

6.3 PEABODY SIGN ORDINANCE*

* **Cross References:** Advertising and signs, Code Ch. 3.

6.3.1 Definitions

1. **Sign:** Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.
2. **Sign, alteration to:** Any enlargement, rewording (other than in the case of theatre or cinema signs or other sign boards with automatically changing messages), redesign which alters a sign in any way, other than routine maintenance. Any alteration to a sign must conform to the requirements of this ordinance.
3. **Sign, area of:** The area of a sign shall be considered to be that of the smallest rectangle or other convex shape which encompasses all the letters and symbols of the sign message or such message together with any frame, background, trim, or other integral part of the display on which such message is placed. This does not include any supportive framework or bracing.
4. **Sign, awning:** Any sign placed on the vertical face of an awning which is attached to a building.
5. **Sign, band:** A horizontal band, usually located at the top or just above the first level, but below any second level which lends itself as the logical place on the building in which to place a wall sign.
6. **Sign, business:** A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.
7. **Sign, cluster:** Two (2) or more signs integrated into one freestanding sign structure.
8. **Sign, directory:** A sign located on a building, or freestanding, within the area between the building or a cluster of buildings and a public way, the purpose of which is to identify the occupants and their location within a building or cluster of buildings.
9. **Sign, flashing:** Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such light is in use. For this purpose, any revolving, illuminated sign shall be considered a “flashing sign”.
10. **Sign, freestanding:** A sign not part of or attached to any building but located elsewhere on a lot.
11. **Sign, off-premises:** A sign which advertises or announces a use or product not specifically available on the property or building or portion thereof where the sign is located.
12. **Sign, portable:** A freestanding sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies.
13. **Sign, projecting:** Any sign which is attached to a building or other structure which projects more than fifteen (15) inches from the wall surface of the building or structure in front of which the sign is positioned.
14. **Sign, roof:** Any sign erected, constructed, and maintained upon extending over the roof of any building.

15. Sign, temporary: Any sign intended to be maintained for a continuous period not to exceed thirty (30) days.

16. Sign, wall: Sign or letters placed on the building which projects no more than 12 inches from and is parallel to the face of the building.

17. Sign, window: Signs painted or posted on an interior translucent surface including windows or doors.

18. Cornice: Any permanent, continuous horizontally projecting feature surmounting a wall or other portion of a building.

6.3.2 Purposes

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in Peabody; to maintain and enhance the aesthetic environment and Peabody's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This sign ordinance is adopted under the zoning authority of the city to further the more general purposes set forth in the zoning ordinance.

6.3.3 Signs, Generally

Declaration of Policy: It is hereby declared to be the policy of the City of Peabody that the protection of property values, the protection of the character of the various neighborhoods in the city, the encouragement of the sound development of land throughout the city for its most appropriate use, and the protection of the public welfare in general, require strict limitation in the display of signs in the city.

Any sign placed on land or on a building for the purposes of identification or protection of the same or for advertising a use conducted thereon shall be deemed to be accessory and incidental to such land, building or use.

It is the purpose of this ordinance to place such limitations on the display of all such signs as will assure that they will be adequate, but not excessive for the intended purpose of identification, protection or advertisement. With respect to signs advertising business uses, such regulations have been devised after considering, among other matters, shopping habits, extent of trade area, and means of access to such uses, and are specifically intended among other things, to avoid excessive competition among sign displays in their demand for public attention.

It is the general policy of the city that the primary purpose of a sign is for the identification of a business and not for advertisement. The design of the sign should respect and be compatible with the architecture of the building, surrounding buildings, and the general character of the surrounding neighborhood.

General restrictions: All signs must meet the following restrictions regardless of zoning district.

1. *Sign Location:* Signs shall be located so as not to detract from a building's architecture. A sign shall not be placed such that it covers the view of architectural elements such as cornices, columns, arches, details, or other such building features or ornamentation. Signs may not extend above the building's roofline and/or the wall upon which the sign is located, and may not exceed maximum sign height. A business' wall sign may only be placed on that wall behind which the business exists.

2. *Style and Design of Sign:* Lettering, shape, and color employed in a sign shall be compatible with the form, color, and materials of the building that the sign identifies.¹

3. *Signs for different businesses* within the same building, or for a collection of buildings that form a retail or commercial center, shall be of similar style and design, but not necessarily the same color scheme.

4. *Sign Message:* Given a sign's primary purpose is identification, a sign's message should clearly and simply identify a business. A sign may include lettering and symbols to indicate the name and kind of business, service or facility conducted on the premises, the year the business was established, a slogan, hours of operation, and time and temperature, provided that the sign meets all requirements.

5. *Trademark:* The registered trademark of a specific commodity may occupy no more than thirty (30) percent of the area of a sign, unless sale of the specific product is the major business conducted on the premises.

1. It is important to note that color is often most effective when used simply. The use of too many colors on any sign is often confusing.

The single most significant factor in sign color is often the degree of contrast between the sign message and the sign background.

6. *Illumination:* Signs may be illuminated either internally through the use of some sort of translucent materials with lights behind or with neon tubing or externally through mounting of incandescent or fluorescent lamps on the building directed at the sign, provided that the type of illumination employed does not distract from the building's architecture and that the sign is not one specifically prohibited by section 6.3.5. Colored lighting, open flame, or bare bulbs shall not be used. All lighted signs shall be lighted by continuous light and contain a factory-applied label supplied to the manufacturer and controlled by an approved testing agency.

7. *Non-conforming Signs:* Upon the transfer, removal, or closing of any business or industrial operation or establishment, any nonconforming sign existing on the premises of said operation or establishment shall be eliminated and new signs erected by a succeeding operation or establishment shall be conforming.

Cross references-Projecting signs permit required, Code 3-1; construction of projecting signs, etc., to be in accordance with requirements

of building inspector, Code 3-7; banners, flags, etc., not to be suspended across public ways without permit, Code 3-4.

6.3.4 Applicability – Effect

A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

The effect of this ordinance as more specifically set forth herein, is:

- To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;
- To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;
- To prohibit all signs not expressly permitted by this ordinance; and
- To provide for the enforcement of the provisions of this ordinance.

6.3.5 Calculations

The following principles shall control the calculation of sign area and sign height.

Calculation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be calculated by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem, or other display. This does not include any supporting framework or bracing.

Calculation of Height. The height of a sign shall be calculated as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Calculation of Area of Façade. The area of a façade shall be calculated by means of the smallest rectangle that will encompass the extreme limits of the wall behind which the business or establishment is located.

6.3.6 Specific Standards by Zoning District

1. Signs Permitted in Any BC, BN, BN2, or IL District

a. **Wall Sign:** Two (2) permanent wall signs not to exceed 10% of the area of the wall to which such signs are attached, but not to exceed 60 square feet, are permitted for a ground floor use's primary and secondary façades, provided that such facades face a public way or parking lot. The sign must be placed in the building's sign band, if one exists and the sign must be placed so it does not obscure architectural detail of the building. The top of such sign shall be placed no higher than whichever of the following is lowest: twenty-five (25) feet above grade; bottom of the sills of the first level of windows above the first story; or the height of the building line. The letters in the sign shall not be larger than two and one-half (2 ½) feet high. In the BN district, signs shall not project more than 15 inches out from the building.

Mounting hardware shall be placed to minimize its view from the sidewalk. If architectural detail of the building necessitates the sign may be broken up into two (2) pieces provided that the sign is still within the sign band and the total area of the two signs does not exceed the maximum allowable of 10% of the wall face.

b. In the BC district, one (1) **Hanging Sign** is allowed in lieu of a wall sign. A Hanging Sign is defined as a wall-mounted sign perpendicular to the building surface which projects 8 inches or more.

- Size: The face size shall not exceed ten (10) sq. ft.
- Projection: not more than four feet – eight inches (4'-8") or two-thirds the width of the sidewalk, whichever is less.
- Clearance: minimum 10' and maximum 15' clear space between the bottom of the sign and the ground. The top of the sign shall be suspended in line with one of the following:
- Suspended between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or
- The lowest point of the roof of a one story building.

Signs that project from the building are to be designed in such a way that are compatible with the historic nature of downtown Peabody (e.g. wooden "antique-style" signs). These projecting signs must have mounting hardware approved by the building inspector.

Sign Materials in the BC district for hanging signs: Traditional-looking materials such as wood, brass, bronze, or others are to be used, as they are most appropriate. Wooden signs should be constructed of dense wood that will accept paint readily.

c. **Freestanding sign:** No freestanding sign shall be permitted in the **B-C, BN, BN2, or IL** district except in cases where a building is set back greater than thirty (30) feet or greater from the property line on its street side. In such cases one (1) freestanding sign up to forty (40) square feet in area whose top is no higher than twelve (12) feet in height shall be permitted provided that the sign has no more than two faces, that letters in the sign are no larger than two and one-half (2 ½) feet high, the sign is placed such that it does not overhang any public way, and the sign is no more than twenty (20) inches deep. If the building has more than one use, or if several buildings are grouped together into a shopping center, then only one freestanding sign structure is allowed for the building or combination of buildings and their signs must be clustered into one integrated sign no greater than sixty (60) square feet. The individual signs shall be of similar style and design.

d. Permanent Window Signs

1. Upper floor uses: One (1) sign is permitted per window and a maximum of two (2) window signs per use for businesses on upper floors provided that the sign(s) do not exceed 30% of the area of any window.

2. Ground floor uses: Any number of window signs are permitted for ground floor uses provided they do not cover any more than 30% of any window.

e. **Awning Signs:** Awning Signs: One (1) awning sign is permitted per ground floor use, or a maximum of two (2) awning signs are permitted per ground floor use provided that there are no other wall signs on the building. Awning signs must be located on the vertical face of the awning, the letters must be in a maximum of two (2) lines and may be no larger than sixteen (16) inches in height, and the area of the sign (the letters and/or logo) must not exceed the area allowed for a wall sign in this district.

f. **Temporary signs:** Temporary signs (banners, window signs, and A-frames and the like), pertaining to special sales or events are permitted provided that the signs are located on private property, for a duration of no longer than thirty (30) days. Each temporary sign requires a permit from the Building Inspector. No more than 4 such permits per calendar year will be issued to any business. The area of banners must conform to the same dimensional requirements as those for permanent wall signs. A-frames, pole signs and the like may not exceed nine (9) square feet in area. The total area of window signs, temporary and permanent, may not exceed 30% of any window.

g. **Gasoline Filling Stations:** In addition to gasoline filling station price signs specified in this section and pump signs specifically allowed in Section 6.3.4, a maximum of 3 permanent signs (i.e. freestanding, wall, canopy) is permitted on the premises of any gasoline filling station in any combination, provided that such signs meet the dimensional requirements of this section and the number of freestanding signs does not exceed one (1).

h. **Gasoline Filling Station Price Signs:** In addition to signs specified in this section and pump signs specifically allowed in Section 6.3.4., Gasoline Filling Stations are also permitted one (1) sign not to exceed twenty-five (25) square feet in size for the purpose of identifying to motorists passing by the price(s) of gasoline. The sign can have a maximum of two (2) faces and can be mounted to the station's freestanding sign if it has one.

2. Signs Permitted in any BH or BH-2 District

a. **Wall Sign:** Two (2) permanent wall signs not to exceed 15% of the area of the wall to which such signs are attached, but not to exceed 65 square feet, are permitted for a ground floor use's primary and secondary façades, provided that such facades face a public way or parking lot. The sign must be placed in the building's sign band, if one exists and the sign must be placed so it does not obscure architectural detail of the building. The top of such sign shall be placed no higher than whichever of the following is lowest: twenty-five (25) feet above grade; bottom of the sills of the first level of windows above the first story; or the height of the building line. The sign shall project no more than fifteen (15) inches out from the building. Mounting hardware shall be placed to minimize its view from the sidewalk. If architectural detail of the building necessitates the sign may be broken up into two (2) pieces provided that the sign is still within the sign band and the total area of the two signs does not exceed the maximum allowable of 15% of the wall face. Theatres are permitted a bonus of fifty (50) square feet for a marquee that allows for interchangeable message.

b. **Freestanding Sign:** One (1) freestanding sign up to one hundred (100) square feet in area whose top is no higher than twenty-five (25) feet above the ground shall be permitted provided that the sign has no more than two (2) faces, the sign pole is placed a minimum of ten (10) feet from the public way, the sign does not overhang any public way, and is no more than twenty (20) inches deep. If the building has more than one use, or if several buildings are grouped together into a shopping center, then only one freestanding sign structure is allowed for the building or combination of buildings and their signs must be clustered into one integrated sign no greater than:

Number of businesses Maximum size of freestanding cluster sign

1 100 square feet

2 120 square feet

3 140 square feet

Any cluster sign that identifies three or more uses may employ a bonus of an additional twenty (20) square feet of sign area to be used to identify the set of businesses as one entity (e.g. "Route One Plaza"). This identification sign can be larger than twenty (20) square feet provided that the entire cluster sign is no larger than one hundred and sixty (160) square feet. A sign board which allows for changeable messages, such as those announcing special events or sales, are permitted as part of the design of the freestanding sign, provided the sign size including the message board does not exceed the maximum allowed. The individual signs shall be of similar style and design. In determination of the size permitted for a theatre complex freestanding sign, each theatre will be counted as one business.

c. **Permanent Window Signs:**

Upper floor uses: One (1) sign is permitted per window and a maximum of two (2) window signs per use for businesses on upper floors provided that the sign(s) do not exceed 30% of the area of any window.

Ground floor uses: Any number of window signs are permitted for ground floor uses provided they do not cover any more than 30% of any window.

d. **Awning Signs:** Awning Signs: One (1) awning sign is permitted per ground floor use, or a maximum of two (2) awning signs are permitted per ground floor use provided that there are no other wall signs on the building. Awning signs must be located on the vertical face of the awning, the letters must be in a maximum of two (2) lines and may be no larger than sixteen (16) inches in height, and the area of the sign (the letters and/or logo) must not exceed the area allowed for a wall sign in this district.

e. **Temporary signs:** Temporary signs (banners, window signs, and A-frames and the like), pertaining to special sales or events are permitted provided that the signs are located on private property, for a duration of no longer than thirty (30) days. Each temporary sign requires a permit from the Building Inspector. No more than 6 such permits per calendar year will be issued to any business. The area of banners must conform to the same dimensional requirements as those for permanent wall signs. A-frames, pole signs and the like may not exceed nine (9) square feet in area. The total area of window signs, temporary and permanent, may not exceed 30% of any window.

f. **Gasoline Filling Stations:** In addition to gasoline filling station price signs specified in this section and pump signs specifically allowed in Section 6.3.4, a maximum of 3 permanent signs (i.e. freestanding, wall, canopy) is permitted on the premises of any gasoline filling station in any combination, provided that such signs meet the dimensional requirements of this section and the number of freestanding signs does not exceed one (1).

g. **Gasoline Filling Station Price Signs:** In addition to signs specified in this section and pump signs specifically allowed in Section 6.3.4., Gasoline Filling Stations are also permitted one (1) sign not to exceed twenty-five (25) square feet in size for the purpose of identifying to motorists passing by the price(s) of gasoline. The sign can have a maximum of two (2) faces and can be mounted to the station's freestanding sign if it has one.

3. Signs Permitted in any BR District

a. **Wall Signs:** Two (2) permanent wall signs not to exceed 20% of the area of the wall to which such signs are attached, but not to exceed 75 square feet, are permitted for a ground floor use's primary and secondary façades, provided that such facades face a public way or parking lot. The sign must be placed in the building's sign band, if one exists and the sign must be placed so it does not obscure architectural detail of the building. The top of such sign shall be placed no higher than whichever of the following is lowest: twenty-five (25) feet above grade; bottom of the sills of the first level of windows above the first story; or the height of the building line. The sign shall project no more than fifteen (15) inches out from the building. Mounting hardware shall be placed to minimize its view from the sidewalk. If architectural detail of the building necessitates the sign may be broken up into two (2) pieces provided that the sign is still within the sign band and the total area of the two signs does not exceed the maximum allowable or 20% of the wall face. Theatres are permitted a bonus of (50) square feet for a marquee that allows for interchangeable message.

b. **Freestanding Sign:** One (1) freestanding sign up to sixty-five (65) square feet in area whose top is no higher than eighteen (18) feet above the ground shall be permitted provided that the sign has no more than two (2) faces, the sign pole is placed a minimum of five (5) feet from the public way, the sign does not overhang any public way, and is no more than twenty (20) inches deep. If the building has more than one use, or if several buildings are grouped together into a shopping center, then only one freestanding sign structure is allowed for the building or combination of buildings and their signs must be clustered into one integrated sign no greater than sixty-five (65) square feet. Any cluster sign that identifies three or more uses may employ a bonus of:

Number of businesses	Sign size	bonus
3-20	20 square feet	
20-50	40 square feet	
50 or more	60 square feet	

to be used to identify the set of businesses as one entity (e.g. "Route One Plaza"). This identification sign can be larger than the bonus provided that the entire cluster sign is no larger than sixty-five (65) square feet plus the amount of the bonus. A sign board which allows for changeable messages, such as those announcing special events or sales, are permitted as part of the design of the freestanding sign, provided the sign size including the message board does not exceed the maximum allowed. The individual signs shall be of similar style and design.

In determination of the size permitted for a theatre complex freestanding sign, each theatre will be counted as one business. (Ord. Of 4-21-83, 1(96.3.3); Ord. Of 5-10-84, 33)

c. **Permanent Window Signs**

1. Upper floor uses: One (1) sign is permitted per window and a maximum of two (2) window signs per use for businesses on upper floors provided that the sign(s) do not exceed 30% of the area of any window.

2. Ground floor uses: Any number of window signs are permitted for ground floor uses provided they do not cover any more than 30% of any window.

d. **Awning Signs:** Awning Signs: One (1) awning sign is permitted per ground floor use, or a maximum of two (2) awning signs are permitted per ground floor use provided that there are no other wall signs on the building. Awning signs must be located on the vertical face of the awning, the letters must be in a maximum of two (2) lines and may be no larger than sixteen (16) inches in height, and the area of the sign (the letters and/or logo) must not exceed the area allowed for a wall sign in this district.

e. **Temporary signs:** Temporary signs (banners, window signs, and A-frames and the like), pertaining to special sales or events are permitted provided that the signs are located on private property, for a duration of no longer than thirty (30) days. Each temporary sign requires a permit from the Building Inspector. No more than 6 such permits per calendar year will be issued to any business. The area of banners must conform to the same dimensional requirements as those for permanent wall signs. A-frames, pole signs and the like may not exceed nine (9) square feet in area. The total area of window signs, temporary and permanent, may not exceed 30% of any window.

f. **Gasoline Filling Stations:** In addition to gasoline filling station price signs specified in this section and pump signs specifically allowed in Section 6.3.4, a maximum of 3 permanent signs (i.e. freestanding, wall, canopy) is permitted on the premises of any gasoline filling station in any combination, provided that such signs meet the dimensional requirements of this section and the number of freestanding signs does not exceed one (1).

g. **Gasoline Filling Station Price Signs:** In addition to signs specified in this section and pump signs specifically allowed in Section 6.3.4., Gasoline Filling Stations are also permitted one (1) sign not to exceed twenty-five (25) square feet in size for the purpose of identifying to motorists passing by the price(s) of gasoline. The sign can have a maximum of two (2) faces and can be mounted to the station's freestanding sign if it has one.

4. Signs Permitted in any IP, MPRD, or DDD District

a. **Wall Sign:** Two (2) permanent wall signs not to exceed 10% of the area of the wall to which such signs are attached, but not to exceed 60 square feet, are permitted for a ground floor use's primary and secondary façades, provided that such facades face a public way or parking lot. The sign must be placed in the building's sign band, if one exists and the sign must be placed so it does not obscure architectural detail of the building. The top of such sign shall be placed no higher than whichever of the following is lowest: twenty-five (25) feet above grade; bottom of the sills of the first level of windows above the first story; or the height of the building line. The letters in the sign shall not be larger than two and one-half (2 ½) feet high.

The sign shall project no more than fifteen (15) inches out from the building. Mounting hardware shall be placed to minimize its view from the sidewalk. If architectural detail of the building necessitates the sign may be broken up into two (2) pieces provided that the sign is still within the sign band and the total area of the two signs does not exceed the maximum allowable of 10% of the wall face.

b. **Freestanding Sign:** No freestanding sign shall be permitted in the IP, MPRD, or DDD districts except in cases where a building is set back greater than fifty (50) feet or greater from the property line on its street side. In such cases one (1) freestanding sign up to fifty (50) square feet in area whose top is no higher than ten (10) feet in height shall be permitted provided that the sign has no more than two faces, the sign pole is placed a minimum of ten (10) feet from the public way, the letters in the sign are no larger than two and one-half (2 ½) feet high, the sign is placed such that it does not overhang any public way, and the sign is no more than twenty (20) inches deep. If the building has more than one use, or if several buildings are grouped together into a shopping center, then only one freestanding sign structure is allowed for the building or combination of buildings and their signs must be clustered into one integrated sign no greater than sixty (60) square feet. The individual signs shall be of similar style and design.

c. Permanent Window Signs

Upper floor uses: One (1) sign is permitted per window and a maximum of two (2) window signs per use for businesses on upper floors provided that the sign(s) do not exceed 30% of the area of any window.

Ground floor uses: Any number of window signs are permitted for ground floor uses provided they do not cover any more than 30% of any window.

d. **Awning Signs:** One (1) awning sign is permitted per ground floor use, or a maximum of two (2) awning signs are permitted per ground floor use provided that there are no other wall signs on the building. Awning signs must be located on the vertical face of the awning, the letters must be in a maximum of two (2) lines and may be no larger than sixteen (16) inches in height, and the area of the sign (the letters and/or logo) must not exceed the area allowed for a wall sign in this district.

e. **Temporary signs:** Temporary signs (banners, window signs, and A-frames and the like), pertaining to special sales or events are permitted provided that the signs are located on private property, for a duration of no longer than thirty (30) days. Each temporary sign requires a permit from the Building Inspector. No more than 4 such permits per calendar year will be issued to any business, except properties in the DDD district which have frontage on Route One shall be allowed 6 temporary sign permits per year. The area of banners must conform to the same dimensional requirements as those for permanent wall signs. A-frames, pole signs and the like may not exceed nine (9) square feet in area. The total area of window signs, temporary and permanent, may not exceed 30% of any window.

f. **Gasoline Filling Stations:** In addition to gasoline filling station price signs specified in this section and pump signs specifically allowed in Section 6.3.4, a maximum of 3 permanent signs (i.e. freestanding, wall, canopy) is permitted on the premises of any gasoline filling station in any combination, provided that such signs meet the dimensional requirements of this section and the number of freestanding signs does not exceed one (1).

g. **Gasoline Filling Station Price Signs:** In addition to signs specified in this section and pump signs specifically allowed in Section 6.3.4., Gasoline Filling Stations are also permitted one (1) sign not to exceed twenty-five (25) square feet in size for the purpose of identifying to motorists passing by the price(s) of gasoline. The sign can have a maximum of two (2) faces and can be mounted to the station's freestanding sign if it has one.

h. **In addition to directional signs specifically allowed in Section 6.3.7, the following directional signs are allowed:** Signs not to exceed six (6) square feet whose purpose is giving only direction to employees, customers and visitors whether on vehicle or on foot, which indicate an entrance to an industrial or commercial property. Such signs may carry the name or symbol of the business indicated by the sign but may not be illuminated.

5. Residential Districts

With the exception of those signs listed in Section 6.3.7, all signs proposed in a residential district must come before the Sign Review Board and, if necessary, the Zoning Board of Appeals for approval. The following restrictions shall apply:

1. Signs whose purpose is to identify a house of worship or a community building shall not exceed ten (10) square feet.
2. Signs which give the place name of a multiple-family dwelling complex or single-family subdivision, and not more in addition thereto than direction to the location of features in such neighborhood shall not to exceed twenty (20) square feet in area and six (6) feet in height. These signs are to be located at not more than two (2) entrances to such a neighborhood.
3. Home signs indicating the name and address of the occupant(s) of a dwelling shall not exceed two (2) square feet.
4. A sign which indicates a permitted accessory use or home occupation shall not exceed four (4) square feet.
5. Signs for businesses which pre-exist adoption of this ordinance or businesses allowed by right in residential districts shall follow the restrictions for the BN district.
6. Illumination of signs shall be restricted to the hours of operation.

6.3.7 Signs Not Requiring Building Inspector/Sign Review Board Approval

The following signs, and those which meet all criteria of Section 6.3.6, shall be allowed by right without the necessity of a meeting with the Sign Review Board and a variance from the Zoning Board of Appeals:

1. Signs erected by or on the order of a governmental agency when limited to governmental purposes, and excluding any advertising.

2. Names of building, date of erection, monument citation and commemorative tablets when made a permanent and integral part of a building, or site not exceeding ten (10) square feet.
3. Banners or flags emblematic of or issued by national, state, or local governments.
4. Holiday decorations and lights when in season.
5. Signs not to exceed two (2) square feet which indicate warnings, hazards, or public conveniences such as “trespass”, “beware of dog”, and rest room signs.
6. Signs not to exceed two (2) square feet which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, provided that such signs do not carry the name or symbol of any business or product.
7. Signs not to exceed two (2) square feet whose purpose is giving only direction and distance to specified house of worship, community buildings, or real estate for sale, rent, lease, or trade, provided that no such sign shall be illuminated.
8. One (1) sign, not to exceed ten (10) square feet in all residential districts or sixty (60) square feet in all other districts, which announces the prospective sale, rent, lease, or trade of real estate property by the owner thereof or his/her agent, provided that the sign shall be removed within three (3) days after the sale, rental, lease, or trade of the real estate.

6.3.8 The Following Types of Signs are Prohibited

1. Any sign of which all or any part is in motion by any means, including fluttering, rotating or other moving signs set in motion by movement of the atmosphere.
2. Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity. An exception would be a sign indicating time or temperature, with changes alternating on not less than a five-second cycle, when such time or temperature sign does not constitute a public safety or traffic hazard, in the judgement of the building inspector.
3. Any lighting either by exposed tubing or string of lights, either outlining a part or all of a building or affixed to any ornamental feature thereof. An exception would be those items temporarily affixed to a building or other portions of the premises, which denote a particular season of the year or universally celebrated holiday.
4. Any sign that obscures a sign displayed by public authority for the purpose of giving traffic instructions or directions or other public information.
5. Any sign that uses the word “stop” or “danger” to imply the need or requirement of stopping or caution or the existence of danger, or which is a copy or imitation of or which for any reason is likely to be confused with any sign displayed by public authority.
6. Any sign that obstructs any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress, or egress for any building, as required by law.
7. Any sign or illumination that causes any overt and direct glare into or upon any residential building other than the building to which the sign may be related.
8. Any sign that violates any provision of any law of the State relative to outdoor advertising.

9. Signs constructed, erected, or maintained upon or extending over the roof of any building.
10. Any off-premise sign which indicates a use or product not specifically available on the property or building or portion thereof where the sign is located.
11. Any sign which advertises or calls attention to any products, businesses, or activities, which are no longer sold or carried on at any particular premise.
12. Any sign, which due to its placement obscures the visibility of motor vehicles thus creating a traffic hazard.
13. Banners, A-frames, temporary window signs, and any other temporary sign, unless specifically approved by the Building Inspector with a submitted application.
14. Window signs, both permanent and temporary, may not cover more than thirty (30) percent of a window.

6.3.9 Permit requirements and sign review process

Except as provided for in this ordinance and with the exception of copy changes on changeable message boards, clocks, or thermometers, no sign shall be erected, or existing sign altered in any way, without review and approval by City of Peabody Building Inspector, City of Peabody Sign Review Board or City of Peabody Zoning Board of Appeals and without issuance of a building permit as required by the Building Inspector. All such signs shall be subject to the following sign review process.

1. The submitted application must be complete in every way or shall not be accepted

The following information must be indicated on the drawings supplied at the time of application for review of signs:

- (a) Drawings to scale indicating the dimensions of the sign, mounting fixtures, lettering, graphics, and separate areas or ornamentation on the sign or fixtures;
- (b) Representative colors on the sign and all fixtures;
- (c) If applicable, a table indicating the difference between the proposed sign and any former sign and the current regulations;
- (d) A list of the contractors and/or suppliers for the sign.
- (e) A site plan for freestanding signs
- (f) If illuminated or electrical, include all listing and manufacturer information
- (h) A newspaper legal ad fee (enclose check for \$55.00 payable to the Peabody Sign Review Board). Separate payment shall be made to cover legal advertising costs. An up to date legal ad rate sheet is available in the City Clerk's Office.

2. Application process for all signs:

All sign applications shall be reviewed by the Sign Review Board. The Sign Review Board shall use this Sign Review Ordinance to ensure that all requirements have been met, including the following standards:

1. That the sign is consistent with the general policy and adhere to the design guidelines as defined in Section 6.3.3 of this ordinance; That the sign meets all of the specific standards as defined in Section 6.3.6 for the zoning district in which it is located.

Applicants to the Sign Review Board shall submit to the City Clerk eight (8) copies of the application form and the materials listed above ("a" through "h"), and such other material as may be required by the Sign Review Board. The submittal of the application shall be in form and format as specified by the Sign Review Board. The board may revise such application requirements, as necessary, from time to time. Within fourteen (14) days of the receipt of the application including all required materials, the Sign Review Board shall schedule a public hearing by legal notice at least ten (10) days before the hearing date. Should the Board fail to take action within twenty-eight (28) days after said public hearing the requested sign shall be deemed approved by the Sign Review Board.

Upon approval of the Sign Review Board an applicant for a sign permit must apply for a Building Permit as specified in Section 7.2 of this ordinance.

Hanging Signs:

Proposals for Hanging Signs in the BC district must be reviewed by the Building Inspector prior to the Sign Review Board hearing to ensure that appropriate mounting hardware will be used for the erection of the sign.

Permits for Hanging Signs shall not be effective until a surety company bond in the amount of ten thousand dollars (\$10,000.00) has been filed with the city clerk for the purpose of indemnifying the city against liability to others or damages to the property of the city, by reason of the maintenance of the structure which was the subject of the permit issued; or, in lieu of a ten thousand-dollar bond for the purpose stated herein, a certificate of public liability for personal injury and property insurance in an amount not less than ten thousand dollars (\$10,000.00) with the city as an additional insured.

Zoning Board of Appeals

The applicant must appear before the Zoning Board of Appeals if requesting a sign not explicitly allowed by this ordinance. The applicant must submit eight (8) copies of the application, including the abovementioned material, and other material as may be required by the board. The submittal of the application shall be in form and format as specified by the Zoning Board of Appeals. The board may revise such application requirements, as necessary, from time to time. Upon approval of the sign by the Zoning Board of Appeals, the applicant must then apply to the Sign Review Board and upon approval of the Sign Review Board, the applicant shall then apply for a building permit as specified in section 7.2 of this ordinance. (*Ordinance Amendment 8/14/2008*)

6.3.10 Sign Review Board

In keeping with the declaration of policy herein, and in recognition of the difficulty in regulating the use of all types of signs within the city, there is hereby created a Sign Review Board whose duties under this ordinance are as follows:

(a) The sign review board shall review all sign applications to ensure that the proposed signs are in compliance with this ordinance.

(b) Penalties and fines, in general, for failing to comply with all pertinent sections relative to "signs."

(c) The sign review board shall be composed of five (5) members, residents of the City of Peabody, appointed by the mayor, and confirmed by a majority of the city council. At least two (2) members of said board shall be representatives of the business community of the city. In addition, a resident of the City of Peabody shall be appointed by the mayor and confirmed by the city council for a two year term to serve as an associate member of the sign review board. The associate shall sit in place of any member incapacitated by personal interest, illness, or absence. Within seven (7) days after the appointment and confirmation of the initial board as aforesaid, the board shall meet and elect one of its members as chairman, vice-chairman, and a secretary; and within thirty (30) days after, shall promulgate rules and regulations for the conduct of its business. Such rules and regulations shall be made available in printed form through the office of the city clerk of the City of Peabody. Said rules and regulations shall contain the following:

1. The Board shall not delay taking action on any application for the recommendation of approval or disapproval of a particular sign, or the recommendation for disapproval of an existing and nonconforming sign, provided that any such request for approval or disapproval is made in writing to the board, together with all information necessary for the board to make a sound judgment as to the request made and in accordance with the rules and regulations of the board.

2. Any action taken by the board shall require a majority thereof. The term of each appointment shall be five (5) years from the date thereof, except of the original members, one shall serve for a period of one year, a second member shall serve for a period of two years; a third member shall serve for a period of three years; a fourth member shall serve for a period of four years; a fifth member shall serve for a period of five years. All subsequent appointments shall be for a full five-year term. Should any vacancy occur in membership, the member appointed to fill said vacancy shall serve for the remaining portion of the term of the member creating said vacancy.

(Ordinance Amendment 8/14/2008)