetically pleasing community;
7. Enhance the overall property values by encouraging signs that have appropriate size, quantity, clarity and innovation;
8. Provide guidance to businesses and residents to design signage that is attractive, positive and purposeful.

9.2 GENERAL PROVISIONS

9.2.1 A sign shall be designed, erected, altered, reconstructed, moved and maintained in accordance with the provisions of this section unless specifically modified by another section of this section of this Zoning Bylaw.(SEE FIGURE A.9.2)

- A. The Building Commissioner may require design changes for any sign or decline to issue a building permit if he determines the sign would be inappropriate as measured by the purposes of this bylaw. His decision shall be subject to appeal as is provided in Chapter 40A, section 8 of the Massachusetts General Laws.
- B. Permits Required: A building permit shall be required for the construction, erection, relocation or alteration of any sign except as specifically exempted by this section. A sign shall comply with all applicable zoning, building, electrical and fire codes.
- C. Maintenance of Signs: Every sign, whether requiring a permit or not, shall be maintained in a safe, presentable and structurally sound condition at all times, including the replacement of defective parts and painting and cleaning of said sign.
- D. Removal of Dangerous or Defective Signs: The Building Commissioner may immediately remove or cause to be removed any sign deemed to be defective and/or to be a danger to public health or safety. The costs of said removal shall be charged to the owner of the property where said sign is located.
- E. Removal of unlawful signs in the Public Right of Way: The Building Commissioner may remove or cause to be removed any unlawful sign located in the public right of way. Fines per sign may be levied against the owner of said sign(s) under the provisions of Chapter 40 Section 21D of the Massachusetts General Laws.
- F. Commercial messages: Except as otherwise permitted, all information conveyed by any sign shall pertain to the premises on which the sign is located.

9.3 TEMPORARY SIGNS

A temporary sign refers to a small sign that is usually stuck by hand in the ground, is meant to provide information of temporary significance and is removed shortly after the period of significance has passed. Such a sign does not usually require a permit or inspection. Larger signs and those intended for posting for longer periods can become dangerous if they are not more structurally sound than are traditionally found in temporary signs and hence are reviewed by the building inspector for structural integrity.

9.3.1 Display of Temporary Signs: Temporary signs as permitted by these Zoning Bylaws may be erected for a period not to exceed 60 days, except as otherwise provided in these Zoning Bylaws. Signs related to an event or period of time (e.g. festival...) shall be posted no more than thirty (30) days prior to said event or period and shall be removed within forty-eight (48) hours of the completion of said event or period. Extensions to this limitation may be granted by the Building Commissioner upon application and demonstration of reasonable justification, proof of safety and structural integrity by the agent or owner of the temporary sign.

9.3.2 Temporary signs may not exceed six (6) square feet in size without a permit. They may not be directly illuminated internally or externally in any zone. Temporary signs larger than six (6) square feet are permitted in zones that allow for larger signs, but these require a permit from the building inspector to ensure safety and structural integrity. These shall conform to the size and height requirements of the zone in which they are located. No signs may be posted on utility poles or trees in a public way.

9.3.3 Temporary Sign(s) allowed by this bylaw are listed below. Up to two (2) temporary signs shall be permitted per lot subject to the following requirements:

- A. Signs displaying information which pertain only the "For Sale", "For Rent", "For Lease" status of the premises on which the sign is located.
- B. Pertains to future use status of property under construction.
- C. Local activity advertising of a temporary nature (e.g. yard sales, sales, reunions).
- D. Political signs referring to an election or town meeting.
- E. Portable signs (e.g. unattached, not stuck in ground, on wheels – cf. Appendix A.9.1) are permitted to announce special events. These shall be considered temporary signs, shall require a permit, and must comply with stated zoning requirements for the zone in which they are located. Portable signs must be located on the premises of the sponsoring organization or at the location of the special event.

9.4 SIGNS PERMITTED IN ALL ZONES

9.4.1 The following signs are permitted in all zones and do not require a permit.

- A. Temporary or permanent signs, including banners, erected and maintained by the Town, County, State or Federal Government for traffic direction, direction to or identification of an historic site or structure, government facility or event as approved by the Board of Selectmen.
- B. Any privately posted sign, not to exceed two square feet and posted on private property, giving warning or notice e.g. No Trespassing, Beware of Dog, No Hunting Allowed.
- C. Markers indicating the street number of each numbered building as required by general bylaw are allowed.
- D. Flags, emblems and insignias of national, state or local political subdivisions.
- E. Name and/or address descriptions mounted to the front of a building, lamp post or similar post in the front yard of the building not to exceed (2) two square feet in area.
- F. Flags which are considered to be home flags that are placed to show spirit, pride or some type of seasonal activity.
- G. Flags which advertise that an organization is open for activity such as "open" or "welcome" flags.

- H. Signs located within a property that are situated in such a manner to only be visible to persons on said property and not beyond the property lines.

9.5 SIGNS PROHIBITED IN ALL ZONES

1. Abandoned signs
2. Billboard and off premise signs with the exception of those permitted by this bylaw.
3. Beacons and searchlights, except for emergency health and safety purposes;
4. Blinking, flashing, intermittent lighted, moving, animated or rotating signs including electronic message center signs;
5. Roof signs which extend above or beyond the roof line;
6. Signs on public property attached to any tree, utility pole or fence;
7. Any sign or other feature that may constitute a traffic hazard or a detriment to public safety or may be confused with a traffic control signal or device or the light of an emergency or road equipment vehicle;
8. Signs painted directly onto buildings, rocks, trees or the ground, with the exception of the demarcation of parking spaces reserved for the disabled;
9. Signs which make use of words, symbols or characters in such a manner as to interfere with, mislead or confuse vehicular or pedestrian traffic;
10. Signs or parts thereof that are erected within or above a public right of way, except as may be permitted by the Board of Selectmen;
11. Spinning devices or strings of spinning devices. (pennants or other moveable distractions to motorists)

9.6 SPECIFICATIONS APPLYING TO ALL SIGNS

9.6.1 Projecting signs shall be mounted or installed with a minimum clearance of (9) nine feet above the ground under the sign. The maximum height of a projecting sign shall be (15) fifteen feet above ground.

9.6.2 A wall sign shall not extend more than twelve inches from the wall of the building to which it is mounted, shall not extend beyond the limits of the wall to which it is attached, and shall have hidden structural supports.

9.6.3 Sign Spacing Requirements: No ground, pole or projecting sign shall be located within (50) fifty feet of another ground, pole or projecting sign.

9.6.4 Where a sign is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb to prevent the encroachment of vehicles shall be required.

9.6.5 Awning signs may not be illuminated internally or externally.

9.6.6 The equivalent area of any sign which has a reflective colored type message, lettering in more than two colors, or a background color other than white, black, or a dark color shall be two times its actual area. (SEE EXAMPLE A.9.6.6)

9.6.7 The area of a sign consisting of illuminated neon tubing or signs having an appearance similar to illuminated neon tubing, regardless of color, shall be calculated as twice the actual area. (SEE EXAMPLE A.9.6.7)

9.6.8 In those instances where a sign is not a separate physical object, the size of the sign shall be that of a common geometrical shape that fully encloses the message and artwork, if any, that comprises the sign.

9.6.9 Posts or brackets supporting a sign shall not be regarded as part of the sign unless the posts or brackets contain lettering or are decorated so as to attract attention to the sign.

9.6.10 Two face signs which are mounted perpendicular to the street from which they are primarily visible and have the same or similar message on each side shall be regarded as one sign.

9.6.11 Ground signs shall not be allowed on any lot with less than (50) fifty feet of frontage on a public right of way.

9.6.12 Window signs are allowed and calculated at the same rate as wall signs.

9.7 LANDSCAPE REQUIREMENTS

9.7.1 A permanent ground or pole sign shall require a single continuous landscaped area to be maintained beneath the sign in accordance with the following standards:

- A. The minimum landscaped area shall be equal to the area of the sign face.
- B. The landscaped area shall include all points where sign structural supports attach to the ground.
- C. Where the required landscaping area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb to prevent the encroachment of vehicles shall be required.
- D. The landscaped area shall contain living plantings aesthetically located and maintained.

9.8 OFF PREMISES DIRECTIONAL SIGNS

- A. Off premises signs directing persons to a specific business at another location may be allowed in all zones.
- B. Such signs shall not be greater than two square feet in area and shall not be illuminated. The maximum height shall not be greater than that allowed for a ground sign in the zone in which it is located.
- C. Not more than three such directional signs per business may be allowed directing persons to a particular business location.
- D. Whether to allow such sign(s), the location(s) thereof, and the content of the sign(s) shall be at the discretion of the Building Commissioner subject to appeal to the Board of Appeals. The decision shall be made on the basis of a demonstrated need for the sign(s) and the appropriateness of the proposed location(s).
- E. An off premise directory sign located within the right of way of a street or immediately adjacent thereto will be allowed when that street is the principal access to one or more commercial properties. Such sign shall be included in the basic sign area for the property to which it relates. The area of such sign shall be no more than thirty two (32) square feet. Only one such sign may be located within fifty (50) feet of any intersection.
- F. Permits are required for such signs.

9.9 SIGNS IN RESIDENTIAL ZONES

- A. Permanent signs may be externally illuminated with a white light during business hours. Lighting is limited to the sign face only and shall not exceed sign face area.
- B. Each dwelling unit that has a separate outside entrance may have one sign of not more than one square foot. This may be a wall sign, hanging sign or projecting sign. No such sign shall be more than 10 feet above the street level.
- C. Each home based business may have one or more signs with a total area of not more than six square feet: Wall signs, ground signs, pole signs, projecting signs, and hanging signs are allowed. The highest point of any such sign shall not be greater than ten feet above ground level.
- D. When a use other than a residence or home based business is allowed in a residence zone; either by right, by special permit, or as a non conforming use; it may have signs as allowed under section 9.10, for businesses in the PD zone, provided that any buffers required by section 7.1.2 are in place.
- E. Permanent subdivision signs may be erected subject to the following requirements:
 - 1. One (1) ground sign may be erected at each major entrance to a subdivision.
 - 2. The sign face shall not exceed (16) sixteen square feet in sign area and (6) six feet in height.
 - 3. Each sign base shall be landscaped in an area equal to the total sign area.
 - 4. Each sign may be externally illuminated by white light, provided that the illumination does not extend beyond the face of said sign
 - 5. A permit shall be required for each approved sign allowed under this subsection.
 - 6.
- F. Temporary signs are allowed as provided in section 9.3 but the area of such signs is limited to six square feet.

9.10 SIGNS ALLOWED IN THE C-2 & PD DISTRICTS

9.10.1 Ground signs shall be allowed as follows:

- A. Only one (1) sign shall be permitted on each premises. Alternately, two single face ground signs may be situated at the main entrance of a development, provided that each face does not exceed the maximum dimensions allowed by this subsection.
- B. The sign height shall not exceed (8) eight feet.
- C. The allowed sign area shall not exceed one (1) square foot of sign area per ten (10) linear feet of lot frontage and not exceed a total of thirty-two (32) square feet in sign face area and sixty-four (64) square feet in sign area.

9.10.2 Wall signs shall be allowed as follows:

- A. Wall signs shall not exceed eight (8) square feet in sign face area.
- B. The aggregate area of signs on any single building shall not exceed forty (40) square feet in sign area.
- C. Temporary signs may be allowed in accordance with section 9.3
- D. Signs may be externally illuminated with white light. Illumination shall be limited to sign face only and not extend beyond the sign area.

- E. On a premises where non-residential tenants occupy upper floors, business plaques may be displayed at each major entrance up to a maximum of six (6) square feet of sign area at each entrance, identifying said tenants.
- F. All permanent signs require building permits.

9.10.3 Projecting Signs shall be allowed as follows:

- A. Projecting signs, where used, shall be mounted or installed at a minimum of nine (9) feet above the surrounding ground level and shall not extend within twenty-four (24) inches of the curb line of any street.

9.11 SIGNS ALLOWED IN C-1 & I DISTRICTS

9.11.1 All permanent signs may be illuminated.

9.11.2 No sign or lighting for said sign shall be located in such a manner as to be viewed from residential used or zoned property.

9.11.3 Permanent pole signs shall be permitted as follows: (SEE EXAMPLE A.9.11)

- A. Only one (1) pole sign shall be allowed on a premise.
- B. The pole sign shall not exceed one-half (1/2) square foot of sign area per one (1) linear foot of lot frontage and not exceed sixty-four (64) square feet in sign face.
- C. If pole sign is located in an area where the speed limit is greater than 40mph, the sign area may be increased by 50% not to exceed (96) square feet.
- D. Pole signs shall be a maximum height of twenty (20) feet at the street right-of way line and for each additional five (5) feet of sign set-back, one (1) foot may be added in sign height not to exceed total sign height of thirty (30) feet.

9.11.4 Permanent wall or projecting signs shall be permitted as follows:

- A. There is no restriction on the number of wall signs permitted per premise, however, the total area of all wall signs shall not exceed one and one-half (1 ½) square feet of sign area per one (1) linear foot of building frontage.
- B. Projecting signs shall not exceed twelve (12) square feet in total sign face.

9.11.5 Temporary signs shall be allowed in accordance with Section 9.3.

9.12 NONCONFORMING SIGNS

Signs legally existing at the time of adoption of this bylaw may continue as a nonconforming use subject to the provisions of Section 6.2.4.

FIGURE A.8.7 – Stacking spaces – see Section 8.7

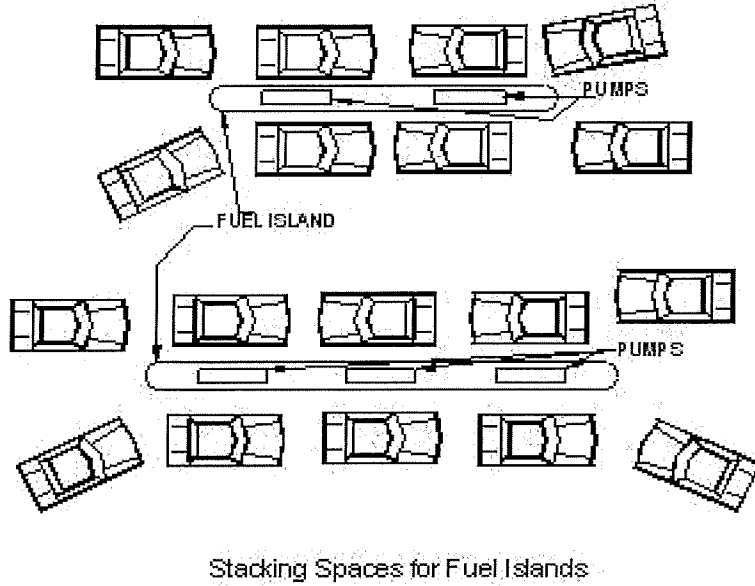


Figure A.9.1 – Sign Types and Locations – Articles 9

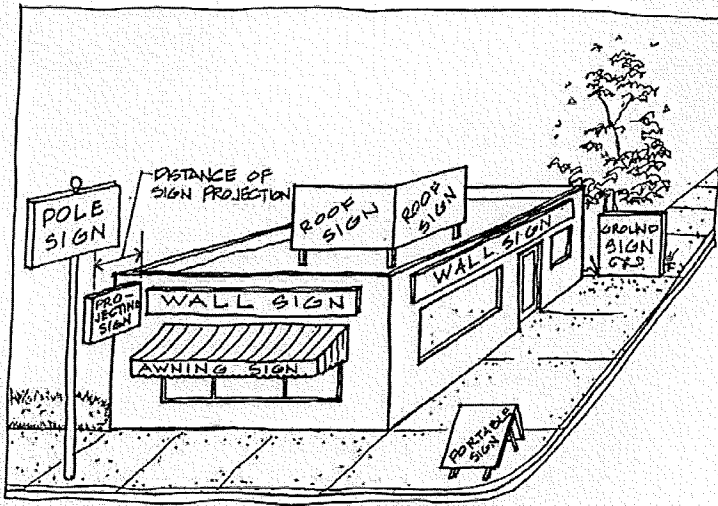
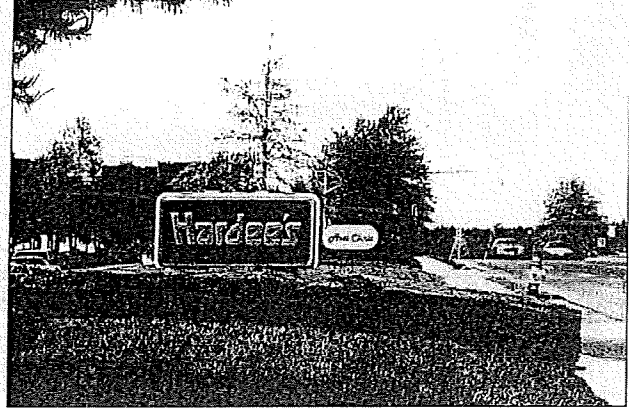


Figure: Sign Locations & Examples

Figure A.9.2 – Preferred and Avoided Signs – See Article 9.

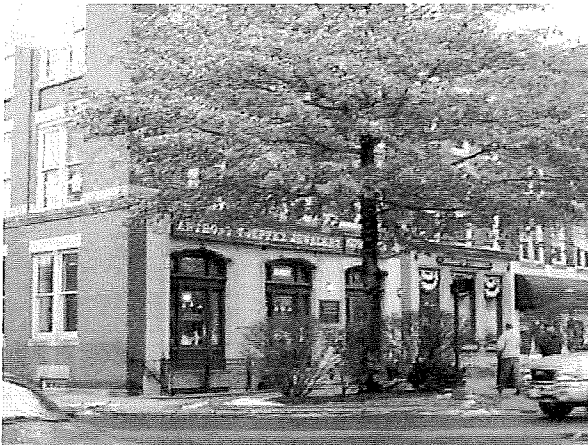
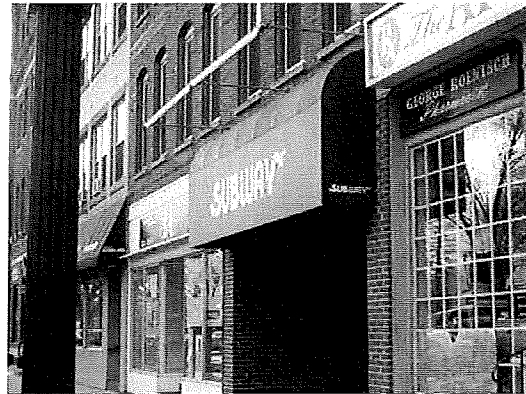


To Be Avoided

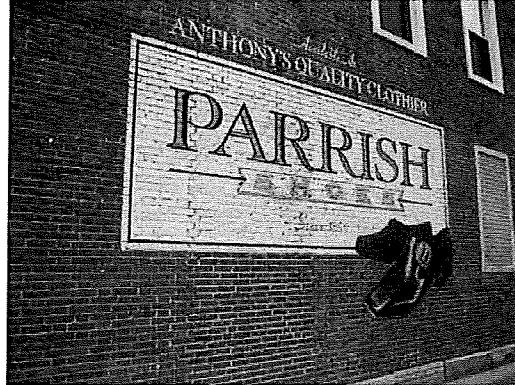


Preferred

Other Preferred signs



Signs to Avoid



Preferred Big Box Design and Signage

Better Models for Big Box Retailers



To Avoid



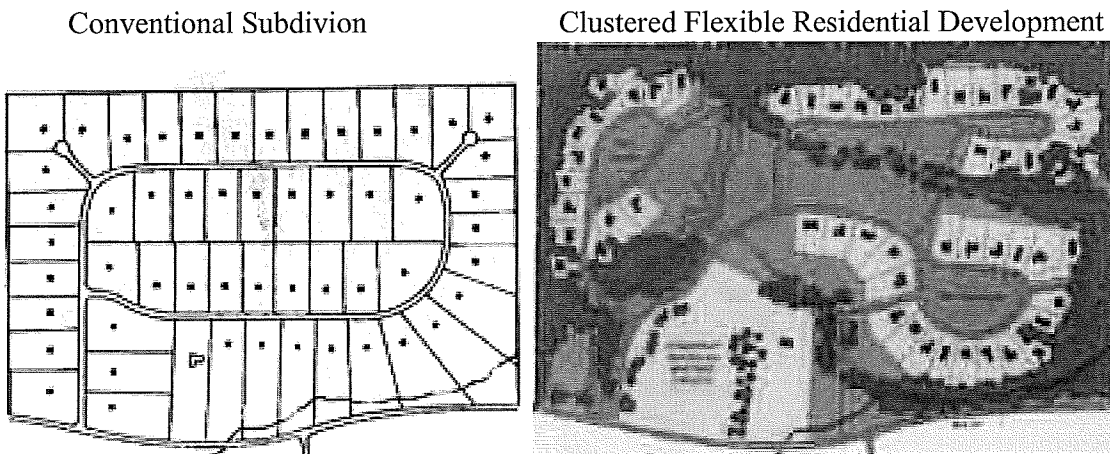
Preferred

Example A.9.6.6 and A.9.6.7 – Let us assume an applicant wants a sign for a PD zone. S/he has 80 feet of frontage such that 80/10 or 8sqft is allowed for the sign. If the applicant wants reflective coloring or illuminated neon, that would reduce the allowable sign face area to 4sqft (e.g. 1ft x 4ft).

Example A.9.11 – Let us assume an applicant wants a sign for the C1 zone. S/he has 200ft of frontage on a 50mph road and would like a pole sign and they do not have the Gateway Overlay restrictions. The applicant can have $200/2$ or 100sqft, which is greater than 64, or a 64sqft sign. As the speed is greater than 40mph, the sign can be increased to 1.5×64 or 96sqft on a pole sign no more than 30ft high as it would be greater than 50 back from the road. If they had the Gateway Overlay restrictions they would not be allowed more than 64sqft, as the sign would not be visible from the high speed road.

Let us say the applicant wants a wall sign, too and has 100ft of building frontage, then s/he is allowed a total area of wall sign of no more than 1.5×100 or 150sqft (e.g. 1 25 x 5ft sign in front and a 5 x 5ft sign at the side entrance).

Figure A.11 – Cluster/Flexible development – see Article 11



EXAMPLE A.11.6 – Let us assume we had a lot of 120 acres. A conventional subdivision on an R80 lot might allow 50 subdivided lots $120/(1.2 \times 2)$. A density bonus of up to 7 additional dwelling units might be allowed if the developer pursued a flexible residential development pattern.