



## Town of Lexington

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**EXCERPT OF THE TOWN OF LEXINGTON  
 ANNUAL TOWN MEETING  
 HELD MONDAY, MARCH 18, 2024, 7:30 P.M.  
 CARY MEMORIAL BUILDING – BATTIN HALL  
 WITH ADJOURNED SESSIONS HELD  
 MARCH 20, 22, 27, and APRIL 1, 3, 8, 10, 24**

### ARTICLE 47 AMEND ZONING BYLAW – SIGNS MOTION:

That the Zoning Bylaw, Chapter 135 of the Code of the Town of Lexington, be amended as follows, where ~~struck through~~ text is to be removed and underlined text is to be added:

1. Amend § 135-5.2 as follows:

5.2.1 Purpose. This section is intended to:

~~1. Allow for effective communication through signage by regulating and restricting size, location, lighting, and placement of signs in order to protect and enhance the visual environment and discourage excessive visual competition; Preserve and enhance the historical ambience and aesthetic character of the Town; and~~

~~2. Maintain public safety; and, consistent with constitutional requirements protecting freedom of speech.~~

~~3. Preserve constitutional requirements protecting freedom of speech.~~

5.2.2 Applicability. All outdoor signs and window signs are subject to the regulations of this section unless specifically excluded herein.

5.2.3 Exemptions. The following signs are not subject to this section:

~~1. Any sign owned and installed by a governmental agency, located on property owned by a governmental agency, or required by any law, governmental order, or regulation.;~~

~~2. Government flags and insignia, except when displayed in connection with commercial promotion~~ Flags.;

3. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.;
4. Signs mounted on registered motor vehicles or carried by hand.;
5. Removable signs on the inside of windows or transparent doors; and
6. Signs directing traffic flow.

#### 5.2.4 General Regulations.

1. Illumination. No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m., except signs on premises open for business, ~~and then only upon issuance of a special permit by the SPGA.~~ Exterior illumination of signs shall be shielded and full cutoff, directed downward solely at the sign, comply with § 5.4.4, and be steady and stationary. No internal illumination of a sign is permitted except upon issuance of a special permit by the SPGA. The illumination of any sign shall not exceed 150 foot-lamberts.
2. ~~Signs cannot interfere with t~~ Traffic. No sign, including window displays, or its illuminators shall by reason of its location, shape, size, or color obstruct a sidewalk, interfere with pedestrian or vehicular traffic, or be confused with or obstruct the view or the effectiveness of any official traffic sign, traffic signal, or traffic marking. No red or green lights shall be used on any sign if, in the opinion of the Building Commissioner with the advice of the Chief of Police, such lights would create a driving hazard.
3. Construction. No sign shall be painted or posted directly on the exterior surface of any wall. All exterior, attached signs, except awning signs, shall be painted, posted or otherwise securely affixed to a substantial intermediary removable surface and such surface shall be securely affixed to the wall of the building. The foregoing, however, shall not prevent installation of a sign which uses ~~by~~ individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth of projection of 1/4 of an inch. ~~The construction of the sign shall comply with the State Building Code.~~
4. Maintenance. Every sign shall be maintained in good condition. If a sign shows corrosion or deteriorated paint over 25% of the area of one side of the sign, or if damage to the sign causes the loss of 10% of its substance, or if the sign suffers damage or deterioration, which creates a risk of harm to the person or property of another, it shall be repaired or removed.
5. ~~Removal of t~~ Temporary signs. ~~Signs that advertise or otherwise relate to a particular business or commercial event (for example, a real estate sign, or a yard sale sign) shall be removed promptly, and in no event more than seven days, after the conclusion of the event.~~
6. Window signs. ~~Removable signs on the inside of windows or transparent doors are permitted.~~

5.2.5 Prohibited Signs. The following types of signs are prohibited:

- ~~1. Signs that incorporate in any manner flashing, moving, digital animation, video media display, or intermittent illumination lighting, excluding public traffic control service signs; showing time and temperature.~~
- ~~2. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration.~~
- ~~3-2. Signs erected in a way that so as to obstructs any path of egress in or on a building.~~
- ~~4-3. Permanent banner signs; and~~
4. Billboards, off-premises signs, and other non-accessory signs.

~~5.2.6 Signs in Residential Districts. The provisions of this section shall apply to signs in residential districts. The following accessory signs are permitted:~~

- ~~1. Resident identification signs. Two signs, up to one square foot in area each, per residential building indicating the name and address of the residents therein.~~
- ~~2. Multifamily dwelling development sign. One sign, not exceeding 12 square feet in area, identifying a multifamily development.~~
- ~~3. Real estate sign. One sign advertising the sale or rental of the premises on which it is located, and containing no other advertising matter.~~
- ~~4. Subdivision signs. Real estate signs, not more than 20 square feet in area and not more than 10 feet in any dimension, on subdivisions of land as defined in MGL c. 41, § 81L, solely to advertise the selling of land or buildings in said subdivision, provided that not more than one such sign shall face the same street.~~
- ~~5. Yard or garage sale sign. One sign advertising a yard or garage sale on the premises on which it is located, provided that a yard sale permit has been duly obtained.~~
- ~~6. Construction, painting or remodeling sign. One sign indicating the name, address and telephone number of a contractor currently providing construction, painting or remodeling services on the premises, and containing no other advertising matter, provided that permission to display such sign has first been obtained from the homeowner.~~
- ~~7. Noncommercial message signs. Accessory signs containing a noncommercial message and no other advertising matter.~~
- ~~8. Commercial signs. Except to the extent permitted in § 5.2.6, commercial signs, whether or not accessory to a permitted activity engaged in on the premises, are prohibited in Residence Districts.~~

~~5.2.6.7 Residence Districts; Residential Signs. Size, Number and Location of Accessory Residential Signs. Unless otherwise provided herein Accessory signs for residential uses that comply with the following provisions are permitted:~~

1. No one permanent residential sign in a residential district shall exceed ~~four~~ 30 square feet in area. No part of any permanent standing sign shall exceed ~~four~~ five (5) feet in height.

2. No more than two (2) permanent standing signs shall be located on a residential property at one time.

3. No part of any standing sign over four (4) square feet in sign area shall be located within ~~10~~ five (5) feet of the edge of the pavement of any street, ~~obstruct a sidewalk, or otherwise create a safety hazard to pedestrian or vehicular traffic.~~

3. No sign attached to a building shall be located on, or project above, the roof of any the building.

4. Temporary standing signs shall not exceed four (4) square feet in sign area per sign.

5.2.78 Commercial Districts Nonresidential signs. The provisions of this section shall apply to signs ~~in commercial districts for commercial, industrial, and institutional uses. Accessory signs on business establishments or institutions in commercial districts that comply with the following provisions are permitted:~~

1. Wall signs.

a. ~~One p~~ Principal wall signs are is permitted on the front each façade of the an establishment to which it they relates which faces a street, municipal parking lot, the Minuteman Bikeway, or other trail or path available for public use which abuts the property. The width of such a sign above the first floor of a building shall not exceed three feet. The total sign area for each establishment on the first floor shall not exceed one (1) square foot for each linear foot of the façade for which the sign is attached, not to exceed 100 square feet per sign. The total sign area for each establishment above the first floor shall not exceed nine (9) square feet.

b. ~~A s~~ Secondary wall signs may be installed marking a direct entrances on a parking lot or another street in addition to the front wall sign or parking areas. There shall be not more than two (2) such secondary wall signs per entrance. Said signs shall have a width an area no greater than six (6) square feet for each sign. 50% of the maximum permissible width for the principal wall sign.

e. No wall sign shall be more than ~~three (3)~~ five (5) feet in overall height.

d. ~~In buildings where the first story is substantially above grade and the basement is only partially below street grade, For establishments occupying multiple stories, one sign for each story level is allowed if each sign has only 1/2 of the area that the total area of all signs does not exceed the area allowed for the principal sign under §5.2.7.1.a. would be permitted for a single sign.~~

e. In addition to the above signs, each building with multiple occupants may have one directory sign affixed to the exterior wall, window or door of the building at each entrance. Such directory sign shall provide not more than one square foot for each occupant of the building.

f. ~~Wall signs shall either be affixed to a wall and parallel to it or affixed to the roof~~

above a wall and be parallel to the wall. They shall not project more than 12 inches from the face of such wall.

g. No wall sign shall project above the highest line of the main roof or parapet on the wall to which it is attached, whichever is higher.

2. Banner Signs. No banner sign shall exceed 15 square feet in area and no establishment shall have more than one banner sign at a time.

3. Awning Signs.

a. In addition to wall signs, an establishment on the first floor is permitted to have an awning sign.

b. The letters and graphics of an awning sign shall not exceed eight (8) 16-inches in height and 36 inches in length the sign area shall not exceed 30 square feet.

4. Projecting signs.

~~a. In particular instances the SPGA may issue special permits for projecting signs in accordance with §5.2.10, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. No establishment shall be permitted more than one projecting sign.~~

~~b a. Notwithstanding § 5.2.8.2.a, in the CB District, One projecting sign per establishment per façade meeting the standards below is permitted. shall be permitted by right, provided it meets the standards set out below. Projecting signs exceeding these dimensions shall be subject to the special permit provisions of § 5.2.10.~~

i. The sign may not exceed six (6) square feet in area (not including the area of the supporting bracket or hanger);

ii. For single-story buildings structures, the sign shall not project above the roofline or 18 feet above ground level, whichever is lower; for multistory structures, projecting signs may not extend vertically above the window sill of the second story;

iii. The sign must clear sidewalks by at least eight (8) feet from the bottom of the sign and may project no more than four (4) feet from a building or one-third the width of the sidewalk, whichever is less;

iv. The sign must clear the wall by at least six (6) inches and must project from the wall at an angle of 90°. Angular projection from the corner of a building is prohibited.

~~3-5. Standing signs. In particular instances the SPGA may issue special permits for standing signs in accordance with §5.2.10, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. No establishment shall be permitted~~

~~more than one standing sign other than signs directing traffic flow. In the CM and CRO Districts one standing sign, not to exceed 50 square feet in area and five feet in height, shall be permitted by right on each lot.~~

Standing signs over four (4) square feet in sign area shall be set back at least ten (10) feet from the edge of roadway pavement, as follows:

- a. In the CM and CRO Districts, one permanent standing sign per lot, not to exceed 100 square feet in area and no part of the sign or support structure shall exceed six (6) feet in height.
- b. In the CB District, one permanent standing sign per lot, not to exceed nine (9) square feet in sign area and no part of the sign or support structure shall exceed five (5) feet in height.
- c. In the CN, CRS, CS, CSX, and CLO Districts, one permanent standing sign per lot, not to exceed 20 square feet in sign area and no part of the sign or support structure shall exceed five (5) feet in height.
- d. In residential districts, one permanent standing sign per lot, not to exceed 15 square feet in sign area and no part of the sign or support structure shall exceed five (5) feet in height.
- e. Up to two (2) temporary standing signs per lot, not to exceed four (4) square feet in sign area per sign.

~~6. Signs at gasoline f Motor vehicle fuel filling stations and garages. Gasoline filling stations and garages may divide the one wall signs affixed to the front wall of the building to which they are entitled as hereinabove provided into separate wall signs indicating the separate operations or departments of the business, provided however that the total of the widths of the separate signs shall not exceed the maximum width permitted under this bylaw for a single wall sign on such wall. In addition to other permitted signs, one wall or standing sign not exceeding 50 square feet in area and 10 feet in height is permitted for motor vehicle fuel or charging stations. indicating the brand of gasoline being sold may be erected of such type, in such location, and in such manner as the SPGA may allow by special permit. The standard type of gasoline fuel pump or charging station bearing thereon, in usual size and form, the name or type of fuel gasoline and the price thereof shall not be deemed to be a sign within the meaning of this bylaw.~~

7. Construction signs. A maximum of two (2) accessory construction signs shall be permitted during construction of developments. Signage is permitted on the property undergoing construction during site work construction and for no more than 30 days after completion of construction. The total sign area of all signs shall not exceed 32 square feet and signs shall not exceed eight (8) feet in height.

8. Portable signs. Portable signs are permitted one for each establishment, provided that such signs:

- a. are located on private property;

- b. are removed at the close of each business day;
- c. do not obstruct a walkway;
- d. provide at least four (4) feet of clearance for pedestrians;
- e. do not exceed six (6) square feet in area and a height of four (4) feet above the ground; and
- f. are installed so as to not blow over.

~~5.2.9 Building Permit. All persons desiring to erect an outdoor sign in a commercial district shall apply to the Building Commissioner for a building permit. The Building Commissioner shall issue a building permit provided the proposed sign complies with this bylaw, the State Building Code, requirements of the Historic Districts Commission (where applicable) and any other applicable laws, bylaws or regulations. All applications for permits shall comply with the permitting authority's rules and regulations.~~

~~5.2.8 10 Special Permit. In particular instances † The SPGA may issue special permits for more or larger signs than are provided herein or for signs of types or for purposes not provided herein and not specifically prohibited herein, including temporary signs, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. In granting such permission, the SPGA shall specify the size and location of the sign or signs and impose such other terms and restrictions as it may be deemed to be in the public interest. In considering applications for special permits for signs located on land owned or leased by a religious sect or denomination or by a nonprofit educational corporation, and used for religious or educational purposes, the SPGA shall not treat the applicant on terms less favorable than those applied to a non-religious institution, nor in a manner that unreasonably restricts the religious or educational activities of the applicant.~~

~~5.2.9 Site Plan Review. For projects requiring site plan review, the Planning Board may waive any provisions of this § 5.2.~~

~~5.2.10 Pre-existing nonconforming signs. Any sign existing at the date of the amendment of this section but which does not conform to these regulations by reason of size, location, type of construction, or illumination shall not be enlarged, relocated, or have its type of construction or illumination changed except in full compliance with this § 5.2.~~

3. Amend § 135-10.0 Definitions as follows:

**FLAG**

A piece of lightweight fabric, typically oblong or square, attached at one edge to a rope, building, or flown from a flagpole containing colors, patterns, symbols, and may contain words.

**SIGN**

Any display device, including but not limited to a board, placard, poster, ~~flag~~ or banner, which advertises or communicates information to persons not on the premises on which it is located.

**SIGN, AWNING**

A sign consisting of letters or graphics affixed to an awning or canopy that extends over a walkways, courtyard, drive, or other open area.

**SIGN, BANNER**

A sign constructed of a long strip of fabric or other similar flexible material mounted or attached to a structure. For regulatory purposes, flags are not considered banners.

**SIGN, COMMERCIAL**

~~Any sign, regardless of size, which advertises, calls attention to, or indicates any commercial product, service or activity, whether or not manufactured, sold or engaged in on the premises at which the sign is displayed.~~

**SIGN, PERMANENT**

Any sign which is not a temporary sign.

**SIGN, PORTABLE**

A sign not attached to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

**SIGN SIZE AREA**

~~The size of a sign shall include any intermediary removable surface to which it is affixed. The area contained entirely within a signboard or if no signboard is present, the area contained within the smallest rectangle that encloses all of the wording or graphics of a sign. The area of a flat two-faced projecting or standing sign is the area of one face. The width of a sign is its horizontal dimensions even when this is the smaller dimension.~~

**SIGN, STANDING**

Any sign that is erected on and attached to the land. If a sign support holds more than one sign, each such sign is considered a separate standing sign.

**SIGN, TEMPORARY**

Any sign which by its design or use is temporary in nature intended for a limited period of display of less than one year and is not permanently mounted. Posters, construction signs, yard sales, real estate signs, lawn signs, and banner signs are considered to be temporary signs.

Following remote electronic vote tallying, the Moderator declared that:

**Motion to Approve Article 47 – Signs Motion**

Adopted by a vote of:

Yes	No	Abstain
110	25	8

**MOTION CARRIES WITH MORE THAN NECESSARY 2/3RDS**