



# CITY OF MELROSE

*In Board of Aldermen*

*December 5, 2011*

## **AN ORDER**

**12-10**

**Amending Melrose Revised Zoning Ordinances (Signage):** Article II. Definitions, Section 235-5; Article VI, Dimensional and Density Regulations, Section 235-25; Article VII. Signs, Section 235-26 through 235-31; and Article XIII, Home Occupations, Section 235-77 as set forth herein.

Offered by Mayor Robert J. Dolan

## **BE IT ORDAINED**

by the Board of Aldermen of the City of Melrose, that the Melrose Revised Zoning Ordinances, Chapter 235: Article II. Definitions, Section 235-5; Article VI, Dimensional and Density Regulations, Section 235-25; Article VII. Signs, Section 235-26 through 235-31; and Article XIII, Home Occupations, Section 235-77, be and hereby is amended as delineated in the attached engrossed text.

**In sections revised, strike current language and insert in place thereof: revised language accordingly.**

Adopted the Oct. 17, 2011 document

December 5, 2011  
In the Board of Aldermen  
Ordained Roll Call:  
11 Yea, 0 Nay  
Mary-Rita O'Shea, Clerk

Passed as amended December 5, 2011  
Donald L. Conn, Jr., President  
Board of Aldermen

Approved December 7, 2011  
Robert J. Dolan  
Mayor

## **ARTICLE VII. Signs**

**Amend ARTICLE VII, Signs, by deleting the entire Article VII (§235-26 through §235-31) and replacing it with a new Article VII (§235-26 through §235-31.2) as follows:**

### **§ 235-26. Purpose and Intent**

The intent of this article is to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, provide a more enjoyable and pleasing community, and to encourage and foster the most appropriate use of land.

Signs perform important and necessary functions in the community which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available, and providing orientation. Because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:

- a) prevent hazards to vehicular and pedestrian traffic;
- b) prevent conditions which have a blighting influence and contribute to declining property values;
- c) provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity;
- d) preserve the amenities and visual quality of the City and curb the deterioration of the community environment; and
- e) conserve energy.

### **§ 235-27. Applicability**

All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Commonwealth of Massachusetts, the Melrose Zoning Ordinance and any other applicable state and local regulations. Signs for property located in the Downtown Historic District must be accompanied by a Certificate of Appropriateness by the Historic District Commission, as regulated by Chapter 40C of the Massachusetts General Law ("Historic Districts Act") and Chapter 131 of the Melrose Code of Ordinances ("Melrose Historic District Ordinance") prior to applying for a building permit.

### **§ 235-28. Permit Requirements**

A. Except as provided in Subsection B below, no sign shall be erected, altered, or relocated without a permit issued by the Building Commissioner.

B. The following type of signs shall be authorized by right without the need for a permit to be issued by the Building Commissioner:

(1) Any traffic or directional sign owned and installed by a governmental agency.

(2) Temporary signs or banners for public or charitable purposes displayed more often or larger in size than allowed in Section 235-29(A). "Temporary" shall be construed to mean any period not exceeding 30 consecutive days.

*Adopted Revisions to Melrose Signage Ordinance – Dec. 5, 2011*

*October 17, 2011 Document*

*Page 1*

(3) Political signs on private property, provided that such signs shall not exceed six square feet in sign area, shall be set back at least 5 feet from the front lot line, shall not be placed in such location as to constitute a traffic or pedestrian safety hazard, and shall not be displayed for more than thirty days prior to the applicable election and more than seven days following such election.

(4) One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed six square feet in surface area and it shall be set back at least 5 feet from the front lot line. Said temporary sign must be removed upon completion of sale or lease.

(5) One unlighted temporary sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed six square feet in surface area and it shall be set back at least 5 feet from the front lot line. Said temporary sign must be removed upon completion of work.

(6) Traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry, or residence. Such signs shall not carry the logo or name of any business or product and shall not be internally illuminated. Such signs shall not exceed two square feet in area and the top of the sign shall not extend more than four feet above the ground.

(7) Interior illuminated window signs provided they shall be placed only in a window, and not in a door, and shall also:

- (a) Have a sign area not to exceed four square feet;
- (b) Be placed no closer than ten feet from any other illuminated window sign on the premises;
- (c) Be placed only in a window which contains no other signs of any type;
- (d) Be illuminated only during hours of operation of the business establishment;
- (e) Be illuminated by steady (not flashing, changing or moving) light only; and
- (f) There shall be no more than two interior illuminated window signs per establishment.

(8) Interior window signs, temporary or permanent and not illuminated, may be attached to the inside glass surface of a window (a single structurally supported sheet of glass or a sash) or door, or placed within an establishment within five feet from any window or door and situated or designed so that the sign's graphic content is visible from the outside through a window or door, provided that any such sign shall:

- (a) Be uniformly located and not exceed thirty percent (30%) of the glass sheet or sash;
- (b) Contain no letters larger than six inches in height;
- (c) Not be restricted with respect to materials, provided that professional appearance and good order shall be maintained at all times; and
- (d) Not be attached to the outside surface of any window or door.

## **§ 235-29. General Regulations.**

A. Exterior temporary signs or banners for business establishments shall be permitted with a building permit. One temporary sign or banner is allowed per establishment for a period not to exceed 30 days, providing the sign does not exceed the size of the maximum allowed for the establishment in the district in which it is located. No more than one temporary sign permit may be issued for an establishment in a calendar year.

B. All signs (including temporary interior window displays or banners) and their illuminators shall not by reason of location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal, or traffic marking. All illumination of signs must be by steady, stationary, white light, of reasonable intensity, shielded and directed solely at the sign and must be so arranged as to prevent glare onto any portion of any public way or into any residential area.

C. No sign shall be illuminated between 12:00 midnight and 6:00 a.m., except signs identifying police or fire stations, hospitals, and signs on premises open for business and then only while open for business.

D. The supporting members for any sign shall be in acceptable proportion to the size of the sign.

E. At the boundary line of the City, and within a street right-of-way, a sign not exceeding two square feet in area indicating the meetings of any Melrose civic organization may be erected only after the granting of a special permit by the Board of Appeals.

F. It shall be a violation of this ordinance to operate an individual letter or segmented sign in any manner other than with all letters or segments properly lighted, or with all letters or segments not lighted.

G. Any sign not addressed by this ordinance shall be deemed prohibited.

### **§ 235-30. Prohibited Signs.**

The following signs shall not be permitted, constructed, erected, or maintained:

A. Moving, changing or flashing signs and signs illuminated by or including any flashing, projecting or oscillating light; billboards and off-premise signs; electronic billboards and reader boards; strings of pennants or so-called "whirlygigs," and the like. Flashing or animated signs of any color or light source, including but not limited to incandescent, neon, fluorescent, light emitting diode (LED) and plasma shall not be permitted.

B. Neon signs except as displayed on the inside of windows subject to the provisions outlined in Section 235-28(B).

C. Any sign erected so as to obstruct any door, window, or fire escape on a building.

D. More than one sign for any one premises in the "R" districts.

E. Signs constructed, erected, or maintained above the height of any roof or upon any roof of any building.

F. Exterior window signs.

G. Interior window signs, both permanent and temporary, which cover more than thirty percent (30%) of a window.

H. Signs in the public way which are not permanently affixed to a building, structure, or the ground including 'sandwich board' or A-frame signs unless permitted by the Superintendent of Public Works in accordance with §202-1 of the Code of the City of Melrose, Massachusetts.

I. Signs mounted, affixed, or painted on a motor vehicle whose primary function is a sign and not for the transport of goods or merchandise.

J. It shall be a violation of this ordinance to display any illuminated sign that advertises any product, service or entity other than the establishment which occupies the premises on which the sign is located, or a product manufactured by and at the establishment on which the sign is located. This requirement applies to external signs and to interior signs placed in or designed or arranged so as to shine through one or more windows or doors of any building.

#### **§ 235-31. Signs permitted in any residential district.**

A. One professional nameplate for each medical doctor or dental practitioner, provided such sign shall not exceed one square foot in surface area.

B. One identification sign for each dwelling unit provided such sign shall not exceed one square foot in surface area. If lighted, it shall be illuminated with a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises and not used other than for identifying the occupancy.

C. One identification sign for each membership club, funeral establishment, school, municipal building, house of worship, multifamily dwelling development, community facility, or public utility use, provided that the sign shall not exceed 10 square feet in surface area and shall not rise to more than six feet from the ground or sidewalk. If lighted, it shall be illuminated with a white, steady, stationary light, of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises and set back at least 1/2 of the required depth of the front yard. For a school, municipal building, house of worship, and community facility, one additional standing sign up to 40 square feet in surface area may be allowed provided that it shall not rise to more than six feet from the ground or sidewalk and be subject to the set back and illumination provisions in this paragraph.

#### **§ 235-31.1. Signs permitted in any business or industrial district.**

A. Signs permitted in §235-31 are allowed in any "B" or "I" district.

B. Wall Signs. No sign shall be affixed to a building except as hereinafter provided:

(1) One wall sign for each lot street frontage of each business or industrial establishment, provided that it shall be attached and parallel to the main wall of a building and shall face such lot street frontage; it shall not project horizontally more than 15 inches there from; the surface area of the sign shall not aggregate more than 10% of the area of the wall on which it is displayed or 50 square feet, whichever is the lesser; and, if illuminated, it shall be illuminated externally by steady, stationary, white light, of reasonable intensity, shielded and directed solely at the sign, not casting direct or reflected light off the premises and not used other than for identifying the establishment.

(2) The division of the permissible wall sign area into two or more wall signs may be allowed by Special Permit if, in the opinion of the Board of Appeals, such division significantly enhances the appearance of the resulting signage in concert with the architecture of the specific building.

(3) When a business establishment has a customer entrance from a parking lot, the customer entrance may also be identified by a wall sign installed at the parking lot entrance subject to the dimensional provisions in Section 235-31.1B(1).

(4) Building Directory Signs. In the case of multi-story buildings with multiple occupants, each upper floor occupant is allowed one sign not to exceed 1.5 square feet in size affixed to a directory at the entrance to the upper floors.

(5) Wall Sign Restrictions.

a. No sign shall be mounted above the first floor of a building.

b. Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings, and cornices; and,

c. Signs on adjacent storefronts within the same building shall be coordinated in height, proportion, and material.

C. Awning Signs.

(1) In addition to the allowed wall sign, one awning sign is permitted for each ground floor use provided that the awning is one color and the letters are a separate color, shade or tint, letters are painted on or are integral to the awning fabric, are in a maximum of one line, are no larger than six inches in height, and are located on the valance or vertical face of the awning.

(2) In instances where there is no wall sign associated with a ground floor business establishment, the permitted awning sign may include a maximum of two (2) lines of letters, the letters may be no larger than sixteen inches (16") in height, and the area of the sign (the letters and/or logo) may not exceed the area allowed for a wall sign in this district.

(3) No internally illuminated awning signs are allowed.

D. Standing Signs.

(1) One standing sign is permitted for each business or industrial establishment provided that it shall not exceed 40 square feet in surface area on any one side, it shall have a maximum of two faces, no portion of it shall be set back less than 10 feet from the front lot line, it shall not rise to more than six feet from the ground or sidewalk, and it shall be externally illuminated.

(2) Where a single lot is occupied by more than one business, whether in the same structure or not, there shall not be more than one standing sign.

(3) Where a multifamily dwelling development is located in a non-residential district, one identification sign shall be allowed provided that the sign shall not exceed 10 square feet in surface area, shall not rise to more than six feet from the ground or sidewalk, and no portion of it shall be set back less than 10 feet from the front lot line. If lighted, it shall be illuminated with a white, steady, stationary light, of reasonable intensity, shielded and directed solely at the sign, not casting light off the premises.

#### E. Gasoline Filling Station Signs.

Gasoline filling stations shall be allowed the following types of permanent signs: one standing sign, one wall sign, and two canopy signs provided that such signs shall meet all of the other requirements of Article VII, in addition to those set forth in this subsection.

(1) One standing sign for each gasoline filling station, provided that it shall not exceed 40 square feet in surface area, no portion of it shall be set back less than 10 feet from the front lot line, it shall not be erected so that any portion of it is over 10 feet above the ground or sidewalk, and, if lighted, it shall be illuminated internally by white light only.

(2) The standing sign may include gasoline prices and have a maximum of two faces.

(3) Up to two canopy signs are permitted for each gasoline filling station, provided that they are each a maximum of one line, not greater than twelve inches in height, and not longer than six feet. Identifying symbols (logo, trademark, etc.), if any, shall be considered part of the canopy sign when calculating the maximum allowed size.

(4) No internally illuminated canopy signs are allowed.

#### **§ 235-31.2. Preexisting Nonconforming signs.**

Any sign existing at the date of adoption of this chapter but which does not conform to these regulations by reason of its size, location, type, lighting, lettering, or illumination shall become conforming when altered in any way.

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## **ARTICLE II. Word Usage and Definitions**

### **Amend ARTICLE II, Section 235-5, Definitions as follows:**

Replace definition of Sign with the following definition:

SIGN – Any temporary or permanent lettering, word, symbol, drawing, picture, design, device, emblem, trademark, banner, pennant, insignia, article, or object that advertises, calls attention, or indicates any premises, person or activity, whatever the nature of the material and manner of composition or construction, when the same is placed out of doors or affixed on or in any part of a building for the purpose of being visible from the exterior of the building.

Add definition for Awning Sign as follows:

SIGN, AWNING – A sign which is printed, painted, or affixed to an awning or canopy.

Add definition for Billboard Sign as follows:

SIGN, BILLBOARD – Any sign, regardless of size, which advertises, calls attention to or promotes for commercial purposes any product, service or activity other than one manufactured, sold or engaged in on the lot at which the sign is located.

Add definition for Building Directory Sign as follows:

SIGN, BUILDING DIRECTORY – A sign affixed at a building entrance which identifies the occupants of the building not exceeding an area determined on the basis of *1.5 square feet* for each establishment occupying the building.

No change to existing definition for Business Sign:

SIGN, BUSINESS -- A sign used to direct attention to a service, product sold, or other activity performed on the same premises upon which the sign is located.

No change to existing definition for Identification Sign:

SIGN, IDENTIFICATION -- A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located.

No change to existing definition for Roof Sign:

SIGN, ROOF -- A sign erected on or affixed to the roof of a building.

No change to existing definition for Standing Sign:

SIGN, STANDING -- A sign erected on or affixed to the land, including any exterior sign not attached to a building.

No change to existing definition for Surface Area of Sign:

SIGN, SURFACE AREA OF -- For a sign, either freestanding or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself. For a sign consisting of individual letters, designs, and symbols attached to or painted on a surface,

*Adopted Revisions to Melrose Signage Ordinance – Dec. 5, 2011*

*October 17, 2011 Document*

*Page 7*



building, wall, or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs, and symbols.

Add definition for Temporary Sign as follows:

SIGN, TEMPORARY – Any sign intended to be displayed for not more than thirty (30) consecutive days in any calendar year.

Amend definition for Wall Sign as follows:

SIGN, WALL -- A sign affixed to the exterior wall of a building and extending not more than 15 inches therefrom and installed parallel to the face of the building.

Add definition for Window Sign as follows:

SIGN, WINDOW – A sign which is posted, painted, or affixed on an interior transparent surface, including windows and doors, intended to be visible from the exterior of the building or a sign that is located within five feet of the glass of a window exposed to public view and visible from the exterior of the building.

## ARTICLE VI. Dimensional and Density Regulations

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**Amend ARTICLE VI, Section 235-25.E(4), by striking text as indicated below:**

- (4) No permit shall be required for the erection or replacement of fixed or retractable awnings installed on one- and two-family dwellings, unless they project over public property., ~~or for retractable awnings installed above the first story or where the awning does not project over the public street or lot line or over any court or yard serving as a passage from a required exitway to a public street. For any other fixed or retractable awning, canopy, or hood, a building permit shall be obtained from the Building Commissioner for the erection, repair, or replacement of any such device which shall meet the requirements of the state building code. Lettering on the skirt of an awning is permissible but such lettering shall be limited to the name of the owner or establishment.~~
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## ARTICLE XIII. Home Occupation

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**Amend ARTICLE XIII, Section 235-77.J, by striking** §235-28 and inserting §235-31 in place thereof **as follows:**

- J. There shall be no advertising and no signs on the premises except pursuant to § 235-2831 of the Zoning Ordinance.
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