



## **Zoning & Planning Committee** **Report**

### **City of Newton** **In City Council**

**Monday, June 13, 2022**

**Present:** Councilors Crossley (Chair), Albright, Danberg, Krintzman, Wright, Leary, Baker, and Ryan

**Also Present:** Councilors Lucas, Greenberg, Kelley, Bowman, Lipof and Downs

**City Staff:** Jonathan Yeo, Chief Operations Officer; Jen Caira, Deputy Director of Planning & Development; Barney Heath, Director of Planning & Development; Zachery LeMel, Chief of Long Range Planning; Cat Kemmett, Planning Associate; Amanda Berman, Director of Housing & Community Development; Nevena Pilipovic-Wengler, Community Planner Engagement Specialist; Shaylyn Davis, Community Development Planner; Carol Moore, City Clerk; Jaclyn Norton, Committee Clerk

**#281-22      Appointment of Lee Breckenridge to the Planning & Development Board**

HER HONOR THE MAYOR appointing Lee Breckenridge, 173 Berkeley Street, Newton as a full member of the Planning and Development Board for a term of office to expire on February 1, 2027. Ms. Breckenridge is currently serving as an Alternate member from August 9, 2021 to July 31, 2026. (60 Days: 07/01/22)

**Action:**      **Zoning & Planning Approved 7-0 (Councilor Leary Not Voting)**

**Note:**      Lee Breckenridge joined the Committee to discuss her appointment to the Planning and Development Board for a term to expire February 21, 2027. Ms. Breckenridge noted that she has enjoyed serving as an alternate member and is looking forward to serving as a full member. Ms. Breckenridge's experience includes teaching at Northeastern University on topics including planning, zoning and environmental matters. The Committee thanked Ms. Breckenridge for her willingness to serve. Councilor Wright motioned to approve Ms. Breckenridge's appointment and the motion carried unanimously.

**#282-22      Appointment of Amy Dain to the Planning & Development Board**

HER HONOR THE MAYOR appointing Amy Dain, 9 Frederick Street, Newton as an Alternate member of the Planning and Development Board for a term of office to expire on July 31, 2026. (60 Days: 07/01/22)

**Action:**      **Zoning & Planning Approved 7-0 (Councilor Leary Not Voting)**

**Note:**      Amy Dain joined the Committee to discuss her appointment to the Planning and Development Board. Ms. Dain, a Newton native has conducted extensive research on public policy, urban and suburban planning, the masterplans, zoning ordinance bylaws and road design standards on

communities throughout the state. In 2017, Ms. Dain's work brought her back to analyzing multi-family dwelling units and accessory apartments through Smart Growth Alliance. Ms. Dain found her independent research and analysis inspirational and she is looking forward to the opportunity to contribute to the community on the matter of suburban planning. The Committee emphasized their gratitude for Ms. Dain's willingness to serve, noting her extensive experience. Councilor Albright moved approval of the appointment and the Committee voted unanimously in favor of approval.

**#320-22      Appointment of Harvey Schorr to the Newton Historical Commission**

HER HONOR THE MAYOR appointing Harvey Schorr, 106 Bellevue Street, Newton as a full member of the Newton Historical Commission for a term of office to expire on June 21, 2025. Mr. Schorr is currently serving as an Alternate member from February 22, 2022 to March 30, 2025. (60 days: 08/05/22)

**Action:**      **Zoning & Planning Approved 7-0 (Councilor Leary Not Voting)**

**Note:**          The Committee was joined by Harvey Schorr to discuss his appointment to the Historical Commission. Mr. Schorr's expertise includes professional and academic experience as an architect. He explained that he has been serving on the Historical Commission an alternate member and was encouraged to step up as a full member. Mr. Schorr noted that he has had an opportunity to learn the mechanics and regulations of the Historical Commission during his service as an alternate member. He stated that he has found the work of the Commission challenging, as the Commission is limited in their ability to entirely prevent demolition of existing structures. Mr. Schorr assured the Committee that he will work diligently to remain apolitical respecting his work on the Commission. A Committee member noted that the Historical Commission does have the authority to prevent demolition of existing structures by way of the City's landmarking ordinance. The Committee thanked Mr. Schorr for his willingness to become a full member of the Commission. Councilor Danberg motioned to approve Mr. Schorr's appointment to the Historic Commission and the Committee voted unanimously in favor of approval.

**#279-22      Request for amendment to the Zoning Code to regulate certain signage**

HER HONOR THE MAYOR requesting amendments to the City of Newton Zoning Ordinance, Chapter 30, Section 5.2 Signs regarding regulation of noncommercial signs.

**Zoning & Planning Held 7-0 (Councilor Albright not voting) on 05/09/22**

**Action:**      **Zoning & Planning Approved 6-0-2 (Councilors Baker and Leary Abstaining)**

**Note:**          Chief of Long Range Planning Zachary LeMel presented an overview of the Chapter 30 Section 5.2 amendments relative to the regulation of non-commercial signs. Mr. LeMel explained that the proposed amendments to Chapter 30 are relative to election signs and lawn signs on private property, which express opinions, views and/or beliefs. The amendments will remedy aspects of the current zoning code that do not comport with constitutional law. Mr. LeMel noted that a comprehensive sign overhaul is forthcoming. The proposed changes to the sign ordinance include; the defining non-commercial signage, and deleting existing language regarding election signage and yard/garage sales. The language regulating non-commercial signage draws from the existing language in the ordinance regarding size and location. The draft amendments prohibit commercial signage and

artificial illumination, except as permitted by Section 5.2.10. Lastly, the ordinance amendments include modifications for improved clarity and consistency.

The Public Hearing was Opened.

Peter Harrington, 157 Lowell Avenue, urged the Committee to approve the ordinance so that aligns with the United States Constitution. Mr. Harrington suggested that the Committee adopt additional language stating that the ordinance does not apply to political signs and emphasized the danger to democracy in limiting free speech. Mr. Harrington noted that free speech should be protected even when it may be inconvenient or unsightly. He asked the Council to consider the difference between non-commercial signs and political signs.

Amy Mah Sangiolo, 389 Central Street, expressed concern that the proposed changes are not being done as part of a comprehensive review and revisions to the sign ordinance. She also expressed concern relative to the sign restriction on non-commercial signage and suggested that they should be treated the same way as commercial signs. The Chair noted that a comprehensive review has been undertaken, but that that process will take time, and it is important to be in compliance with constitutional law quickly.

Martina Jackson, 115 Lowell Avenue, noted that her property was subject to enforcement action based on the City's existing ordinance. Ms. Jackson expressed concern that the zoning ordinance currently limits free speech. Ms. Jackson emphasized her support for approval of the ordinance and noted that community aesthetic should not be a consideration for the Council.

A Committee member expressed concern relative to the proposed limitation on non-commercial signs to 3'x3'. Associate City Solicitor Andrew Lee confirmed that the Law Department is comfortable with the proposed limitation, because this imposes no restriction on content. Deputy Director of Planning and Development Jennifer Caira noted again that the Planning Department has begun an internal review with the Law Department and is preparing to begin analysis of the sign ordinance in coordination with the Urban Design Commission.

Some Committee members expressed concerns about the 3'x3' size limitation, noting that it is somewhat arbitrary and questioned whether it should be considered constitutional. Committee members noted that the ordinance could be approved without a size limitation and the Council could approve a subsequent amendment relative to size in the future, if needed. Councilor Krintzman motioned to strike the language from the draft ordinance relative to the size limitation (Section 5.2.A). Some Committee members were supportive of the size limitation, noting that a proliferation of billboard-sized signs could become unsightly, regardless of content. It was noted that identifying signage as unsightly is subjective and up to each property owner's discretion. The Committee was in agreement that in no case should non-commercial signage impact public safety. Committee members reiterated concern about creating a standard that is not clear and objective.

Planning and Development Board Member Lee Breckenridge expressed support for additional analysis and case studies on the first amendment. Ms. Breckenridge noted that making a distinction for non-commercial signage created a content-based distinction.

Committee members agreed that the ordinance should include an explicit condition that any signage not create a public safety concern. Councilor Krintzman amended his motion to include the language: “No sign shall create a public safety concern” as well to eliminate of the 3’x3’ size limitation. The Committee voted 5-3 (Councilors Baker, Albright and Leary opposed). Councilor Krintzman motioned to close the public hearing, which carried unanimously. Planning and Development Board Member Kevin McCormick motioned to close the public hearing before the Planning & Development Board. The motion carried unanimously.

Councilor Krintzman motioned to approve the draft ordinance, as amended. The Committee voted 6-0-2 (Councilors Baker and Leary abstaining). Planning and Development Board members discussed the proposed ordinance amendments. The Board considered Councilor Krintzman’s amendment as approved during the Zoning & Planning Committee discussion. The Board was not prepared to vote on the amendment, which they felt may be a significant change. Ms. Molinsky motioned to approve the original amendments as propose by Planning department staff, and her motion was seconded. The Planning and Development Board voted 5-0-1 (Barney Heath abstaining). Mr. Brown motioned to adjourn which carried unanimously.

**#38-22**      **Discussion and review relative to the draft Zoning Ordinance regarding village centers**  
ZONING & PLANNING COMMITTEE requesting review, discussion and possible ordinance amendments relative to Chapter 30 zoning ordinances pertaining to Mixed Use, business districts and village districts relative to the draft Zoning Ordinance. (formerly #88-20)  
**Zoning & Planning Held 7-0 on 06/01/22**

**Action:**      **Zoning & Planning Held 8-0**

**Note:**          An amended report reflecting the discussion on item #38-22 will be available during the week of June 19, 2022.

### **Referred to Zoning & Planning and Finance Committees**

**#336-22**      **CPC Recommendation to appropriate \$133,002 in CPA funding**  
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of one hundred thirty-three thousand and two dollars (\$133,002) in Community Preservation Act funding be appropriated from the Unrestricted Prior Year Funds to the control of the Planning & Development Department for the completion of the 100% design of the Commonwealth Avenue Carriageway Redesign project in Auburndale.

**Action:**      **Zoning and Planning Approved 7-0 (Councilor Leary Not Voting)**

**Note:**          The Chair explained that item #336-22 was inadvertently referred to the Zoning & Planning Committee but should have been referred to the Finance and Public Facilities Committees.

Councilor Danberg motioned to send the item back to the Council for referral to the appropriate Committees. The Committee voted 7-0 in favor of sending the item back to the Council.

**#283-22      Reappointment of Paul Snyder to the Newton Upper Falls Historic District Commission**  
HER HONOR THE MAYOR reappointing Paul Snyder, 9 Ardmore Road, West Newton as a full member of the Newton Upper Falls Historic District Commission for a term of office to expire on July 1, 2025. (60 Days: 07/01/22)

**Action:**      **Zoning and Planning Approved 7-0 (Councilor Leary Not Voting)**

**Note:**      The Committee reviewed Mr. Snyder’s appointment to the Upper Falls Historic District Commission. The Committee expressed no concerns relative to the reappointment and voted unanimously in favor of a motion to approve from Councilor Albright.

**Respectfully Submitted,**

**Deborah J. Crossley, Chair**

## Sec. 5.2. Signs

### 521. Intent and Purpose

- A. It is recognized that signs perform important functions in the City, which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. It is further recognized that because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:
1. Prevent hazards to vehicular and pedestrian traffic;
  2. Prevent conditions which have a blighting influence and contribute to declining property values;
  3. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity; and
  4. Preserve the amenities and visual quality of the City and curb the deterioration of the village commercial areas.
- B. It is the intent of these provisions to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the City, provide a more enjoyable and pleasing environment and to encourage the most appropriate use of land.

(Ord. No. 158, 10/18/76)

### 522. Applicability

All signs shall comply with the regulations for the erection and construction of signs contained in the 780 CMR and applicable City ordinances. No sign shall be erected, displayed, or maintained within the City, except those specifically provided for in this Sec. 5.2 or in other chapters of the Revised Ordinances.

(Ord. No. 196, 2/22/77)

### 523. Definitions

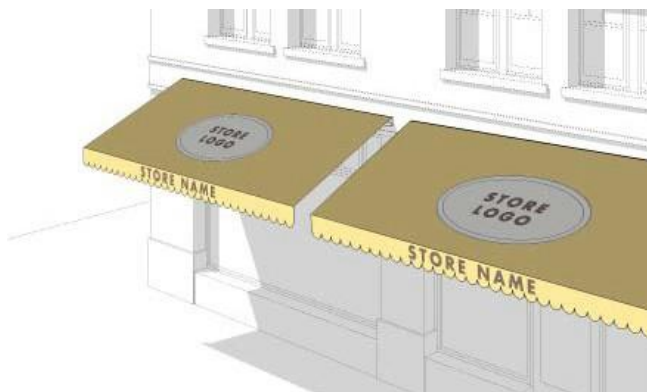
**Sign.** A permanent or temporary structure, device, letter, word, 2D or 3D model, insignia, banner, streamer, display, emblem, or representation which is an advertisement, announcement or direction, or which is designed to attract attention.

**Sign, Accessory.** A sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the address and/or occupant of the premises, the business transacted on the premises, the year the business was established, a slogan, directional or parking instructions, or the sale or letting of the premises or any part thereof.

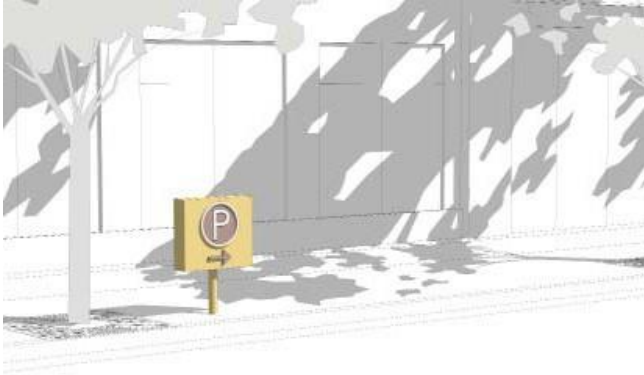
**Sign, Area.** The entire area within a single continuous perimeter, and a single plane, which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim, or other integral part of the display excluding the necessary supports or uprights on which the sign is placed. Sign area of a free-standing sign or a perpendicular wall sign is the entire area of one side of such sign such that two faces which are back to back are counted only once.



**Sign, Awning.** A sign on or attached to a temporary retractable shelter which is supported entirely from the exterior wall of a building.



**Sign, Directional.** Signs indicating “Entrance,” “Exit,” “Parking,” or the like, erected on a premises for the direction of persons or vehicles.



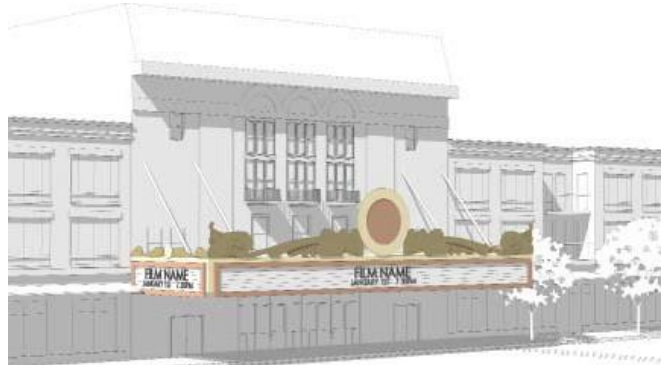
**Sign, Free-Standing.** A sign erected on or affixed to the land by post, pole, pylon or any framing or supporting device or stand which is not affixed to a building, and may include kiosks or public information bulletin boards.



**Sign, Frontage.** The length in feet of the building wall parallel or substantially parallel to a street that is occupied by an individual business establishment.

**Sign, Noncommercial.** A sign which contains only noncommercial messages.

**Sign, Marquee.** A sign on or attached to a permanent overhanging shelter which projects from the face of a building, is entirely supported by said building, and may have a changeable letter panel.



**Sign, Non-Accessory.** A billboard, sign or other commercial advertising device which does not come within the foregoing definitions of an accessory sign or of a non-accessory directory sign, or of a noncommercial sign.



**Sign, Non-Accessory Directory.** A sign that, with respect to the premises on which it is erected and/or an adjacent premises for which the sign is a single common identifier, or with respect to a single integrated development consisting of two or more lots, advertises or indicates one or more of the following: the address and/or occupant of the premises, the business transacted on the premises, the year the business was established, a slogan, directional or parking instructions, or the sale or letting of the premises or any part thereof.



**Sign, Principal.** The principal sign on a lot. Where permission is granted for a free-standing sign, the free-standing sign shall be considered the principal sign.

**Sign, Secondary.** A wall sign located on a wall other than that occupied by the principal sign.

**Sign, Wall.** A sign affixed either parallel or perpendicular to the wall of a building and not extending above the roof plate or parapet line.

- A. Wall signs shall be affixed either parallel or perpendicular to a wall of a building. Where a building or structure to which a parallel wall sign is to be affixed has an identifiable sign band, as determined by the Director of Planning and Development in consultation with the Urban Design Commission, or is part of a block of commercial establishments which, except for the petitioned property, is the subject of uniform signage, the parallel wall sign shall be located within the identifiable sign band or shall be consistent with any uniform signage.
- B. A parallel wall sign shall project no more than 12 inches from the building surface and shall not extend above the roof line or beyond the sides of the building.
- C. A perpendicular wall sign shall be attached at a right angle to the wall of a building; it shall have no more than 2 faces; and it shall not project in any linear dimension more than 6 feet, subject to the provisions of Revised Ordinances Chapter 26, Sections 26-1 to 26-6. When a projecting sign is closer than 12 feet to the corner of a building, its projection shall be no more than a distance equal to 1/2 the horizontal distance from the sign to that building corner.



**Sign, Window.** A sign affixed to the interior or exterior surface of a window or displayed behind a window so as to attract attention from the outside. A sign shall be

deemed a window sign if it is within 6 inches of the inside surface of a window through which it is intended to be viewed and is not merchandise on display.



(Ord. No. 158, 10/18/76; Ord. No. V-7, 03/20/95)

### 524. Permit Procedure

- A. No sign shall be erected on the exterior of any building or on any land, and no such sign shall be enlarged or altered, with the exception of copy changes on changeable letter panels, clocks, or thermometers, until an application on appropriate forms supplied by the Commissioner of Inspectional Services with such information including plans, drawings, and photographs as the Commissioner of Inspectional Services may require, shall have been filed with the Commissioner of Inspectional Services, and a permit for such erection, alteration or enlargement has been issued by the Commissioner of Inspectional Services.
- B. All non-accessory directory signs shall obtain an outdoor advertising permit from the Commonwealth of Massachusetts' Office of Outdoor Advertising.
- C. Upon receipt of an application for a sign permit, the Commissioner of Inspectional Services shall notify the Urban Design Commission and the Director of Planning and Development regarding said application within 2 weeks of the date of filing, if they deem it necessary. The Director of Planning and Development shall submit an advisory report, including any recommendation of the Urban Design Commission, to the Commissioner of Inspectional Services within 3 weeks of the application filing date.
- D. The fees for sign permits shall be established from time to time by the City Council.
- E. Within 2 months after the erection, alteration or enlargement of any sign, the owner or operator



of said sign shall file two 8 inch by 10 inch photographs, taken after intallation.

(Ord. No. 158, 10/18/76)

### 525. Prohibited Signs

The following signs shall not be permitted, constructed, erected, or maintained:

- A. Non-accessory signs;
- B. Signs constructed, erected, or maintained on the roof of a building or which extend above the roof plate line;
- C. Portable signs not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailer signs and signs affixed to or painted on a vehicle permanently parked on the premises so as to serve as a sign, but excluding signs affixed to or painted on a vehicle temporarily parked on the premises;
- D. Window signs which cover more than 25 percent of the area of the window;
- E. Any sign which advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on at any particular premises; or
- F. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.

(Ord. No. 158, 10/18/76)

### 526. Signs Allowed By Right

- A. **Permanent Signs.** The following signs shall be allowed by right without the necessity of sign review, but may require a building permit:
  1. Signs erected by or on the order of a governmental agency when limited to governmental purposes, and excluding any advertising, except in the Open Space/ Recreation and Public Use districts (see Sec. 6.2.9);
  2. Names of buildings, date of erection, monumental citations and commemorative

tablets, when made a permanent and integral part of a building, not to exceed 10 square feet;

3. Banners or flags emblematic of or issued by national, state, or local governments;
  4. Signs indicating the name and address of the occupant of a dwelling, not to exceed 1 square foot. Where a permitted accessory home business exists, such sign shall not exceed 2 square feet;
  5. Awning signs in business, mixed use, limited manufacturing and manufacturing districts;
  6. Window signs, in nonresidential buildings, not to exceed 25 percent of the area of the window;
  7. Customary signs on gasoline pumps indicating in usual size and form the name, type and price of gasoline;
  8. Clocks and thermometers displaying no information other than the time and temperature;
  9. Holiday decorations and lights when in season; and
  10. Signs not to exceed 2 square feet which indicate warnings, hazards, or public conveniences such as "trespass," "beware of dog," or rest room signs.
- B. **Temporary Signs.** Temporary signs shall not be illuminated and shall comply with the provisions of this Sec. 5.2, but may require a building permit:
    1. **Short-Term Event Sign.** The Commissioner of Inspectional Services may permit an establishment to display on its premises 1 non-illuminated sign announcing a special event of limited duration to take place on the premises. Such sign may be displayed for a period not to exceed 72 hours, including time required for installation and removal. The Commissioner of Inspectional Services shall issue such a permit to the same establishment no more than twice per calendar year. Applications for such permits shall be submitted in accordance with Sec. 5.2.4, but shall be submitted no later than 1 week prior to the proposed date of installation. Applications for such permits shall not be subject to notice to and review by the Urban

Design Commission and the Director of Planning and Development.

**2. Temporary Identification Sign Procedure.**

One temporary identification sign to identify a property or use during the period from the submission of a sign application to the Commissioner of Inspectional Services or during the special permit procedure to 30 days after the decision, may be erected, provided that in the event of an unfavorable decision such temporary sign shall be removed immediately, and provided that the temporary sign conforms with all applicable dimensional regulations of this [Sec. 5.2](#), that it is, in fact, a temporary sign not involving any substantial expense, and that it is displayed in a manner which will not deface the building facade or otherwise impinge upon the review of the proposed sign.

**3. Construction Signs.** One or more signs during the construction or alteration of a building identifying the building, owner, contractor, architects and engineers and whether any business is or is not to be conducted there may be erected. Such signs shall not exceed in the aggregate 32 square feet and shall be removed within 48 hours after completion of the construction or alteration.

**4. Real Estate Signs.** One unlighted sign, not exceeding 12 square feet in residential districts and 32 square feet in commercial districts, advertising the sale, rental or lease of the premises or part of the premises or the willingness to build on the premises on which the sign is displayed may be erected. Such signs shall be removed within 48 hours after the sale, rental or lease of the premises.

**5. Event Signs.** Signs not exceeding 30 square feet, announcing a fundraising drive or event of a civic, philanthropic, educational or religious organization, displayed on the lot of the event or the property of the sponsoring agency and limited to 1 per lot, except that if a lot has frontage on more than one street, there may be a free-standing sign for each street frontage. Such signs shall not be erected before 14 days preceding the event and shall be removed within 48 hours after the event.

**6. Noncommercial Signs.** Noncommercial signs shall be allowed in all zoning districts, except as otherwise provided in this Chapter, and shall conform to the following:

A. Signs may be located anywhere on a lot, but shall not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway. Signs shall not overhang a public sidewalk; however, where there is no sidewalk, no part of the sign shall be closer than 8 feet to the edge of the paved portion of the public way. Signs shall not create a public safety risk;

B. Signs shall not include any names or logos advertising goods, services, or businesses or otherwise constituting commercial speech;

C. Signs shall not be artificially illuminated except as permitted by [Sec. 5.2.10](#).

a.

(Ord. No. 158, 10/18/76; Ord. No. T-64, 12/18/89; Ord. No. V-7, 03/20/95; Ord. No. Z-27, 05/19/08; Ord. No. A-29, 10/07/13; Ord. No. A-99, 01/17/17)

### 527. Signs in Residence Districts

No permanent sign shall be erected or maintained in a residence district, except as provided in Sec. 5.2.6 and this Sec. 5.2.7:

Use	Number	Type	Area per Sign (max)	Notes
Residential: single- or two-family	1 per unit	Wall sign	1 sf	Name of occupant, address of premises
Residential: single- or two-family with permitted accessory use or occupation	1 per unit	Wall sign	2 sf	Name of occupant(s), address of premises
Residential: building with more than 2 families or group of buildings forming a single housing development	1 total	Principal wall sign OR Free-standing sign	15 sf OR 10 sf	
Residential: Each building in a group of buildings forming a single housing development	1 per building in group	Secondary wall sign	2 sf	
Churches, schools, other institution or group of buildings forming a complex or campus	2 per street frontage	Free-standing sign  AND principal wall sign	1 @ 20 sf 1 @ 10 Ssf	1 Free-standing sign per frontage; for notices and announcements of services and events
Churches, schools, or other institutions: Each building in a group of buildings forming a single complex or campus	1 per building in group	Free-standing sign AND principal wall sign	10 sf	
	1 total	Principal wall sign	20 sf	
Nonresidential use, permitted or nonconforming	1 total	Free-standing sign	15 sf	The City Council may grant a special permit for a free-standing sign
Any use	--	Directional sign	3 sf	For the direction of Persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable



### 528. Signs in Commercial Districts

No permanent sign shall be erected or maintained in a business, limited manufacturing, manufacturing, and mixed use district, except as provided in [Sec. 5.2.6](#) and this [Sec. 5.2.8](#):

Type	Number per business establishment	Area per Sign (max)	Notes
Principal sign	1 total	3 sf per linear foot of building wall frontage OR 100 sf, whichever is less	In particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, the total allowable sign area may be divided between two wall signs which together constitute the principal wall sign.
Principal sign:		3 sf per linear foot of	
Business on a corner lot	2 total	building wall OR 100 sf, whichever is less	Frontage on the second street must be at least 75 percent of frontage on first street
Secondary sign	1 per entrance or frontage on a street or parking area; 2 max	1 sf per linear foot of building wall OR 50 sf, whichever is less	May not be erected on the same wall as a principal sign.
Directory sign	1 per building entrance	1 sf per occupant or tenant	Indicating the occupants or tenants of the building to which the sign is affixed
Directory sign: building with 2nd entrance	1 per entrance	1 sf per occupant or tenant	The second entrance must have frontage on a street or parking lot. Such signs shall not be deemed nonaccessory directory signs.
Marquee sign	1 per theater		
Awning sign	--	Up to 20% of awning area	
Window sign	--	Up to 25% of window area through which they are visible	
Gas station sign	1 consolidated display	20 sf (aggregate)	Product identification signs (tires, oil...)
Directional sign		3 sf	For the direction of persons or vehicles, indicating "entrance," "exit," "parking," or the like

-- Not Applicable

(Ord. No. A-99, 01/17/17; Ord. No. B-2, 02-20-18)

### 529. Signs in Open Space/Recreation and Public Use Districts

In Open Space/Recreation and Public Use districts, no sign shall be erected, displayed or maintained except as provided below:

- A. Regulatory signs as may be erected by the City, county, state, or their agencies.
- B. Signs for the identification of public buildings or public premises, or allowed uses in open space/recreation and public use districts, or valid nonconforming uses existing in open space/recreation and public use districts. These identification signs shall not exceed 20 square feet in area.
- C. The City Council may permit free-standing signs, public information bulletin boards and exceptions to the maximum area requirement of 20 square feet for signs set out above, as provided for in Sec. 5.2.13. In no event shall any free-standing sign exceed 35 square feet in area in an Open Space/Recreation or Public Use district.

(Ord. No. 51, 02/03/75; Ord. No. 158, 10/18/76; Ord. No. V-90, 09/03/96)

### 5210. Illuminated Signs

- A. No sign shall contain any moving parts or flashing or blinking lights so as to create an animated effect, except such portions of a sign which consist solely of indicators of time and temperature.
- B. No red or green lights or any lighting effect utilizing such colors shall be used on any sign if, in the opinion of the Chief of Police, such light or lighting effect would create a hazard to the operation of motor vehicles.
- C. Any lighting of a sign shall be continuous and shall be either interior, non-exposed or exterior illumination. All illumination shall be of reasonable intensity and shielded in such a manner that all direct light falls on the sign or the wall to which it is

affixed and does not shine onto any street or nearby property.

- D. No sign shall be lighted between the hours of 11:00 p.m. and 7:00 a.m., except those signs identifying police or fire stations, a residential building, or in the case of a commercial establishment, signs which may be lighted during a period extending from 30 minutes before opening for business and to 30 minutes after closing.
- E. The City Council may grant a special permit for the illumination of other signs if the City Council finds that such illumination is in the public interest.

(Ord. No. 89, 10/06/75; Ord. No. 158, 10/18/76)

### 5211. Construction and Maintenance

- A. The construction, alteration, repair and maintenance of all signs, together with their appurtenant and auxiliary devices in respect to structural and fire safety, shall be governed by the provisions of the 780 CMR. Where provisions of this Sec. 5.2 are more restrictive with respect to location, use, size or height of signs and other applicable regulations, this Sec. 5.2.11 shall take precedence.
- B. No sign shall be erected so as to obstruct any door, window or fire escape on a building.
- C. Any sign which advertises or calls attention to any products, businesses or activities which are no longer sold or carried on at any particular premises shall be removed by the occupant or owner of the premises within 30 days. If any such sign is not removed within 30 days, the Commissioner of Inspectional Services shall give written notification, in hand or by certified mail, return receipt requested, to the owner or occupant of the premises that the Commissioner of Inspectional Services will have such sign removed and assess any costs of the removal to the owner or occupant. If within 30 days from the date of receipt of the notification the sign has not been removed by the owner or occupant, then the Commissioner of Inspectional Services shall remove said sign and assess any costs of the removal to the owner or occupant.

(Ord. No. 158, 10/18/76; Ord. No. R-273, 11/15/82)

### 5212 Nonconforming Signs

- A. Any nonconforming sign legally erected prior to the adoption of this Sec. 5.2, or any amendment of this Sec. 5.2, may be continued to be maintained but shall not be enlarged, reworded, redesigned or altered in any way unless it conforms with the provisions contained of this Sec. 5.2.
- B. The exemption granted in paragraph A. above shall not apply to any non-accessory sign or to any sign which has been illegally erected, has been abandoned, or has not been repaired or properly maintained.
- C. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of destruction shall not be repaired, rebuilt, restored or changed unless it conforms with this Sec. 5.2.

(Ord. No. 158, 10/18/76)

### 5213 Exceptions

- A. In particular instances, the City Council may grant a special permit to allow free-standing signs and exceptions to the limitations imposed by this Sec. 5.2 on the number, size, location and height of signs where it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest.
- B. In granting such a permit, the City Council shall specify the size, type and location and shall impose such other terms and restrictions as it may deem to be in the public interest and in accordance with the 780 CMR. All free-standing signs shall not exceed 35 square feet in area, or 10 feet in any linear dimension, or 16 feet in height from the ground, except as further described in Sec. 5.2.7.
- C. Where a single lot is occupied by more than 1 establishment, whether in the same structure or not, there shall not be more than one free-standing sign for each street frontage. In granting such a permit, the City Council shall specify the size, type and location of any such sign and shall impose such other forms and restrictions as it may deem to be in

the public interest, and in accordance with the 780 CMR.

(Ord. No. 158, 10/18/76)

### 5214 Guidelines

The Director of Planning and Development may from time to time prepare and issue guidelines to clarify the provisions of this Sec. 5.2.

(Ord. No. 158, 10/18/76)

10-36' 10' 1' for every foot of equipment

height, including antenna

- D. If there is a parapet on any building or structure which does not exceed 36 feet in height and if the roof-mounted wireless communication equipment



will be transmitting or receiving in the direction of that parapet, the required setback from the edge