

PROPOSED AMENDMENT TO CHAPTER 196 – SIGN 2015 SEP 23 AM 11:42

FILED WITH THE TOWN CLERK ON SEPTEMBER 23, 2015

[HISTORY: Adopted by the Annual Town Meeting of the Town of Groton 10-18-2010 by Art. 15.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Historic Districts — See Ch. 153.

Zoning — See Ch. 218.

§ 196-1. Purpose and intent.

The purpose and intent of this bylaw shall be to assure that all signs be appropriate to the land, building or use to which they are appurtenant; be protective of property values and the safety of the public; and not unnecessarily detract from the historic qualities and characteristics of the Town of Groton.

§ 196-2. Permit requirements.

- A. General. No sign shall be erected, altered or relocated without a permit issued by the Land Use Department. Where multiple signs are to be attached to a building, the exact location of the signs on the building shall be subject to approval by the Land Use Department at the time the permit is issued, unless the sign is located in a Historic District or unless the sign permit is being issued pursuant to a decision of the Sign Committee or Planning Board.
- B. Applications. The applicant must submit to the Land Use Department a completed sign permit application, together with all supporting materials specifying building and sign dimensions, colors, attachment methods, position of the sign, and any other such pertinent information the Land Use Department may require to ensure compliance with this bylaw and any other applicable laws. Permit applications will be reviewed and acted upon as follows:
 - (1) The Planning Board shall review permit applications for signs associated with a project under site plan review.
 - (2) The Land Use Department shall review permit applications for replacement signs, Main Street banners, and temporary signs.
 - (3) The Historic District Commission shall review permit applications for all signs in the Historic Districts, including temporary signs as specified in §196-9 .
 - (4) The Sign Committee, appointed annually by the Town Manager, shall review all other permit applications.

1. Editor's Note: This Article also repealed former Ch. 196, Signs, adopted as amended in its entirety 4-24-1995 ATM, Art. 35.

- C. Fees. Fees for sign permits shall be paid in accordance with the schedule of fees established by the Town Manager.
- D. Nullification; extension. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months from the date of the permit provided. For all sign permits, the Land Use Department may, in its discretion, issue extensions covering a period not to exceed one year from the date of issue of the original permit.
- E. (Reserved)
- F. Compatibility with neighborhood and building context.

Signs shall be visually compatible with the building, neighboring buildings, and the character of the neighborhood or district in which they are located. Signs shall be carefully located to avoid obscuring important architectural building features, property sightlines, and views.

Sign material(s), scale, coloring, and details should be compatible with the structure or context with which they are associated.

Any sign mounted to a building shall be in a location suitable for that particular sign. The scale and proportions of the sign shall be compatible with the surrounding building elements, and the materials shall be compatible with surrounding materials. Sign attachment shall be accomplished in such a manner that when the sign is removed, there is no permanent damage to the building or important architectural features.

Relocation of an existing, authorized sign to a new location requires review and approval. A sign which may have been well integrated with its previous location may not necessarily fit as well in a new location.

If lighting is proposed, it shall be placed appropriately given the location with a minimum of wattage and ambient light. All lighting shall comply with the International Dark Sky Association (IDA) "fixture seal of approval" program certification standards.

- G. Inspection. Any sign may be inspected periodically by the Land Use Department for compliance with this bylaw. All signs and other advertising structures, together with all their supports, braces, hooks, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. Within 10 days of notice of noncompliance, the owner must take steps to correct the same.
- H. Removal of existing signs.
 - (1) Conforming signs may remain until and unless they violate this bylaw.
 - (2) Nonconforming signs, which predate adoption of this bylaw, shall be subject to a permit requirement for any enlargement, redesign, replacement, or alteration in any way, including repainting in a different color.

§ 196-3. Administration and penalties.

- A. Enforcement. The Land Use Department is hereby authorized and directed to enforce all of the provisions of this bylaw. The Land Use Department, in conjunction with the Sign Committee, Planning Board, and Historic District Commission, may issue regulations and guidelines as necessary to implement the provisions of this bylaw.
- B. Removal of signs. The Land Use Department shall order the removal of any sign erected or maintained in violation of this bylaw. Fourteen (14) calendar days' notice, in writing, shall be given to the owner of such sign, or of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance with the bylaw. If the owner fails to come into compliance, the Land Use Department shall issue a second written notice and a noncriminal citation in accordance with Chapter 1 of the Groton Code. If, after five days, the owner continues to fail to come into compliance, the bylaw may be enforced through court action.
- C. Sign Committee and Board of Selectmen.
 - (1) Right of appeal. Any applicant for a permit, any person who has been ordered by the Land Use Department to incur expense in connection with a sign, and any person dissatisfied with any refusal, order, or decision issued under this bylaw may appeal to the Sign Committee within 14 calendar days from the date of such refusal, order, or decision. For permit applications made to the Sign Committee, the appeal shall be to the Board of Selectmen. After notice given to such parties as the Sign Committee or Board of Selectmen shall order, a public hearing shall be held. Applying the standards in Subsection C(2) below, where applicable, and interpreting this bylaw, the Sign Committee or Board of Selectmen shall affirm, annul or modify such refusal, order, or decision. The Sign Committee or Board of Selectmen may only annul or modify the refusal, order or decision by a unanimous decision. If the Sign Committee or Board of Selectmen modifies or annuls the action appealed from, the Land Use Department shall issue a permit or order in accordance with the decision of the Sign Committee or Board of Selectmen.
 - (2) Variances in specific cases. See §196-8 Unique and Special
 - (3) Conditions and safeguards. When acting under this subsection, the Sign Committee shall set forth appropriate conditions and safeguards whenever in its opinion they are desirable.

§ 196-4. Illumination.

- A. Exterior illumination of signs shall be so shaded, shielded or directed as to create minimum ambient light, and so as not to reflect or shine on or into neighboring premises or into any public street. All lighting shall comply with the International Dark Sky Association (IDA) "fixture seal of approval" program certification standards.
- B. Neon lighting will not be permitted.
- C. Interior illuminated signs will not be permitted, with the exception of barber poles on barber shops.

§ 196-5. Prohibited signs.

Unless otherwise permitted in this chapter, the following signs are prohibited:

- A. Signs which advertise an activity, business, product or service no longer produced or conducted on the premises.
- B. Signs which contain or consist of banners, pennants, ribbons, streamers, spinners, other moving devices, strings of light bulbs or other similar devices, except a street banner may be erected over Main Street in front of the Town Hall advertising public entertainment or advertising charitable, religious, government or educational events, as may be specifically approved by the Land Use Department, for a period of time not to exceed eight consecutive days, the first of which shall occur not more than seven days prior to such entertainment or event. All said banners shall be removed within 24 hours after such entertainment or event. Standardized Main Street banners shall be reviewed by the Town Manager or his designee.
- C. Signs which have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color.
- D. Signs illuminated by other than a stationary white or off-white steady light.
- E. Signs which are attached to utility poles, trees, fences, or structures such as overpasses and bridges. Signs attached to other signs are prohibited unless such subsidiary portions are an integral part of the total sign design.
- F. Mechanically activated signs, other than rotating barber poles.
- G. A freestanding sign or part thereof that is more than 10 feet above ground level, or crown of the street, whichever is lower; a projecting or wall sign or part thereof that is higher than the wall to which it is attached or 20 feet above ground level, whichever is less. Roof-mounted signs shall not extend above the peak of the roof.
- H. Signs mounted on a truck or trailer chassis with or without wheels whose primary function is a sign for commercial advertising and not for the transport of goods or merchandise.
- I. Illuminated vending machines.

§ 196-6. Residential districts.

In a residential district, the following signs are permitted:

- A. A sign of not more than two square feet in area, displaying the street number and/or the name of the occupant of the property.
- B. One professional or home occupation sign, or one sign identifying a nonresidential building or use permitted in a residential district, not to exceed six square feet. When more than one business exists on a residential district site, the total area of signs on that site shall not exceed six square feet.
- C. One sign identifying each public entrance to a subdivision or multifamily development such as apartments or townhouses, of not more than six square feet in area. In addition, each family unit may be identified by a single sign of not more than one square foot, without time limit.

D. Residential marker signs not to exceed three square feet.

§ 196-7. Business, overlay and industrial districts.

- A. Single-occupancy business premises with adequate property may have one freestanding sign not larger than 20 square feet, not to exceed 10 feet in height as measured from the grade at the location or the crown of the public street on which the sign is located.
- B. In case of a building setback from road of more than 70 feet, one additional building sign may be used. The size of the building sign shall be determined by the following formula: buildings under 5,000 square feet: one twenty-square-foot sign; buildings of 5,000 to 10,000 square feet: one forty-square-foot sign; buildings over 10,000 square feet: one sixty-square-foot sign. In those cases where a freestanding sign is impractical or nonfeasible, the business will be permitted a wall sign using the above formula.
- C. Multioccupancy business buildings may have one freestanding sign not larger than 20 square feet with signboards for tenants. Where two or more businesses are located in a single building or within attached buildings or within a cluster of buildings sharing a common driveway, only one freestanding sign is permitted. Multioccupancy business buildings may also have wall signs per the following provisions:
- D. Strip-mall-style retail buildings. Each unit may have one wall sign not to exceed 20 square feet. All signs must be generally consistent with other signs on the building.
- E. Residential-style retail or office buildings. Each unit may have a wall sign by its door of the building, not to exceed three square feet. All signs must be the same size.
- F. Multifloor/Multitenant industrial-style building. Each unit may have one thirty-square-foot maximum wall sign on its part of the building. All signs must be the same size.
- G. Incidental directional and identifying signs, such as "exit," "entrance," "officer," etc., not to exceed two square feet, will be permitted.
- H. Two-road exposure. Businesses that have property and buildings fronting on two public roads may have a freestanding sign on both roads, provided that the total area of both signs is not more than 150% of the allowed sign area for that site.
- I. Incidental signs shall not contain advertising for any other business or product.
- J. The square footage of wall signs/graphics shall be the total area formed by the outermost elements of the sign/graphics.
- K. No building sign will be permitted to extend above the peak of the roof on which it is erected.
- L. All building signs of a single type on any one building shall be the same size, i.e., all business signs or all directional signs, etc.
- M. Projecting hanging signs may be substituted for wall signs with the following provisions:
 - (1) All projecting signs on multioccupancy buildings must be of the same type (i.e., either all wall or all hanging signs and must all be the same size).

- (2) No projecting sign shall exceed six square feet.
- (3) Supporting structures will be kept in good repair by the owner.
- N. Window signs may not occupy more than 20% of the total area of the window in which they are hung. No interior sign illumination will be allowed.
- O. Signs pertaining to the lease or sale of a lot or building, provided that such signs do not exceed a total area of six square feet, until such time as all lots or properties have been rented or sold.
- P. Directories. Where there are three or more businesses on a lot, or there are businesses without an entrance on the street frontage, a directory sign may be permitted for the purpose of traffic direction and control. The size of the directory sign shall not exceed nine square feet plus 1 1/2 square foot per business establishment. Such a directory sign shall be included in the calculation of total permitted sign area for the lot.
- Q. Awnings. Retractable, fabric awnings projecting from the wall of a building for the purpose of shielding the doorway or windows from the elements may include signage on the valance. Such signage shall not be included in the calculation of the total permitted sign area for the lot, provided that no lettering or symbol is greater than six inches in height. No awning may extend to within two feet of a curbline.

§ 196-8. Unique and special circumstances.

- A. Consideration may be given to an application for a sign or sign program that deviates from the fixed criteria allowed under this bylaw. In such cases, the merits of the specific application will be considered relative to the context in which the signage will be located, with particular attention paid to: site distances, visibility, hierarchy, existing and proposed architecture, site and building entrances, neighborhood character, project scale, lighting, and historic appropriateness.
- B. Approval of signs under the provisions of "unique or special circumstances" shall require a public hearing by the applicable reviewing body, be thoroughly documented, and shall not constitute precedent for similar signage on the same or any other property.
- C. Public hearing. The applicable reviewing body shall hold a public hearing within 21 days of the receipt of a complete application, and shall take final action within 21 days from the time of the close of the hearing unless such time is extended by agreement between the applicant and the reviewing body. Notice of the public hearing shall be given by publication and posting and by first-class mailings to abutters and abutters to the abutters within 300 hundred feet of the property line of the subject property according to the most recent Assessors' listing, at least seven days prior to the date of the hearing.

§ 196-9. Temporary signs.

- A. A sign permit is required for temporary signs. All temporary signs must be installed with permission of property owners and must be removed within the time specified by the Land Use Director or Historic Districts Commission when the permit is issued.

Temporary signs are not to be attached to a utility pole, traffic signs, fences, trees or other vegetation.

- B. Temporary signs shall not be illuminated.
- C. Temporary signs shall be located on the property of the business or use they serve, except real estate signs, signs on Town of Groton Commons and Main Street banners, and shall be limited in size to eight square feet per side.
- D. Temporary signs shall not be located on Town-owned property without written permission from the Town Manager or his designee and, if deemed necessary by the Town Manager, from the Board of Selectmen and DPW Director.
- E. Signs to identify a new business or use, which comply with the requirements for permanent signs, shall be allowed for up to one year while a new business is being established.
- F. A sign permit is required for temporary signs in all cases except for the following. Such temporary signs must be removed within the time specified.
 - (1) Political signs with the permission of the property owner
 - (2) Yard sale signs being displayed no more than two days prior to the event and removed within 12 hours following the sale. Yard sale signs shall not be installed on Town-owned or publicly-owned lands, including commons, parks and open space.
 - (3) Contractor or vendor signs (up to six square feet in total area) being displayed while the specific contractor or vendor is actively at work, or for no more than 48 hours following final building permit inspection, completion or suspension of such work.
 - (4) Business event signs, such as advertising an intermittent "sale," agricultural or unique product, when such signs are in compliance with temporary sign regulations and are attached to or part of an approved sign framework.
 - (5) Freestanding special event signs for institutional, religious or not-for-profit organizations, which comply with temporary sign regulations, are not displayed for more than five days prior to the event, and are removed within one day following the event. No more than one such temporary sign shall be displayed on the same property.
 - (6) Special event signs for institutional, religious or not-for-profit events, attached to a building or site structure, which are displayed only on the day of the special event.
 - (7) "Grand Opening," "Open House" or celebratory signs, such as to welcome a returning soldier, up to 25 square feet, which are displayed for not more than 10 days.
 - (9) A single small sign posted in a window, which is less than 1.5 square feet in size, not illuminated, displayed for not more than two weeks, and not displayed in conjunction with any other temporary sign posted in a window at the same address.
 - (10) Signs pertaining to the lease or sale of a lot or building, provided that such signs do not exceed a total area of six square feet, until such time as all lots, apartments or buildings have been rented or sold.

§ 196-10. Special provisions.

- A. Public interest signs. Signs containing cautionary messages, such as "Beware of Dog" or "No Trespassing," shall be exempt from the permit requirements of this bylaw, provided they do not exceed two square feet in area.
- B. Directional and traffic safety signs. Signs indicating "entrance," "exit," "parking," or similar traffic directional information shall not exceed three square feet in area per sign. Provided these signs are erected on a lot pursuant to a Town or state regulation, they shall not be counted in the maximum sign number and sign area requirements for the lot.
- C. Political, ideological, charitable, or religious message. Display or expressions of political, religious, ideological or charitable ideas shall be exempt from the provisions of this bylaw, provided that no such sign shall be affixed to a traffic sign, tree or utility pole in a public way. Signs of such nature shall not exceed the maximum dimensional limitations permitted under this bylaw.
- D. "Open" flag. One "open" flag of three feet by five feet maximum dimension will be allowed per business with no permit required. Decorative flags are permitted on residences.
- E. Off-premises sign. Requires a permit and review as a "unique and special circumstance" and must have the property owner's written permission.

§ 196-11. Definitions.

As used in this bylaw, the following words shall have the meanings indicated:

APPENDAGE — An element added, applied or attached as a structural piece of the sign.

AREA OF SIGN — The area of a freestanding or attached sign shall include all lettering and accompanying symbols or designs, together with the background, whether open or enclosed, on which they are displayed. The area shall not include basic supporting framework and bracing.

The area of a sign painted directly upon a building shall include all lettering and accompanying designs or symbols, together with any background of a different color than the finished material of the building face on which the sign is painted.

The area of a sign consisting of individual letters or symbols attached to a building, wall, or window shall be the area of the smallest rectangle which encompasses all of the letters or symbols.

A double-faced sign shall be deemed to be one sign having an area equal to the area of one side.

BUSINESS ESTABLISHMENT — An independent economic unit, in a single physical location, conducting a business.

FRAMEWORK — A decorative and/or functional structure designed to securely hold a changeable temporary sign panel and constructed of material(s) and a theme that are compatible with the building, use, or site which they serve.

LAND USE DEPARTMENT — The Land Use Director or his/her designee.

OFF-PREMISES SIGN — Any sign which announces, advertises or gives directions to a business, commodity, service, activity or person elsewhere than the lot or building where the sign is located.

PROJECTING SIGN — A sign supported by a building wall that is attached perpendicularly or at an angle to the wall on which it is mounted.

SIGN — Any object, device, display or structure, or part thereof, which is placed outdoors or which is visible from the outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. "Sign" shall include, without limiting the generality of the foregoing, billboards, pennants, ribbons, streamers, moving devices, strings of lights, awnings, marquees, canopies, vending machines, and similar devices. "Sign" shall not include national, state or municipal flags, athletic scoreboards, official announcements or signs of the government, or temporary holiday decorations customarily associated with any national, local or religious holiday.

TEMPORARY SIGN — A sign or advertisement designed and intended to be displayed for a limited period of time and not permanently mounted. Some examples of temporary signs include special event signs and construction signs.

§ 196-12. Severability.

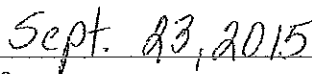
The invalidity of any section or provision of this bylaw, or its application to any sign, shall not invalidate any other section or provision, or the application of the bylaw to any other sign.

§ 196-13. Interpretation; conflicts.

This bylaw is not intended to interfere with, abrogate or annul any other bylaw, regulation, statute, or other provision of law. Where any provision of this bylaw imposes restrictions different from those imposed by any other regulation, bylaw, or other provision of law, whichever provisions are more restrictive or impose higher standards shall apply.

Filed with the Town Clerk:


Town Clerk


Date