

# **Appendix B: SIGN ORDINANCE**

## **1.0 PURPOSE**

The purpose of this bylaw is to regulate all exterior signs and all interior signs placed for exterior observance, and to prohibit the indiscriminate use of other outdoor advertising. Further, these regulations are to encourage the use of signs which:

1. are compatible with the community character;
2. are readable and clear;
3. do not impair the safety of vehicular traffic are not distracting or confusing to vehicular traffic;
4. will be maintained in good and safe repair.

## **2.0 DEFINITIONS**

2.1 **SIGNS:** shall mean any structure, display, device, or representation which is designed or used to advertise, call attention to, or direct a person to any business, association, profession, community, product, institution, service, entertainment, person, place, thing, or activity of any kind whatsoever, and which is intended to be visible from a public right-of-way. This shall include signs placed in or on a window or door, which are intended to be visible from the exterior of the premises.

2.2 **SIGN AREA:** shall mean the entire area within a circle, triangle, or parallelogram other geometric pattern of similar character enclosing the extreme limits or writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign.

2.3 **RIGHT-OF-WAY:** shall mean any publicly owned space used for vehicular or pedestrian traffic, including the airspace above. When the boundary of the right-of-way is not known, it shall be assumed to be 25 feet from the center of the traveled way.

## **3.0 GENERAL REGULATIONS**

3.1 **PROHIBITED SIGNS:** are signs which:

3.1.1 Advertise any activity, business, products, or service no longer produced or conducted on the premises. Such signs shall be removed by the owner within six (6) months from the date of cessation of the activity, business product, or service produced or conducted on the premises.

3.1.2 Advertise an activity, business, product, or service not located on the premises on which the sign is placed.

3.1.3 Project into or over the public right-of-way.

3.1.4 Have blinking, flashing, or fluttering lights, or other illuminating devices which have a changing light intensity, brightness, or color.

3.1.5 Are internally illuminated or self-illuminated as in the case of neon or light emitting diodes (L E D 's) or other similar technology.

3.1.6 Contain or consist of pennants, ribbons, streamers, spinners, other moving devices, strings of light bulbs, or similar devices.

3.1.7 Contain moving parts. This shall not include time or temperature devices, provided such devices are not used primarily as advertising mediums, nor shall it include traditional rotating barber poles, or a sign hung to swing in the wind.

3.1.8 Extend above the roof line or parapet of the building to which they are attached.

3.1.9 Appear to direct the movement of traffic, or which interferes with, imitates, or resembles any official traffic, directional, or route sign, signal, or device.

3.1.10 Prevent a clear and unobstructed view of official signs, and approaching or merging traffic.

3.1.11 No sign will be erected within 25 feet of any intersection of any town or state highway, except if mounted on the exterior of a building.

3.1.12 No sign shall be erected in an FR District.

3.2 EXEMPT SIGNS: are signs which:

3.2.1 Are erected, maintained, and administered by the Town of Shaftsbury, or the State of Vermont, or the Federal Government. A permit is not required, but compliance for size, setbacks, etc. is required, unless such sign identifies a street or public facility, or is necessary for the public health and safety.

3.2.2 Are erected without advertising, displayed for the direction, instruction, or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, or the like, with an area not exceeding two square feet, provided such signs are on the premises of the activity served by the sign.

### 3.3 TEMPORARY SIGNS:

A person may, without obtaining a permit, display a sign or signs, provided that:

3.3.1 Signs for an event of a civic, philanthropic service or religious organization, campaign, fair, exposition, or similar events are removed upon completion.

3.3.2 Signs announcing an auction, tag or special sale, special rate, seasonal activity, or special entertainment, provided that such sign shall:

3.3.2.1 Not exceed eight (8) square feet.

3.3.2.2 Not be displayed for more than fourteen (14) days of a calendar month, nor more than sixty (60) days of a calendar year, cumulatively, for any single enterprise, regardless of the change of announcement.

3.3.3 Construction signs -- one free standing sign on the site under construction. The area shall not exceed 32 square feet, and maintain a minimum setback of ten (10) feet. The sign shall not be erected earlier than one month prior to the start of construction, nor more than 14 days after completion.

3.3.4 "For Sale" or "Rent" signs as commonly used for the sale or rent of property that does not exceed 2x3.

3.3.5 Safety zone, and posted signs.

### 3.4 SIGNS IN RURAL RESIDENTIAL AND VILLAGE RESIDENTIAL DISTRICT:

3.4.1 For each building used for dwelling purposes -- one (1) sign not exceeding six (6) square feet in area having the name of the owner or occupant.

3.4.2 For other than dwelling purposes -- where the property has one or more occupants requiring a sign, they are permitted to have one identification sign with an area not exceeding 32 square feet for all occupants combined.

3.4.3 For home occupations -- one (1) sign not exceeding eight (8) square feet in area, if one sided, and four (4) square feet, if two sided, and a zoning permit has been obtained for the home occupation.

3.4.4 For a subdivision, one (1) sign with the name of the subdivision or housing project, not exceeding ten (10) square feet, and not exceeding six (6) feet high from the natural ground surface.

### 3.5 SIGNS IN VILLAGE COMMERCIAL, ROADSIDE COMMERCIAL DISTRICT:

3.5.1 In all districts designated primarily as commercial or industrial districts, signs shall be not more than 32 square feet, if one sided, and not more than 16 square feet, if two sides are used.

3.5.2 In all Village Commercial (VC), and Roadside Commercial (RC) Districts where the premises have one or more occupants requiring a sign, they are permitted to have one identification sign with an area not exceeding 32 square feet for all occupants combined.

3.5.3 For a subdivision, one (1) sign with the name of the subdivision or project, not exceeding 10 square feet, and not exceeding 6 feet high from the natural ground level.

### 3.6 SETBACK

3.6.1 In all districts, residential, commercial, or industrial, free standing signs shall be setback a minimum of ten (10) feet from any property line or public right-of-way.

3.6.2 Where any premises does not allow the minimum setback, by reason of proximity of building to lot lines, the sign shall be erected in such a way as to not project into or over the public right-of-way, and must receive approval from the DRB.

### 3.7 HEIGHT:

In all districts, residential, commercial, or industrial, free standing signs shall not exceed 10 feet in height, measured from the natural ground level to the top-most part of the sign. Exceptions to this may be granted on an individual basis, by obtaining a variance from the DRB.

### 3.8 LIGHTED SIGNS USING DEFLECTORS:

3.8.1 The light from any sign, or advertising lights, shall be so shaded, shielded, or directed, and shall be maintained at a sufficiently low level of intensity and brightness, that it shall not adversely affect neighboring premises, or the safety and vision of a motor vehicle operator moving on public roads or highways. All lighted signs and advertising lights shall be shaded, shielded, or directed so that they shall not reflect or shine on, or into, any residential structures.

## **4.0 STRUCTURAL REGULATIONS**

### 4.1 MAINTENANCE REGULATIONS:

All signs and other advertising structure, together with all supports, braces, hooks, guys, and anchors, shall be kept in good repair, and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe, and orderly appearance. The time period for correction of disrepair shall not exceed sixty (60) days from the date of notice.

### 4.2 WIND PRESSURE AND DEAD LOAD:

Any sign or advertising structure shall be designed and constructed to withstand a wind pressure load, and shall comply with all applicable building code ordinances of the Town of Shaftsbury (National Building Code, and National Electrical Code).

### 4.3 OBSTRUCTION TO SAFETY:

All signs shall be erected, relocated, or maintained so as to allow free ingress and egress from any door, window, or fire escape. No sign shall be attached to a stand pipe or fire escape.

## **5.0 NON-CONFORMING / NON-COMPLYING SIGNS**

5.1 All signs and supporting structures which are non-conforming or non-complying to the provisions of this Ordinance upon the date of adoption, or as subsequently amended, shall be brought into compliance, if the sign creates a nuisance or safety hazard in the opinion of the Administrator.

5.2 The property and/or sign owner of such signs shall be in violation of this ordinance until the sign is removed. The Town of Shaftsbury may, with thirty (30) days prior written notice to the property and sign owner, remove such signs without further notice or further proceedings, at the expense of the property and/or sign owner. The expense may be recovered by the Town in any action of this bylaw, which shall be instituted in the appropriate court having jurisdiction over this matter.

## **6.0 ADMINISTRATION, INTERPRETATION, AND ENFORCEMENT**

6.1 This section shall be administered, interpreted, and enforced in conformity with the provision of Title 24 VSA Chapter 117, and Section 8 of the Shaftsbury Zoning Bylaws as exists or is hereafter amended. Any decision or act by the Zoning Administrator may be appealed within fifteen (15) days of such act or decision, to the DRB.

6.2 Permits, plans, fees, and inspections:

6.2.1 No sign shall be erected, altered, or relocated without a permit from the Zoning Administrator

6.2.2 Applications for signs shall be accompanied by detailed plans and specifications and any other information as the administrative authority may require.

6.2.3 Any sign may be inspected periodically by the administrative authority for compliance or other requirements of the law.

## **7.0 APPEALS AND VARIANCES**

7.1 In accordance with Title 24 VSA, Chapter 117, subsection 4468, when a variance from the provisions of a zoning regulation is the relief requested by the appellant, the DRB may grant such variances, and render a decision in favor of such appellant, if all the following facts are found by the DRB and such finding is specified in its decision:

7.2 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located;

7.3 That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;

7.4 That such unnecessary hardship has not been created by the appellant;

7.5 That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

7.6 That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the Town Plan.

7.7 In rendering a decision in favor of an appellant under this section, the DRB may attach such conditions to such variances as it may consider necessary and appropriate under the circumstances to implement the purposes of this Bylaw and to carry out the intent of the Town Plan.

7.8 An interested person (as defined in section 4464, 24 V.S.A.) may appeal any decision or act taken by the Zoning Administrator by filing a notice of appeal with the secretary of the DRB, or the Town Clerk, if no such secretary has been elected. Within 15 days of the date of such decision or act, a copy of the notice or appeal shall be filed directly with the Zoning Administrator.

7.9 Fee on Appeal: Applications to the DRB for variance shall be accompanied by a fee as set by the Select Board.

## **8.0 PENALTIES**

Any person who violates any of the provisions of this ordinance shall be subject to the penalties prescribed in Title 24 V.S.A. Chapter 117 as now exists or is hereafter amended.

## **9.0 VALIDITY**

This ordinance shall supersede all previous sign ordinances and/or sections of the Zoning Bylaw dealing therewith. The invalidity of any section or provision of this ordinance, and its application to any sign, shall not invalidate any other section or provision, or application, of this ordinance.

## **10.0 EXEMPTIONS**

Nothing in this Ordinance shall exempt any applicant for a sign permit from full compliance with all other applicable state and local laws.

