

FRANKLIN PLANNING & COMMUNITY DEVELOPMENT

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MEMORANDUM

TO: JEFFREY D. NUTTING, TOWN ADMINISTRATOR
FROM: BRYAN W. TABERNER, AICP, DIRECTOR
RE: PROPOSED AMENDMENTS TO SIGN BYLAW
CC: JAMIE HELLEN, DEPUTY TOWN ADMINISTRATOR
MARK CEREL, TOWN ATTORNEY; GUS BROWN, BUILDING COMMISSIONER;
AMY LOVE, PLANNER
DATE: NOVEMBER 20, 2018

Several months ago the Department of Planning and Community Development (DPCD) and other Town staff began developing proposed amendments to the Town's Sign Bylaw, Chapter 185-20 of Franklin Town Code. The Sign Bylaw was last updated in 2012 and Town staff believed there were several small amendments needed.

The proposed changes have been discussed during four Economic Development Committee meetings, a Design Review Committee meeting, and numerous times by Town staff. In addition, DPCD researched the sign bylaws of eleven other Massachusetts communities, and received input from several Town residents while developing the draft Zoning Bylaw Amendments.

Needed updates to the Sign Bylaw required the following three Zoning Bylaw Amendments:

- Zoning Bylaw Amendment 18-822: Amendment To §185-20. Signs
- Zoning Bylaw Amendment 18-823: Amendment To Sign District Regulations
- Zoning Bylaw Amendment 18-824: Amendment To Sign District Overlay Map

The three Amendments are attached for review and consideration. Also attached is a summary of the more important changes being proposed.

DPCD believes the proposed changes sufficiently address identified problems with the Town's Sign Bylaw without negatively impacting commercial development or building reuse.

If Town Council supports the proposed Sign Bylaw update, DPCD recommends they refer Zoning By-law Amendments 18-822, 18-823 and 18-824 to the Planning Board for a Public Hearing.

Please let me know if you have questions or require additional clarification.

TOWN OF FRANKLIN
ZONING BYLAW AMENDMENT 18-822:
CHANGES TO §185-20. SIGNS
A ZONING BY-LAW TO AMEND THE FRANKLIN TOWN CODE
AT CHAPTER 185, SECTION 20. SIGNS

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL THAT:

Chapter 185 of the Code of the Town of Franklin is hereby amended by the following ~~deletions~~ and additions to §185-20 Signs:

§ 185-20 Signs.

A. Purpose

The purpose of this Bylaw is to provide for the reasonable regulation and control of billboards, signs, and other advertising devices within the Town of Franklin in order to protect and enhance the appearance of the Town, as well as the health, safety, and welfare of its residents, without unduly restricting the conduct of lawful enterprise.

B. Applicability

- (1) All externally visible signs not exempt under State law or under Section F, Exemption of this Bylaw, shall be in compliance with the regulation contained within this Bylaw.
- (2) Only Temporary Signs described by this Bylaw shall be permitted. All others Temporary Signs are not permitted (see Attachment 10, Schedule of Permitted Signs per Sign District).
- (3) This bylaw establishes four separate sign districts with different regulations within each district (See Attachment 10, Schedule of Permitted Signs per Sign District). These districts are delineated on the map entitled Town of Franklin Sign Districts and created under 185-4, Districts enumerated.
 - (a) The Downtown Commercial District (hereafter DCD) consists of parcels within the Downtown Commercial and Rural Business Zoning Districts.
 - (b) The Commercial and Business Corridor District (hereafter CBCD) consists of parcels within the Commercial I, Commercial II, Business, and Limited Industrial Zoning Districts.
 - (c) The Industrial and Office Park District (hereafter IOPD) consists of parcels within the Industrial and Office Zoning Districts.
 - (d) The Residential District (hereafter RD) consists of parcels within all residential zoning districts.

- (4) Any preexisting sign that this bylaw makes nonconforming shall remain legally preexisting nonconforming until it **requires replacement. is replaced because of a change in use. When changed, the sign must conform to this bylaw.**

C. Permit Requirements

- (1) General: The Building Commissioner shall determine sign compliance with the requirements of this bylaw including but not limited to size, shape, construction, location, lighting, materials, number, condition and method of mounting or affixing to various surfaces.
- (2) Permits.
- (a) All signs shall receive a permit from the Building Commissioner prior to installing or attaching any signs.
- (b) There shall be a fee assessed for a sign permit as set forth in Chapter 82, Franklin Town Code.
- (c) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a six month period.
- (d) The Building Commissioner may order immediate removal of any sign requiring a permit which has been erected without first obtaining such permit.
- (e) All signs within the CBCD, DCD, IOPD or RD are required by this bylaw to obtain approval from the Design Review Commission prior to the issuance of a sign permit from the Building Commissioner. Procedures for obtaining Design Review Commission approval are defined in §185-31(2), Design review.
- (3) Illumination
- (a) Signs may be externally illuminated provided that there shall be no glare cast onto adjacent residential properties or in a manner to disrupt the movement of pedestrian or vehicular traffic.
- (b) Signs may be internally illuminated in all sign districts other than the DCD and RD, provided that the background is dark in color and the letters are light in color, or there is an opaque shield between the light source and the sign panel that only allows the lettering area to be illuminated. Canopies or Awnings may also be internally illuminated. There shall be no glare or direct light reaching any adjacent residential properties or in a manner to disrupt the movement of pedestrian or vehicular traffic from an internally illuminated sign, canopy or awning.
- (4) Dimensional Requirements
- (a) General
- [1] The size of a sign consisting of individual letters or symbols attached to or painted on any type of surface, is the rectangular area that encloses all of the individual letters or symbols. This also includes Canopies and Awnings that have letters or logos as part **of**

~~or attached to~~ them. In addition, any area of material or color forming an integral part of the background of the display or which is used to differentiate the display from the backdrop shall be included in the total sign area calculation.

- [2] Only one side is counted in computing the area of a double-faced sign; however, not having a double-faced sign shall not allow the applicant to add additional square footage to the maximum square footage area allowed within the specific district that the sign is displayed.

(b) Freestanding Signs

- [1] The height of a freestanding sign is the vertical distance from the average finished grade of adjoining ground to the top of the highest attached component of the sign.

- [2] All freestanding signs shall be placed, based upon the Building Commissioner's determination in consultation with the Police Chief, at least ten feet from the ~~curb or edge of pavement when no curb is present~~ road right-of-way. Within the DCD, if in the Building Commissioner and the Police Chief determination that a freestanding sign can be installed closer to the ~~curb~~ road right-of-way, they can, at their option, authorize the sign to be installed no less than a distance of five feet from the ~~curb~~ road right-of-way. Criteria to be considered with regard to freestanding sign location include but are not limited to whether the sign blocks the view of oncoming vehicles or pedestrians, the width of the right-of-way and any conditions that may block the view of the sign.

- [3] Freestanding signs in the DCD, CBCD, IOPD may have a manually changeable reader board with no more than three lines of text. Reader boards shall be the color of the sign or white, with black, red, blue or white block letters and numbers. Reader boards shall be included in calculating the freestanding sign maximum square footage area.

- [4] Freestanding signs shall be supported with two uprights. No freestanding signs shall be wider than the distance between the uprights.

- [5] Freestanding signs are ~~encouraged~~ required to be landscaped with selected flora, no more than two feet above the average finished grade of adjoining ground. This requirement may be waived if the landscaping is determined to be a safety hazard based upon the Building Commissioner determination in consultation with the Police Chief. The criteria to be considered with regard to freestanding sign landscaping shall include but are not limited to whether the landscaping blocks the view of oncoming vehicles or pedestrians.

- [6] Properties having multiple establishments shall only be permitted one freestanding sign unless otherwise specified in Attachment 10 Schedule of Permitted Signs per Sign District.

(c) Other

[1] Properties within the IOPD **and CBCD** that are directly abutting or facing a residentially zoned district, shall have all signs reduced in size by 50%.

[2] No sign shall overhang a public way without prior written approval from the Town Administrator and proof of insurance as determined by the Town Administrator.

D. Temporary signs

(1) The following are requirements for temporary signs within the Town of Franklin unless otherwise regulated by this bylaw (See Attachment 10, Schedule of Permitted Signs per Sign District).

(a) Any new **business establishment** is permitted to display a temporary sign, **upon Building Commissioner review and approval, for up to 30 days** provided they have filed a complete application **for the permanent sign(s)** to the Design Review Commission. **Temporary signs can be displayed for up to 30 days after the Design Review Commission approval of the permanent sign(s).**

(b) Temporary signs shall be attached to the structure where the business is located.

(c) Temporary signs shall be no more than six sq.ft. in area, **unless otherwise specified in Attachment 10 Schedule of Permitted Signs per Sign District.**

(d) No temporary sign shall be internally or externally illuminated.

(e) No temporary signs shall be allowed within the Town right-of-way or on Town property unless prescribed by this Bylaw.

(f) All temporary signs shall be constructed with suitable materials to withstand the weather for the time period during which they are displayed. Any temporary sign that shows wear or tear shall be ordered removed by the Building Commissioner.

(g) No temporary sign shall be allowed that obstructs visibility, interferes with public access, or is otherwise determined to be a safety hazard by the Building Commissioner in consultation with the Police Chief.

(2) The following is a list of temporary signs with special permitting requirements and/or time frames for their display within the Town of Franklin.

(a) Real estate for sale or lease signs shall be no larger than five square feet in size for residential properties and twenty square feet for all other properties. These signs cannot be displayed until the building or property is available for sale or lease and shall be removed within a week of the sale or lease. These signs do not have to be attached to a building.

(b) **Non-profit event signs.** Signs pertaining to non-profit events shall be permitted to be displayed at locations designated by the Town.

All Signs must comply with Town display requirements and shall be permitted through the Building Commissioners Department. These will be allocated based upon the following criteria:

- (1) ~~Town~~ **Municipal** business
- (2) School business
- (3) ~~Town~~ **Municipal** or school related non-profit Business.
- (4) All other non-profit business

~~(3) — Political signs shall not be subject to a time limit. Political signs shall otherwise comply with the requirements for temporary signs contained in section D.(1)(e) through (g).~~

E. Prohibited Signs

- (1) Any signs having a part that moves or flashes, or signs of the traveling light or animated type, and all beacons and flashing devices, whether a part of, attached to or separate from a sign, are prohibited.
- (2) No liquid crystal display or light emitting diode signs are permitted within the Town of Franklin other than gas station signs displaying one price and no more than sixteen square feet in size.
- (3) Roof signs, billboard signs, inflatable signs or banners are prohibited.
- (4) No flags shall be allowed with the exception of those permitted in Subsection F(3).

F. Exemptions

- (1) Any sign permitted by the Building Commissioner as necessary for public safety or the public health.
- (2) Directional signs and directory signs bearing only property numbers, names of occupants or premises or other identification of premises, not exceeding one square feet in area and having no commercial connotations.
- (3) Flags and insignia of the United States government or the Commonwealth of Massachusetts, and historical date plaques or markers approved by the Historical Commission.
- (4) Legal notices, identification, informational or directional signs erected or required by government bodies.
- (5) **Political Signs are exempt, except they are subject to the dimensional requirements in Attachment 10 of this Zoning Bylaw, Schedule of Permitted Signs per Sign District.**

G. Sign Maintenance

All signs shall be structurally sound and free from all hazards caused or resulting from decay or the failure of structural members, fixtures, lighting or appurtenances. All signs shall be maintained in readable and clean condition and the site of the sign shall be maintained free of weeds, debris and rubbish.

Owner's of signs that are determined to be a safety hazard by the Building Commissioner in consultation with the Police Chief shall be directed to correct

the condition by the Building Commissioner. Failure to comply with the Building Commissioner's request will constitute an enforcement action.

H. Sign approvals.

- (1) Design Review Commission Sign Approvals
 - (a) All new signs and sign modifications must be reviewed and approved by the Design Review Commission prior to issuance of a Building Permit.
- (2) Application Submittal Requirements. Applicants must submit the following information concurrently, to be considered a complete application for review of Signs; incomplete applications may result in refusal of application.
 - (a) One, original, Form Q, Design Review Application with Questions A-F completed.
 - (b) Nine, color copies of the proposed sign rendering.
 - (c) Nine copies of the plan showing sign as required in §185-31.2C(1)(c)[5].
 - (d) Picture(s) of existing sign(s) if applicable.
- (3) Drawing Requirements.
 - (a) Color rendering of the proposed sign which includes but is not limited to the following detailed information:
 - [1] Type of sign (i.e. wall, pylon, etc.)
 - [2] Size/dimensions
 - [3] Style of lettering
 - [4] Colors being used (specific name of color)
 - [5] Materials
 - [6] Lighting (illuminated, nonilluminated)
 - [7] Style of lighting being used (internally illuminated, externally illuminated) and provide details of lighting fixtures.
 - (b) A plan showing the proposed location of existing signs or proposed signs and any proposed landscaping, if applicable to sign area.
- (4) Review Criteria.
 - (a) Signs shall be reviewed by the Design Review Commission according to the criteria set forth in the *Design Review Commission Design Review Guidelines, Part IV Sign Guidelines*, ~~(and Attachment 10, of this Zoning Bylaw)~~, **Schedule of Permitted Signs per Sign District.**

I. Enforcement

- (1) The Enforcement Agent for this bylaw shall be the Building Commissioner or his designee and the Franklin Police Department.
- (2) The Building Commissioner may order the cessation, repair, alteration, correction or removal of any sign that is not in compliance with the provisions of this bylaw.

(3) Any sign may be inspected periodically by the Building Commissioner for compliance with this bylaw and other requirements of law. Any sign which has been ordered removed by Building Commissioner, or is abandoned or discontinued, shall be removed by the sign owner or the owner of the property on which the sign is located within 30 days of written notice from the Building Commissioner. Violation of any provision of this by-law or any lawful order of the Building Commissioner shall be subject to the following fines. Each day that violation continues shall constitute a separate offense.

- (1) First Offense: \$50.00.
- (2) Second Offense: \$100.00.
- (3) Third and Subsequent Offense: \$200.00.

J. Appeals. Any Applicant may appeal a Design Review Commission decision to the Zoning Board of Appeals (ZBA) within 10 days of the decision, by filing the appeal in writing to the ZBA Administrative Secretary specifying the grounds for such appeal. Any Applicant may appeal the Building Commissioner’s order of removal to the Zoning Board of Appeals within 10 days of the issuance of written notice, by filing the appeal in writing to the ZBA Administrative Secretary specifying the grounds for such appeal. Refer to Section 185-45 **Zoning Administration and Enforcement** for more information regarding the ZBA.

The foregoing Zoning By-law amendment shall take effect in accordance with the Franklin Home Rule Charter and Massachusetts General Law Chapter 40A, Section 5.

DATED: _____, 2018

VOTED:
UNANIMOUS _____

A True Record Attest:

YES _____ **NO** _____

Teresa M. Burr
Town Clerk

ABSTAIN _____

ABSENT _____

Glenn Jones, Clerk