

**ARTICLE: Amend Zoning Bylaw Section 6.3 (Signs)**

To see if the Town will vote to amend the Zoning Bylaw by amending section 6.3 to read in its entirety as stated below in section A of this article; and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Zoning Bylaw; or to take any other action relative thereto.

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| <b>A) Amend Section 6.3 (Signs) to read in its entirety as stated below:</b> |
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**6.3 SIGNS**

6.3.1 The following general regulations shall apply to all SIGNS in all districts:

6.3.1.1 No SIGN shall be ERECTED except as provided in this Bylaw;

6.3.1.2 No SIGN shall be ERECTED to in any way create a traffic hazard or confuse traffic control;

6.3.1.3 Only continuous white lights shall be used for illumination of a SIGN. The illumination for any SIGN shall be shielded, directed and maintained so as to cast no direct beam up into the sky, on a public or private way, pedestrian way, or adjacent property, and shall be of sufficiently low intensity that it shall not cause a glare or reflection that may constitute a traffic hazard or a nuisance. SIGNS shall not be illuminated between 9:00 p.m. and 5:00 a.m., except during business hours;

6.3.1.4 Any SIGN, including pre-existing signs, not properly maintained or which applies to products or activities which are no longer offered shall be removed;

6.3.1.5 SIGNS which are oscillating, flashing or operating with moving parts are not permitted;

6.3.1.6 Each PERMANENT SIGN shall display its permit number at a location readily visible to the inspector;

6.3.2 Pre-existing SIGNS - Any SIGN legally ERECTED prior to the adoption of this Bylaw may continue to be maintained, provided, however, that no such SIGN shall be enlarged or altered except in conformance with a permit issued in accordance with the provisions of this Bylaw.

6.3.3 On Site - Permanent - PERMANENT SIGNS are permitted subject to the General Regulations of following subsections:

6.3.3.1 Residential and Recreation-Conservation Districts:

1. One (1) ON-SITE SIGN is permitted not exceeding five (5) square feet in area on State numbered highways and three (3) square feet in area elsewhere.
2. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding three (3) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING.

3. One ON-SITE SIGN pertaining to agriculture, as permitted in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5, and Section 3.2.1.1, each not exceeding sixteen (16) square feet in area, may be ERECTED.
4. Internally illuminated SIGNS are not permitted.

6.3.3.2 Business, Compact Business, Commercial, Industrial and Refuse Disposal Districts:

1. For each establishment, one (1) ON-SITE SIGN attached to the facade of the BUILDING not exceeding the lesser of one square foot for each one lineal foot of business, commercial or industrial BUILDING frontage or eighty (80) square feet in area.
2. Window SIGNS in total may be the larger of 30% of the window or three (3) square feet.
3. One (1) internally illuminated window SIGN not exceeding three (3) square feet.
4. One (1) primary free standing SIGN visible from the main public way not exceeding twenty (20) square feet in area.
5. In the case of multiple businesses in the same BUILDING or sharing the same access and/or parking facilities, only one SIGN is permitted per principal access.
6. If the business is on a corner LOT and the primary SIGN is not visible from the intersecting road, a secondary SIGN not larger than 50% of the primary SIGN is permitted.
7. One (1) ON-SITE SIGN pertaining to the rent, lease or sale of land or BUILDING(s) not exceeding six (6) square feet in area. All such SIGNS shall be removed within seven (7) days of rental, lease or sale of land or BUILDING.

6.3.4 Off-site SIGNS - The following off-site SIGNS are permitted subject to any required approvals of the State Department of Public Works or the Outdoor Advertising Board.

6.3.4.1 Seasonal Agriculture:

1. SIGNS for uses permitted/allowed in Sections 3.1.1.2, 3.1.1.3, 3.1.1.5 and Section 3.2.1.1, one not to exceed sixteen (16) square feet in area, and other such SIGNS not to exceed twelve (12) square feet, with a total square footage of all such SIGNS not to exceed seventy five (75) square feet.
2. One (1) slot on each community agricultural ladder SIGN posted at the Town entrances, subject to dimension and format requirements of the Planning Board and written approval of the Stow Agricultural Commission.
3. Seasonal agriculture SIGNS may be ERECTED one (1) week prior to the beginning of sales and must be removed one (1) week after sales are completed.
4. The Planning Board may grant a waiver from the requirements of this Section.

6.3.4.2 Directional SIGNS for Businesses located in Stow: A free-standing pole may be ERECTED at intersections of town roads, located not to obstruct vision on the right of way and affixed with directional SIGNS, with the approval of the Board of Selectmen;

1. Non-agricultural directional SIGNS shall be 6" x 24" and have a dark green background. Lettering shall be yellow and no more than 4" in height.
2. A directional SIGN may bear only the name of a business, logotype, distance and directional arrow.
3. Directional SIGNS shall not be illuminated.
4. The maximum number of SIGNS per business shall not exceed three (3) located at different intersections.
5. Maximum of two (2) direction SIGN poles per intersection, excluding agricultural directional SIGNS.
6. The maximum height of a direction SIGN pole is eight (8) feet above the road surface.
7. Direction SIGN poles and locations will be subject to the approval of the BUILDING INSPECTOR and Superintendent of Streets.
8. A maximum of eight (8) businesses may share a pole for direction SIGNS.
9. The cost of the SIGNS, pole and maintenance shall be the sole responsibility of the SIGN owners.
10. Agricultural directional SIGNS shall be 6" x 24". The colors for the background and lettering and logos may be consistent with the marketing colors and logo used by the agricultural businesses. There is no restriction to lettering or logo size.

6.3.5 TEMPORARY SIGNS - TEMPORARY SIGNS up to three (3) square feet in area may be placed on private or public land. Each SIGN shall include the name, address and telephone number of the person responsible for the SIGN and date of posting. Any SIGN without this information is in violation of this Bylaw and shall be removed at the owner's expense. Failure of the owner to remove any SIGN within twenty-one (21) days of posting is a violation of this Bylaw.

Each event shall be allowed up to ten (10) TEMPORARY SIGNS. Similar events which occur at the same location and on consecutive days shall be deemed to be one event.

6.3.6 Exceptions - In all districts the following exceptions shall apply, but these SIGNS should reasonably comply with Town bylaws where possible. No permit is required unless otherwise specified:

- 6.3.6.1 Federal, state and Town of Stow SIGNS are exempt from the provisions of this section;
- 6.3.6.2 Religious and charitable organizations are permitted up to three (3) SIGNS with a combined area not exceeding forty (40) square feet, but require a permit;
- 6.3.6.3 Historical markers or tablets, if approved by the Stow Historical Commission, are exempt;

- 6.3.6.4 Window SIGNS stating hours of operation, affiliations, credit cards and emergency information are exempt, provided each such SIGN does not exceed one half (1/2) square foot;
- 6.3.6.5 SIGNS regulating the use of or access to land are exempt if less than one (1) square foot in area;
- 6.3.6.6 SIGNS endorsing political campaigns or issues are exempt, provided such SIGNS are no larger than six (6) square feet and are removed within seven (7) days after the election to which they pertain; and
- 6.3.6.7 SIGNS showing the name only of the resident for identification are not exempt, but shall not require a permit.

#### 6.3.7 Administration and Enforcement

- 6.3.7.1 Administration - There is hereby created a Sign Officer who shall be appointed annually by the Board of Selectmen.
- 6.3.7.2 Permits - No PERMANENT SIGN shall be ERECTED unless a permit has been issued by the Sign Officer. TEMPORARY SIGNS do not require a permit. The permit fee shall be \$2.00 per square foot payable to the Town of Stow when the permit application is submitted. There shall be no charge for seasonal agricultural SIGNS.
- 6.3.7.3 Application - Permit applications shall be submitted to the Building Department and shall include at least:
  - 1. the location, by street number, of the proposed SIGN;
  - 2. the name and address of the SIGN owner and of the owner of the premises where the SIGN is to be located;
  - 3. a scale drawing showing the proposed construction, method of installation or support, colors, dimensions, location of the SIGN on the site and method of illumination;
  - 4. all existing SIGNS maintained on the premises;
  - 5. such other pertinent information as the BUILDING INSPECTOR and/or Sign Officer may require to ensure compliance with this Bylaw and any other applicable law; and
  - 6. the signature of the owner of the SIGN and the owner of the premises where the SIGN is to be located.

The Sign Officer shall have the authority to reject any SIGN permit application which is not complete when submitted.

- 6.3.7.4 Approval - The Sign Officer shall approve or disapprove any application for a SIGN permit within thirty (30) days of receipt of the application by the Building Department. If the Sign Officer should fail to approve or disapprove an application for a SIGN permit

within such thirty (30) day period, the application shall be deemed to be approved. The Sign Officer shall issue a permit number with each approval or deemed approval.

6.3.7.5 Enforcement –

1. The BUILDING INSPECTOR and/or Sign Officer shall, at reasonable times, have the power to enter upon the premises on which any SIGN is ERECTED or maintained in order to inspect said SIGN.
2. If the BUILDING INSPECTOR determines that a SIGN is in violation of this Bylaw, he shall give written notice to the owner of such SIGN, and to the owner of the premises on which such SIGN is located, to remove or modify the SIGN within thirty (30) days to be in accordance with the provisions of this Bylaw. Failure to comply with the notice or appeal the decision constitutes a violation of this Bylaw. Immediate removal may be ordered for any SIGN requiring a permit which is ERECTED without first obtaining such permit, or which is a safety hazard.
3. All SIGNS without a permit number displayed will be removed at the owner's expense, except any SIGN legally ERECTED prior to the adoption of this Bylaw.

6.3.7.6 Right of Appeal - Any person who is dissatisfied with the decision of the BUILDING INSPECTOR or Sign Officer may appeal to the Board of Appeals within thirty (30) days from the date of such refusal, order or decision. If the action of the Inspector is modified or annulled, the BUILDING INSPECTOR shall issue a permit or order in accordance with the decision of the Board.

6.3.7.7 Variation in Specific Cases - The Board of Appeals may vary the provisions of this Bylaw in specific cases which appear to them not to have been contemplated by this Bylaw, and in cases wherein its enforcement would involve practical difficulties or unnecessary hardship, if, in each instance, desirable relief may be granted without substantially derogating from the intent of this bylaw but not otherwise. Any decision to vary the provisions of this Bylaw shall be by at least a 4/5 vote of the Board and shall specify any variance allowed and the reasons therefor.

6.3.7.8 Penalties - Any SIGN owner or property owner who violates this Bylaw shall be subject to a fine of not more than \$50.00 per day. Each day that a violation continues shall constitute a separate offense.

6.3.7.9 Severability – If any provision of this section, or the application thereof to any person or circumstance, shall be held invalid by any court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this section are hereby declared to be severable.

