



City of Marlborough, Massachusetts
CITY CLERK DEPARTMENT

Steven W. Kerrigan
City Clerk

Sign Special Permit Application Package



IN CITY COUNCIL

Marlborough, Mass., AUGUST 25, 2014
PAGE 1

ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 526, ENTITLED "SIGNS," WHICH AMENDMENTS SHALL SUPERCEDE SECTION 526-7N AS PROMULGATED UNDER ORDER NO. 13-1005520A, AS FOLLOWS:

1. § 526-2, entitled "Definitions," is amended by inserting the following definitions:

DIGITAL DISPLAY SIGN: A sign or portion thereof that incorporates light-emitting diode (LED), fiber optic or similar technology to allow messages to change or stay static.

ELECTRONIC MESSAGE CENTER (EMC) SIGN: An on-premises electronically-activated changeable sign or portion thereof whose variable message and/or graphic presentation capability can be electronically programmed and have the capability of changing or staying static. EMCs typically use light-emitting diodes (LEDs) as a lighting source or similar technology.

2. Chapter 526 is further amended by inserting after § 526-12 a new section, entitled "Electronic Message Center and Digital Display Signs," as follows:

§ 526-13. Electronic Message Center Signs and Digital Display Signs.

A. Applicability.

Notwithstanding any general ordinance or special law to the contrary, the following regulations governing Electronic Message Center ("EMC") Signs and Digital Display Signs shall be in effect.

The regulations in § 526-13 permit Digital Display signs and Electronic Message Center ("EMC") signs in all zoning districts except for Rural Residence ("RR") Districts, Residence ("A-1") Districts, Residential ("A-2") Districts, Residential ("A-3") Districts, Residential B ("RB") Districts, Residential C ("RC") Districts, Retirement Community Residential ("RCR") Districts, and the Downtown Business District outlined in § 526-9L., in which districts such signs are strictly prohibited. Digital Display signs and EMC signs shall be permitted with the approval of the Building Inspector, shall be subject to all other provisions governing signs in Chapter 526 of the City's sign ordinance, and shall require a special permit.



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ORDERED:

The special permit granting authority shall be the City Council. In the event of a conflict between these provisions and other provisions governing signs in Chapter 526, these provisions shall prevail.

This § 526-13 shall apply to all exterior Digital Display signs and all exterior EMC signs, and also to all such signs that are within 3 feet of the interior of a business window and that are visible from the outside of the business window. It shall not otherwise apply to signs or displays located within a commercial structure.

B. Standards.

EMC signs and Digital Display signs shall be allowed by special permit, but only pursuant to the following standards:

1. Sign Type: EMC signs shall only be permitted as part of a freestanding sign and shall comply with all of the requirements of § 526-9.
2. Number of Signs: There shall only be one (1) EMC sign permitted on each nonresidential-zoned parcel.
3. Display Area: No more than twenty-five percent (25%) of the allowable sign face shall be dedicated to the EMC portion of said sign. The EMC display portion of said sign is not to exceed a maximum of twenty-four (24) square feet.
4. Design: The EMC area must be integral to the design of the sign and shall not be the dominant element. The EMC portion of the sign face shall not be the uppermost element, but shall instead be located in the bottom one-half ($\frac{1}{2}$) of the sign face. Digital Display signs may be located on free standing signs and wall signs, but are prohibited on portable, temporary, awning, marquee or canopy, projecting banner, window sign, and suspended signs.
5. Automatic Dimming: No Digital Display sign or EMC sign shall be erected without an automatic light sensing device such as a light detector or photocell by which the sign's brightness can be dimmed when ambient light conditions darken.



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6. *Brightness and Color:* The Digital Display sign or EMC sign must not display light of such intensity or brilliance so as to cause glare or otherwise impair the vision of any driver, result in a nuisance to any driver or interfere with traffic signals. From sunrise to sunset, the background or field shall be a single color and the message shall be a single contrasting color. From sunset to sunrise, the background or field shall be a single dark color and the message shall be a single contrasting color. The light intensity for all accessory and non-accessory EMC signs shall not exceed maximum luminance intensity levels of 350 (cd/m²) nits from sunset to sunrise and 6,000 (cd/m²) nits from sunrise to sunset. A photoelectric sensor shall be installed on the sign structure and set to register the ambient light produced at sunset on any given day. The ambient light level shall determine the cutoff between the two (2) maximum luminance intensity levels, measured in nits, set forth above. Upon installation of the sign, an employee or agent of the Building Department shall confirm compliance with the above nit levels. EMC and Digital Display signs are subject to inspection at the discretion of the Building Inspector. All lighting used to illuminate signs shall be installed so that neither direct nor reflected illumination from such lighting shall cause a public nuisance to adjacent lots or abutting streets. In addition to the maximum luminosity intensity levels set forth above, all displays should adjust brightness intensity according to ambient light conditions to ensure optimum legibility.

- a. A 100 hour break-in period for new signs, if absolutely required, shall be allowed under a special permit.

7. *Inspections:* Luminosity levels shall be inspected as needed by the City's zoning enforcement officer, or an agent of the City's zoning enforcement officer, using standard industry best practices for such measurement.

8. *Effects:* The EMC message or the digital display shall not grow, melt, X-ray, scroll, write on, travel, inverse, roll, twinkle, snow, rotate, flash, blink, move, spin, wave, rumble or present pictorials or other animation and/or intermittent illumination. Subject to the foregoing restrictions, temperature and time may change as necessary. The message shall be limited to alphanumeric characters, one color per message.



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9. Operational Limitations: Such displays shall contain static messages only, and shall not have movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the slashing, scintillating or varying of light intensity.

- a. Sequential messages are prohibited. Only complete messages shall be allowed.

10. Minimum Display Time: Except for time and temperature, each message on the EMC sign must be displayed for a minimum of 60 seconds.

11. Message Change Sequence: The change of messages on an EMC sign must be accomplished with a maximum interval of no more than 0.3 seconds of time between messages.

12. Setbacks from Residential Zoned Areas: The sign must be set back a minimum distance of two hundred feet (200') from the nearest point of any abutting residentially zoned district. If, because of the shape, size and/or proximity of a commercial lot to a residentially zoned district it is not possible to place the sign more than 200 feet from the nearest point of an abutting residentially-zoned district, then the Planning Board may grant a variance for closer placement, provided that when located within 200 feet of a residentially- zoned district, all digital display portions of the sign shall be oriented so that no portion of the sign is visible from an existing primary residential structure in that district.

13. Hours of Operation: EMC signs which have an undue negative impact on pre-existing residential areas may be required to be turned off after posted business hours.

14. Malfunctioning Signs: Signs that malfunction shall be turned off immediately.



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ORDERED:

15. Spacing: Digital Display signs and EMC signs shall be at least one hundred feet (100') apart. If, because of the shape and size of a commercial lot it is not possible to place a new sign more than 100 feet from an existing EMC sign or Digital Display sign, then the Planning Board may grant a variance for closer placement. Coordinated messages between or among EMC signs and/or Digital Display signs are strictly prohibited.

16. Special Permit Criteria: Criteria for approval by the City Council of a special permit shall include, but are not limited to, the following:

- a. All other signage on-site is in compliance with zoning requirements.
- b. In addition to other signs on-site, the proposed sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street.
- c. The proposed sign does not substantially block visibility of signs on abutting lots.
- d. The proposed sign does not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots.
- e. The proposed illumination is appropriate to the site and is appropriately located with respect to the character of the surrounding neighborhood.
- f. Whether the scale and/or location of a proposed Digital Display sign or EMC sign is appropriate.
- g. Whether the dimensions of the proposed sign exceed the area limitations of this Chapter.



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ORDERED:

- C. Legally Pre-Existing Non-Conforming EMC And Digital Display Signs.
Legally pre-existing non-conforming EMC signs and Digital Display signs, to the extent they have the technical capability to do so, shall be operated in conformance with the operational standards set forth in this § 526-13. In the absence of a light sensing device, sign owners shall ensure either that the signs are dimmed to meet brightness standards set forth in § 526-13 B(6.) above or that the signs are turned off from sunset to sunrise. All legally pre-existing non-conforming signs shall be brought into compliance with this amendment upon being significantly updated or replaced, as determined by the Building Inspector or a designee of the Building Inspector, or at the end of 10 years from the date of approval of this amendment, whichever is sooner.

D. Governmental Exemption.

Governmental entities are exempt from the above provisions and regulations.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ADOPTED
In City Council
Order No. 14-1005880B

Approved by Mayor
Arthur G. Vigeant
Date: August 29, 2014

A TRUE COPY

ATTEST:

John M. Hogue
City Clerk



IN CITY COUNCIL

Marlborough, Mass., _____ OCTOBER 21, 2019

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ORDERED:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 526, ENTITLED "SIGNS," AS FOLLOWS:

I. Chapter 526, entitled "SIGNS", is hereby amended as follows (new text shown as underlined, deleted text shown as ~~striketrough~~):

- A. Section 526-2, entitled "Definitions," is amended by **inserting** the following definitions:

GAS STATION MULTI-PRODUCT LED PRICE PUMP TOPPER: An EMC sign that incorporates light emitting diode (LED) to display exclusively digital gasoline prices on the top of a gasoline filling station pump.

GAS STATION VIDEO GRAPHICS ARRAY (VGA) COLOR SCREEN: A digital screen that displays video content and is placed on a gasoline filling station pump.

- B. Section 526-13(B), entitled "Standards," relative to Electronic Message Center and Digital Display Signs," stating an EMC sign or Digital Display sign shall be allowed by special permit, but only pursuant to the following standards, is **amended** as follows:

(8) Effects. The EMC message or the digital display shall not grow, melt, X-ray, scroll, write on, travel, inverse, roll, twinkle, snow, rotate, flash, blink, move, spin, wave, rumble or present pictorials or other animation and/or intermittent illumination. Subject to the foregoing restrictions, temperature and time may change as necessary. The message shall be limited to alphanumeric characters, one color per message. Displaying videos or simulated images is prohibited on a Digital Display sign or EMC sign.

(9) Operational limitations. Such EMC sign or Digital ~~d~~Display sign shall contain static messages only and shall not have movement of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination or the slashing, scintillating or varying of light intensity.

(a) Sequential messages are prohibited. Only complete messages shall be allowed.

- C. Section 526-13, entitled Electronic message center signs; digital display signs, is **amended** by inserting the following new sub-section E:



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ORDERED:

E. Gasoline Filling Stations. Notwithstanding anything to the contrary in Chapter 526, the following signs may be placed at a gasoline filling station and are exempt from the special permit requirement in §526-13, provided that said signs comply with the following regulations:

- (1) One (1) Gas Station Multi-Product LED Price Pump Topper shall be permitted to be installed on the top of each pump and oriented to face the fueling vehicle. The LED digits shall not exceed eight (8) inches in height. The color of the LED digits for the price numerals only may be either: one color for all prices, or one color for gasoline price and one color for diesel price to conform with industry standards. No audio component or audio is permitted.
- (2) One (1) Gas Station Video Graphics Array (VGA) Color Screen shall be permitted to be installed on each pump and oriented to face the fueling vehicle. The screen size shall not exceed twelve (12) inches diagonally. The screen shall only be in use during point of sale transactions for fueling and shall be used for video display, public service announcements, and point of sale transactions only. A gasoline filling station electing to install one or more screens shall not be permitted to maintain window signs with an aggregate display surface covering more than ten percent (10%) of the window area at the gasoline filling station. The screen shall be turned off outside of posted business hours. No audio component or audio is permitted.

Be and is herewith **APPROVED**.

First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.

ADOPTED

In City Council

Order No. 19-1007791B

Approved by Mayor

Arthur G. Vigeant

Date: October 23, 2019

A TRUE COPY

ATTEST:


City Clerk



City of Marlborough

MARLBOROUGH CITY COUNCIL

ELECTRONIC MESSAGE CENTER SIGNS AND DIGITAL DISPLAY SIGNS SIGN PERMIT APPLICATION TO MARLBOROUGH CITY COUNCIL

SIGN SPECIAL PERMIT

INSTRUCTIONS: This application must be completed and submitted to the City Council. Applicant must attach to this application a copy of the Building Commissioner's decision detailing the requirements and reason for City Council action. This application form must be signed by the applicant or authorized agent (and the owner of the property if the owner is not the applicant) prior to submittal to the City Council.

1. Location of the property where sign is located (street and number):

2. What other signs exist on the property (type, size, location):

3. Are there other signs on the property of similar type to what is requested in the Sign Permit Application?
If so, please state size and location:

4. Names of business or activity applying for sign:

5. Applicant:

Street/City/Zip Code:

6. Building Owner:

Street/City/Zip Code:

7. Contact Information. Please provide an E-mail address as well as Business and Mobile telephone numbers.

Building Owner.

E-mail: _____ Business: _____ Mobile: _____

Agent/Owner of Business where sign will be located.

E-mail: _____ Business: _____ Mobile: _____

Applicant.

E-mail: _____ Business: _____ Mobile: _____

8. Applicant is (please check).

Business Owner: _____ Tenant: _____ Other (describe): _____

Required Attachments

Description of Sign and Plan: Please include letter from Building Commissioner noted above together with plans and renderings to assist the City Council in its deliberations on the application for a Sign Special Permit. Other pertinent information may be submitted with this application and may be required by the City Council.

The City Council will hold a Public Hearing on the Sign Special Permit Application. Applicant shall pay for advertising of Hearing. Applicant shall obtain a certified abutters' list from the Assessors' Office to attach to this application. Applicant shall notify abutters of Hearing and provide proof of mailing prior to the Hearing.

After the close of the Public Hearing, Applicant shall submit a draft Sign Special Permit Decision to the City Council, through the appropriate City Council Committee. A sample decision will be provided to Applicant upon request.

Applicant Signature

Date

Property Owner Signature

Date

NOTE: New Electronic Message Center Signs or Digital Display Signs may not be erected until the City Council Sign Special Permit has been granted and building permit has been issued by the Building Department.