

Order: Be it hereby ordained by the Malden City Council that the Code of the City of Malden (MCC) 4.16 SIGN CONTROL is hereby amended as follows:

Strike and replace the text in Sec. 4.16.040 APPROVAL REQUIRED FOR CERTAIN SIGNS; SIGN DESIGN REVIEW COMMITTEE; COMPOSITION AND DUTIES as follows:

- A. Except for signs not requiring a permit as provided in MCC 4.16.050, no sign shall be refaced, constructed, altered, or changed without the review and approval a permit issued by the Building Commissioner or their designee; ~~provided that no permit for the construction, alteration or modification of a sign shall be issued without the review and approval of the Sign Design Review Committee~~; and provided further that an electrical permit must be obtained prior to the installation of any illuminated sign. Any conditions or restrictions contained in the Sign Design Approval shall become conditions for the issuance of the building permit.
- B. Applications for design review shall be filed with the Department of Permits, Inspections, and Planning Services. A permit for the construction, alteration or modification of a sign may require review and approval of the Sign Design Review Committee if deemed necessary by the Building Commissioner or their designee. If required, theThe Sign Design Review Committee shall, within 45 days of the submission of a completed application, issue an approval or notice of denial to the applicant; provided that, should the Sign Design Review Committee fail to take action within the allotted time, approval shall be deemed granted in accordance with the application.
- C. In approving or disapproving any particular sign, the Sign Design Review Committee shall take into consideration the following:
 1. The zoning district, existing uses in the area, and the general character of the area;
 2. The economic and business interests of the party having erected or proposing to erect the sign;
 3. The aesthetic appearance of the sign and its overall effect on the surrounding area;
 4. The aesthetic appearance of this sign and its overall effect on a building or property, including ensuring the lettering, shape, and color employed in a sign is compatible with the form, color, and materials of the associated building or property, and of a harmonious style and design; and
 5. The sign is consistent with this Code and any regulations adopted by the Sign Design Review Committee as established through Paragraph C.

- D. The Sign Design Review Committee shall not approve the erection of any sign expressly prohibited by this Code, other City ordinance, or the Building Code of the Commonwealth of Massachusetts.
- E. The Sign Design Review Committee may issue approvals with such conditions, restrictions, or limitations on any particular sign, as are deemed in the best interest of the public health, safety, and welfare. Such conditions or restrictions may include, but are not limited to, color, size, methods of illumination, materials, and appearance so as to achieve uniformity. The Sign Design Review Committee shall not impose any conditions or restrictions that would be construed as the content-based regulation of sign messages prohibited by the federal or state constitution, statutes, or court decisions.

Strike and replace the text in Sec. 4.16.080 REGULATION OF SIGNS; BY SIGN TYPE as follows:

E. Portable Signs:

- 1. Portable signs shall be self-supporting and moveable consisting of two faces either:
 - a. Connected and hinged at the top, typically referred to as an A-frame sign; or
 - b. Supported by two legs perpendicular to the sign face at the base of the sign, typically referred to as a T-frame sign.
- 2. No portable sign shall exceed six (6) sq. ft. in area per sign face and shall not exceed three and one-half (3.5) ft. in height.
- 3. Portable signs shall be removed within one hour of the conclusion of the event, activity, or operation, to which they relate.
- 4. No portable sign shall occupy an area designated for parking, loading, walkways, driveways, fire lanes, easement, cartway of the right-of-way, or other areas required to remain unobstructed.
- 5. A permit for a portable sign shall be issued for a minimum of 30 days and a maximum of one (1) year, subject to the determination, review, and approval of the ~~Sign Design Committee~~Building Commissioner, or their designee.
- 6. A permit for a portable sign may be renewed subject to the review and approval of the ~~Sign Design Review Committee~~Building Commissioner, or their designee.
- 7. All portable signs must be made of durable materials and shall be well-maintained, provided that portable signs that are frayed, torn, broken, or no longer legible may be deemed unmaintained by the building inspector and required to be removed.
- 8. Illumination of any portable sign shall be prohibited.

F. Projecting Signs:

- 1. No portion of a projecting sign shall project more than four (4) ft. from the face of the building.

2. The outermost portion of a projecting sign shall project no closer than five (5) ft. from a curblin or shoulder of a public street.
3. The lowest edge of a projecting sign shall be at least eight (8) ft. above the finished grade.
4. Unless otherwise stated, the maximum sign height shall be equal to the roof line or the bottom of the second story window, whichever is lower.

G. Limited Duration Signs:

1. Limited duration signs shall not be included in the determination of the type, number, or area, of signs allowed on a property.
2. Except as specifically provided limited duration signs shall meet the following size and location requirements:
 - a. For non-residential uses or building identification, limited duration signs shall be limited to one sign per street frontage per tenant.
 - b. The maximum sign area of a limited duration sign shall be 20 sq. ft.
 - c. The maximum sign height of a limited duration sign shall be 10 ft.
3. A permit for a limited duration sign shall be issued for a minimum of 90 days and a maximum of one (1) year, subject to the determination, review, and approval of the ~~Sign Design Review Committee~~Building Commissioner, or their designee.
4. A permit for a limited duration sign may be renewed subject to the determination, review, and approval of the ~~Sign Design Review Committee~~Building Commissioner, or their designee.
5. All limited duration signs must be installed such that, in the opinion of the building inspector, they do not create a safety hazard.
6. All limited duration signs must be made of durable materials and shall be well-maintained, provided that limited duration signs that are frayed, torn, broken, or no longer legible may be deemed unmaintained by the building inspector and required to be removed.
7. Except as specifically provided, illumination of any limited duration sign shall be prohibited.

Strike and replace the text in Sec. 4.16.090 REGULATION OF SIGNS; BY DISTRICT as follows:

- A. Residence A, Residence B, and Residence C Zoning Districts: The following signs may be permitted in Residence A, Residence B, and Residence C zoning districts, subject to any applicable review and approval by the ~~Sign Design Review Committee~~Building Commissioner, or their designee, and any other conditions of this Code.
 1. Limited duration signs as regulated in MCC 4.16.080 Paragraph G
 2. Temporary signs as regulated in MCC 4.16.080 Paragraph H
 3. Home Occupations: For home occupations, as defined in MCC 12.28.010, the following provisions shall apply:

- a. One (1) non-illuminated freestanding sign may be permitted, provided the sign shall not exceed six (6) sq. ft. in area per sign face and shall not exceed six (6) ft. in height.
 - b. One (1) non-illuminated wall or projecting sign may be permitted, provided the sign shall not exceed two (2) sq. ft. in area per sign face.
 - 4. Developments with at least Ten Dwelling Units: For residential developments containing at least ten dwelling units, as defined in MCC 12.32.060 definition Dwelling, Three and Four Family, one freestanding sign per street frontage identifying the development may be permitted, provided:
 - a. The maximum area of the sign shall be 15 sq. ft. per sign face;
 - b. The maximum height of the sign shall be eight (8) ft., and;
 - c. Any illumination shall be subject to the regulations of MCC 4.16.070 Paragraph A,4,c.
 - 5. Recreational Trail Facing Signs as regulated in MCC4.16.080 paragraph I
 - 6. For non-residential uses, one recreational trail facing sign per tenant may be allowed.
- B. Residential Office, Neighborhood Business, and Central Business Districts: The following signs may be permitted in Residential Office, Neighborhood Business, and Central Business zoning districts, subject to any applicable review and approval by the ~~Sign Design Review Committee~~ Building Commissioner, or their designee, and any other conditions of this Code.
 - 1. Any sign permitted in Residence A, Residence B, and Residence C Zoning Districts as regulated in Paragraph A.
 - 2. Wall, Awning, and Projecting Signs: The total area of all wall, awning, and projecting signs shall be limited to two (2) sq. ft. per one (1) linear foot of building frontage that faces a street frontage, subject to any limitations based on sign type as regulated in MCC 4.16.080.
 - a. For non-residential uses or building identification, one wall sign per tenant per street frontage may be permitted, up to a maximum of two (2) signs per tenant, provided no single sign shall exceed 32 sq. ft. in area per sign face.
 - b. For non-residential uses or building identification, awning signs may be permitted.
 - c. For non-residential uses or building identification, one (1) projecting sign per ground floor establishment and one (1) projecting sign per building entrance serving one or more commercial tenants without a ground floor entrance may be permitted, provided each sign shall not exceed twelve (12) sq. ft. in area per sign face.
 - d. Illumination may be permitted subject to the regulations of MCC 4.16.070 Paragraph A,4,c.
 - 3. Window signs as regulated in MCC 4.16.080 Paragraph C
 - 4. Portable signs as regulated in MCC 4.16.080 Paragraph E
- C. Highway Business and Industrial Districts: The following signs may be permitted in Highway Business and Industrial Zoning Districts, subject to any applicable review

and approval by the ~~Sign Design Review Committee~~Building Commissioner, or their designee, and any other conditions of this Code.

1. Any sign permitted in Residence A, Residence B, and Residence C Zoning Districts as regulated in Paragraph A.
 2. Wall, Awning, and Projecting Signs The total area of all wall, awning, and projecting signs shall be limited to two (2) sq. ft. per one (1) linear foot of building frontage that faces a street frontage or parking lot, subject to any limitations based on sign type as regulated in MCC 4.16.080.
 - a. For non-residential uses or building identification, one wall sign per tenant per street frontage and parking lot frontage may be permitted, up to a maximum of two (2) signs per tenant, provided no single sign shall exceed 40 sq. ft. in area per sign face.
 - b. For non-residential uses or building identification, awning signs may be permitted.
 - c. For non-residential uses or building identification, one (1) projecting sign per ground floor establishment and one (1) projecting sign per building entrance serving one or more commercial tenants without a ground floor entrance may be permitted, provided each sign shall not exceed 20 sq. ft. in area per sign face.
 - d. Illumination may be permitted subject to the regulations of MCC 4.16.070 Paragraph A,4,c.
 3. Window signs as regulated in MCC 4.16.080 Paragraph C
 4. Freestanding signs as regulated in MCC 4.16.080 Paragraph D, and provided:
 - a. For non-residential uses or building identification, one freestanding sign may be permitted, except three additional freestanding signs per drive through lane may be permitted for establishments with a drive through if the additional sign is located along the drive-through lane and is intended to serve users of the drive-through lane;
 - b. The maximum area of a freestanding sign shall be 50 sq. ft. per sign face, except where the sign contains information for more than one tenant an additional 10 sq. ft. per tenant may be permitted up to a maximum sign area of 100 sq. ft.;
 - c. The maximum height of a free standing sign shall be 20 ft; and
 - d. Illumination may be permitted subject to the regulations of MCC 4.16.070 Paragraph A,4.
 5. Portable signs as regulated in MCC 4.16.080 Paragraph E
- D. Reclamation and Redevelopment Districts: Signs in a Reclamation and Redevelopment zoning district shall be subject to the requirements of any applicable land reclamation agreement, master plan, or site plan review as provided in MCC 12.28.140. In the absence of such requirements, signs may be permitted in accordance with the provisions of Paragraph C.

Strike and replace the text in Sec. 4.16.120 VARIANCES as follows:

The Board of Appeal, by variance, may allow deviation from the requirements of this Chapter, in accordance with MCC 12.32.040.

A. Nonconforming Signs:

1. Signs legally in existence at the time of the adoption of this ordinance that do not conform to the requirements of this Chapter shall be considered non-conforming signs.
2. Except as provided in Paragraph A,3, nonconforming signs may be repainted or repaired up to 50% of the replacement cost of the sign. Sign faces may be replaced provided that the actions do not increase the dimensions of the existing sign, do not constitute a significant modification to the aesthetic appearance of the sign as determined by the ~~Sign Design review Committee~~Building Commissioner, or their designee, and do not in any way increase the non-conformity of the sign.
3. All permanent signs and sign structures shall be brought into conformance with the requirements of Section 4.16 when and if the following occurs:
 - a. The sign is removed, relocated, or significantly altered. Significant alterations shall include changes in the size or dimensions of the sign. Changes to sign copy or the replacement of a sign face on the nonconforming sign shall be considered significant alterations if, in the opinion of the Sign Design Review Committee, such alterations substantially modify the appearance of the sign.
 - b. If more than 50% of the sign area is damaged.
 - c. An alteration to the structure of a sign support.
 - d. A change in the mechanical facilities or type of illumination.
 - e. A change in the material of the sign face.
 - f. The property on which the non-conforming sign is located submits a subdivision or zoning application requiring municipal review or approval.
 - g. The property on which the nonconforming sign is located undergoes a change of land use requiring the issuance of either a use or occupancy permit or a change of use or occupancy permit.
4. Nonconforming signs shall be exempt from the provisions of Paragraph A under the following conditions.
 - a. In the opinion of the Sign Design Review Committee, the non-conforming sign possesses documented historic value.
 - b. The sign is of a unique nature or type by virtue of its architectural value or design, as determined by the National Park Service, Massachusetts Historical Commission, or the City of Malden Historical Commission.
 - c. When a nonconforming sign is required to be moved because of public right of way improvements.