

# ARTICLE VII

## SIGNS, ILLUMINATION, & REGULATED FACADE ALTERATIONS

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### §7.00 - SIGNS IN ALL DISTRICTS

#### §7.01 - SIGNS IN S, SC, AND T DISTRICTS

#### §7.02 - SIGNS IN M DISTRICTS

#### §7.03 - SIGNS IN L, G, I AND O DISTRICTS

#### §7.04 - ILLUMINATION

#### §7.05 - NONCONFORMANCE OF ACCESSORY SIGNS

#### §7.06 - REGULATED FACADE ALTERATIONS

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### §7.00 – SIGNS IN ALL DISTRICTS

1. The following requirements shall apply to all signs and other advertising devices in all districts:
  - a. No sign or other advertising device with visible moving or moveable parts or with flashing animated or intermittent illumination shall be erected or maintained, except that a traditional rotating barber pole may be permitted by the Planning Board subject to the design review process in **§7.03, paragraph 2.**
  - b. No sign or other advertising device, or part thereof, shall be more than 25 feet above ground level except signs announcing the name of an individual building by special permit of the Board of Appeals.
  - c. No sign or other advertising device attached to a building shall project above the roof or parapet line nor more than 12 inches out from the wall to which it is attached. However, a non-combustible projecting sign constructed of wood, a composite of wood and plastic, metal, glass or another substantial material, or vertical banner sign, composed of pliable fabric or similar material, may project more than 12 inches perpendicular to the wall to which it is attached subject to the approval of the Planning Board. Projecting and banner signs shall not be internally illuminated and shall maintain an 8' minimum clearance above the ground. The Planning Board may limit the number of projecting or banner signs on the facade of a building. No projecting or banner sign shall be larger than 12 square feet in area per face.
  - d. In cases where an attached sign size larger than permitted in this Article VII is appropriate because of the size of a natural space for a sign on a facade or because of other architectural features of a building, a larger attached sign up to but not more than 25% larger than permitted by the specific regulations in this Article may be allowed by the Planning Board in accordance with the procedures of **§7.03, paragraph 2.** only if such an increase is necessary to fill the most appropriate sign area on the building and the sign location is a proper one for an oversized sign. No lettering or other advertising message shall be placed in the additional sign area authorized by this paragraph. The increase of the background up to 25% shall not in any event permit an increase in the size of the lettering had the

background increase not been permitted.

- e. Signs or advertising devices not attached to the building shall not exceed 20 square feet in area of each face exclusive of posts or other structural supports and shall not exceed 12 feet in height, except gasoline service station signs as regulated by **§7.03, paragraph 1., subparagraph h**. Except for signs regulated by paragraphs 3 and 4 below, all permitted signs in excess of one square foot in area shall be set back one-half the depth of the required front yard setback from all street lot lines. Except for signs regulated by **paragraph 2** below, any freestanding sign of more than 10 square feet in area, or more than four square feet for a nonconforming use, or a freestanding sign of any size for a gasoline service station shall be subject to the requirements of **§7.03, paragraph 2**. Except for signs regulated by paragraph 3 below, there shall be not more than one freestanding sign, except that the Board of Appeals by special permit may allow additional freestanding signs on a property with more than one building or more than one street frontage but not more than one sign per building per street frontage. Whenever possible, signs shall be combined or clustered to minimize their number.
  - f. Signs, whether temporary or permanent, on the exterior of buildings shall be made of substantial materials. A special permit of the Board of Appeals shall be required to determine the appropriateness to the building of any flags, streamers, and balloons etc. used for sign purposes. National, state and Town flags are exempted from this provision. The Building Commissioner may approve temporary banners for public events.
2. Non-illuminated non-commercial public message signs may be placed on private property in all zoning districts. Such signs related to a specific event shall be removed by the property owner within 7 days following the event.
  3. Non-illuminated signage that does not exceed 1.5 square feet in area and that identifies allowed users of individual parking spaces is allowed in all zoning districts.
  4. Required signage for parking facilities renting or leasing spaces to a Car Sharing Organization (CSO) as described in **§6.01**, paragraph 5 is allowed in all zoning districts.

#### **§7.01 – SIGNS IN S, SC, T, AND F DISTRICTS**

1. In any S, SC, T, and F district, no sign or other advertising device shall be permitted except as follows:
  - a. One sign displaying the street number or name of the occupant of the premises, or both, not exceeding one square foot in area. Such sign may include identification of a permitted accessory professional use.
  - b. Two bulletin or announcement boards or identification signs for a permitted principal non-residential building or use, neither of which may exceed 10 square feet in area.
  - c. One sign in connection with a lawfully maintained nonconforming use, not exceeding 10 square feet in area.

- d. One "For Sale" or "For Rent" sign not exceeding six square feet in area, and advertising only the premises on which the sign is located; such sign to be removed at once upon rental or sale of property, and, in any case, to remain no longer than a four month period in any calendar year, after which period, permit may be given by the Building Commissioner for an additional four month period upon written application, if need is shown.
- e. One contractor's sign, not exceeding 10 square feet in area, maintained on the premises while a building is actually under construction.
- f. Other temporary signs in connection with the construction or development of a building or lot, by special permit of the Board of Appeals which shall specify limits on the size and number of signs and the length of time to be maintained.

### **§7.02 – SIGNS IN M DISTRICTS**

1. In any M District, no on-premises sign or other on-premises advertising device shall be permitted except as follows:
  - a. As permitted in S, SC, T, and F Districts.
  - b. Two signs for a permitted hotel use or permitted principal non-residential use, neither of which may exceed 20 square feet in area.
  - c. Two signs announcing the name of an individual multiple dwelling and identifying accessory uses with an aggregate area not exceeding twenty square feet except that multiple dwellings with more than 200 units may have an additional aggregate area of five square feet per 100 units above 100 units, up to a maximum aggregate area of forty square feet. If the Planning Board determines that a central directory is not adequate for identifying an individual exterior entrance to an accessory use, the Board may approve an individual sign displaying the street number and/or name of the occupant and specialty, not exceeding two square feet in area.
  - d. Two signs in connection with a lawfully maintained principal nonconforming use, not exceeding a total of 20 square feet in area.
  - e. One sign, not exceeding 20 square feet in area, in connection with the construction, development, conversion or leasing of a new or substantially rehabilitated building.
2. All signs permitted in this section shall be subject to the design review process as regulated by **§7.03, paragraph 2.**

### **§7.03 – SIGNS IN L, G, I AND O DISTRICTS**

1. In any L, G, I or O District, no on-premises sign or other on-premises advertising device shall be permitted except as follows:

- a. As permitted in S, SC, T, F, and M Districts.
- b. Signs or advertising devices, whether attached to the building or free-standing, shall have an aggregate area not exceeding two square feet for each foot of building face parallel or substantially parallel to a street lot line. Where a lot fronts on more than one street, the aggregate sign area facing each street frontage shall be calculated separately.
- c. Signs for commercial uses on upper floors of a building may have signage additional to subparagraph b. above, if located at the second floor level, but not exceeding the height limit of 25 feet as stipulated in **§7.00, paragraph 1., subparagraph b.**, at an additional aggregate area of a half a square foot for each foot of building face parallel or substantially parallel to a street lot line. Signage, particularly for office and services uses, preferably should be located on windows or, if not possible, in an architectural element of the facade. In cases where an existing architectural element needs a larger sign background to fill the space, the Planning Board may allow an increase up to 25%; however, the lettering on the sign should not be increased correspondingly.
- d. Signs shall not be permitted on building walls not parallel or within 45 degrees of parallel to the street, except for one directional or identification sign not exceeding twelve square feet in area for structures with a single business and not exceeding eighteen square feet in area for structures with more than one business provided that the sign is proportionate to the area of the building wall to which it will be attached. Where such building wall contains the main business entrance or entrances, the Planning Board may allow a larger sign or signs, but in no case shall the aggregate area of such signs exceed two square feet for each linear foot of building face of that wall.
- e. For open-lot uses, where a calculation of aggregate sign area based upon building-face dimensions would result in inequitable deprivation of identification, the Board of Appeals by special permit under **Article IX** may authorize an aggregate sign area up to but not more than one square foot for each foot of street lot line.
- f. All window signs, other than temporary identification signs regulated in subparagraph g. below and non-commercial signs regulated by **§7.03, paragraph 2**, shall be subject to the design review process, except that paper or similar temporary signs may be installed in a window only if the sign advertises a particular sale or special event and is not a general identification sign for the business or for goods sold or services rendered thereby. Such signs may be displayed in a window for no more than 30 days. The aggregate area of all signs in any window, either temporary or permanent, shall not exceed 30% of the area of such window, and the area of permanent window signs shall be included in the aggregate sign area permitted in subparagraph b. above.
- g. One temporary identification sign for a property or use subject to the design review process specified in **paragraph 2** below or in **§5.09** may be permitted by the Building Commissioner to be displayed during the period from submission of an application to the Building Commissioner to thirty days after the decision of the Planning Board or the Board of Appeals if an appeals is taken, provided that the temporary sign conforms with all dimensional regulations of this By-law, is in fact a temporary sign not involving any substantial expense, and is displayed in a manner which will not deface the building facade or otherwise impinge

upon the design review of the proposed sign.

- h. Freestanding signs for gasoline service stations may exceed the dimensional restrictions of **§7.00, paragraph 1, subparagraph e** by a maximum of 10 square feet in area for each face and 7 feet in height, only if the design of the sign incorporates gasoline prices. For all gasoline service stations, no additional price signs shall be displayed on the lot, except for the standard price signs typically affixed to gasoline pumps. No sandwich or cardboard signs, or the like, shall be permitted on the lot, and all temporary signs shall be confined to the windows of the building as permitted by **§7.03, paragraph 1, subparagraph e**.
  - i. One "For Sale" or "For Rent" or other sign required for sale or leasing of a commercial or industrial property not exceeding 20 square feet in area and advertising only the premises on which the sign is located; such sign to be removed at once upon rental or sale of property; and, in any case, to remain no longer than a four month period in any calendar year; after which period, permit may be given by the Building Commissioner for an additional four month period upon written application, if need is shown. The sign design and location shall be subject to the approval of the Building Commissioner following guidelines approved by the Planning Board.
2. All signs permitted in **§§ 7.02 and 7.03**, except temporary signs or advertising devices permitted in **§7.03, paragraph 1, subparagraphs f. and g.** or signs permitted in **§7.00, paragraphs 2, 3, and 4**, shall be subject to the following design review process:
- a. The applicant shall submit to the Building Commissioner an application form, plans of the proposed sign, facade alterations, if any, and photographs showing the existing building or site, and such other material as may be required by the Building Commissioner or Planning Board.
  - b. Within five working days, the Building Commissioner shall refer the application and accompanying material to the Planning Board.
  - c. After its receipt of the application and all required material, the Planning Board shall review the application at its next public meeting for which legal notice can be given. At least seven days before such meeting, the Planning Board shall mail or deliver a notice of the meeting, with a description of such application or a copy thereof, to each elected Town Meeting Member for the precinct in which the property is located, and to those Town Meeting Members of a precinct which is within 200 feet of such property as to which such application has been made. The notice requirements of this section shall be deemed satisfied if such notices are mailed to those individuals whose names appear as Town Meeting Members in the records of the Town Clerk at the addresses as they appear in such records. The Planning Board shall submit its recommendations in writing to the applicant and the Building Commissioner. The recommendations shall be based on the Design Review requirements in **§5.09** and such design guidelines as the Planning Board may adopt.
  - d. Upon receipt of the Planning Board's report or the lapse of thirty days from his referral to the Board without such report, the Building Commissioner may issue a permit for a sign which conforms to the Planning Board's recommendations, if any, the regulations in the Zoning By-law, and such other technical requirements as are within the Building Commissioner's

jurisdiction.

- e. If the applicant or any other interested party or any citizen of the Town of Brookline does not agree with the recommendations of the Planning Board or other requirements imposed by the Building Commissioner, he may appeal to the Board of Appeals within 30 days through the special permit procedure in **Article IX**.

#### **§7.04 – ILLUMINATION**

1. In all districts, all lighting shall be installed and maintained so that no direct light or glare shines on any street or nearby property.
2. In all districts no neon type or exposed gas-illuminated tube type of sign which is red, yellow, or green shall be located within 100 feet of a traffic signal unless it is shielded from the line of sight of any driver of a motor vehicle approaching the traffic signal.
3. In any residence district no sign or other advertising device shall be of the neon type or exposed gas-illuminated tube type; and any lighting of a sign or other advertising device shall be continuous, indirect white light installed in a manner that will prevent direct light from shining onto any street or nearby property. In S, SC, T, and F Districts no sign or advertising device shall be illuminated after 11 p.m. local time.
4. In an S, SC, T, F, M-0.5, M-1.0, or M-1.5 District no outdoor floodlighting or decorative lighting shall be permitted except lighting primarily designed to illuminate walks, driveways, doorways, outdoor living areas, or outdoor recreational facilities and except temporary holiday lighting in use for no longer than a four-week period in any calendar year, except that decorative floodlighting of institutional or historic buildings may be permitted by the Board of Appeals by special permit. Any permanent lighting permitted by the preceding sentence shall be continuous, indirect, white light, installed in a manner that will prevent direct light from shining onto any street or nearby property.

#### **§7.05 – NONCONFORMANCE OF ACCESSORY SIGNS**

Accessory signs or other advertising devices legally erected may continue to be maintained, subject to the provisions of §5.83 of the Town of Brookline Sign By-law (Article 5.8); provided, however, that no such sign or other advertising device shall be permitted if it is enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages) redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this By-law; 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 thirty-five 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 By-law. Any exemption provided in this **Article VII** shall terminate with respect to any sign or other advertising device which:

1. shall have been abandoned;
2. advertises or calls attention to any products, businesses or activities which are no longer sold or carried on at the particular premises; or

3. shall not have been repaired or properly maintained within thirty days after notice to that effect has been given by the Building Commissioner.

#### **§7.06 – REGULATED FACADE ALTERATIONS**

1. A regulated facade shall include:
  - a. commercial building facades in all districts; and
  - b. residential building facades on lots with frontage on Beacon Street, Boylston Street, Brookline Avenue, Commonwealth Avenue, Harvard Street, or Washington Street, with the exception of buildings on lots located in S, SC, T, and F districts.
  - c. Conversion of attic or basement space in Single-Family and Two-Family Residential Dwellings where exterior modifications beyond that required by the State building code are made.
2. A regulated alteration shall be defined as any change in the visual appearance of the facade including the blocking of the view through a street-level window and any change in door or window style, unless such change consists of an exact replication in terms of size, color, location and detail of the replaced element. A regulated alteration shall also include installation of a fence, wall or driveway.
3. All regulated facade alterations shall be subject to the design review process of **§7.03, paragraph 2.**