

ARTICLE ZD (2012ATM) #
(Two-thirds vote)

**AMEND ZONING BYLAW –
SIGNS & ADVERTISING DEVICES**

To see if the Town will vote to amend the Zoning Bylaw, Section 7 (Signs and Advertising Devices) as follows:

- A. In section 7.2 – Definitions, insert a new sub-section 7.2.11 as stated below and renumber current sub-sections 7.2.11 through 7.2.17 to 7.2.12 through 7.2.18 respectively:

7.2.11 LED SIGN – A SIGN that features light emitting diodes arranged in a pattern to create pictures, symbols or letters.

In section 7.4.3.4 dealing internal or quasi-internal illumination of signs, replace in sub-section a) the words “NEON SIGNS” with “NEON or LED SIGNS”;

In section 7.5.16 dealing with window signs, replace the words “NEON SIGN” with “NEON or LED SIGN”;

Throughout section 7.5.17 dealing with neon window signs, replace the words “NEON WINDOW SIGN” and “NEON WINDOW SIGNS” with “NEON or LED WINDOW SIGN” and “NEON or LED WINDOW SIGNS” respectively; and

In section 7.13 dealing with signs requiring a special permit from the Planning Board, delete sub-section 7.13.1.6, and replace it with the following:

7.13.1.6 Except in the Village Districts, a NEON or LED SIGN to be ERECTED on a LOT in place of a SIGN otherwise permitted, provided it features an individualized, custom made design showing only a drawing, logo, symbol or illustration, but not letters. A NEON or LED SIGN hereunder shall comply with all applicable dimensional standards. A NEON SIGN shall be composed of primarily single strand glass tubing with a maximum 1 inch diameter, and an LED SIGN shall to the largest degree possible resemble such a NEON SIGN.

[Note - Section 7.13.1.6 currently reads:

7.13.1.6 Except in the Village Districts, a NEON SIGN to be ERECTED on a LOT in place of a SIGN otherwise permitted, provided it features an individualized, custom made design showing only a drawing, logo, symbol or illustration, but not letters. A NEON SIGN hereunder shall comply with all applicable dimensional standards. It shall be composed of primarily single strand glass tubing with a maximum 1 inch diameter.]

- B. In section 7.2 – Definitions, insert a new sub-section 7.2.19 as follows:

7.2.19 SPECIAL EVENT SIGN – A temporary SIGN to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event; and

Change to upper case the words “Special Event Sign(s)” wherever they occur in the zoning bylaw.

- C. In section 7.3 – Signs Prohibited in All Districts, delete section 7.3.8 and replace it with the following:

7.3.8 Where this Bylaw requires minimum side or rear yards for BUILDINGS AND STRUCTURES, any FREESTANDING SIGN ERECTED in such minimum yard, unless such SIGN is a directional SIGN listed in Section 7.5.3.

[Note - Section 7.3.8 currently reads:

7.3.8 Any SIGN ERECTED in a side or rear yard required under this Bylaw unless such

SIGN is affixed to an existing BUILDING, or unless such SIGN is a directional SIGN listed in Section 7.5.3.]

D. Delete section 7.4.3.8 and replace it with the following:

7.4.3.8 Where possible, the light fixtures used for SIGN illumination should classify as "energy efficient", as defined by the power utility company serving the LOT.

[Note – Section 7.4.3.8 currently reads:

Light fixtures including bulbs or tubes used for SIGN illumination should be selected and positioned to achieve the desired brightness of the SIGN with the minimum possible wattage while ensuring compliance with all applicable requirements of this Bylaw. Where possible, the fixtures used for SIGN illumination should classify as "energy efficient", as defined by the power utility company serving the LOT.]

E. In section 7.6.2, Time Limitations for SIGN Permit, change the words “60 days” and “60 day” to “45 days” and “45 day” respectively.

[Note – Section 7.6.2 currently reads:

7.6.2 Time Limitations – The Zoning Enforcement Officer shall approve or disapprove any application for a SIGN Permit within 60 days of receipt of the application. If the Zoning Enforcement Officer should fail to approve or disapprove an application for a SIGN Permit within such 60 day period, the application shall be deemed to be approved.]

F. In section 7.10, Special Even Signs, delete the last sentence.

[Note – Section 7.10 currently reads:

Special Event SIGNS – One SIGN may be ERECTED to announce a church bazaar, fair, circus, festival, business or shop opening, special sale by a store or business, or similar event. Such SIGN may identify the event and the date of the event, and it may display the event's sponsor, organizer or main feature. It shall not exceed 10 square feet in DISPLAY AREA and shall be ERECTED on the same LOT where the event is to occur. Such a SIGN shall neither be ERECTED on a sidewalk, walkway or driveway, nor be ERECTED within 5 feet from the sideline of a STREET or right of way customarily used by the general public. Such SIGN shall not be illuminated and shall comply with the provisions of Sections 7.3 and 7.4, except as set forth in this section. Notwithstanding subsections 7.3.4, 7.3.6, and 7.4.1, a Special Event SIGN may be a MOVABLE SIGN, may consist of a flag or balloon, may be decorated with ribbons, flags, streamers or balloons which remain reasonably within the confines of the SIGN, and in Village Districts may be made with materials not otherwise allowed. Such a SIGN shall be removed not later than 1 day after completion of the event. Only one such SIGN shall be ERECTED per PRINCIPAL USE at any given time. The display of all such SIGNS, taken together, shall be limited to 45 days per PRINCIPAL USE for each calendar year. No Special Event Signs shall be erected without a SIGN permit issued by the office of the Zoning Enforcement Officer pursuant to section 7.6, which may be a blanket SIGN permit that covers all special event SIGNS for a PRINCIPAL USE for up to one calendar year. The SIGN permit shall state the specific dates during which the Special Event SIGN may be ERECTED and the specific location on a LOT. The SIGN owner shall maintain records throughout the calendar year sufficient to demonstrate compliance with this section including without limitation dated photographs confirming when each Special Event SIGN was ERECTED and removed.]

G. Insert a new section 7.14 as follows:

7.14 Notwithstanding Section 11 of this Bylaw or any other Town of Acton Bylaw, the fine for violating this Section 7 or any of its subsections shall be punishable by a fine of \$50.00 to \$300.00 for each offense, whereby each day that such violation continues shall constitute a separate offense.

, or take any other action relative thereto.

SUMMARY

This article makes changes the provisions regulating signs and advertising devices as recommended to the Planning Board by the Economic Development Committee.

Part A would allow LED signs in the same manner that Neon signs are allowed.

Part B would provide a definition for Special Even Signs, which are further regulated in Section 7.10.

Part C clarifies the meaning of section 7.3.8 without intending to change its effect and application, which is to prohibit freestanding signs in the minimum required side and rear yard.

Part D would shorten section 7.4.3.8 to its essential point encouraging the use of energy efficient light fixtures.

Part E would shorten the maximum time frame for the issuance of administrative sign permits from 60 days to 45 days.

Part F would delete the owner's record keeping requirement pertaining to their use of special event signs.

Part G would establish a range of \$50.00 to \$300.00 for fines issued for violations of the sign regulations in Section 7, whereas the fines for other zoning bylaw violations are fixed at \$300.00.

Direct inquiries to: Roland Bartl, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned:

Board of Selectmen:

Finance Committee:

Planning Board:

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