

## **SIGN ORDINANCE**

Town of South Hero

Final Draft -- 1/16/19

Planning Commission Public Hearing – March 6, 2019

Allowed signs fall into two categories: **1. Exempt Signs:** signs which are allowed and do NOT require a Sign Permit. **2. Permitted Signs:** signs which are allowed AND require a Sign Permit from the Zoning Administrator.

Changing the size, shape, color, location, or illumination of allowed signs requires a Sign Permit. When signs that are not in compliance with the requirements of this ordinance are replaced, the replacement sign must comply with the requirements of this ordinance.

Listed below are the types, quantities, sizes, locations, and other requirements for both Exempt and Permitted signs. **All other signs are prohibited.**

1. **EXEMPT SIGNS:** the following are allowed provided they conform to the General Standards and are not placed in the right-of-way.
  - A. Temporary signs (unlighted, and not to exceed six (6.0) square feet per side) are allowed for the purpose of advertising premises for sale or rent, items for sale, or to identify subcontractors. Signs remaining in place for more than six (6) months are not considered to be temporary. Temporary signs must be on the property that is advertising.
  - B. Signs on public roads erected by the State or Town.
  - C. Public or Community Event Signs - Temporary signs or banners advertising public or community events can be displayed in designated locations on Town property with the prior permission of the Select Board, but must be removed within 3 days following the event.
  - D. Official business directional signs and non-advertising signs for directional, safety or public service purposes provided they are in conformance with State Statute (V.S.A. Title 10, Chapter 21).
  - E. One residential sign per dwelling unit identifying the occupant, not to exceed two (2.0) square feet in area; and residential flags or banners intended solely for ornamental or non-advertising purposes.
  - F. Legal Signs conveying legal warnings relating to the property on which they are posted, such as those related to trespassing and hunting.
  - G. Election Signs - Temporary election signs to be posted and removed in accordance with State Law. (V.S.A. Title 10, Chapter 21).
  - H. Retail Window signs must not exceed 30% of the window area in which the sign is located.
  - I. Bulletin boards or similar displays for announcing community affairs.
  - J. House numbers.

K. Temporary Public Notices in accordance with State Law.

L. 911 Blue Signs.

## **2. SIGNS REQUIRING A PERMIT:**

**A. Permanent Business Signs.** Permanent business signs must comply with the requirements of this ordinance. Each business property containing one or more businesses is allowed: a) one free standing sign not to exceed forty (40) square feet per side; b) each business is allowed one wall-mounted sign - either mounted on the surface of the building wall and not exceeding twenty (20) square feet, or, one hanging sign hung perpendicular to the building wall not to exceed six (6) square feet; c) each business is allowed one door sign not to exceed four (4) square feet. This includes the lettering area of an awning.

1. **Illuminated Signage Specifications:** Lighting shall be directed downward onto the sign and be shielded to prevent glare, distraction, or hazard to the surrounding area or to vehicular traffic. Internally lit signage is prohibited.

2. **Off-Premise Signs:** any sign located elsewhere other than upon the lot containing the subject of the sign must conform to State statute and regulation for off-premise signs. (V.S.A. Title 10)

3. **Signs at the Edge of Roads and Highways:** The Legislature has prohibited any private, stationary “outdoor advertising structure, device or display within the limits of the highway right-of-way.” Please see Vermont Statutes, Title 10, Section 495(d) for details.

The Legislature enacted a statute, which sets an assumed minimum. Vermont Statutes, Title 19, Section 702 reads, “the right-of-way for each highway and trail shall be three rods wide unless otherwise properly recorded.” A rod is a unit of measure equaling 16.5 feet, so the assumed minimum width of the right-of-way is 49.5 feet. This total minimum width extends evenly (24.75 feet) on both sides of the highway centerline. The three-rod figure, however, is merely a placeholder in case other information is missing. In most situations, information is available, and the right-of-way is often wider than 49.5 feet. **To be sure, you should check with the office of your local District Transportation Administrator to find out the specific dimensions of the right-of-way near your property.**

Intersection sight distance(s) must be provided so that drivers approaching an intersection have an unobstructed view of the intersection and any traffic control devices along the intersecting streets in order to anticipate and minimize potential conflicts.

Intersections include all cases where two (2) streets intersect and/or where driveways intersect streets. Signs must not be located within 15 feet of adjacent private property or intersection.

*Should compliance be problematic the applicant may request a waiver from the Selectboard.*

**B. Development Signs.** One construction sign, advertising or indicating a subdivision or residential development, is allowed at the entrance of the project. It may contain the name of the General Contractor and the Subcontractors. The sign shall not exceed 32 square feet per side and shall be promptly removed when construction is complete.

**C. Permanent Subdivision or Development Signs.** One permanent sign indicating a subdivision or residential development is allowed and must be no larger than 15 square feet per side.

### **3. GENERAL STANDARDS:**

- A. No sign shall be designed, constructed, or positioned, which constitutes a hazard to public safety.
- B. Signs in all zoning districts shall have no internal illumination and may only be illuminated by a downward-directed, shielded, continuous, non-flashing external light. Direction and shielding of lighting shall be such that it illuminates only the sign and does not cause undue glare, impair the vision of drivers of motor vehicles, or illuminate neighboring properties
- C. Signs shall have no moving or animated parts or displays, with the exception of traffic control devices in public rights of way erected by the State or Town. A flag waving is not considered as having any moving parts.
- D. Free standing signs shall not exceed eight(8) feet in height, as measured from the average grade of the ground to the top of the sign.
- E. All signs shall be maintained to stay in a secure and safe condition.
- F. No sign may be placed in the road right-of-way.
- G. Wall signs that extend above the eave, and roof signs, are not allowed.
- H. Pedestrian Clearance: Adequate pedestrian clearance must be taken into account.

### **4. NON-CONFORMING SIGNS:**

**Signs legally existing at the adoption date of this ordinance, but which do not conform to the provisions of this ordinance, shall be considered non-conforming signs.**

A non-conforming sign may remain in place until removed, resurfaced, relocated, or altered in any way including any change in text, logo, or color. However, lighting must be brought into conformance with this ordinance and shall have a grace period of 7 years to become compliant. The 7 years begins with the date this ordinance becomes effective.

### **5. ADMINISTRATION, INTERPRETATION, ENFORCEMENT:**

A. This ordinance shall be administered, interpreted, and enforced pursuant to the provisions of Title 24 V.S.A. Chapter 117, as well as 24 V.S.A. Sections 1974a and 1977 for enforcement purposes, as exists or as hereafter amended.

#### **B. Permits, Plans, Fees, and Inspections**

1. No sign shall be erected, altered, or relocated without a Sign Permit from the Zoning Administrator.
2. Application(s) for signs shall be accompanied by detailed plans and specifications, including sign colors, lighting details, and any other information as the Zoning Administrator may require.
3. Sign Permit Fees shall be established by the Selectboard by resolution and a copy of the fee schedule shall be posted in the Town Office and made available to each applicant upon request. Sign permit application fees shall be paid upon submission of the plans to the Zoning Administrator.
4. Any sign may be inspected periodically by a representative of the Selectboard for compliance or any other requirements of law.

**6. VIOLATIONS & PENALTIES:**

Failure to comply with this ordinance shall result in: a warning letter from the Selectboard stating the sign owner has 30 days to meet with the Zoning Administrator with plans for coming into compliance. Compliance must be completed within 60 days after approval from the Selectboard. It is the sign owners responsibility to notify the Selectboard of compliance.

Failure to come into compliance will result in fines as adopted by the Select Board:

- \$100 fine for first offense.
- After 30 days an additional fine of \$100 per week will be assessed until the sign comes into compliance.

**Signed:**

\_\_\_\_\_, **Selectboard Chair**

\_\_\_\_\_

\_\_\_\_\_

**(date)**