

Public Hearing for Town Meeting Warrant Article 17 Town of Arlington, MA

Arlington Redevelopment Board Meeting | March 4, 2019

LWC



Article 17

To see if the Town will vote to amend the Zoning Bylaw to update the sign regulations in its entirety by; amending SECTION 2 DEFINITIONS to remove and replace the definitions associated with signs, and amending SECTION 6.2 SIGNS to remove and replace the sign regulations in its entirety, or take any action related thereto.

Related Article 26: Supports consolidation of the sign regulations into the Zoning Bylaw

Project Overview

- Master Plan Zoning Audit identified concerns with the sign regulations
- Recodified Zoning Bylaw was adopted in February 2018
- Recodification process identified need for an update to the Town's sign regulations, but needed amendments were too substantive to address at that time
- LWC, Inc. hired September 2018



TOWN OF ARLINGTON ZONING BYLAW

Adopted by Town Meeting on February 12, 2018
Amended by Special Town Meeting on May 2, 2018

Purpose of the Update

To develop new Sign Regulations that are:

- **Consistent with the state and federal law, and the Arlington Master Plan**
- **Consistent with recent, pertinent case law**
- **Standards that reflect different aesthetic, dimensional, and material needs of different property types and geographies**
- **Well-organized, straight-forward, and easy-to-use**
- **Clear, concise, and well-illustrated**
- **Incorporates best practices**

Sign Bylaw Update Process

Event/Deliverable	Dates
Project Initiation – Kick-Off Conference Call	September 2018
Stakeholder Interviews & Community Workshop	October – Nov. 2018
Sign Regulations Analysis & Recommendations Report	December 2018
Public meeting – ZBWG	December 2018
Administrative Draft Sign Regulations for staff review	January 2019
Public Review Draft Sign Regulations	February 2019
Public hearing – Arlington Redevelopment Board	March 4, 2019
Town Meeting	April 22, 2019
Incorporate adopted Sign Regulations into ZBL	May 2019



Legal Context and Key Issues

Reed v. Town of Gilbert

Reed v. Town of Gilbert, US Supreme Court No. 135 S.Ct. 2218, 2015



"Temporary Directional Signs Relating to a Qualifying Event"

Source: <http://www.nytimes.com/2015/06/19/us/justices-side-with-arizona-church-in-dispute-over-sign-limits.html>

Reed v. Town of Gilbert

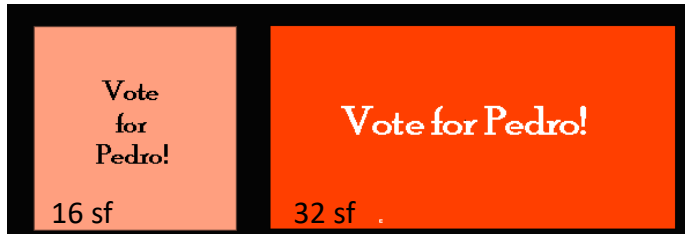
Reed v. Town of Gilbert, US Supreme Court No. 135 S.Ct. 2218, 2015

Ideological



Where?	How long?
Anywhere	As long as you want

Political



Where?	How long?
Residential (16 sf) NR / public / ROW (32)	60 before primary 15 after general

Temporary
Directional Sign
Relating to a
Qualifying Event



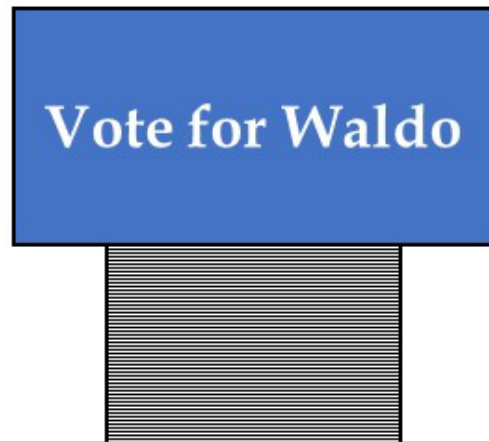
6 sf

Where?	How long?
Private or public land 4 at a time	12 hours before 1 hour after

Legal Considerations

Content-Based Regulations

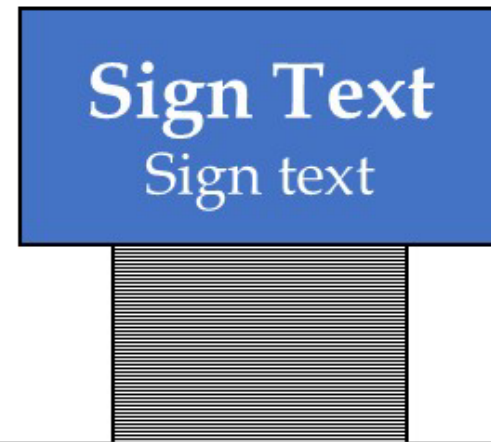
- What does sign say?
- Message determines if it stays up or down, or applicable regulations



"Political Sign"

Content-Neutral Regulations

- Time
- Place
- Manner



"Freestanding Sign"

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6.2.1 General Provisions

Purpose

Authority

Applicability

Substitutions

Exemptions

6.2.2 Administration and Procedures

Sign Permits

Temporary Sign Permits

Sign Special Permits

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6.2.3 General Restrictions for Signs

Location restrictions

Prohibited signs

Display restrictions

6.2.4 General Requirements for Signs

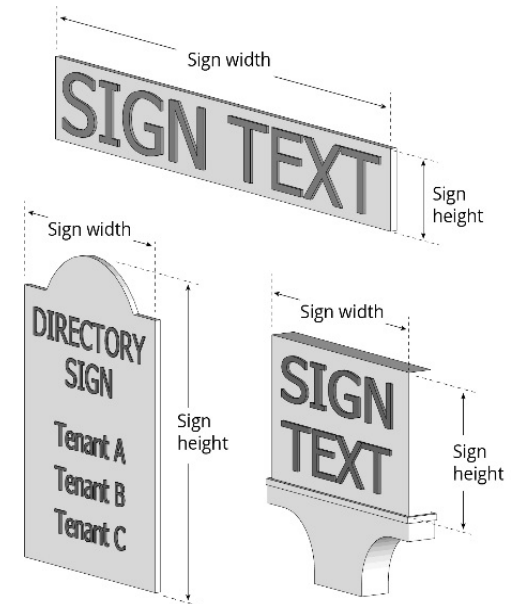
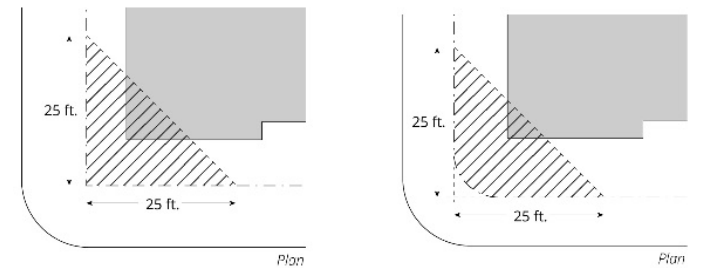
Sign area

Sign height

Sign illumination

Sign structure and installation

Sign maintenance



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6.2.5 Standards for Permanent Signs

Sign Districts		
Sign District Name	Districts	Description
Residential Sign District	Large Lot Single-Family District (R0) Single-Family District (R1) Two-Family District (R2) Three-Family District (R3)	These districts comprise the vast majority of residential land in Arlington. Signage is limited in these districts, as a variety of allowed signage types could detract from the desired residential character.
Residential/Business Sign District	Townhouse District (R4) Apartment District/Low Density (R5) Apartment District/Medium Density (R6) Apartment District/High Density (R7) Neighborhood Office District (B1) Neighborhood Business District (B2)	These districts generally are located along Massachusetts Avenue, and require a variety of sign types to achieve a diverse, mixed-use character appropriate for neighborhood residential, office, service, and retail uses.
Business Sign District	Major Business District (B2A) Village Business District (B3) Vehicular Oriented Business District (B4) Central Business District (B5)	These districts comprise the major commercial centers in Arlington and require a variety of sign types to achieve a diverse character appropriate for major office, service, and retail uses.
Industrial Sign District	Industrial District (I) Transportation District (T)	These districts allow a number of sign types to achieve a character appropriate for industrial manufacturing, warehousing, and transportation uses.
Multi-Use Sign District	Multi-Use District (MU) Planned Unit Development (PUD)	These districts allow a variety of signage types for larger-scale, multi-use developments.
Open Space Sign District	Open Space District (OS)	This district prohibits most sign types, allowing only those necessary to provide information for the primary open space and recreation uses.

Allowed Sign Types by Sign District						
Sign Type	Residential ¹ (R0, R1, R2, R3)	Residential/ Business ¹ (R4, R5, R6, R7, B1, B2)	Business ¹ (B2A, B3, B4, B5)	Industrial ¹ (I, T)	Multi- Use ¹ (MU, PUD)	Open Space ¹ (OS)
Building Mounted Signs²						
Awning Sign		Y	Y	Y	Y	
Bracket Sign		Y	Y		Y	
Canopy Sign			Y		Y	
Directional Sign		Y	Y	Y	Y	
Directory Sign		Y	Y	Y	Y	
Marquee Sign			Y			
Porch Sign	Y	Y				
Projecting Sign			Y	Y	Y	
Service Island Canopy Sign			Y	Y		
Wall Sign	Y	Y	Y	Y	Y	
Window Sign	Y	Y	Y	Y	Y	
Freestanding Signs						
Directory Sign				Y	Y	
Directional Sign		Y	Y	Y	Y	
Freestanding Projecting Sign				Y	Y	Y
Monument Sign			Y	Y		
Post Sign	Y	Y	Y	Y	Y	Y
End Note:						
¹ For Religious and Educational Uses in all Districts, all permanent sign types are allowed except for the following:						
<ul style="list-style-type: none"> Awning Sign Marquee Sign Projecting Sign Service Island Canopy Sign 						
² In all districts, a building may have no more than two of either an awning sign, wall sign, or a window sign.						

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6.2.5 Standards for Permanent Signs

D. Standards for All Permanent Building-Mounted Sign Types. The following sign types are allowed, subject to the criteria listed under each sign type.

- (1) Awning Sign. Awning signs must comply with the standards provided in the table below.

Awning Sign Standards	
Standard	Requirements
Sign Area ¹	1 sq. ft. of sign area per linear foot of awning width.
Mounting Height	Min. of 8 ft. from the bottom of the awning to the sidewalk.
Sign Placement	Only above the doors and windows of the ground or second floor of a building. Must not project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located. Sign width shall not be greater than 60% of the width of the awning face or valance on which it is displayed.
Setback from back of curb	Min. 2 ft.
Illumination	Nonilluminated or illumination under the awning.
Permitting	Sign permit required. See Subsection 6.2.2(A).
End Notes: ¹ If an awning is placed on multiple store fronts, each business is allowed signage no greater than 60% of the width of the store front.	



This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.

- (2) Bracket Sign. Bracket signs must comply with the standards provided in the table below.

Bracket Sign Standards	
Standard	Requirements
Number of Signs	Max. 1 per business.
Sign Area	Max. 12 sq. ft.
Mounting Height	Min. of 8 ft. from the bottom of the sign to the sidewalk. Must be mounted perpendicular to the building face or corner of the building.
Sign Placement	If mounted below the underside of a walkway or overhead structure, must not extend beyond the edge of the structure on which it is located.
Sign Projection	Max. 5 feet from the building façade.
Illumination	Non-illuminated or externally illuminated. See Subsection 6.2.4(C).
Permitting	Sign permit required. See Subsection 6.2.2(A).



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- (3) Monument Sign. Monument signs must comply with the standards provided in the table below.

Monument Signs Standards		
Standard	Requirements	
	Sign Area and Number of Signs	Sign Height
Residential/Business Sign District:	Max. 1 per residence and 1 per frontage for businesses; Max. 8 sq. ft.	Max. 4 ft. to the nearest grade
Business Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 8 ft. to the nearest grade
Multi-Use Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 12 ft. to the nearest grade
Open Space Sign District:	Max. 1 per frontage; Max. 12 sq. ft.	Max. 6 ft. to the nearest grade
Industrial Sign District:	Max. 1 per frontage; Max. 24 sq. ft.	Max. 6 ft. to the nearest grade
Institutional Use in All Districts:	Max. 1 per frontage; Max. 10 sq. ft.	Max. 6 ft. to the nearest grade
Sign Placement	Min. 5 ft.; max. 15 ft. setback from property line. See also Subsection 6.2.3.A.(3).	
Illumination	Non-illuminated or externally illuminated. See Subsection 6.2.4.C.	
Permitting	Sign permit is required. See Subsection 6.2.2.A.	



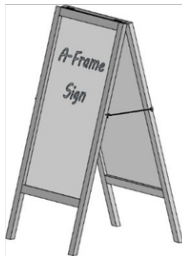
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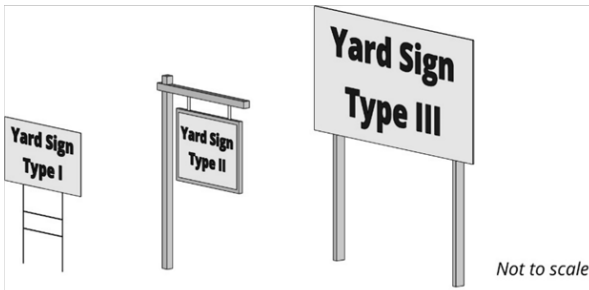
Special Provisions	Requirements
Name of Shopping Center	The name of a shopping center is included in the area and height limits for freestanding signs.
Landscaping	A landscaped area consisting of shrubs, and/or perennial ground cover plants with a max. spacing of 3 ft. on center is required around the base of the signs. The landscape area must be a min. of 2 sq. ft. for each 1 sq. ft. of sign area.

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6.2.7 Standards for Temporary and Portable Signs

Standards for All Portable Signs and Temporary Signs	
Applicable to All Districts	
Placement	Sign placement must not create a hazard for pedestrian or vehicular traffic, and must allow for a 4-foot wide sidewalk to comply with the Americans with Disabilities Act.
Prohibited Elements	Illumination, including flashing, blinking, or rotating lights; animation; reflective materials; and attachments, including balloons, ribbons, loudspeakers, etc.
Design and Construction	Signs must be of sufficient weight and durability to withstand wind gusts, storms, etc., for the safety of pedestrians, bicyclists, and vehicles.
Permitting	See Section 6.2.2(B).
All Residential Sign Districts	
Allowed Sign Types	Yard Sign Types I and II; and Window Signs.
Total Sign Area	Max. 16 sq. ft. per lot; excludes the area of temporary window signs.
Number of Signs	Unlimited, except that the total sign area must not exceed 16 sq. ft.
All Non-Residential Sign Districts	
Allowed Sign Types	A-Frame or Upright Signs; Yard Sign Type I, II, and III; Wall Banners; and Window Signs.
Total Sign Area	Max. 24 sq. ft. per business; excludes the area of temporary wall banner signs and window signs.
Number of Signs	Unlimited, except that the total sign area must not exceed 24 sq. ft. per business. Exception: Multi-tenant commercial buildings or offices - Max. 2 portable signs per 150 linear feet of property frontage not to exceed 24 sq. ft. combined.

Standards for Specific Portable and Temporary Signs				
Sign Type	Standard			Other Requirements
	Max. Height	Max. Width	Max. Area	
Portable Signs ¹				
A-Frame or Upright Sign	4 ft.	3 ft.	12 sq. ft.	
				
This diagram is included for illustrative purposes only. It is not part of the Arlington Zoning Bylaw.				
Yard Sign Type I	4 ft.	2 ft.	3 sq. ft.	Sign must be installed securely in the ground.
Yard Sign Type II	6 ft.	2 ft.	4 sq. ft.	Sign must be installed securely in the ground.
Yard Sign Type III	6 ft.	8 ft.	32 sq. ft.	Sign must be installed securely in the ground.

				
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6.2.7 Nonconforming Signs

Section 2 Definitions

Sign, Bracket: A permanent sign mounted either perpendicular to the wall of building by means of a bracket or attached to the underside of a lintel, arch or other overhead structure above a porch or walkway and which is typically hung perpendicular to the wall of the building. A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

Sign, Building Identification: A permanent sign consisting of letters applied to a building wall, engraved into the building material, or consisting of a sculptural relief which contains the name of the building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.

Sign, Building Mounted: A permanent sign attached to, connected to, or erected against the wall, parapet, or fascia of a building or structure. The exposed face of the sign is in a plane parallel to the vertical face of the building or structure.

Sign, Canopy: A sign that is printed, painted, or affixed to a canopy, typically used to accent building entries. Roof-like covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.

Sign Copy: Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

Sign, Directional: A permanent sign intended to inform the viewer of the approximate route, direction, or location of a facility or use.

Sign, Directory: A permanent sign which provides information in a list, roster, or directory format.

Sign, Externally Illuminated: A sign, the face of which reflects light from an external light source intentionally directed upon it.

Sign, Facing or Face: The surface of a sign board, background area, and structural trim upon, against or through which a message is displayed or illustrated on the sign.

Sign, Feather Banner: A portable sign typically constructed of cloth, plastic or similar non-rigid material, and attached to a vertically mounted pole that is securely fastened to the ground.

Sign, Freestanding: A sign erected or mounted on its own self-supporting permanent structure or base detached from any supporting elements of a building. A sign not a part of or attached to any building but generally located elsewhere on a lot.

Sign, Freestanding Projecting: A permanent sign featuring a single- or double-sided sign face, projecting outward at a perpendicular angle from a support structure.

Sign, Fuel Pump Topper: A temporary sign affixed to the top of an operable fuel dispensing pump used to advertise goods offered for sale on the same parcel on which the fuel pump is located.

Thank you/Questions

