

# Town of Yarmouth

Per M.G.L.: All town and school boards, committees, commissions, and authorities shall post a notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays. Notice shall contain a listing of topics/agenda that the chair reasonably anticipates will be discussed at the meeting.

## Notice of Meetings

Name of committee, board, etc:	<b>Planning Board</b>
Date of Meeting:	<b>August 23, 2023</b>
Time:	<b>5:30 p.m.</b>
Place:	<b>Town Hall Hearing Room 1146 Route 28, South Yarmouth, MA 02664 OR Zoom Link: <a href="https://us02web.zoom.us/j/89836415124">https://us02web.zoom.us/j/89836415124</a> Phone: +1 301 715 8592 and enter webinar ID: 898 3641 5124</b>

This is to formally advise that, as required by M.G.L. Chapter 30A, §§ 18-25, and pursuant to Chapter 20 of the Acts of 2021, *An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency*, signed into law on June 16, 2021, as extended by Chapter 2 of the Acts of 2023, the Yarmouth Planning Board will hold a public meeting at the date and time noted on the Notice of Meeting. The public is welcome to attend either in-person or via the alternative public access provided on the Notice of Meeting available on the Town of Yarmouth website.

### Agenda (Topics to be discussed):

1. **Zoning Amendments:**
  - a. Accessory Apartment Bylaw Amendments: Discussion on potential modifications to the zoning amendments based on public input received to date.
  - b. Sign Amendments: Discussion on Naming rights/donations/sponsorships signs on town-owned land.
2. Board Member Items
3. Staff Updates
4. Upcoming Meetings:
  - a. September 6, 2023 – Draft Open Space & Recreation Plan Presentation
  - b. September 20, 2023 – Zoning Amendment Public Hearing
  - c. October 4, 2023 – Regular Planning Board Meeting
  - d. October 10, 2023 – Board of Selectmen – Zoning Articles
5. Adjournment

Attachments: All exhibits are available for public review in the Planning Department, Yarmouth Town Offices, 1146 Route 28, South Yarmouth, MA, during normal business hours.

Posted By (Name):	Kathleen D. Williams
Signature:	<i>Kathy Williams</i>

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Posted By (Name):	Kathleen D. Williams
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**407. ACCESSORY APARTMENTS.**

407.1 **Purpose and Intent:** The intent of this bylaw is to:

1. Broaden the range of housing choices available to residents by increasing the number of smaller dwelling units available in Yarmouth for year-round rental while protecting the character, appearance and property values of single-family residential neighborhoods.
2. Address the need for additional year-round rental housing units without significantly impacting our environmental resources.
3. Allow for better utilization and expansion of our existing housing stock.
4. Provide housing opportunities to support a strong, stable and diverse year-round community and a sustainable local workforce, prevent displacement of local residents, and facilitate “aging in place” for our senior citizens.
5. Provide an opportunity for family members who choose to live in close proximity, but separate from other family members, to remain within a family environment.

407.2 **Eligibility:** The following types of properties or developments are not eligible for an accessory apartment:

1. Deed restricted Affordable housing units.
2. All lots developed under a Comprehensive Permit (Chapter 40B).
3. Lots with more than one single-family dwelling unit.

407.3 **General Standards and Provisions:** All accessory apartments shall adhere to the following minimum requirements:

1. Accessory apartments shall be complete and separate housekeeping units that function independently from a primary single-family dwelling unit and shall include independent sleeping, cooking and sanitary facilities. ~~Kitchens shall include at a minimum a sink, stove, and minimum 10 cubic foot refrigerator/freezer.~~ No variances shall be permitted from this requirement.
2. Only one accessory apartment per lot shall be allowed. No variance shall be permitted from this requirement.
3. Dimensional Requirements:
  - a. Minimum lot size shall be 10,000 square feet ~~for studio or 1 bedroom accessory apartments. Minimum lot size shall be 15,000 square feet for 2 bedroom accessory apartments.~~
  - b. Lots developed with an accessory apartment shall not exceed the allowable building coverage per section 203.5.
  - c. New construction or additions shall not exceed the maximum allowable building height allowed in section 203.4.
  - d. New detached accessory structures that include an accessory apartment must meet the dimensional requirements of section 203.5.
  - e. Pre-existing, non-conforming structures to be converted to an accessory

**Commented [WK1]:** For discussion - suggested amendment at the 8/16/23 Planning Board Meeting to set lot size minimum at 10,000 sf for all Accessory Apts regardless of number of bedrooms as all Apts are now proposed to be permitted via ZBA Special Permit with no by-right carve-outs.

apartment must receive a special permit as outlined in Section 104.

- f. The expansion to pre-existing, non-conforming structures for an accessory apartment must meet the setback requirements of section 203.5.
4. An accessory apartment may be located within, or attached to, a principal residential structure or in a detached accessory building on the same lot and shall clearly be subordinate to the principal structure. An accessory apartment shall maintain two separate means of egress.
5. The accessory apartment shall be designed so that, to the maximum extent practical, the appearance of the property and buildings remains that of a single-family residence and is consistent with the design of the principal single-family dwelling, considering the following: architectural details, roof design, building spacing and orientation, door and window location, and building materials.
6. An accessory apartment shall contain no more than 2-bedrooms and no variance shall be permitted from this requirement. Studio and 1-bedroom accessory apartments shall have a maximum habitable floor area that is not larger than 50% of the habitable floor area of the principal single family dwelling unit, or 800 square feet, whichever is smaller. Two-bedroom accessory apartments shall have a maximum habitable floor area that is not larger than 50% of the habitable floor area of the principal single family dwelling unit, or 900 square feet, whichever is smaller. Regardless of habitable floor area of the principal dwelling, accessory apartments shall not be less than 350 square feet. Habitable floor area for the principal single family dwelling shall exclude ~~G~~garages, unfinished attics, all basements, common entries, porches and decks ~~are excluded from the habitable floor area calculations.~~ Habitable floor area for accessory apartments shall include all habitable spaces, closets and finished storage.
7. At least two (2) off-street parking spaces on the premises shall be required for use by residents of the principal dwelling unit and two (2) additional off-street parking spaces shall be required for use by the residents of the accessory apartment. There shall be no parking in existing green space in front of the principal dwelling unit, and no expansion of parking into green space areas in front of the principal dwelling unit. ~~No new parking created for this use is allowed within ten (10) feet of the side or rear property lines.~~ Where appropriate and feasible, new parking and access to the new parking created for this use shall be adequately screened from abutting properties through existing vegetation, new plantings, or fencing.
8. All stormwater runoff from new impervious parking areas and new structures associated with the accessory apartment shall be retained on the property.
9. An accessory apartment is not intended for sale and shall not be held in separate ownership from the principal structure/dwelling unit nor placed in a condominium form of ownership.
10. Site plans (including parking locations and any proposed landscaping), and floor plans are required for all accessory apartments. In addition, architectural plans showing elevations and building materials shall be provided for any additions or new construction.
11. The owners of the principal structure shall occupy, as their primary residence,

**Commented [WK2]:** Clarifying language as the habitable floor area calculations for the principal single family dwelling unit are different that for the accessory apartment.

**Commented [WK3]:** Primary residency requirement remains.

either the principal dwelling unit or the accessory apartment. If the owner intends to occupy the accessory apartment rather than the principal structure, the principal structure will then be designated as the “accessory apartment” for the purposes of this bylaw. The owner-occupied unit shall not be rented in any manner.

12. All accessory apartments shall be for year-round use by tenants who will be making the accessory apartment their primary residence. All lease agreements shall be for a minimum of twelve (12) consecutive months with no seasonal or Short-Term Rentals and no subletting or room rentals.
13. No commercial uses shall be allowed within an accessory apartment except for those meeting the Definitions of Home Offices, and Home Occupations per Section 416.
14. An accessory apartment shall adhere to all applicable State and local laws regulating new construction or residential use including the State Building Code, the applicable plumbing, electrical, fire, health, sanitary, conservation and historic regulations and bylaws. A Certificate of Occupancy shall be required for all accessory apartments.

#### ~~407.4 Permit Procedure and Requirements:~~

- ~~1. All accessory apartment uses shall require a Special Permit from the Zoning Board of Appeals, except under the following conditions, when a permit may be issued by the Building Commissioner:
  - ~~a. Fully Conforming Lot and Structure: With the construction of the proposed accessory apartment, the property will remain in full compliance with the current height requirements per Section 203.4 and the current dimensional standards per Section 203.5; OR~~
  - ~~b. Existing Conforming or Non-Conforming Structures: The accessory apartment will be fully located within the existing principal dwelling without increase in structure height or size except to provide adequate means of entrance/egress for the unit, and is limited to a studio or 1 bedroom unit; OR~~
  - ~~c. Expansion or New Construction: The expansion of the existing structure or a new detached structure for an accessory apartment where the expansion/new construction is in full compliance with the current height requirements per Section 203.4 and the current dimensional standards per Section 203.5, is constructed on a minimum 25,000 square foot lot, and is limited to a studio or 1 bedroom unit.~~~~

**Commented [WK4]:** This deletion makes all Accessory Apartments via Special permit

#### 407.45 **Records and Inspections:**

407.45.1 **Documentation:** The property owner shall be required to file an notarized affidavit with the Building Department annually for rental apartments and every 2-years for apartments used by family members by January 31<sup>st</sup> of each year, said affidavit including:

1. Identifying whether the principal dwelling or the accessory apartment will be used as the principal residence of the owner and not rented in any manner, ~~and~~ that the remaining unit will be leased for a period of not less than 12 consecutive months, ~~with a copy of the lease agreement provided with the affidavit, and the owner will adhere to the requirements of Section 407 of the Zoning Bylaw. A copy of the lease agreement may be required upon request of the Building Commissioner.~~ OR
2. Identifying whether the principal dwelling or the accessory apartment will be used as the principal residence of the owner and not rented in any manner, ~~and~~ that the remaining unit will not be rented as it is being utilized by a family member, with the name and relationship of the family member identified, ~~and the owner will adhere to the requirements of Section 407 of the Zoning Bylaw.~~ A family member shall be related to the owner(s) by blood, marriage or law, or other long-term family-like relationship that is care-giving or parental in nature.

407.54.2 Inspections:

1. All accessory apartments to be rented shall be registered annually through the Yarmouth Health Department and shall comply with any and all requirements of the Board of Health.
2. All accessory apartments which are not rented and are used by a family member shall be inspected once every two (2) years by the Building Commissioner for which there may be an additional user fee in the amount set by the Board of Selectmen, payable at the date of inspection.

407.54.3 The Building Commissioner and/or Health Department shall maintain a running, up-to-date log of approved and/or inspected accessory apartments.

407.54.4. Failure to pass inspection or submit annual affidavits may be cause for the Building Commissioner to implement enforcement, including but not limited to a requirement for cessation of the accessory apartment use and removal of cooking, sanitary, sleeping facilities or structural portions previously approved, associated with the addition of the accessory apartment. Zoning Bylaw violations are subject to penalties outlined in Section 101.3.

**407.56 Existing Family-Related Accessory Apartments and Affordable Accessory Apartments created before the effective date of this bylaw:**

407.56.1 Existing Family-Related Accessory Apartments created before the effective date of this bylaw:

1. Lawful family-related accessory apartments existing at the effective date of this bylaw may continue under the issued Special Permit and Declaration of Covenants recorded at the Barnstable County Registry of Deeds. The

requirements of Section 407.45 - Records and Inspections, shall apply to existing family-related accessory apartments.

2. The Special Permit and Declaration of Covenants for a family-related accessory apartment may be terminated by the owner(s) provided the family-related accessory apartment is removed and upon a satisfactory inspection by the Building Commissioner.
3. Lawfully existing family-related accessory apartments may be converted into a rental accessory apartment through a Special Permit from the Zoning Board of Appeals. In this circumstance, the Board of Appeals may waive the General Standards and Provisions of Section 407.3 through the Special Permit but shall not allow for an increase in the accessory apartment size. Upon issuance of a Special Permit, any previously filed Covenants shall be released by the Zoning Board of Appeals with an appropriate recording at the Barnstable Registry of Deeds.

**407.56.2 Existing Affordable Accessory Apartments created before the effective date of this bylaw:**

1. Lawful Affordable Accessory Apartments, existing as of the effective date of this bylaw, may continue under the issued Special Permit, Declaration of Covenants and Affordable Housing Restriction recorded at the Barnstable County Registry of Deeds. The requirements of Section 407.45 - Records and Inspections, shall apply to existing Affordable Accessory Apartments.
2. The Special Permit, Declaration of Covenants and Affordable Housing Restriction for an affordable accessory apartment may be terminated by the owner(s) provided the affordable accessory apartment is removed and upon a satisfactory inspection by the Building Commissioner and in accordance with the Affordable Housing Restriction, as may be applicable.
3. Lawfully existing Affordable Accessory Apartments may be converted into a rental accessory apartment through a Special Permit from the Zoning Board of Appeals, provided that such conversion is not prohibited by the terms of any affordable housing restriction governing the use of the unit. In this circumstance, the Board of Appeals may waive the General Standards and Provisions of Section 407.3 through the Special Permit, but shall not allow for an increase in the accessory apartment size. Upon issuance of a Special Permit, any previously filed Covenants or Affordable Housing Restrictions shall be released with an appropriate recording at the Barnstable Registry of Deeds.

**407.76 Transfer Upon Sale:**

**407.76.1 Accessory Apartments created after the effective date of this bylaw:**

1. The rights and requirements related to a lawfully developed accessory apartment created after the effective date of this bylaw shall transfer upon sale of the property. New property owners shall provide an affidavit to the Building

Commissioner per Section 407.45 within 4590 days of the sale if the property was transferred with a tenant in place, otherwise, the owners shall provide the affidavit prior to occupying or renting the accessory apartment.

407.67.2 Family-Related Accessory Apartments: The following shall govern the transfer of ownership of Family Related Accessory Apartments in existence prior to the effective date of this bylaw:

1. The Special Permit for a family-related accessory apartment shall terminate upon the sale of the property or transfer of title to the dwelling unless the new owner(s) record a new Declaration of Covenants at the Barnstable County Registry of Deeds at the time of transfer or within 4590 days of the sale, agreeing to abide by the prior restrictions of the Special Permit. The new Declaration of Covenants must contain the endorsement of the Building Commissioner that the family-related accessory apartment and the tenant continue to conform to eligibility requirements. The new Declaration of Covenants shall state that the right to use a family-related accessory apartment may cease upon transfer of title. A copy of the recorded Declaration of Covenants shall be provided to the Board of Appeals, the Building Department and the Board of Health.
2. If no action is taken by the new owner(s) at the time of transfer or within 4590 days of the sale, then the new owner(s) must apply for re-approval of the Special Permit by the Board of Appeals, or complete the conversion of the unit per Section 407.56.
3. The requirements of Section 407.45 - Records and Inspections, shall apply to existing family-related accessory apartments.

407.67.3 Affordable Accessory Apartments: The transfer of affordable accessory apartments shall, in all respects, comply with any provisions of the affordable housing restriction encumbering the same. Additionally, the following shall govern the transfer of ownership of Affordable Accessory Apartments in existence prior to the effective date of this bylaw:

1. The Special Permit for an affordable accessory apartment shall terminate upon the sale of the property or transfer of title to the dwelling unless the new owner(s) files on the subject property a new Declaration of Covenants and, as may be necessary, an Affordable Housing Restriction at the Barnstable County Registry of Deeds at the time of transfer or within 4590 days of the sale, agreeing to abide by the prior restrictions of the Special Permit and any existing affordable housing restrictions, as may be applicable. In the event a new affordable housing restriction is to be executed and recorded, the following provisions shall apply:
  - a. Maximum rents permitted: Affordable accessory apartments shall be rented only to low-income households for periods not less than one year. Maximum rent paid shall be equal to no more than 30% of the theoretical income of a household in the Barnstable-Yarmouth Metropolitan Statistical Area (MSA)

earning 70% of the Area Median Income (AMI), as published annually by the U.S. Department of Housing and Urban Development (HUD).

- b. Guidelines for income eligibility: All applicants for occupancy of an affordable accessory apartment shall, at the time of initial rental application, submit to the town, or to the town's agent, all necessary documentation to confirm their eligibility for the unit. Eligible low-income households shall have an income of no more than 80% of the current Area Median Income (AMI) in the Barnstable-Yarmouth Metropolitan Statistical Area (MSA) and assets meeting program guidelines.
  - c. All affordable housing restrictions shall be in a form approved by the Town and Town Counsel.
2. The new Declaration of Covenants must contain the endorsement of the Building Commissioner and the Town's delegated affordable housing inspector that the affordable accessory apartment and the tenant continue to conform to eligibility requirements. A copy of the recorded Declaration of Covenants shall be provided to the Board of Appeals, the Building Department and the Board of Health.
  3. If no action is taken by the new owner(s) at the time of transfer or within 4590 days of the sale, then the new owner(s) must apply for re-approval of the Special Permit by the Board of Appeals, or complete the conversion of the unit per Section 407.65.
  4. The requirements of Section 407.5-4 - Records and Inspections, shall apply to existing affordable accessory apartments.

EXISTING USE TABLE - Keep Accessory Apartments all by Special Permit (remains as is):

202.5 Use Regulation Table	Res	RS-40	B1 <sup>21</sup>	B2 <sup>21</sup>	B3 <sup>21</sup>	RMDOD <sup>44</sup>	MU	APD	AED	MOD	HMOD 1	HMOD 2	VC 1	VC 2	VC 3	VC 4
<b>A. RESIDENTIAL</b>																
A10 Accessory apartments	BA	BA	BA	BA	no	no	no	BA	no	BA	no	no	no	no	no	no

DEFINITIONS:

**AFFORDABLE ACCESSORY APARTMENT** – A secondary, separate housekeeping unit of limited size, with its own sleeping, cooking and sanitary facilities, located within, attached to, or adjacent to a primary single-family dwelling unit. An affordable accessory apartment shall have deed restrictions that hold rent to affordable housing guidelines set by the Town.

**FAMILY-RELATED ACCESSORY APARTMENT** – a secondary, separate housekeeping unit of limited size, with its own sleeping, cooking and sanitary facilities, which is located within, attached to, or adjacent to a primary single-family dwelling unit. A family member shall be related to the owner(s) by blood, marriage or law, or other long-term family-like relationship that is care giving or parental in nature.

**ACCESSORY APARTMENT** – A secondary, separate housekeeping unit of limited size, with its own sleeping, cooking and sanitary facilities, located within, attached to, or adjacent to a primary single-family dwelling unit.

**PRIMARY RESIDENCE:** A primary residence is the dwelling where a person lives for a majority of the year and is considered their permanent address. A person may have only one primary residence at any given time and is used for legal purposes such as determining where a person's legal residency is.

## 2023 STM - ZONING ARTICLE 2: SIGNS

**ZONING ARTICLE 2:** To see if the Town will vote to modify the sign regulations by amending Section 303 – Signs, of the Zoning Bylaw, with new language shown in bold italics, as follows, or take any other action relative thereto:

1. Amend Section 303.4 – Signs Allowed In All Zoning Districts, by adding the following new Paragraph at the end of Section 303.4, as shown:

### ***303.4.3 Town Owned Properties – Naming Rights/Sponsorships/Donations Signs:***

***303.4.3.1 In addition to signs allowed elsewhere in this bylaw, supplemental signage may be allowed on Town owned properties related to naming rights, sponsorships, and donations as outlined in the Board of Selectmen’s Naming Rights/ Sponsorships/ Donations Sign Policy. A permit from the Building Commissioner is required, but no fee will be charged, unless otherwise defined in the Selectmen’s Policy.***

2. Amend Section 303.8.5 Fees, by eliminating the text “or” in the last sentence and adding new text, as shown:

***303.8.5 Fees. Fees for sign permits shall be determined by the Board of Selectmen. No fee is required for signs not requiring permits per Section 303.8.3, accessory signs, Public Service signs, On-premises Directional signs, and temporary and off-premise signs for religious, civic and nonprofit organizations, for Special Event Signs for Temporary Outdoor Recreation, or for Naming Rights/Sponsorships/Donations Signs on Town Owned Properties.***

### **Explanation:**

*This Article would allow for the installation of additional signs on town-owned properties to acknowledge the granting of naming rights, allowing for sponsorships, or accepting of donations to provide for an alternative funding source for the Town. These signs would be regulated via a Board of Selectmen Naming Rights/ Sponsorships/ Donations Sign Policy and would be separate from the zoning bylaw. This has been done in the past for Roadway Banner Signs, Slat/Ladder Signs and Fundraising/Special Events Signs.*

### **2/3 Vote Required**

Board of Selectmen Recommends (x-x-x)  
Planning Board Recommends (x-x-x)

(Yarmouth Planning Board)

### **303. SIGNS.**

303.1 Goals and purposes – To regulate signage through a mechanism which protects and serves the individual and economic interests of residents and businesses while at the same time respecting community character, architectural design, and public safety. No sign shall be erected nor maintained except as specifically allowed in this section.

See Section 414.8.11 (Signage) for supplemental regulations specific to development under Section 414, VCOD.

Refer to Section 415.5.10 (Signs) for supplemental sign regulations specific to development under Section 415, Registered Marijuana Dispensaries.

#### **303.2 Definitions.**

Abandoned Sign – A sign which identifies or advertises a business, service, product, or activity which no longer exists and/or for which no legal owner can be found.

Accessory Sign – A sign which does not identify a business or product, i.e. “open”, “closed”, “VISA”, etc.

Advertising Device – A piece of equipment, an object or a mechanism designed to attract the attention of the public for a commercial purpose.

A-Frame Sign – A sandwich sign which is connected at the top or bottom.

Animated Sign – Any sign which uses actual movement or the illusion of movement.

Attached Sign – A sign attached to and parallel to the wall of a building.

Awning – A roof-like cover, often of fabric, plastic, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure.

Awning Sign – A sign attached to or printed upon the awning material supported by framing and which is attached to a building.

Banner – A piece of cloth, plastic or similar material attached, at two (2) or more points, to a pole, staff or other support, intended for use as a temporary sign.

Building Front – The portion of a building facing the road or any portion of a building which has separate businesses and separate egress and ingress for the public facing a parking lot or another public way.

Business Center – A group of businesses sharing a common plaza, parking area, building, or located within a shopping plaza.

Calculation of Sign Area – a. The area of a sign shall include all lettering, designs, or symbols, together with the background, whether open or enclosed, upon which they are displayed. Not included in this definition is any supporting framework or molding incidental to the display itself. b. Where a sign consists of individual letters or symbols attached, painted or applied to a building, wall or window, the area shall be considered to be the smallest rectangle encompassing all the letters and symbols. c. In computing the area of a double-faced sign, only one side shall be considered if both faces are identical. Notwithstanding the above, if the interior angle formed by the two (2) faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area. d. The maximum allowable area of a sign shall include all permanent signs attached, painted, or applied to a building facade.

Canopy – A roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy or Arcade Sign – A wall mounted or electronic sign attached to or constructed on the face of a permanent roofed structure covering an area customarily used for pedestrian circulation.

Changeable Copy Sign – A sign on which the characters, letters or illustrations can be changed or rearranged manually without altering the face or the surface of the sign. Changeable-copy signs shall exclude time and temperature signs.

Co-branded business location – Any two retail businesses that share a common central entrance and aisle where there are no interior walls separating the two businesses.

Community Information Board – A free standing sign erected on municipally owned property, the purpose of which is to educate the public on community, town, and other civic activities. The sign, by design, will have changeable content maintained by an organization approved by the Board of Selectmen. The approved organization will establish written criteria as to who is entitled to submit information on up-coming activities of a general interest to the community, as well as a selection method for inclusion of events to be included on the Community Information Board.

Construction Sign – A sign identifying an architect, builder, contractor, subcontractor, material supplier, financing entity or others participating in construction, design or alteration on the property which the sign is located. Said signs may also include a picture of the building under construction.

Direct External Lighting – Illuminated by means of a light source that is external to the sign being lit.

Directional or Traffic Safety Sign – A sign identifying entrances, exits, parking areas or other operational features of premises and/or providing directions for the safe and/or efficient flow of vehicular or pedestrian traffic (Directional or Traffic Safety Signs within public roadway layouts are governed by the Massachusetts Department of

Transportation and Highways Manual on Uniform Traffic Control Devices).

Double-faced Sign – A sign with two faces or panels, both of which is not visible at the same time and which, unlike a v-shaped sign, are directly back to back.

Drive-through Menu Sign – A sign associated with drive-through windows or kiosks and directed to drive-through traffic.

Electronic Message Center (EMC) - A portion of a sign that uses changeable lights to display words, symbols, figures or images that can be altered or rearranged by remote or automatic means.

Exposed Neon Sign – An illuminated sign containing a glass tube filled with neon, phosphors or other gaseous substance which is bent to form letters, symbols or other shapes. Exposed neon signs shall include tubes which are visible either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign. This includes said signs whether or not they are enclosed in a box or other framing material.

Facade – The area of the entire building front wall, including the parapet but not the roof.

Flashing Sign – A sign which contains an intermittent or sequential flashing light source, but excluding changeable-copy signs and electronic message centers, including animated signs or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

Freestanding Sign – A sign not attached to a building which is supported from the ground by a post or other means.

Gateway Sign – A free standing sign owned by a government entity to indicate the entrance to a destination or geographic area.

Government Sign – Any sign erected and maintained by a government agency.

Halo Lighting – Light showing from the back of or from within a letter or graphic shape out towards the surface that the letter or graphic is mounted on without having any light visible through the face of the letter or graphic.

Height of a Sign Structure – The vertical distance including landscape features and mounding measured from the highest point of a sign including all moldings, trim, roofs, to the average natural grade at the street.

Historic or Commemorative Marker – Any sign or plaque indicating the name of a building, the date of erection and/or incidental information about its construction, also known as memorial signs or markers.

Illegal Sign – A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

Illuminated Sign – A sign lighted or exposed to artificial light either by lights on or in the sign or directed towards the sign including Halo Lighting, Direct/External Lighting, Indirect Lighting, Internal Illumination, Flashing or Intermittent Lighting.

Indirect Lighting – Illumination by means of a concealed light source, whereby all devices are shielded from view by opaque or translucent materials and including reflected lighting.

Internal Illumination – Illumination by means of a light source completely enclosed by the sign panel(s).

Ladder Sign – A freestanding ground sign with two (2) vertical supports and one (1) or more crosspieces serving as individual signs.

LED (Light-Emitting-Diode): An electronic device that emits light when an electrical current is passed through it.

Logo – A distinctive emblem or insignia identifying a particular product, service, business, activity or entity.

Maintenance (of a Sign) – The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Menu Sign – A sign illustrating the menu or specials for an establishment.

Multiple-faced Signs – Signs containing more than two faces or panels.

National/Regional Advertising Emblem – A sign which refers to a product or organization which is nationally or regionally marketed or has national or regional membership. Examples include Master Card, HBO, AAA, MLS (Multiple Listing Service).

On-Premise Sign – A sign which pertains to the use of the premises on which it is located and maintained.

Off-Premise Sign – A sign which refers to products, services or activities occurring on a parcel of land other than that on which the sign itself is located.

Off Premises Business Public Information Ladder Sign – A sign erected by the Town of Yarmouth, showing only the name service or activity and the direction to where it is located.

Permanent Sign – All signs other than temporary signs.

Political Sign – A temporary sign used in connection with a local, state, or national

election or referendum.

Public Information Sign – A sign erected by the Town of Yarmouth, showing only the name of a business, service or activity and the direction to where it is located.

Public Way – For the purposes of this section only a public way shall indicate: Any way, public or privately owned, over which the public has a right to pass.

Quills/Feathers - A type of vertical banner made of flexible materials, the longer dimension of which is typically attached to a pole or rod that is driven into the ground or supported by an individual stand.

Residential Decorative Sign – A sign indicating a name for a residence at the premises and not advertising any products or services.

Residential Identification Sign – A sign identifying a subdivision, condominium, apartment complex or other residential development.

Real Estate Sign – A temporary sign which advertises property as being for sale, rent or lease.

Regulatory or Safety Sign – An on-premises sign which provides directions or regulations for the safe and legal conduct of activities on the premises.

Roadway Banners – Temporary pole mounted vertical banners which are owned by the Town of Yarmouth and located in a public road right-of-way in accordance with policies and procedures adopted by the Board of Selectmen.

Sandwich Board Sign - A self-supporting, double-paneled sign, whose panels are not parallel but which are connected along the top edge and separated along the opposite edge to create an A-frame.

Seasonal Sign – A temporary sign used for a portion of the year not to exceed 180 day seasonal basis.

Sign – Any physical symbol which is intended or designed to identify, advertise, or promote a product, service, business, or the name, ownership identity or control of a premises. This shall include all physical symbols which in any way relate to the business or activity conducted or sought on the premises, and which are visible to or are intended or likely to attract the attention of persons who are not on the premises where the business or activity is conducted or sought.

Sign Permit – A permit issued by the Building Department for the erection, construction, enlargement, alteration, repair, or improvement of any sign.

Special Event Sign – A temporary sign advertising or pertaining to a civic, patriotic, non-profit, educational or other event taking place within the town.

Subdivision Lot Plan Sign – A sign depicting the lot plan of a subdivision.

Subdivision Sign – An attached or freestanding sign identifying a residential, commercial or industrial subdivision.

Time and Temperature Sign – A sign or portion thereof which is designed to illustrate the current time and temperature.

Temporary Sign – A sign that by design, usage or material is not intended for long-term use.

Under-canopy Sign – A directional sign suspended beneath a canopy, ceiling, roof or marquee.

Vending Machine Sign – A sign identifying the contents of an exterior vending machine which dispenses beverages, food, candy, etc., or identifies a service provided by the machine. For the purposes of this bylaw section, telephone booths and newspaper boxes are excluded.

Wall Sign – A sign attached parallel to or painted on the wall of a building.

Window – An opening in a wall or door of a building which allows the admission of light and/or air which is enclosed by a frame which may separate it from other windows.

Window Sign – Any sign which is displayed on or outside of or inside of the glass of a window with the primary purpose being that the sign's message will be seen from the exterior of the building. The word glass when used in this section shall mean glass or any other transparent medium.

Yard, Barn, Garage Sale Sign – A sign advertising a yard, barn or garage sale.

Zoning Districts – Districts described in the Town of Yarmouth Zoning Bylaw, as amended.

### 303.3 General Regulations

303.3.1 Prohibited Signs. Pennants, balloons, aerially supported devices, electronic message centers (unless specifically stated otherwise), quills/feathers, or any other sign not specifically allowed, are prohibited in all districts.

303.3.2 Electronic message centers: Signs allowed to display electronic messages are limited to the following uses and sizes only. All electronic messages must be contained within the allowed sign area.

1. To denote the time, date or temperature, maximum character height of 12 inches and area of twelve (12) square feet. The electronic message shall be static except messages can change as needed to denote accurate time, date or

temperature. The electronic message may also toggle between time, date and temperature at reasonable intervals that do not cause a flashing effect or result in traffic safety hazards.

2. Community Information Boards (CIBs) may include electronic messages. The maximum area of the electronic message is twenty-eight (28) square feet. The electronic message can change as needed to provide updated community information, and may include screen changes and scrolling.
3. Gas Station Pricing:
  - a. Free-standing signs for gas stations may include electronic messages for up to two gas prices with a maximum character height of twelve (12) inches and a maximum combined area of ten (10) square feet.
  - b. Gas pumps may have electronic messages on top of the pumps to denote gas prices only for up to four different gas types in a single row with a maximum character height of 8”.
  - c. The electronic messages shall be static except messages can change as needed to provide updated gas prices.

303.3.3 Flags. Up to three (3) governmental flags per premises will be allowed. One additional flag indicating ‘open’, seasons, or community theme is allowed.

303.3.4 Movement or Moving Parts. No sign shall move, contain any moving parts, or give the appearance of motion due to flashing or intermittent light, except portions of a sign which include electronic message centers per Section 303.3.2 and as limited thereby.

303.3.5 Colors. No sign shall contain colors which are fluorescent, luminescent, or "day-glo" paints.

303.3.6 Off-Premises Signs. Except as indicated in Sections 303.4.1 and 303.4.2 below, no off-premises signs will be allowed.

303.3.7 Traffic Safety. No sign shall be erected in such a way as to create a traffic hazard as determined by the Building Commissioner.

303.3.8 Support by Utility Poles or Vegetation. No sign will be allowed to be attached to a utility pole, light pole, tree, vegetation, or other similar vertical surface, excepting that Roadway Banners may be attached to utility poles or light poles in accordance with policies and procedures adopted by the Board of Selectmen.

303.3.9 Vehicles. No truck or other vehicle shall be used exclusively or primarily as a sign. All other vehicles bearing signs must be registered, insured, and inspected.

303.3.10 Illumination. Signs illuminated with exposed neon or gas filled tubes will not be allowed, except as provided in section 303.5.3. No illumination will be allowed that conflicts with the ability to readily see traffic lights or causes any hazardous traffic safety conditions. No sign illumination will be allowed that casts direct light or glare on abutting or other neighboring premises.

303.3.10.1 Strings of Lights. Decorative strings of lights or other seasonal style lights associated with the winter holiday season will be allowed only between the tenth (10th) of November and the twenty-eighth (28th) of February. Except for these seasonal lights, no blinking lights will be allowed.

### 303.4 Signs Allowed In All Zoning Districts

303.4.1 Temporary Signs. Only the following types of temporary signs will be allowed:

303.4.1.1 Religious, Civic and Non-profit Organizations. On premises temporary signs will be allowed to advertise fundraising and special events. Signs must meet the size, duration and other requirements outlined in the Selectmen's Fundraising/Special Event Sign Policy. Off-premises temporary signs to promote special events may be allowed as described in the Selectmen's Fundraising/Special Event Sign Policy. A permit from the Building Commissioner is required, but no fee will be charged.

303.4.1.2 Special Event Signs for Temporary Outdoor Recreation: One on premises Special Event Sign may be allowed for events meeting the definition of Temporary Outdoor Recreation that are to be located on Town owned Land and for which approval has been obtained through application to the Town Administrator's office for Use of Town-Owned Property. Signs must meet the size, duration, and other requirements outlined in the Selectmen's Fundraising/Special Event Sign Policy. Off premises temporary signs to promote special events may be allowed as described in the Selectmen's Fundraising/Special Event Sign Policy. A permit from the Building Commissioner is required, but no fee will be charged.

303.4.1.3 Commercial. A business will be allowed not more than one additional temporary sign annually for the purpose of advertising a grand opening, anniversary sale, or other special commercial event. Signs which exceed eighteen (18) square feet in area will not be allowed. Temporary signs may be displayed for up to fourteen (14) consecutive days and may apply for one renewal. The location of temporary signs must be approved by the Building Commissioner. A permit from the Building Commissioner is required and a fee will be charged.

303.4.1.4 Real Estate Signs. One (1) sign shall be allowed pertaining to the lease, sale or availability for occupancy of the lot or building on which it is located. Real estate signs will not exceed six (6) square feet in area. All real estate signs must be removed within seven (7) days after the conveyance or lease of the property. Real estate signs shall be exempt from the setback requirements of section 303.5.4 of this code, except that they may not be displayed in a manner which interferes with public safety in the opinion of the Building Commissioner. If due to topographic conditions a property abuts a public waterway or public golf course a second sign may be allowed providing the two signs are erected on parallel property boundaries separated by no less than 75 feet. No permit or fee is required.

303.4.1.4.1 Off-Premise Real Estate. Open House signs may be displayed from 10:00 a.m. to 4:00 p.m. on Saturdays, Sundays and holidays. All such signs must be placed on private property with permission of the owner. Only two such signs will be allowed to be displayed for any property for sale or lease. Only one such sign will be allowed to be displayed on any one lot. Such signs will not exceed six (6) square feet in area. No permit or fee is required.

303.4.1.5 Political Signs. Political signs may be placed on private property with permission of the property owner. No permit or fee is required.

303.4.1.6 Residential Construction site sign. One (1) sign for each trade or service (including financing and design) shall be allowed when a contractor is actively working at any site for either new construction, renovations, landscaping, painting or other work requiring permits, people and equipment. Each sign must be removed when the relevant work is completed, or for new construction, 7 days after a certificate of occupancy issued. Each sign shall not exceed six (6) square feet in size and must be located on the property where the work is being performed. These signs will not require permits or fees. No more than five signs are allowed at one time.

303.4.1.7 Commercial construction site sign. One (1) sign detailing all trade or service contractors (including financing and design) working at any commercial site for new construction, renovations, or work requiring permits, people and equipment. The one (1) sign must be removed seven (7) days after the issuance of a certificate of occupancy. The sign shall not exceed thirty two (32) square feet in size and must be located on the property where the work is being performed. No permit or fee is required.

303.4.1.8 Mobile Food Vendors. Mobile Food Vendors may have one (1) sandwich board or A-frame sign not to exceed six (6) square feet in area. Such signs shall not cause safety issues or impeded visibility or access for vehicles or pedestrians; and may not be installed within the layout of public roads or on sidewalks, or within two (2) feet of the traveled surface of any road. The sign may only be displayed when the mobile food vendor is open for business. This temporary sign is in addition to other permanent signs allowed. Permit and fee is required.

#### 303.4.2 Off-Premise Signs.

303.4.2.1 Slat/Ladder-Type Public Information Signs. Signs on ways erected as a public convenience shall require a permit, to be issued by the Building Commissioner, in accordance with M.G.L. Ch. 85, Sect. 8. Design shall be as outlined in the Selectmen's Slat/Ladder Sign Policy and will include only the identification of the business. Slat/Ladder-type signs shall be placed at locations approved by the Town of Yarmouth Department of Public Works. Annual fees shall be determined by the Selectmen.

303.4.2.2 Service clubs and religious, charitable and civic organizations' signs

providing information on the location or time of meetings will be allowed in locations approved by the Building Commissioner. Such signs will not exceed four (4) square feet in area. A permit is required but no fee will be charged.

303.4.2.3 Public Service Signs. Signs erected to acknowledge the providers of a public service, to acknowledge a donation, or to promote a public service activity (e.g., Neighborhood Crime Watch, Conservation Trust, Community Preservation Committee acquisitions) will be limited to a maximum size of three (3) square feet. Benches donated to the Town to serve at bus stops on Town or Regional Transportation Authority bus routes, or for other town uses, may have one acknowledgment to the donor (Donated by \_\_\_\_ ) or a memorial (In Memory of \_\_\_\_ ) on the front of the bench, on one slat. The acknowledgment may not exceed the length of one back slat, nor exceed 1.5 square feet in area. Lettering is not to exceed 2 inches in height. Benches must be approved by the Department of Public Works for use. Only one sign per site, or per bench, will be allowed. A permit is required but no fee will be charged.

303.4.2.4 Community Information Board (CIB) – CIBs shall be allowed on municipally owned property for the purpose of public education of events and activities of a non-commercial nature or for Special Events for Temporary Outdoor Recreation per Section 303.4.1.2. The sign shall not exceed thirty two (32) square feet and may contain a National/Regional Advertising Emblem indicating the donor of the CIB sign. The Emblem is not to exceed 3 square feet, or 20 percent of the gross area of the CIB, whichever is less. A maximum of three (3) CIBs, at any one time, shall be permitted in the Town of Yarmouth. For the purpose of this Bylaw, a CIB shall not be considered as a second freestanding sign.

303.4.2.5 Adopt-a-Landscape Signs. Signs erected to denote the provider of landscaping or streetscape services to a designated Adopt-a-Landscape area. Areas must be designated by the Department of Public Works for inclusion in the program. The provider of service must agree to a maintenance schedule to remain eligible for a sign. Adopted areas up to 200 square feet may have one sign with a maximum size of three (3) square feet, areas between 200 and 500 square feet may have up to two signs with a combined maximum size of six (6) square feet, areas over 500 square feet may have up to two signs with a combined maximum size of eight (8) square feet. No sign may exceed thirty-six (36) inches in height.

If two signs are installed they must be a minimum of ten feet apart facing different directions. Sign design must conform to standards determined by the Department of Public Works.

303.4.2.6 Gateway Sign. Gateway Signs may be erected on property designated by the Board of Selectmen as an official town or destination gateway. Signs may not exceed 24 square feet.

### 303.4.3 Town owned Properties – Naming Rights/Sponsorships/Donations Signs:

303.4.3.1 In addition to signs allowed elsewhere in this bylaw, supplemental signage may be allowed on Town owned properties related to naming rights, sponsorships, and donations as outlined in the Board of Selectmen’s Naming Rights/ Sponsorships/ Donations Sign Policy. A permit from the Building Commissioner is required, but no fee will be charged.

### 303.5 Signs Allowed Only In B1, B2 And B3 Zones and the VCOD.

See Section 414.8.11 (Signage) for supplemental regulations specific to development under Section 414, VCOD.

303.5.1 Unlettered Sculptures. Unlettered sculptures must be located a minimum of thirty (30) feet back from the front property line. They must not exceed a maximum of twelve (12) feet in height or eight (8) feet in length in any horizontal direction. Sculptures may be illuminated at night with spotlights providing the lighting does not cause a safety hazard or disturbance to abutters.

303.5.2 On-premise Directional Sign. On-premise Directional signs will be allowed only where needed for directing the flow of traffic within the property. These signs must not exceed two (2) square feet in area and may not include any advertising other than a logo incidental to the directions being given. They shall be included on the permit for other signs of a business, or a separate permit shall be required. No fee will be charged.

### 303.5.3 Window Signs.

1. The word glass when used in this section shall mean glass or any other transparent medium.
2. No window sign shall be displayed in the lower fifty percent (50%) of the glass of a window. The lower fifty percent (50%) of a window is defined as the glass which is below a horizontal line drawn half way between the bottom and top of the glass. This limitation shall apply only to window signs displayed in windows located within the ground floor of a building. This limitation is imposed to enhance public safety.
3. Only one (1) window sign is allowed to be displayed in each window.
4. No window sign will exceed in size twenty five percent (25%) of the total glass square footage of the window in which the sign is displayed.
5. Window signs may be constructed of any material including exposed gas filled tubes subject to the limitations of the following paragraph.

6. Limitations on window signs which are constructed totally or in part with exposed visible gas filled tubes:
  - A. This type of window sign will be allowed only in the B2 district.
  - B. This type of window sign will not be allowed unless all signs advertising the business, which wishes to display this type of window sign, are in compliance with all of the applicable sign regulations contained within section 303 of this zoning bylaw.
  - C. This type of window sign will not exceed nine (9) square feet in size.
  - D. Only two (2) of this type of window sign shall be allowed in the building area occupied by the business wishing to display this type of window sign.

#### 303.5.4 Free Standing Signs.

303.5.4.1 Singly Occupied or Co-branded Business Location. One free standing sign per business property having a maximum face area of twenty four (24) square feet with a maximum face height or width of eight (8) feet will be allowed. In the case of double faced signs only one sign will be counted for measurement. All advertising or lettering shall be contained within the face of the sign. No advertising, lettering, or internal illumination shall be allowed on the posts, pillars, arms, or other supporting structure with the exception of street numbers. No part of the sign shall be more than twelve (12) feet in height above the average natural grade at the street. All parts of this type of freestanding sign shall have a minimum 6' setback from any property line.

303.5.4.2 Business Centers. A business center may have only one (1) free standing sign, not exceeding twenty four (24) square feet in area, with the advertising area divided among the business enterprises or identifying the business center name or both, with a maximum face height or width of eight (8) feet will be allowed. No part of the sign shall be more than twelve (12) feet in height above the average natural grade at the street. All parts of this type of freestanding sign shall have a minimum 6' setback from any property line. For Business Centers housing three or more tenants and a minimum of 20,000 square feet of retail/office space, the center may have a 48 square foot sign with a minimum setback of 12 feet. If a Business Center eligible for the 48 feet free standing sign has more than 1000 feet of frontage it may choose to divide the sign into two separate 32 square foot signs provided they meet 50 foot sideline setbacks and are separated by a minimum of 300 feet.

303.5.4.3 Business Centers – Conformity. In each business center all freestanding signs will conform to each other as far as, material of construction, color, background and general style. All free standing business center signs must have one light, neutral colored background for the entire business center sign. Neutral colors shall be white, off-white, light grey or light tan. Each tenant sign must have

the same light, neutral colored background as the business center sign, and may have up to three (3) foreground colors. Black will be considered a color when determining the number of foreground colors allowed. White will be considered a color for background, but not a color for foreground. For example, a single tenant sign with light blue, dark blue, white and black foreground colors will be considered to have three foreground colors for the purpose of meeting the color requirement.

303.5.4.4 Street Numbers. All free standing street signs for a property shall include the street number of the property in a contrasting color with a minimum height of 3" and maximum height of 5" in a visible location on the sign. The numbers may be located outside the sign area on supporting framework or molding and will not be included in the calculation of sign area.

303.5.4.5 Drive-Through Menu Board: Food service businesses that have a drive-through window, may have one additional single sided freestanding drive-through menu board of a maximum size of sixty-six (66) square feet, a maximum face height or width of ten (10) feet, and no part of the sign more than twelve (12) feet above the average grade at the sign location. All advertising or lettering shall be contained within the face of the sign. This sign shall be directed to drive-through traffic where the order is to be placed and shall be screened from view from the street.

303.5.4.6 General. Any property seeking to increase the size of an existing free standing sign must meet all other requirements of section 303, including setback requirements. Increasing the size of an existing sign may not be done through the addition of hanging or attached riders. An existing sign may be expanded if similar materials, style and colors are used on the expansion and the overall resulting sign appears to be a single, cohesive sign.

303.5.4.7 All business information shall be contained within the allowed sign area, including information related to vacancy/no vacancy, open/closed, or visa/mastercard accepted. Hanging or attached riders are not allowed.

### 303.5.5 Attached Signs

303.5.5.1 Attached Signs. Attached signs will not extend above or beyond the roof ridge line on the building. No portion of the sign may rise above a point higher than 35 feet.

303.5.5.2 Singly Occupied or Co-branded Business Location. Two (2) single face signs per establishment may be attached to opposite or perpendicular walls of a building. The height of attached signs will not exceed two (2) feet. The length will not exceed one-third (1/3) of the length of the wall of the building to which the sign is affixed. In no instance is the square footage to exceed sixty (60) square feet per sign.

303.5.5.3 Business Centers – Attached. All sections of 303.5.5.2 will apply except that only one attached sign per business will be allowed and no sign shall be longer

than one third (1/3) of the length of the building occupied by that business. If a business in a business center has a rear or side public entrance, a secondary attached sign, no larger than four (4) square feet shall be allowed at said entrance.

303.5.6 Location for Attached Signs. All parts of attached signs shall have a minimum 6' setback from any property line.

303.5.7 Menu and Directory Signs. One (1) sign which displays a restaurant's menu or which lists the businesses which are located within a building will be allowed in addition to any other signs allowed by this zoning bylaw. This type of sign must be attached to the exterior of the building and be located in close proximity to the main entrance of the restaurant or building. This type of sign will not exceed three (3) square feet in size. This type of sign will not require permits or fees.

303.5.8 Vending Machine Signs. Exterior vending units may have up to 72 square inches of signage. No vending machine may be located further than six (6) feet from the property's principle building. No more than two machines may be visible from the street.

303.5.9 Commercial Real Estate Signs. Commercially zoned properties with pre-existing free standing signs or attached signs, may utilize the full area of one sign for the purpose of marketing the lease, sale, or occupancy of the lot or building on which it is located. No permit or fee is required.

303.6 Reserved

303.7 Residential Zoning Districts.

303.7.1 Allowed Businesses. Businesses allowed in a residential zoning district as a preexisting nonconforming use, or by the Board of Appeals special permit or variance shall conform to sections of this bylaw applicable to commercial signs in B1, B2, and B3 zones.

303.7.2 Subdivisions. Subdivision signs shall not be larger than twelve (12) square feet and shall conform to all the requirements set forth for signs in B1, B2, and B3 zoning districts, except that subdivision signs may, with Yarmouth D.P.W. approval, be located within a road layout.

303.7.3 Signs for Residences. Single family and two family dwellings will be allowed one Residential Decorative Sign per dwelling unit showing the name of the residence. The sign may not exceed 6 square feet

303.8 Permit Process.

303.8.1 No sign, except those indicated in Section 303.8.3, will be erected or altered without a sign permit issued by the Building Commissioner. All permitted signs shall be identified by a code number issued by the Building Commissioner. A fee will be

charged on application for a permit for installation of new signs as per Section 303.8.5 below. A permit shall be granted if a sign is in compliance with these regulations. Permits will be required for temporary as well as permanent signs.

303.8.2 Any person aggrieved by the refusal of the Building Commissioner to issue a permit under the provision of this bylaw may appeal to the Board of Appeals. The Board of Appeals will hold a public hearing and render a decision accordingly to the procedure of the Zoning Bylaw for appeals of refusal to grant a building permit.

303.8.3 Signs not requiring permits. Temporary Real Estate signs, Political signs, Residential Construction site sign, Commercial Construction site sign, Roadway Banners, Menu and Directory Signs, Commercial Real Estate sign, signs indicating the name of the occupant of a dwelling, other Residential Decorative Signs, any sign erected by any governmental agency to promote traffic safety, and window signs, except as required by section 303.5.3, shall not require a permit.

303.8.4 Transfer of Permits. Transfer of permits from one business owner to another will be allowed. When there is a change in ownership of a business, the new owners of a business must request the transfer of the permits for signs.

303.8.5 Fees. Fees for sign permits shall be determined by the Board of Selectmen. No fee is required for signs not requiring permits per Section 303.8.3, accessory signs, Public Service signs, On-premises Directional signs, and temporary and off-premise signs for religious, civic and nonprofit organizations, ~~or for Special Event Signs for Temporary Outdoor Recreation, or for Naming Rights/Sponsorships/Donations Signs on Town Owned Properties.~~

303.9 Measurement. Measurement of sign area shall be by standard geometric methods. In cases where this is not possible, the area shall be determined within straight lines encompassing the face of the sign. Cut-out letters shall be allowed as an attached sign whose area shall be measured within the intersections of lines extended from the extreme edges of the lettering.

303.10 Maintenance and Safety.

303.10.1 All signs and their supporting structures must be kept properly maintained, repaired and in proper condition as determined by the Building Commissioner. If the Building Commissioner finds that a sign is unsafe or otherwise improperly maintained, he shall issue a written notice to the permit holder and the property owner informing him of how the situation must be corrected.

303.10.2 If the specified conditions are not corrected within three (3) business days (or 30 days for non-safety related issues) of receipt of the written notice, the permit holder will be liable for penalties prescribed under this bylaw.

303.10.3 Abandoned Signs. When the Building Commissioner determines that a sign(s) is abandoned, as defined by this bylaw, he will notify the property owner of

said determination and request that the abandoned sign(s) be removed. The property owner will have thirty (30) business days after the receipt of the request to remove said sign(s). Failure to remove the abandoned sign(s) within the thirty day period shall subject the property owner to all penalties prescribed under this bylaw. This section of the Zoning Bylaw is not intended to abridge any property right(s) granted by Massachusetts General Laws, chapter 40A, section 6.

### 303.11 Violations.

303.11.1 Definition. Any deviation from the foregoing rules constitutes a violation of this bylaw. Violators must be given written notification of any violations.

303.11.2 Fines for Permanent and Temporary Signs. Any violator of any of the provisions of this bylaw will be given three (3) business days for correction of the defect or removal of the offending permanent sign, and one (1) working day for correction of the defect or removal of an offending temporary sign. If correction is not made in the allowed time, the owner will be fined fifty dollars (\$50) per day for the first seven (7) days and two hundred fifty dollars (\$250) per day thereafter. Violations of display of signs will be cumulative with consecutive violations accruing fines as outlined above.

303.12 Nonconforming Signs. Lawfully pre-existing Nonconforming signs may be maintained, but may not be enlarged or redesigned or altered in any way, except to conform to the requirements of this bylaw. Any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent (35%) of the replacement cost of the sign at the time of the restoration, shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw. A nonconforming sign may be reworded, provided that the new wording continues to advertise goods and/or services of the same type as those displayed prior to the change. Any exemption provided in this section shall terminate with respect to any sign which:

1. shall have been abandoned;
2. shall not have been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the Building Commissioner.

303.13 Relief. Relief from the requirements of sections 303.3.10, 303.5.4.2, 303.5.4.3, 303.5.5.2 and 303.5.5.3 may be granted by the Board of Appeals by special permit, provided the Board finds, in addition to the requirements of section 103.2, that the relief requested meets the spirit and intent of this bylaw. All other relief shall be in the form of a variance, as provided in section 102.2.2.

The validity of any section in this bylaw does not effect the validity of any other section of the bylaw.