

## **CITY OF LYNN**

Notice is hereby given that the Ordinance Committee will hold a public hearing on Tuesday, November 26, 2019 at 7:00 pm in Rm 402.

### **IN THE YEAR TWO THOUSAND NINETEEN AN ORDINANCE REGULATING SIGNS IN THE CITY OF LYNN EXCEPT IN THE CENTRAL BUSINESS DISTRICT**

#### **Section 1:00 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 780 CMR and other applicable city ordinances. No signs shall be hereinafter constructed, maintained, or permitted except in accordance with this chapter.

#### **Section 2:00 Definitions.**

A. "Area of sign" shall mean the entire area within a single continuous perimeter, and a single plane, composed of a square, circle, or rectangle which encloses the extreme limits of the advertising message or announcement or wording together with any frame, background, trim, or other integral part of the display excluding the necessary supports or uprights on which such sign is placed. Sign area of a freestanding sign is the entire area of one side of such sign that has two faces which are back to back and are counted only once for the purposes of freestanding sign area.

B. "Canopy sign" shall mean a roof like covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground, sidewalk, or building.

C. "Freestanding sign" shall mean a sign (ground sign, standing or pole sign, portable sign, etc.) not a part of or attached to any building, but generally located elsewhere on a lot.

D. "Ground sign" shall mean a freestanding sign located on or close to the ground, the top of which shall not be higher than four feet above the ground.

E. "Permanent sign" shall mean any sign defined above, intended to be erected and maintained for more than sixty (60) days.

F. "Portable sign" shall mean a freestanding sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies, including trailered signs, but excluding signs affixed to or painted on a vehicle.

G. "Projecting sign" shall mean any sign which is attached at any angle to a building or other structure and any part of which extends more than twelve (12) inches from the wall surface of that portion of the building or structure in front of which the sign is positioned. Any sign projecting more than twelve (12) inches above any portion of any street or sidewalk shall be subject to all other relevant city ordinances.

1. Projecting signs shall have no more than two faces;
2. Projecting signs shall have a minimum ten (10) foot clearance above ground level;
3. Projecting signs shall not project more than six feet, six inches horizontally from the building wall to which it is attached and shall not project beyond a vertical plane of two feet inside the curb line of the way on which the building fronts;
4. A projecting sign shall be no higher than the lowest of the following: (a) twenty-five (25) feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line. If attached to a parapet, sign shall not exceed the height of the parapet.

H. "Sign" shall mean:

1. Any permanent structure, device, letter, word, model, insignia, display, emblem, or representation used as or which is in the nature of, an advertisement, announcement, or direction or is designed to attract the eye. This definition shall include window signs as defined within this chapter. Marquees, canopies, clocks, thermometers and calendars shall be subject to the provisions when used in conjunction with signs as defined above;
2. A sign shall be painted, posted, or otherwise securely affixed to a substantial intermediate removable surface and, except for freestanding signs, such surface shall be securely affixed to the face of the building front, which can be street or parking lot frontage, but shall be in a single, unbroken plane. The foregoing shall not prevent installation of a sign 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 or projection of one-fourth of an inch. The material of the sign and intermediate surface and the manner of affixation of the sign to the intermediate surface and of the intermediate surface to the wall of the building shall be subject to the approval of the chief of inspectional services for the purpose of protecting the safety of the public.

J "Standing or pole sign" shall mean a freestanding sign not exceeding twenty (20) feet in height with ten (10) feet of clearance under the sign area and erected upon supporting devices or stands.

K. "Temporary sign" shall mean any sign, including its supporting structure intended to be maintained for a continuous period not to exceed thirty (30) days.

L. "Wall sign" shall mean:

1. A sign not exceeding four feet in height securely affixed to a wall projecting no more than twelve (12) inches from and parallel to the face of such wall on a street or parking lot nor above the highest line of the building to which it is attached;
2. A wall sign shall be no higher than the lowest of the following: (a) twenty-five (25) feet above grade; (b) the bottom of the sills of the first level of windows above the first story; or (c) the cornice line of the building at the building line;
3. If attached to a parapet, a sign shall not exceed the height of the parapet.

M. "Window sign" shall mean:

1. Signs painted or posted on an interior translucent surface, including windows and doors;
2. Permanent window sign coverage shall not exceed twenty-five (25) percent of the area visible from the exterior of the building;
3. Temporary window signs pertaining to special sales or events may be displayed on the interior of a window. The aggregate sign area of all signs in any window, either temporary or permanent shall not exceed thirty-five (35) percent of the area of such window. Window displays or merchandise and signs which are incidental to the displayed merchandise shall not be subject to these area standards.

### **Section 3:00 General Regulations.**

The provisions of this section shall be the general controlling section for all signs. Specific regulations by zoning district are set forth in section 5:00.

- A. No exterior sign shall be illuminated between twelve midnight and six a.m. except signs identifying police station, fire station, or hospitals, except signs on premises open for business and then only while open for business.
- B. All illumination shall be either interior, non-exposed or exterior, shielded and directed solely at the sign and shall be steady and stationary, of reasonable intensity.
- C. The limitations as to the number of signs permitted do not apply to 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 exceed one square foot in area.
- D. Two signs identifying churches, synagogues, and other similar religious uses are permitted on each street frontage, one of which may not exceed twenty-four (24) square feet in area and one which may not exceed ten (10) square feet in area. One sign may be freestanding and may be used for church notices and announcements of services and events at the church, synagogue, or similar religious institution.
- E. One sign is allowed for each of the following in any zone:
  1. Membership club; place of public assembly; community facility; public utility; construction project indicating the name of the engineer, architect, and contractor or other firms associated with the project; premises for sale or lease.
  2. Provided such sign shall not exceed six feet in area, and it shall be located on the face of the building or freestanding and set back a minimum of one-half the depth of the front yard or ten (10) feet from any exterior way line, whichever is less.
- F. One temporary sign, which complies with this chapter, is allowed per establishment for a period not to exceed sixty (60) days. Before a temporary sign (other than a temporary sign placed in a window) shall be erected, there shall be deposited with the inspectional services department a fee as established by the chief of inspectional services. The deposit shall be refunded only upon the removal of the sign. Temporary signs which do not comply with this chapter may be authorized for public or charitable purposes.

G. All signs shall have identification marks of the building permit number and year in numerals one and one-half inch in height and three-quarters inch in width preceded by the letter B.

**Section 4:00 Prohibited Signs.**

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

- A. Signs which incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature;
- B. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decoration;
- C. Portable signs;
- D. Signs constructed, erected, or maintained upon the roof of any building;
- E. Signs which contain a registered trademark or portray a specific commodity for sale occupying more than twenty-five (25) percent of the sign area, unless the registered trademark or commodity is the principal activity conducted;
- F. Political signs in residential areas i.e., lawns, houses, on public buildings, trees or poles.

**Section 5:00 Sign Control by Zoning District.**

- A. Signs permitted in single-family (R-1) and general residence (R-2).
  - 1. One unlighted, permanent sign for each dwelling unit indicating the name and address of the occupants therein, not to exceed two square feet in area and if a ground sign, set back a minimum of one half the depth of the front yard or ten (10) feet from any exterior way line, whichever is less;
  - 2. One sign for a pre-existing non-residential non-conforming use, not exceeding twenty-four (24) square feet in area.
- B. Signs permitted in apartment house (R-3 and R4) and high rise building (R-5) districts.
  - 1. One unlighted, permanent sign for any single or two-family use indicating the name and address of the occupants therein, not to exceed two square feet in area and if a ground sign, set back a minimum of one half the depth of the front yard or ten (10) feet from any exterior way line, whichever is less;
  - 2. Not more than one accessory wall or ground sign per apartment-house building, not to exceed a maximum of twenty-four feet in area;
  - 3. One permitted sign for a pre-existing non-residential non-conforming use, not exceeding twenty-four (24) square feet in area.
- C. Signs permitted in Central Business (CBD), Business (B), Business Class-3 (B3), Boston Street Business Zone, (BSBZ). Industrial (LI and HI) and WF1, WF1A, WF2, WF3, WF4, WS and SHCO Districts
  - 1. There shall not exceed a total of two permanent signs for any one business or industrial establishment, and further limited as follows:
    - a. One wall sign for each street or parking lot frontage of each establishment not to exceed thirty-two (32) square feet in area and to conform to the "wall sign" provisions of section 2:00, to be considered as one total sign for the purposes of this section. If more than one wall sign is provided, the area of the second sign shall be limited to twelve (12) square feet.

- b. One projecting sign for each street or parking lot frontage of each establishment not to exceed twenty-four (24) square feet in area except that an additional ten (10) square feet shall be allowed for a projecting sign which incorporates a public service message device such as time or temperature and to conform to the "projecting sign" provisions of section 15.36.020, to be considered as one total sign for the purposes of this section. If more than one projecting sign is provided, the area of the second sign shall be limited to twelve (12) square feet;
  - c. One canopy sign for each display window of an establishment to be considered as one total sign for the purposes of this section;
  - d. One freestanding ground or pole sign which does not exceed twenty-four (24) square feet set back a minimum of ten (10) feet from all property lines;
  - e. One window sign conforming to the window sign provisions of section 2:00 for each window of an establishment, to be considered as one total sign for the purposes of this section;
  - f. If containing a registered trademark or portraying a commodity for sale, such trademark or commodity shall not occupy more than twenty-five (25) percent of any sign area, unless said registered one trademark or commodity is the principal activity conducted thereon;
  - g. One marquee sign for each public entrance to a theater provided that the marquee shall not be more than four feet overall in height;
  - h. At gasoline service stations, one additional standard sign is allowed for each gasoline pump, bearing in usual size according to state regulations, and usual form, the name and/or type of gasoline and the price thereof
2. Multiple Tenant Lots. Where a single lot is occupied by more than one establishment, whether in the same structure or not, there shall not be more than one freestanding sign for each street frontage, set back a minimum of ten (10) feet from all property lines. Such multi-tenant freestanding signs shall not exceed forty (40) square feet in area. Each establishment on a lot provided with a multi-tenant freestanding sign in accordance with this section shall be limited to one additional sign;
  3. Notwithstanding the limitations of subsection (C)(1) of this section, one directory of the occupants or tenants of the building affixed at each building entrance shall be additionally permitted, provided that the directory shall not exceed an area of one square foot for each occupant or tenant.

**Section 6:00 Special Permit.**

A. In particular instances, the city council may permit more than the number of signs hereinabove permitted or signs of a greater size or in a location other than hereinabove specified, 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 use being made of the building is such that an additional sign or signs of a larger size should be permitted in the public interest.

B. Any applicant under this section shall provide information required in section 8:00. Prior to the granting of a special permit under this section, the city council shall receive comments from the department of community development.

### **Section 7:00 Non-conformance of Signs.**

Signs or other advertising devices legally erected before the adoption of the ordinance codified in this chapter may continue to be maintained, provided, however, that no such sign or other advertising device shall be permitted if it is after the adoption of the ordinance, enlarged, extended, redesigned, or replaced, except to conform to the requirements of this section, and provided further that any such sign or other advertising device which has deteriorated to such an extent that the cost of restoration would exceed fifty (50) percent of the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this chapter. Any exemption provided in this section shall terminate with respect to any sign or other advertising device which:

1. Has been abandoned;
2. Has not been repaired or properly maintained within thirty (30) days after notice to that effect has been given by the chief of inspectional services.

### **Section 8:00 Sign Permits and Maintenance.**

A. All persons desiring to erect, install, place, construct, alter, move or maintain a sign shall apply to the inspector of buildings for a permit.

B. All applications for sign permits shall include at a minimum a drawing to scale indicating the following:

1. The proposed sign and its location with reference to the building and lot;
2. All existing signs maintained on the premises; and
3. Specifications for its construction, lighting, and wiring.

### **Section 9:00 Billboards and Outdoor Advertising Devices.**

A. No person shall erect, display or maintain a billboard sign or other outdoor advertising device unless it was approved by the Commonwealth of Massachusetts Outdoor advertising boards pursuant to Massachusetts General Laws chapter 93, sections 30 and 32.

B. There shall be an annual fee as established by the department of inspectional services for all billboard signs and outdoor advertising devices erected and maintained pursuant to Massachusetts general Laws chapter 93, sections 30 and 32. Said fee shall be paid to the department of inspectional services on April 1<sup>st</sup> of each year.

C. The department of inspectional services shall inspect the structural integrity of all billboards or other outdoor advertising device on an annual basis. Following such an inspection, the inspectional services department shall forthwith issue a report regarding the structural integrity of said billboard or outdoor advertising device, and shall transmit the report to the Lynn city council.

D. The department of inspectional services shall notify the owner of any billboard or outdoor advertising device of any issue negatively effecting the structural integrity of a billboard or outdoor advertising device. The owner of the billboard or outdoor advertising device shall have fourteen days to correct any issues negatively effecting the structural integrity of the billboard or outdoor advertising device. The failure of the owner to correct the issues effecting the structural integrity of the billboard or outdoor advertising device within the prescribed time period shall be grounds for the Lynn city council to revoke the permit for said billboard or outdoor advertising device.

E. The owner of a billboard or outdoor advertising device shall obtain a permit prior to conducting any repairs or performing any alterations on a billboard or outdoor advertising device. The permit shall be completed on a form provided by the inspectional services department. The applicant for a permit shall state the names and addresses of all persons performing repairs or making alterations on a billboard or outdoor advertising device. The applicant for a permit shall also identify that any such persons performing repairs or making alterations possess all necessary licenses required by the Commonwealth of Massachusetts.

**Section 10:00 Enforcement Authority.**

The department of inspectional services shall be the enforcing authority of this chapter.

**Section 11:00 Violation--Penalty.**

Any person violating the provisions of this chapter shall be fined a fee as established by the department of inspectional services. Each day such violation continues shall constitute a separate offense.

Per Janet Rowe, City Clerk

Posted November 15, 2019