

ARTICLE XIV (Signs)

14.0 Purpose:

The purpose of this article is to protect the public safety and general welfare by controlling and guiding the use of signs in Newbury. It is the intent that this article shall:

- 14.0.1 Encourage the effective use of signs as a means of communication in the town;
- 14.0.2 Maintain and enhance the aesthetic environment and thereby attract sources of economic development and growth;
- 14.0.3 Improve pedestrian and traffic safety;
- 14.0.4 Minimize the possible adverse effect of signs on nearby public and private property, and
- 14.0.5 Enable the fair and consistent enforcement of these sign restrictions.

14.1 Signs Not Allowed:

No sign shall be permitted except as allowed in this article. The following signs are specifically not allowed: animated, beacon, pennant, inflatable, those that are attached to trees and utility poles, those that are illuminated from inside, and those that feature exposed bulbs, plasma tubes such as neon, or light-emitting diodes.

Any sign installed or placed on public property, including a road right-of-way, except in conformance with the requirements of this ordinance, shall be forfeited to the town and subject to confiscation. In addition to other remedies hereunder, the town shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

14.2 Signs Exempt from Regulation:

The following signs shall be exempt from regulation under this ordinance:

- 14.2.1 Building markers, occupant identification, incidental signs, and flags which do not carry a commercial message;
- 14.2.2 All signs erected by governments and their agencies;
- 14.2.3 All signs erected by public utilities regarding poles, lines, pipes, and facilities;
- 14.2.4 Emergency warning signs erected by public utilities or by contractors doing authorized or permitted work within the public-right-of-way;
- 14.2.5 Traffic control signs on private property, such as Entrance, Exit, Stop, Yield, and similar signs, the face of which carry no commercial message, and
- 14.2.6 Forestry/conservation signs for forestry uses, tree farms, conservation/preservation projects, and wildlife preserves.

14.3 Signs Allowed:

Signs shall be allowed on private property in the town in accordance with Table 14.3.

Except as exempted in this article, signs shall be limited to those which advertise goods, services, or products manufactured or offered for sale on the premises.

KEY TO TABLE 14.3

- A Allowed without sign permit
- P Allowed only with sign permit
- N Not allowed

TABLE 14.3 SIGNS BY SIGN TYPE AND ZONING DISTRICT

Sign Type	Zoning	
	Residential	Business
Permanent		
Freestanding	A (a)	P
Building Mounted	N	P
Projected	N	P
Wall	N	P
Roof	N	P
Window	N	P
Canopy	N	P
Temporary		
Portable (A-frame, etc.)	P	P
Banner	N	P
Window	N	P
Real Estate		
On-premises	A	A
Off-premises	P	P
Signs with Changeable Copy	N	P

- (a) No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.

14.4 Sign Specification:

Signs allowed or permitted in Section 14.3 shall conform to the limits in Tables 14.4.1 and 14.4.2.

14.4.1 The sum of the area of all permanent and temporary signs, wherever located on the lot, shall not exceed the maximum area for all signs as specified in Table 14.4.1.

14.4.2 Individual signs shall not exceed the maximum size, minimum setback, and maximum number of signs per type as shown in Table 14.4.2.

Table 14.4.1 MAXIMUM TOTAL SIGN AREA PER LOT

Sign Type	Zoning District	
	Residential	Business
Maximum Area for all Signs (sq.ft.)	8	100

Table 14.4.2 NUMBER, DIMENSION, AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT

KEY TO TABLE 14.4.2 N/A Not Applicable

Sign Type	Zoning District	
	Residential	Business
Permanent		
Freestanding		
Area (sq.ft.)	6	32
Height (feet)	5	12
Setback (feet) (a)	5	5
Number per lot	1	1

Building Mounted

Wall

Area (sq.ft.)	N/A	(b)
Number per lot	N/A	1

Projecting

Area (sq.ft.)	N/A	(f)
Number per lot	N/A	1

Roof

Area (sq.ft.)	N/A	32
Number per lot	N/A	1

Window

Area (sq.ft.)	N/A	(c)
Number per lot	N/A	1

Canopy

Area (sq.ft.)	N/A	(d)
Number per lot	N/A	1

Temporary

Portable (A-frame, etc.)

Area (sq.ft.)	6	16
Height (feet)	5	5
Setback (feet) (a)	5	5
Number per lot	1	2

Banner

Area (sq.ft.)	N/A	32
Number per lot	N/A	1

Window

Area (sq.ft.)	N/A	(c)
Number per lot	N/A	1

Real Estate

On-premises

Area (sq.ft.)	6	6
Number per lot	1	1

Off-premises

Area (sq.ft.)	6	6
Number per lot	(e)	(e)

- (a) In addition to the setback requirements in this Table, signs shall be located such that there is at every street intersection a clear view between heights of three (3) feet and ten (10) feet in a triangle formed by the corner and points on the curb thirty (30) feet from the intersection or entranceway.
- (b) Five (5) percent of building wall area or 32 square feet, whichever is greater.
- (c) Twenty-five percent (25%) of window area.
- (d) Twenty-five percent (25%) of vertical surface of canopy.
- (e) As determined by the Board of Selectmen.
- (f) Maximum area of twenty-four (24) square feet and not projecting more than eighteen (18) inches from surface of the wall or structure.

14.4.3 Calculation of Sign Area.

14.4.3.1 Permanent, freestanding and roof mounted: Back-to-back signs shall be counted as one. Two signs joined at one side and having an interior angle greater than zero shall be deemed to be two signs. The area to be measured shall be that part which carries the commercial or other message and clearly is not part of the supporting structure.

14.4.3.2 Permanent, wall mounted and window: When the background of the message is the same as the building or window, the area to be measured shall be a rectangle which includes the message and any associated graphics. When the background of the message is distinguishable from the wall or window, the area to be measured shall be the area of the background.

14.4.3.3 Permanent, projecting: The area to be measured shall be that part which carries the commercial or other message and clearly is no part of the supporting structure.

14.4.3.4 Permanent, canopy: The area to be measured shall be a rectangle which includes the message and any associated graphics.

14.4.3.5 Temporary, portable, and real estate: Back-to-back signs and signs attached at the top, such as A-frames, shall be counted as one. The area to be measured shall be that part which carries the commercial or other message and clearly is not part of the supporting structure.

14.4.3.6 Temporary, banner: The area to be measured shall be the area of the cloth or other material.

14.4.3.7 Temporary, window: The area to be measured shall be the area of any message and/or graphic behind the window exclusive of any supporting structure.

14.4.4 Calculation of Sign Height:

The height of a sign shall be computed as the distance from the normal grade to the top of the highest attached component of the sign or supporting structure. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest road.

14.5 Permits for Permanent Signs:

When a permit is required, the landowner or business owner shall apply for a permit by submitting an application to the Code Enforcement Officer. Applications are available at the town office or online at the town's website. A completed application shall include supporting material as required in this section and the appropriate permit fee.

Supporting materials shall consist of the following:

14.5.1 A site drawing or sketch which shows the following:

- 14.5.1.1 Size and location of buildings to scale.
- 14.5.1.2 Road frontage and right-of-way to scale.
- 14.5.1.3 Location or proposed location of the sign or signs.
- 14.5.1.4 A north-pointing arrow.
- 14.5.1.5 Name and address of business or property owner.
- 14.5.1.6 Tax map and lot number.
- 14.5.1.7 Scale.
- 14.5.1.8 Date of the drawing.

14.5.2 A three-view drawing of each roof-mounted or freestanding sign with its supporting structure which shows the following:

- 14.5.2.1 The dimensions of the sign.
- 14.5.2.2 The dimensions of the supporting structure.
- 14.5.2.3 The type of material used for each part.
- 14.5.2.4 A sketch or drawing of the sign content.

14.5.3 A single-view drawing of each building wall or permanent window sign which shows the following:

- 14.5.3.1 The dimensions of the sign and the dimensions of the wall or window.
- 14.5.3.2 The type of material used for each part.
- 14.5.3.3 A sketch or drawing of the sign content.

14.6 Design Standards for Permanent Signs:

The following standards shall govern the design and construction of permanent signs.

14.6.1 Signs and supporting structures shall be constructed of permanent and durable materials able to withstand variable changes in weather conditions.

14.6.2 Signs shall not obscure the sight lines of vehicles entering onto public roads.

14.6.3 The supporting structure for freestanding and roof-mounted signs shall be clearly subordinate to the sign in size and shape.

14.6.4 Signs shall be illuminated by the indirect method only.

14.6.5 The light source shall be shaded or shielded from direct view by motorists or abutters.

14.7 Permits for Temporary Signs:

When a permit is required, the landowner or business owner shall apply for a permit by submitting an application to the Code Enforcement Officer. Applications are available at the town office or online at the town's website. A completed application shall include supporting material as required in this section and the appropriate permit fee. One application and permit may include multiple signs on the same lot. Permits for temporary signs shall be valid for a period of six (6) months from the date of issuance, except for real estate signs (see Section 14.8).

Supporting materials shall consist of the following:

- 14.7.1 Type of sign from list in Table 14.3; provide a photo if available or a sketch.
- 14.7.2 Proposed location of the sign; provide a sketch or mark up a photo.
- 14.7.3 Requested duration.

14.8 Off-Premises Real Estate Signs:

The following procedures shall govern the application for, and issuance of, all off-premises real estate sign permits.

14.8.1 All applications for off-premises real estate sign permits shall follow the procedures set forth for temporary signs in Section 14.7

14.8.2 The number of off-premises signs related to each lot shall be determined by the Board of Selectmen.

14.8.3 Real estate signs shall be removed within two (2) weeks after the sale of the property is closed or within one (1) week after the real estate listing expires.

14.8.4 Real estate open house and associated directional signs are allowed without permit up to three (3) days prior to and one (1) day after the open house.

14.9 Permits for Sign Modification:

Existing signs, which are permitted or would require a permit, that are to be modified or reconstructed shall require a permit as outlined in Section 14.5 or 14.7. Modification shall include any changes to the dimensions of the sign or the supporting structure, change in materials, change in lighting, or change in location.

14.10 Administration:

The Code Enforcement Officer (CEO) shall be responsible for the administrative aspects of sign permitting.

14.10.1 Upon receipt of an application, the CEO shall review the application for completeness and compliance with the regulations. If the application fails any of these requirements, the CEO shall work with the applicant to bring the application into compliance.

14.10.2 Upon completion of the review, the CEO shall forward the application to the Board of Selectmen or its designee for conditional approval. The applicant shall be notified that the application has been conditionally approved and that construction can begin.

14.10.3 The final approval shall be conditioned on a satisfactory inspection by the CEO of the sign after its construction and installation.

14.10.4 Upon inspection and a finding that the sign is in compliance with the application and the regulations, the CEO shall attach an official stamp or sticker of the Board of Selectmen, which shows the number of the permit and the date of issuance. The CEO shall photograph the sign or signs and place a print in the property file for future use. The CEO shall issue the permit to the applicant.

14.11 Sign Maintenance:

Every sign, whether allowed or permitted, shall be maintained in a neat, tidy, and safe condition. For example, signs and their supporting structures shall not be allowed to deteriorate to the point where paint or any other covering is peeling, or where one part of the sign or structure has become disconnected from another.

14.12 Existing Signs, Permits, and Terms:

A sign that would be allowed under this ordinance with a sign permit, but which was in existence at the date of enactment and which was constructed and installed in accordance with the ordinances and other applicable laws in effect prior to this amendment to the sign ordinance, shall be allowed without a new sign permit under this ordinance until the sign is modified or abandoned. Also see Section 14.9 Permits for Sign Modification.