



PLANNING BOARD

Report to Town Meeting

**ARTICLE 8 SIGN AREA
(Planning Board)**

To see if the Town will amend footnote 1. of Section 3.3, Section 8.0, and Article 12 of the Zoning Bylaw by reorganizing and renumbering that section, amending Section 8.04, and deleting ~~lined-out~~ language and adding language in ***bold italics***, as follows:

~ SEE ATTACHMENT ~

Recommendation

The Planning Board voted 7-0-1 (Barberet abstaining) to recommend that Town Meeting adopt Article 8.

Background

This amendment was requested by the Building Commissioner and local sign makers who work in Amherst. Article 8 seeks to provide a way to calculate the area of a sign's surface, so that the maximum sign sizes imposed by the Zoning Bylaw can be clearly enforced.

The Zoning Bylaw contains an entire chapter (coincidentally, also named Article 8, Sign Regulations) that creates extensive regulations for signs proposed in different zoning districts and for different purposes. Those regulations impose limits on the size, height, and location of many different kinds of signs. But they do not provide any guidance on how to calculate the actual maximum surface area of a sign, which makes it difficult to enforce the sign size limits.

In order to be able to do their job, Amherst's Building Commissioners have, over the years, developed two administrative interpretations of the sign regulations to fill in the gap:

1. The area of a sign is considered to be the area of a rectangle enclosing the entire sign, whatever its shape, and;
2. Any open area enclosed by the structure of a sign—for instance, the open area below the sign panel and between the posts of a free-standing sign set on two posts—is counted as part of the sign's total area.

Local sign makers have often objected to these administrative interpretations because there is no reference to anything like them in the Zoning Bylaw itself. Operating under administrative policies that lack any directly supportive language in the Bylaw is poor practice, and could expose the regulations themselves to challenge. Accordingly, the Building Commissioner asked the Planning Board to develop new zoning language indicating how to measure the size of a sign.

In addition to defining sign surface area, Article 8 would also: 1) add language disallowing a waiver of Site Plan Review approval for any change in signs not meeting the default sign regulations, 2) provide regulations for multi-surfaced angled signs, and 3) provide a missing definition for projecting signs.

One possible consequence of the adoption of Article 8 would be a slight increase in the proposed size of some signs, because open areas that are not part of a sign’s design would no longer be counted as part of that sign’s ‘surface’. However, the existing height and location requirements for signs will not change (see attached chart), and these limits—especially height—will moderate any potential increase.

The visual ‘message’ information on a sign needs to be within a certain range of height in order to be easily read and effective, so sign makers design signs that operate within that given height range. Free-standing signs are not going to increase in size downward, because they could not be seen or read. Some signs may get wider, but few will get any taller.

Existing Sign Size/Height/Location Limits

All Zoning Districts

Projecting Signs	Max. 10 sq. ft. Projects no more than 36” over sidewalk, but 48” if 6 sq. ft. or less
Roof Signs	Nor more than 4’ above eaves or parapet
Overall Height	Not to exceed 12’ tall
Overall Size	Not to exceed 125 sq. ft. (by Special Permit only)

Residential Districts

Dwelling or accessory use	One sign per household, 2 sq. ft. max., 4’ tall; Not more than 8 sq. ft. total
Other permitted use	Two (2) signs, not more than total 12 sq. ft.
Any use	Max. 4’ tall, or 6’ tall for projecting sign 3 sq. ft. or less; Set 30” from sidewalk or back a distance equal to its height

Business/Industrial/Research Park Districts

All Business Districts

Wall Signs	Not more than 10% of wall area
Remote entrance sign	Max. 30 sq. ft., 10’ tall

B-L/COM/OP/PRP Districts

Additional signs	One per street frontage: Meets setback – max. 60 sq. ft., 12’ tall Half setback – max. 30 sq. ft., 10’ tall On prop. line – max. 15 sq. ft., 6’ tall (monument only)
Long frontage (300’+)	Meets setback – max. 80 sq. ft., 12’ tall

B-G/B-VC/B-L (next to B-G) Districts

Additional signs

One per street frontage:

Meets setback – max. 25 sq. ft., 10' tall

Signs that are proposed as part of a project being permitted through a Site Plan Review or a Special Permit process can be controlled through conditions applied to the permit.

Public Hearing

The Planning Board held a public hearing on Article 8 on Wednesday, October 7, 2009. After taking public comment and engaging in its own discussion, the Board voted 7-0-1 (Barberet abstaining) to recommend that Town Meeting adopt Article 8.

ATTACHMENT

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A. Amend footnote 1. of Section 3.3, as follows:

¹No Site Plan Review shall be required in those instances where a use change is proposed and no substantial physical changes (other than signs ***not meeting the default requirements of Article 8 for the applicable zoning district***) will occur to the site or building exterior and where no new or additional requirements of the Zoning Bylaw must be met for the proposed use.

B. Amend Section 8.0, as follows:

SECTION 8.0 GENERAL STANDARDS

Any exterior sign or advertising device, or any permanent interior sign or advertising device ***situated***, designed ~~and~~ ***or*** intended ~~so as~~ to be viewed from the out of doors, which is hereafter erected or maintained shall, except as expressly provided, conform to the following restrictions. Any interior sign used only temporarily ~~and or not permanently mounted~~ ***visible from the out of doors*** shall be exempt from the provisions of this section. No sign or advertising device shall, in any district:

8.00 Projecting Signs

8.000 Exceed 10 square feet in area.

8.001 If affixed to, suspended from, or incorporated as part of a building, project more than 36 inches from the building, except that such a sign may project up to 48 inches from the building provided it does not exceed 6 square feet in area.

8.002 If supported by or suspended from a pedestal or post, project more than 36 inches over or into any pedestrian way customarily used by the public, except that any such sign may project up to 48 inches over any such way provided it does not exceed 6 square feet in area.

8.003 Extend into a 24 inch setback from a vertical plane above the curb line of any adjacent street customarily used by the public.

- 8.01 ~~Project or~~ Extend more than four feet above the eavesline or parapet of any building to which it is affixed.
- 8.02 Incorporate or be lighted by, flashing or blinking lights, or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical or electrical motion. Fixed banners or electronic billboards using changeable lights to convey the time, temperature, or other public information shall be exempt from this prohibition.
- 8.03 If free standing, extend more than twelve feet above ground level.

8.04 ***Maximum Surface Area***

8.040 ~~Be larger~~ ***No sign shall have a surface area greater than a total of 80 square feet, except that this requirement may be modified under a Special Permit issued by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw. No sign receiving such a permit for a modification of total surface area shall exceed 125 square feet in area, except as may be permitted under the provisions of Section 8.4.***

8.041 ***Maximum surface area for signs under this and following sections shall be calculated as follows:***

- 1) The surface area of any sign, either freestanding or attached, shall be considered to be the full visual presentation of the sign's display, including all lettering, numerals, symbols, decorative borders, background surface, framing, or ornamental structure, whether open or enclosed.***
- 2) The surface area of a sign shall not include the surface area of any incidental supporting poles, arms, structural framework, bracing, lighting fixtures, or any open areas contained within or framed by such incidental structures which are not an integral part of the design of the sign's display.***
- 3) For a sign consisting of individual letters, numerals, designs, and symbols attached to or painted directly on the surface of a building, wall, window, awning, canopy or other approved surface with no other structure or background, the surface area of the sign shall be considered to be that of the smallest quadrangle which encompasses all of the letters, numerals, designs, colors and symbols constituting the sign's display.***
- 4) For a sign with display areas or surfaces mounted on two surfaces of the same structure, or on parallel and back-to-back structures within 12" of one another, or where the interior angle formed by two display surfaces on a single structure is 60 degrees or less, the display area of a single side—the larger side when***

there is a difference—shall constitute the total surface area for the purposes of this Bylaw. Where the interior angle formed by the two display surfaces is greater than 60 degrees, the combined area of both display surfaces shall be considered one surface for the purpose of establishing maximum surface area.

C. Amend Article 12, Definitions, by adding the following new definition under Section 12.31, and renumbering the remaining sections accordingly:

12.31 *Sign, projecting: A sign affixed to and projecting laterally, in whole or in part, from the side of a building, wall, or structure for a distance of at least 12 inches.*