

9.2. SIGNS

9.2.1. Purposes and Intent

The purposes of this Section 9.2 are to:

- A. Prevent hazards to vehicular and pedestrian traffic;
- B. Prevent conditions which have a blighting influence and contribute to declining property values;
- C. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;
- D. Preserve the amenities and visual quality of the town and curb the deterioration of the community environment; and
- E. Maintain public safety, consistent with constitutional requirements protecting freedom of speech.

9.2.2. Applicability

All outdoor signs and window signs are subject to the regulations of this Section 9.2 unless specifically excluded herein. No signs shall be hereinafter constructed, maintained or permitted except in accordance with this Section.

9.2.3. Administration

The Building Inspector shall have authority to issue sign permits under this Section 9.2. Where the phrase, “Board of Appeals or Arlington Redevelopment Board, as applicable,” appears in this Section, it shall mean “subject to a special permit from the Board of Appeals or approval from the Arlington Redevelopment Board in the case of activity subject to Section 3.5, Environmental Design Review.”

9.2.4. General Regulations

- A. The provisions of Section 9.24 shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in Sections 9.25.
 - 1. Any traffic, directional, informational, educational or identification sign owned and installed by a governmental agency shall be permitted, including, notwithstanding any other provision of this Bylaw, promotional, informational or directional signage placed by the Town relative to historic sites. Acknowledgement of any commercial sponsorship on these signs shall not exceed 3 percent of the sign area.
 - 2. A sign (including interior window displays or banners, either temporary or permanent) or its illuminator shall not by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking.

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3. No red or green lights shall be used on any sign if, in the opinion of the Building Inspector with the advice and consent of the Director of Police Services,⁵¹ such light would create a driving hazard.
4. No sign shall be illuminated between 12:00 midnight and 6:00 a.m., except signs identifying police or fire stations or hospitals, except signs on premises open for business and then only while open for business.
5. All illumination shall be either interior and nonexposed or exterior and shielded and directed solely at the sign and shall be steady and stationary and of reasonable intensity, except that interior illumination is prohibited for bracket signs. Signs fabricated with letters, numbers, designs, or images consisting of a visible light source emitted from the face of the sign, including but not limited to incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes, are prohibited.
6. In buildings where the first floor is substantially above grade and the basement is only partially below street grade, one sign for each level is allowed if each sign has only one half the square footage of sign area as would be permitted for a single sign.
7. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the name of any business or product. Such signs shall not exceed one square foot in area.
8. One informational sign up to 4 square feet in area, indicating the existence of, and meeting time and place among other things of an Arlington civic organization, may be erected only after the granting of a special permit. The exact size, design, content and location shall be subjects of the special permit. Several such signs of service organizations may be consolidated into one sign in which case the maximum sign area shall be limited to four square feet times the number of organizations listed on the sign.
9. Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed 20 square feet in area and one which may not exceed 10 square feet in area. One sign may be free-standing and may be used for church notices and announcements of services and events at the church, synagogue or similar religious institution.
10. One sign, up to one square foot in area, is allowed per residence indicating the name and address of the occupants therein.
11. One sign is allowed for each of the following in any zone:
 - a. Membership club

⁵¹ Is this the correct title?

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- b. Community facility
- c. Funeral establishment
- d. Public utility
- e. Place of public assembly
- f. Premises for sale or lease

Provided such signs above shall not exceed six square feet in area and it shall be located on the face of the building or free-standing and set back at least 10 feet from the lot line.

- 12. A construction project sign indicating the name of the engineer, architect, and contractor or other firms associated with the project, provided it does not exceed 32 square feet in area.
- 13. One temporary sign is allowed per establishment for a period not to exceed 60 days, providing the sign does not exceed the size of the maximum allowed for the site in the district in which it is located. No more than one temporary sign permit may be issued for a site in a calendar year. Before a temporary sign (other than a temporary sign placed in a window) shall be erected, there shall be deposited with the Inspector of Buildings the sum of \$20 in cash for each sign. The deposit shall be refunded only upon the removal of the sign. Temporary signs larger in size or displayed more often than allowed by this bylaw may be authorized for public or charitable purposes.
- 14. A sign area larger than that specifically allowed in 9.25 is allowed by special permit under Section 9.27.
- 15. In any district that allows wall signs, a structure may have no more than two of the following categories of signs: wall sign, window sign, and awning sign.
- 16. The lettering on any sign indicating that a business is open or closed may not exceed six inches in height.
- 17. Notices in compliance with **Title V, Article 1** of the Town Bylaws are allowed in any district.

B. Prohibited Signs

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

- 1. Signs which incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature.
- 2. Wind signs, including banners, pennants, spinners, streamers, and other wind-actuated components.

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3. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.
4. Any sign which advertises a business no longer in existence, or a product or service no longer sold.
5. Portable signs.
6. Window signs which cover more than 25 percent of the area of the window.
7. Signs for home occupations.⁵²
8. Signs, except awning signs, painted or posted directly on the exterior surface of any wall.
9. Signs that obstruct any door, window or fire escape on a building.
10. Signs constructed, erected, or maintained on the roof of any building.
11. Signs which project over a public right-of-way, with the exception of wall signs which may project no more than 12 inches from a building face, and with the further exception of bracket signs in the B3 and B5 zoning districts.
12. Signs in the R, B1 and OS districts containing a registered trademark or portraying a specific commodity⁵³ for sale. In all other districts, signs which contain a registered trademark or portray a specific commodity for sale occupying more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.

C. Permitted Signs

1. In Any R District. One unlighted, permanent sign for any permitted use except a residence or home occupation sign or signs controlled by Section X.XX [7.071] not to exceed four square feet in area and if a ground sign, set back not less than one half the depth of the front yard.
2. Bed and Breakfast Signs. A bed and breakfast or a bed and breakfast home in any zoning district may not have more than one permanent, unlighted sign, not to exceed four square feet in area, and if a ground sign, it must be set back not less than half the depth of the front yard.
3. Signs Permitted in any B, I or PUD District.
4. One wall sign for each street or parking lot frontage of each establishment. Unless further limited by the provisions of Section X.XX and X.XX [7.071 and 7.072], there shall not be more than two permanent signs for any one business or industrial

⁵² Really?

⁵³ Here and elsewhere in Section 9.2, highlighted text raises concerns about content-based regulation.

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establishment, including freestanding signs but excluding window signs, directional signs, directories, marquees, and awnings.

5. One directory of the tenants of the building affixed at each entrance not exceeding an area determined on the basis of one square foot per tenant.
6. One marquee sign for each public entrance to a theater provided that the marquee shall not be more than four feet overall in height.
7. One awning sign for each display window of a store.

9.2.5. Special Controls by Zoning District

- A. Signs Permitted in B1, R6, R7 Districts. Not more than one accessory wall sign up to a maximum of 20 square feet in area, or ground sign up to a maximum of eight square per feet in area, per building except that in R6 and R7 districts, buildings which were originally designed for commercial use, may have one permanent wall sign not to exceed two feet in height, and if containing a trademark or if portraying a specific commodity for sale, such trademark or commodity shall not occupy more than ten percent of the sign area, unless said trademark or commodity is the principal activity conducted therein.
- B. Signs Permitted in Any B2 or T District. One permanent wall sign not to exceed two feet in height or a ground sign not to exceed 20 square feet in area and if containing a registered trademark or portraying a specific commodity for sale, such trademark or portrayal shall not occupy more than 10 percent of the sign area unless said registered trademark or commodity is the principal activity conducted therein.
- C. Signs Permitted in Any B3, B5 I, or PUD District. One permanent wall sign for each street or parking lot frontage of each establishment, and if containing a registered trademark or portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.
- D. Signs Permitted in Any B3 and B5 District. One sign permitted in Sections X.XX and X.XX [7.06 and 7.073] may be a bracket sign meeting the following dimensional requirements : a) no less than 8 feet clearance from ground level to bottom of the sign, b) no more than 15 feet high from ground level to top of the sign, c) the square footage of the sign shall be no larger than 12 sq feet or the number of feet equal to half the façade length of the establishment on which the sign hangs, whichever is less, and d) the sign shall project no more than 50 inches from the face of the building. The area of the sign shall be calculated based on its maximum height and width. Bracket signs shall not be hung over a vehicular way, shall not extend above the building, and shall not extend beyond the curb line.
- E. Signs Permitted in Any B2A or B4 District
 1. One permanent wall sign for each street or parking lot frontage of each establishment not to exceed 40 square feet and to conform to the "wall sign" provisions of Article 7.

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2. One standing sign which does not exceed 24 square feet in lieu of the wall signs permitted in Section X.XX [7.074a]. If a standing sign is provided, there may be one permanent wall sign which does not exceed 20 percent of the area of the standing sign.
3. On property at any corner formed by intersecting streets, no free-standing sign shall be erected within that triangular area between the property lines and a diagonal line joining points on the lines 25 feet from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve at such corner and a diagonal line joining points on such tangents 25 feet from the point of their intersection.
4. Where a single lot is occupied by more than one establishment, whether in the same structure or not, there shall not be more than one free-standing sign for each lot street frontage.
5. At gasoline service stations, one standard sign is allowed for each gasoline pump, bearing in usual size according to state regulations, and usual form, the name and/or type of gasoline and the price thereof.
6. If containing a registered trademark or portraying a commodity for sale, such trademark or commodity shall not occupy more than 10 percent of any sign area, unless said registered trademark or commodity is the principal activity conducted therein.

F. Signs Permitted in MU Districts

1. One free-standing sign provided such sign is not more than four feet by six feet or 24 square feet in area and the top of the sign is not over 12 feet above the ground.
2. One wall or standing sign for identification of each building provided the surface area of such sign of one side shall not be more than 10 square feet nor, if a standing sign, more than six feet above ground.
3. Directional signs that point out parking lots and specific services provided they are not larger than one foot by three feet and provided the top of the sign is not more than four feet above the ground.

G. Signs Permitted in OS Districts

1. One unlighted permanent freestanding sign for any permitted use, not to exceed four square feet in area and set back not more than 15 feet from the front property line.
2. On properties which provide space and amenities for recreational, educational and organized social activities, a kiosk not to exceed twenty-four square feet may be substituted for a freestanding sign. Such a kiosk is intended to serve community needs; no material in the nature of commercial advertisement shall be a part of the kiosk with the exception of sponsorship acknowledgement which may not exceed 3 percent of the area of the kiosk.

9.2.6. Sign Permits and Maintenance

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- A. Application for a sign permit to erect, install, place, construct, alter, move, or maintain a sign shall be submitted to the Building Inspector on forms provided by the Building Department.
- B. Upon receipt of a complete application for a sign permit, the Building Inspector shall transmit a copy to the Director of Planning and Community Development for review and comment. The Director shall submit an advisory report with recommendations as to location, size, color, and lighting among others to the Building Inspector within 14 days of receipt of the application. Failure to submit a report within the 14-day time period shall constitute no objection to the permit by the Department.
- C. A sign permit shall be issued only if the sign complies or will comply with all applicable provisions of this Bylaw.
- D. The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure which in the judgment of the Building Inspector is dangerous or in disrepair, or which is erected or maintained contrary to this Bylaw.

9.2.7. Special Permits

- A. Under certain circumstances, the Board of Appeals or Arlington Redevelopment Board, as applicable, may issue a special permit to allow more than the number of signs permitted under this Section 9.2, or signs of a greater size or in a location other than that specified in this Section 9.2 if the architecture of the building, the location of the building relative to the street, or the nature of the use being made of the building is such that an additional sign or signs of a larger size should be permitted in the public interest. In granting sign special permit, the Board of Appeals or Arlington Redevelopment Board, as applicable, shall specify the size and location of the sign or signs and impose other terms and restrictions as it may deem to be in the public interest. However, in no case shall any sign permitted exceed a maximum of four feet times the linear face of the building front.
- B. Submission requirements and procedures for a sign special permit shall be in accordance with Section 3.4 of this Bylaw and the rules and regulations of Board of Appeals or Arlington Redevelopment Board, as applicable.

9.2.8. Nonconformance of Accessory Signs

Accessory signs or other advertising devices legally erected before the adoption of this Bylaw may continue to be maintained, provided, however, that:

- A. No sign or other advertising device shall be permitted if it is, after the adoption of this Bylaw, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this Bylaw; and
- B. Any sign or other advertising device that has deteriorated to such an extent that the cost of restoration would exceed 35 percent of the replacement cost of the sign or other advertising device at the time of the restoration, shall not be repaired or rebuilt or altered except to

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conform to the requirements of this bylaw. Any exemption provided in this section shall terminate with respect to any sign or other advertising device which:

1. Shall have been abandoned;
2. Advertises or calls attention to any products, businesses or activities which are no longer sold or carried on at the particular premises; or
3. Shall not have been repaired or properly maintained within 30 days after notice to that effect has been given by the Inspector of Buildings.

9.2.9. Nonaccessory Signs

- A. No person, firm, association, or corporation shall erect, display or maintain a billboard, sign, or other outdoor advertising device, except those exempted by G.L. 93, §§ 30 and 32.
- B. No billboard, sign or other advertising device shall be erected, displayed or maintained in any block in which one-half of the buildings on both sides of the street are used exclusively for residential purposes; except that this provision shall not apply if the written consent of the owners of the majority of the frontage on both sides of the street in such block is first obtained and is filed with the Division of Highways of the Department of Public Works of the Commonwealth of Massachusetts, together with the application for a Permit for such billboard, sign or other advertising device.
- C. Not more than one nonaccessory sign shall be permitted on each lot. No nonaccessory sign shall be erected, constructed or maintained within 50 feet of another nonaccessory sign, unless said nonaccessory signs are on one structure and placed back to back.
- D. No nonaccessory signs shall be erected in any R district and, except as specifically exempt by the applicable regulations of the Massachusetts Board of Outdoor Advertising, no nonaccessory sign shall be erected in any B or I district:
 1. On the premises of or within 300 feet of, a district, site, building, structure or object which is listed in the National Register of Historic Places in accordance with P. L. 89 665, 805.915 (1966) as amended;
 2. On the premises of or within 300 feet of any church, chapel, synagogue, school, public playground, hospital, municipal building (including without limitation town hall, fire and police stations and public library buildings, MBTA station), museum, public park or reservation, a permanently erected memorial to veterans or monument;
 3. Within 200 feet of the 100-year floodline of the Alewife Brook, Mystic Lake, Mystic River, Mill Brook, Spy Pond or any wetlands shown on the floodplain and wetland overlay of the zoning map of the Town of Arlington;
 4. Within a radius of one hundred 150 feet from the point where the centerlines of two or more public ways intersect;
 5. Exceeding a height of 30 feet measured from the ground surface;

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6. Upon the roof of any building;
 7. Exceeding an area of 300 square feet or one-half square foot per foot of lot frontage or, in the case of wall signs, of one-sixth of the area of said wall, whichever is smaller;
 8. Containing a sign face with a vertical dimension in excess of 12 feet;
 9. Nearer than 100 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of eight feet or a height of four feet;
 10. Nearer than 300 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device shall exceed a length of 25 feet or a height of 12 feet; or
 11. In any event if such billboard, sign or other advertising device shall exceed a length of 50 feet or a height of 12 feet; except that the Selectmen may permit the erection of billboards, signs or other advertising devices which do not exceed 40 feet in length and 15 feet in height if not nearer than 300 feet to the boundary line of any public way.
- E. No billboard, sign or other advertising device shall be erected, displayed or maintained without a permit from the Division of Highways of the Department of Public Works pursuant to the following provisions: Upon receipt from the Division of a notice that application for a permit to erect, display or maintain a billboard, sign or other advertising device within the limits of the town has been received by it, the Board of Selectmen shall hold a public hearing on said application in the town, notice of which shall be given by posting the same in three or more public places in said town at least one week before the date of such hearing. A written statement as to the results thereof shall be forwarded to the Division containing, in the event of a disapproval of such application, the reasons therefor, within 30 days from the date of notice of the town that an application for such a permit had been made.
- F. This Bylaw shall not apply to signs or other devices erected and maintained in conformity with law, which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertising the property itself or any part thereof as for sale or to let and which contain no other advertising matter and provided further that this Bylaw shall not apply to billboards, signs or other advertising devices legally maintained, at the time of its approval by the Attorney-General, until one year from the first day of July following such approval.

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