

Town of Amesbury, MA
Monday, April 9, 2012

Chapter 381. SIGNS AND BILLBOARDS

[HISTORY: Adopted by the Town of Amesbury as Art. 21 of the 1990 Bylaws. Amendments noted where applicable.]

GENERAL REFERENCES

Handbills and other advertising devices — See Ch. 360.

Political signs — See Ch. 360.

§ 381-1. Restrictions.

For the purpose of regulating billboards, signs, or advertising devices:

- A. No person, firm, association, or corporation shall erect, display or maintain a billboard, sign, or other outdoor advertising device in the Town of Amesbury, except those exempted by Subsections B and C of this section:
- (1) Within 50 feet of any public way.
 - (2) Within 300 feet of any public park, playground, or other public grounds, if within view of any portion of the same.
 - (3) Nearer than 50 feet to any other such billboard, sign, or any other advertising device, unless such billboard, sign, or other advertising devices are placed back to back.
 - (4) On any location at the corner of any public way and within a radius of 150 feet from the point where the center lines of two such ways intersect.
 - (5) Nearer than 100 feet to any public way, if within view of any portion of the same, if such billboard, sign, or other advertising device will exceed a length of eight feet or a height of four feet.
 - (6) Nearer than 300 feet to any public way, if within view of any portion of the same, if such billboard, sign or other advertising device will exceed a length of 25 feet or a height of 12 feet.
 - (7) In any event, if such a billboard, sign, or advertising device will exceed a length of 50 feet or a height of 12 feet, except that the Planning Board may permit the erection of billboards, signs, or other advertising devices which do not exceed 40 feet in length and 50 feet in height if not nearer than 300 feet to the boundary line of any public way.
- B. No billboard, sign, or other advertising device shall be erected, displayed, or maintained in any block in which 1/2 of the buildings on both sides of the street are used exclusively for residential purposes. This provision shall not apply if written consent of the owners of a majority of the residential and vacant premises on both sides of the street in which such block is located is first obtained and is filed with the Planning Board together with the application for a permit for such billboard, sign, or other advertising device. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- C. Provided, however, that the foregoing provisions in Subsections A and B, both inclusive, shall

not apply to districts which the Planning Board may determine are of a business character. This chapter does not apply to signs or other devices on or in the rolling stock, stations, subways, or structures of or used by common carriers, except on bridges or viaducts or abutments thereof, or to devices which advertise or indicate either the person occupying the premises in question or the business transacted thereon, or advertise the property itself or any parts thereof as for sale or to let, and which contain no other advertising matter, and provided further that this chapter shall not apply to billboards, signs, or other advertising devices legally maintained at the time of its approval by the Attorney General until one year from the first day of July following such approval.

§ 381-2. Violations and penalties.

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Whoever violates any of the provisions of this chapter shall be punished by a fine of \$100, and whoever, after conviction of such violation, unlawfully maintains such billboard, sign, or other advertising device for 20 days thereafter shall be punished by a fine of \$500.

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§ 360-3. Handbills, signs, notices and other advertising devices.

- A. Distributing handbills. No person shall distribute or cause to be distributed any handbill, circular, program or advertising slip on any sidewalk or public way in the Town of Amesbury or place the same inside any vehicle on a public way. Handbills, circulars, programs, and advertising slips may be placed within the doors of stores, offices, businesses, and houses, upon motor vehicles, and at the doors of residences. Whoever violates this subsection shall be punished by a fine of \$100.

- B. Posting signs. No person shall establish or maintain over any sidewalk, street or highway any sign, signboard, or advertising device without a permit, and no person shall affix a sign or device to any tree, tree guard, post, board or other object within the limits of such sidewalk, street or highway without obtaining a permit, and such permit may be revoked at any time. Any person who violates this subsection shall be punished by a fine of \$100.

- C. Sidewalks and streets. No person shall write, paint, print, or inscribe any notice, advertisement, word, figure, or picture on any of the public sidewalks or streets of the Town of Amesbury without a permit. Any person who violates this subsection shall be punished by a fine of \$200.
Editor's Note: See also Art. II, Graffiti, of this chapter.

SECTION VII

SIGNS

1. **Purpose:**

1. To encourage creative sign design that reflects the historic character of Amesbury's diverse neighborhoods and encourage sign design that respects the building or site upon which the sign is placed.
2. To protect and enhance the visual appearance of Amesbury.
3. To provide information including business names and addresses, services offered, directions and other information helpful to residents and visitors.
4. To maintain public and private property values.
5. To promote public safety and convenience.

The following sign bylaw is intended to enhance and extend Amesbury's image as a traditional New England town with valuable architectural, historic and scenic resources. Elements and motifs reflecting these resources should be incorporated into sign design.

Respect for and acknowledgment of Amesbury's architectural heritage should be considered when designing signs and corporate graphics. Signs should respect the architectural detailing of the buildings on which they are placed as well as the surrounding neighborhood.

2. **Application Procedures:** - Please see Section V of the Amesbury Design Guidelines for further information and guidance.

a. **Sign Permit Applications:** In order to take advantage of the special provisions of this subsection, the applicant shall submit a sign application to the Planning Board. The application shall include the following:

1. The type of proposed sign (wall, hanging, etc.) or awning.
2. Dimensions of the proposed sign, any designs or lettering.
3. Type of materials from which the proposed sign is to be constructed (i.e. pine, bronze, etc.).
4. Scale drawing appropriate to show all information required including information on dimensions, material, brackets, lighting, lettering, graphics, symbols and methods of mounting or affixing sign to the building.
5. Simple scale elevation drawings indicating proposed placement of the sign on the building which accurately indicates doors, windows, and any other pertinent dimensions. For existing buildings a photograph shall be submitted in addition to the building drawing.
6. A site plan drawn to scale showing the sign location.

b. Sign Permit and Fee Requirement: A sign application must be approved by the Planning Board and the fee paid as set by the Town, and filed in accordance with local and state building codes before a sign may be erected or installed.

c. Alterations and Maintenance: All signs to be altered or relocated shall conform with existing regulations and a proper permit secured. All signs shall be kept in repair in accordance with Article 1403 of the State Building Code. Maintenance of an approved sign is not considered an alteration.

d. Removing and Reconstructing: All signs heretofore approved and erected shall be promptly repaired if damaged or deteriorated, so as to comply with Article 1404 of the State Building Code. Otherwise, all damaged or deteriorated signs shall be promptly removed by the owner.

e. Sign Illumination: If an applicant wishes to illuminate a proposed sign(s) this should be so indicated on the sign permit application form. In addition, details of proposed lighting must be included on the drawings submitted: i.e. location, type, intensity, etc. Sign illumination will be considered if the light(s) proposed is steady, stationary, shielded, and of appropriate location and intensity. A neon tube sign located on the interior and facing through the window may be allowed provided the total amount of sign area does not exceed 10% of the window through which the neon tube sign faces. In addition, such neon sign may not be a sign intended to advertise a specific product or brand.

f. Primary and Secondary Signs: Each establishment may have appropriate signage oriented to each street or public right of way on which the establishment abuts, or from which it has access. It is intended that the primary sign will be located at the establishment's main entrance. A secondary sign is permitted only if it is significantly smaller and appropriately located on the building, structure or site.

g. Number of Signs: Unless permitted by the Planning Board, no more than two (2) signs shall be allowed for any one business or establishment in all zoning districts. In the case of multi-tenant properties, the Board may allow up to two (2) sign for each business in a building as well as two (2) signs to identify the property.

h. Sign Area: Sign area shall mean the area of the smallest space including lettering, logo and decorative borders which could enclose all the display area of the sign without deduction for open space or other irregularities. Structural members not bearing advertising matter shall not be included unless internally or decoratively lighted. Only one (1) side of flat, identical back-to-back signs need be included in calculating the "sign area".

i. Sign design and lettering: Sign letter size should be related to the reader's distance and speed of travel. Sign content shall normally occupy no more than (50%) of the sign background. Signs should be simple, neat and avoid distracting elements, so that contents can be quickly and easily read. Sign style, materials, colors and lettering should reflect the character of the building to which the sign relates, just as sign size should be proportionate to the building size.

j. Appeals: Any person aggrieved by reason of his inability to obtain a permit from the Planning Board under the provisions of this subsection of the Zoning Bylaw or by an order or decision of the Inspector of Buildings may take an appeal to the Board of Appeals in accordance with Section X.H&I, Appeals, and Variances of the Zoning Bylaw.

k. Prohibited Signs: Animated signs, billboards, and roof signs are not permitted in any zoning district. Backlit plastic signs are not permitted in the Central Business District. Permanent signs shall not display brand names, symbols or slogans of nationally distributed products except in cases where the majority of the floor or lot area on the premises is devoted to manufacture, sale or other processing of that specific product.

l. Severability: The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

3. **Sign Types and Regulations:**

a. Animated Sign: Any sign or any part of a sign which mechanically moves, flashes, or uses traveling lights.

b. Awnings or Canopies: Signs on awnings or canopies will be considered part of the allowable sign area.

c. Banner Sign: Any sign constructed of fabric. Pennants and flags are considered banner signs. Banners may only be used as temporary signs. Temporary banners not requiring formal review are described in this section under "Temporary Signs."

d. Building / Property Identification Sign: A sign either wall mounted or freestanding, that contains the name of a building or the name of a project such as a shopping center or office park / building.

e. Directory Sign: Any sign which contains listings of one or more commercial establishments. Directory signs may be mounted on a door if wall space is unfeasible, and shall be designed and constructed with

provisions to allow for changes of occupancy without reconstruction of the entire sign.

f. Door Sign: Any sign which is affixed to an exterior door. The door sign shall be in character with the architectural style of the door.

g. Freestanding Ground Sign: A sign supported by one or more upright columns or structures placed on the ground.

h. Projecting / Hanging Signs: Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade or marquee sign. The following regulations apply to hanging signs:

1. Projection: not more than 4'8", from a building or 2/3 the width of the sidewalk, whichever is less.

2. Clearance: not less than eight (8) feet of clearance between the bottom of the sign and grade level.

i. Plaque or Historic Marker: A permanent sign whose purpose is to indicate some significant fact about the building or its site shall not exceed two (2) square feet in a residential district or six (6) square feet in a commercial or industrial district. Its area will not be figured in the allowable sign area of the building.

j. Primary Sign: A primary sign is an establishment's major sign and should be located in proximity to the main entrance.

k. Secondary Sign: A secondary sign may be used to indicate the secondary or alternate entrance to a commercial establishment. A secondary sign should be proportionately smaller than a primary sign.

l. Temporary Signs: Any sign which is intended for a limited period of display. Poster-type signs, construction signs, and real estate signs are considered temporary signs provided they meet the criteria listed below. Temporary signs which meet the following criteria only require a sign permit issued directly from the Building Inspector.

1. Poster-type Signs: street level only; not to occupy more than 20% of window area; related to use conducted or goods available on premises;

2. Construction Signs: identifies parties involved in construction on premises only; no advertising; not more than one (1) year, or duration of work, whichever is less; not more than sixteen (16) square feet; removed promptly by contractor at completion of construction.

3. All banners are considered temporary signs and shall meet the following criteria:

a. not more than thirty (30) days; no larger than sixteen (16) square feet per business; may contain a message. Banner signs may be used by each business for no more than a total of 90 calendar days annually.

b. bunting as a banner - not more than twenty one (21) days.

c. A flag not larger than 18 inches by 36 inches may be used provided it is removed daily when business is closed and it shall not conflict with pedestrian traffic.

m. Wall Sign: Any sign painted on, incorporated in or affixed to a building wall is considered a wall sign. Wall signs are of two basic types:

1. Directly Applied Wall Sign: painted, incised, or three dimensional letters applied directly to a building surface.

2. Independent Wall Sign: painted, incised, or three dimensional letters affixed to a signboard or frame which is then attached to a building surface.

n. Window Sign: A sign which is permanently fixed to the surface of the glass of any part of any establishment.

o. Reader Board: A permanent sign structure with changeable text or characters whose purpose is to indicate general information about the building, site, business or general community information. The reader board portion shall not exceed two (2) square feet, may be double sided, and shall be setback at least twenty (20) feet from the property line. Only one (1) reader board is permitted per property. Moving letters are not permitted.

p. Neon-Tube Sign: A sign which displays only the following: "vacancy", "no vacancy", "open", or "closed". Neon-tube signs shall not exceed 10% of the total window area of a building.

4. **Other Considerations:**

a. Legibility: General legibility is related to the overall relationship of the color, size, and shape of sign to its context and the general character of the neighborhood or zoning district. All are important and must be considered prior to final approval. Refer to the Amesbury Design Guidelines.

b. Materials: Natural materials such as wood, brass, bronze, or baked enamelled metal are appropriate and strongly encouraged. If wooden signs are used, they shall be constructed in accordance with Section 1407, of the State Building Code. Generally, in the central business district, sign foam is allowed only if constructed to simulate a wood sign appearance.

c. Illumination: A sign (including temporary interior window displays or banners) or its illumination shall not by reason of its location, shape, size, or color conflict with or be confused with or obstruct the view of any official traffic sign, traffic signal, or traffic marking. Flashing or animated signs of red, yellow, or green colored lights shall not be permitted.

5. **General Regulations:** Signs shall be permitted in accordance with the following regulations:

A. Signs Permitted in any residential "R" District:

1. One professional name plate for each medical or dental practitioner, lawyer, professional engineer, or other professional occupation in any existing dwelling provided: such sign shall not exceed two (2) square feet in surface area and be either hanging or directly applied to the building.

2. One sign identifying the occupant for each dwelling unit, provided: such sign shall not exceed one (1) square foot in surface area: if lighted, it shall be illuminated with white light by indirect method only.

3. One identification sign for each membership club, funeral establishment, hospital, church, other place of public assembly, community facility, or public utility use provided: the sign does not exceed twenty (20) square feet in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall be set back at least one-half of the required depth of the front yard.

4. One unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided it shall not exceed twenty (20) square feet in surface area; and it shall be set back at least ten (10) feet from any street lot line.

B. Signs permitted in any commercial (except the CBD) and industrial "C", "RCZD", "I", "OP" or "PUD" District:

1. In addition to the signs permitted in Paragraph A above, the following sign types subject to the regulations listed below are allowed as follows:

1. A wall sign for each business in a building provided: it shall be attached and parallel to the main wall of the building, it shall not project horizontally more than fifteen (15) inches therefrom; the surface area of the sign shall not aggregate more than five (5) percent of the total area of the wall; and if lighted, it shall be illuminated internally by white light only, however, the use of reflected light is also strongly encouraged.

In the case of multi-tenant properties, larger signs may be allowed if the Planning Board determines that the particular sign will not be inconsistent with: the purposes of this bylaw; the district in which it is to be located; nor be hazardous to traffic and safety conditions therein. In this case, the Board may allow a sign to contain up to ten (10) percent of the total area of the wall.

2. A projecting sign provided it shall be not exceed twenty (20) square feet in total surface area and shall be attached to and projecting from the wall or face of the a building or structure.

In the case of multi-tenant properties, larger signs may be allowed if the Planning Board determines that the particular sign will not be inconsistent with: the purposes of this bylaw; the district in which it is to be located; nor be hazardous to traffic and safety conditions therein. In this case, the Board may allow a sign to contain up to thirty (30) square feet in total surface area.

3. A freestanding ground sign or directory sign is permitted for each property, including multi-use facilities, provided: it shall not exceed forty (40) square feet in total surface area, no portion of it shall be set back less than ten (10) feet from any street lot line, it shall not be erected so that any portion of it is over twenty (20) feet above the ground or sidewalk; and if lighted, it shall be illuminated internally by white light only, however, the use of reflected light is also strongly encouraged. The sign shall contain a continuous background color for the entire sign area and each business displayed thereupon, shall be permitted to utilize their corporate color for lettering and / or their corporate logo.

In the case of multi-tenant properties, larger signs may be allowed if the Planning Board determines that the particular sign, such as a building or property identification sign, will not be inconsistent with: the purposes of this bylaw; the district in which it is to be located; nor be hazardous to traffic and safety conditions therein. In this case, the Board may allow a sign to contain up to eighty (80) square feet in total surface area.

4. In addition to the primary and secondary sign, a directory sign may be permitted for any one or more establishments that share a common driveway, such as a shopping center or business park. They are allowed with a maximum size not to exceed twenty (20) square feet. Directory signs shall be designed and constructed with provisions to allow for changes of occupancy without reconstruction of the entire sign.

5. The limitations as to the number of signs permitted does 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.

C. Signs Permitted in the Central Business District:

Table A shows allowable sign types and sizes for businesses located in the downtown commercial area plotted on the attached map and bounded by Pine Street, Poplar Street, R Street, Elm Street, Mill Street, Valley Street, Aubin Street, Main Street, Sparhawk Street, School Street, Friend Street, Pond Street, High Street, and Market Street. For purposes of interpretation any boundary line which appears on the attached map as being a street shall include both sides of the street including in their entirety the lots fronting on said street. The boundaries of this district shall not be confused with the existing "CBD" Zoning District, which remains in effect for all other purposes.

Applicants should review Section V. Downtown Design Guidelines for a general understanding of the unique design character applicable to downtown Amesbury. In particular, signs shall be consistent with the architectural style of the building(s) including industrial era mill buildings, Victorian residences and historic structures in the downtown area.

Sign Regulations: In addition to the sign types and regulations shown in Table A, the following sign regulations also apply to the Central Business District at the discretion of the Planning Board:

1. Directory Sign: Any sign which contains listings of one or more commercial establishments. Maximum size shall not exceed six (6) square feet. The number of individual business signs shall be equally proportional in size to the number of tenants and shall not exceed seventy-two (72) square inches per tenant. Directory signs may be mounted on a door if wall space is unfeasible, and shall be designed and constructed with provisions to allow for changes of occupancy without reconstruction of the entire sign.
2. Door Sign: Any sign which is affixed to an exterior door. Door signs are allowed only where the door provides the only access to a single commercial establishment not on the street level and are limited to a maximum of one (1) square foot in size. The door sign shall be in character with the architectural style of the door.
3. Multi-Tenant Buildings: At the discretion of the Planning Board, one (1) directory sign as defined above and one (1) hanging or wall sign may be allowed for each above-street level business within the building as follows:

Wall Sign-Independent (framed)	8.5 s. f.
Hanging (first-level)	5.0 s. f.

Factors to be considered include the size and configuration of the building, number of stories and relative space allocations within the building. Additionally, a window or door sign may also be allowed in instances where pedestrian traffic, building configuration and general character the building are found to meet the purposes of this application and review section.

4. Window Sign: A sign which is permanently affixed to the surface of the glass of any part of any establishment. Signs affixed to glass are considered part of the total allowable sign area for the frontage and shall not occupy more than 20% of the glass area. Sign design shall be black or gold lettering of a font size not larger than 2.5 inches.

5. Banner Sign: Any sign constructed of fabric. Pennants and flags are considered banner signs. Banners may only be used as temporary signs. Temporary banners not requiring formal review are described in section 3.I. under "Temporary Signs." The following regulations apply to banners used as decorative devices:

1. As a wall sign: Sign area - See Table A
Above street level: See Section VII.2. (1)
2. As a hanging sign: Sign area - See Table A

Projection: not more than 4'8" from a building or 2/3 the width of the sidewalk, whichever is less.

Clearance: not less than 10' clear space between the bottom of the banner and grade level. This height restriction may be waived to a minimum of 7' clear space between the bottom of the sign and grade level if in the opinion of the Inspector of Buildings such a reduced height is appropriate.

Note: Because of the potential for deterioration, banners present special maintenance problems. The Town through its Inspector of Buildings reserves the right to order the removal, at the owner's expense, of all banners not adequately maintained.

TABLE A
ALLOWABLE SIGN AREA (SQUARE FEET)
LINEAL FRONTAGE

SIGN TYPE	SIGN LOCATION	52											
		8	12	16	20	24	28	32	36	40	44	48	
WALL SIGN INDEPENDENT	PRIMARY (1.)	11.5	14	16	18	19.5	21	22.5	24	25	26.5	28	29
	SECONDARY (2.)	7	8.5	10	11	12	13	14	15	16	16.5	17	18
WALL SIGN DIRECT APPLIED	PRIMARY (2.)	7	8.5	10	11	12	13	14	15	16	16.5	17	18
	SECONDARY (3.)	4	5	6	6.5	7.5	8	8.5	9	9.5	10	10.5	11
HANGING SIGN	PRIMARY (3.)	7	8.5	10	11	12	13	14	15	16	16.5	17	18
	SECONDARY (3.)	4	5	6	6.5	7.5	8	8.5	9	9.5	10	10.5	11
BANNER-WALL SIGN	PRIMARY (1.)	11.5	14	16	18	19.5	21	22.5	24	25	26.5	28	29
	SECONDARY (2.)	7	8.5	10	11	12	13	14	15	16	16.5	17	18
BANNER HANGING	PRIMARY (2.)	7	8.5	10	11	12	13	14	15	16	16.5	17	18
	SECONDARY (3.)	4	5	6	6.5	7.5	8	8.5	9	9.5	10	10.5	11

- (1.) Area based on formula - sign area = 4.0 times the square root of lineal frontage
- (2.) Area based on formula - sign area = 2.5 times the square root of lineal frontage
- (3.) Area based on formula - sign area = 1.5 times the square root of lineal frontage

ALLOWABLE AREA FIGURES SHOWN IN SQUARE FEET

TO USE THIS CHART: DETERMINE LINEAL FRONTAGE OF ESTABLISHMENT (top line of chart)
 DECIDE ON PROPOSED SIGN TYPE (column at left)
 THE INTERSECTION OF THE TWO COLUMNS SHOWS MAXIMUM ALLOWABLE SIGN AREA
 IN SQUARE FEET.