

South Burlington

Sign Ordinance

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**AN ORDINANCE TO REGULATE SIGNS
IN THE CITY OF SOUTH BURLINGTON**

The Council of the City of South Burlington hereby ordains:

SECTION 1. Short Title

This ordinance shall hereafter be known and cited as the "South Burlington Sign Ordinance".

SECTION 2. Purpose and Authority

The purpose of this Ordinance is to promote the public welfare and safety by regulating existing and proposed signs. It is intended hereby to reduce sign distractions and obstructions that may contribute to traffic accidents, to reduce hazards that may be caused by signs in disrepair or of faulty construction, and to curb deterioration of natural beauty, open space and community environment.

It is intended that in commercial areas now in existence and in proposed commercial and industrial areas all signs within one complex be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form and proportion.

It is further intended that the display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification.

This ordinance is enacted by the City Council under the authority it is granted to regulate signs set forth in 24 V.S.A. Section 2291 and Section 104 of the South Burlington City Charter. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

SECTION 3. Definitions

This ordinance is enacted by the City Council under the authority it is granted to regulate signs set forth in 24 V.S.A. Section 2291 and Section 104 of the South Burlington City Charter. This ordinance shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

(a) **"A-Frame" or "Sandwich Board"** as used in this Ordinance shall be interchangeable terms that mean a moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A.

(b) **"Action Sign"** as used in this Ordinance shall mean the intentional movement of a sign body or any segment thereof, such as, rotating, revolving, moving up or down or any other type of action involving a change of position of the sign body or segment thereof, whether caused by mechanical or any other means.

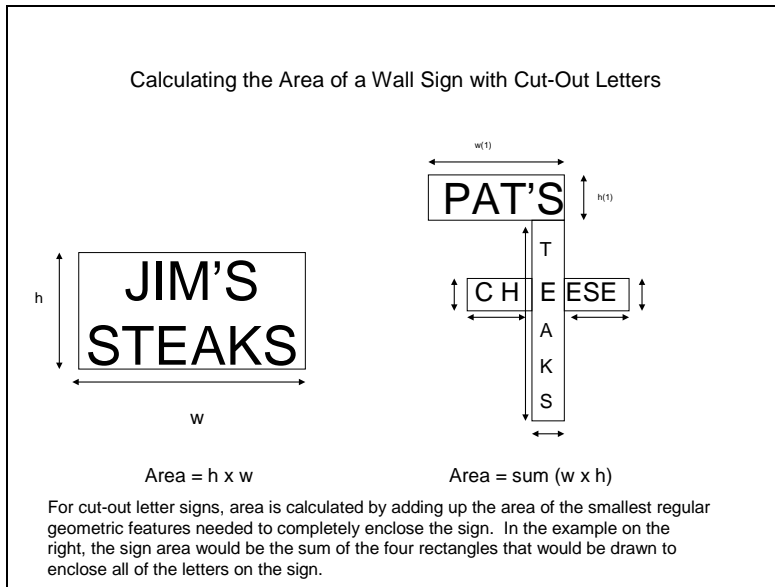
(c) **"Animated Sign"** as used in this Ordinance shall mean any lighted sign on an intermittent or flashing circuit or the movement of any light used in connection with any sign, such as but not limited to blinking, traveling, flaring or changing degree of intensity.

(d) **"Area of Sign"** as used in this Ordinance shall mean:

(1) for cut-out letters, the basis for the area of the sign shall be computed by taking one-half the area enclosed within the smallest regular geometric figure or figures needed to

completely encompass all letters, including vertical and horizontal spacings between letters (see Illustration 10.1). In no case shall the basis for the area of the sign exceed one hundred (100) square feet.

Illustration 3-1 Area of a Wall Sign with Cut-Out Letters



(2) for signs other than cut-out letters, the area of the sign shall exclude the supporting structure and shall be computed by taking the total area within the outer edge of the sign.

(3) signs having two (2) parallel and attached faces shall be considered as one sign, and the area shall be computed for one side only. In the case of an "A-frame" or "sandwich board" sign, the area shall be calculated for one side of the "A-frame" or "sandwich board" only.

(4) for signs having more than two (2) sides, the relevant sign area shall be the sum of all areas on which information and/or graphics are displayed.

(e) **"Awning, canopy or marquee sign"** as used in this Ordinance shall mean logos and lettering on awnings, canopies or marquees, and graphics associated with such logos and lettering. Such signs shall be considered wall signs, incidental signs or directional signs for purposes of this Ordinance, based on the information conveyed, and shall be counted towards the maximum number and area of signs permitted for a building or property in accordance with the standards for the applicable type of sign. The area of the signs shall be calculated using the provisions for cut-out letters in (c)(2) above.

(f) **"Backlight Letter"** as used in this Ordinance shall mean an illuminated reverse channel letter with an open or translucent back so that light from the letter is directed against the surface behind the letter, producing a halo lighting effect around the letter.

(g) **"Banners and Pennants"** as used in this Ordinance shall mean any advertising device affixed to poles, wires or ropes, such as banners, pennants, streamers, wind operated propellers, string lighting or other similar advertising media, but not to include properly displayed governmental flags.

(h) **"Billboard Sign"** as used in this Ordinance shall mean any structure attached or detached from any building and bearing a sign which is not appurtenant to any business conducted on the property where the sign is located.

(i) "Bulletin Board" as used in this Ordinance shall mean any surface to which announcements for events, meetings, activities, sale items, or similar items are affixed.

(j) "Chalkboard" as used in this ordinance shall mean a sign structure with a frame containing a smooth hard surface for writing on with chalk.

~~(k)~~ **"Code Officer"** as used in this Ordinance shall mean the individual in City Government designed by the City Council to administer and enforce this Ordinance. The Code Officer may delegate his authority hereunder to such assistants as may be authorized by the City Council.

~~(l)~~ **"Construction or Project Signs"** as used in this Ordinance shall mean any sign or advertising device erected on a project site prior to or during a new construction project, substantial renovation project or exterior painting project

~~(m)~~ **"Cut-Out" or "Cut-Out Letters"** means letters, numbers, emblems and symbols which are detached or separately molded from the material from which they were made.

~~(n)~~ **"Depth"** as used in this Ordinance shall mean the longest horizontal dimension of a sign and/or support structure, measured parallel to the ground and perpendicular to the face of the sign. In the case of signs with multiple faces, the sign depth shall be the longest of the horizontal dimensions measured for each sign face.

~~(o)~~ **"Directional Sign"** as used in this Ordinance shall mean a sign designed to direct and inform the public as to the location of exits, entrances, service areas, loading and unloading areas, and designated parking spaces or areas, or similar wording of an informational nature.

~~(p)~~ **"Directory Sign"** as used in this Ordinance shall mean a sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings, and may include identification of incidental services or facilities in the same building or development.

~~(q)~~ **"Erect"** as used in this Ordinance shall mean to building, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

~~(r)~~ **"Florescent Colors"** as used in this Ordinance shall mean colors that reflect not only their own color, but also convert the shorter wave lengths into radiant energy causing them to appear 3 to 4 times as bright as ordinary color. These colors do not reflect light toward its source in the intense manner that reflectorized materials do, but rather in an amount similar to a white painted surface.

~~(s)~~ **"Free-Standing Sign"** as used in this Ordinance shall mean a sign detached from any building. Vending machines located outside of a building with images of products for sale that are clearly visible from the public right-of-way shall be considered free-standing signs and shall be subject to all provisions of this Ordinance.

(~~lf~~) **"Gross Façade Area"** as used in this Ordinance shall mean the gross surface area of all exterior walls of a building exposed to public view.

(~~sl~~) **"Incidental sign"** as used in this Ordinance shall mean a sign, generally informational, that has a purpose secondary to the lot on which it is located, such as "no parking," "loading only," "telephone," or other similar directives. Additional signs that may be considered incidental include but are not limited to "ice," "bottle return," "vacancy/no vacancy," or "service." Traffic warning signs such as "Stop" or "Right Turn Only" shall not be considered incidental.

(~~tv~~) **"Inflatable or wind sign"** as used in this Ordinance shall include all objects inflated or otherwise supported by air, wind, or other gasses, and whose principal purpose is to advertise for or direct attention to the subject property, regardless of whether text or graphics are included on the sign.

(~~w~~) **"Interpretive Signage"** as used in this Ordinance shall mean a sign providing information that interprets a natural, historical or cultural resource, event or site. Such signs shall be located only on sites directly related to the information contained in the sign.

(~~x~~) **"Landscape Feature Sign"** as used in this Ordinance shall mean a free-standing solid wall or solid earthen berm, made of soil or other natural materials as defined in this Ordinance, and not attached to any building, that has been approved by the South Burlington Development Review Board or Administrative Officer in accordance with the provisions of the South Burlington Land Development Regulations, as amended. Fences shall not be considered landscape features for purposes of this ordinance, irrespective of the material of which the fence is made.

(~~y~~) **"Logo"** as used in this Ordinance shall mean a design that represents goods, identity or service.

(~~z~~) **"Lot"** as used in this Ordinance shall mean a parcel of land owned by a lot owner, the boundaries of which are: 1) established by a deed or deeds recorded in the land records of the City of South Burlington, and the records of any public road right-of-way; or 2) shown on a plat approved by the South Burlington Planning Commission or Development Review Board pursuant to subdivision regulations, provided such approval has not expired.

When a lot owner owns a lot which fails to meet minimum lot size requirements under the South Burlington Land Development Regulations and such lot is contiguous to another lot owned by the same lot owner, such contiguous lots shall constitute a single lot, except that: 1) contiguous lots which as of June 7, 1947 were devoted to separate and unrelated uses shall constitute separate lots so long as such lots continue to be devoted to separate and unrelated uses; or 2) contiguous lots which are devoted to uses approved as separate uses under the South Burlington Land Development Regulations shall constitute separate lots provided such uses are conducted in compliance with the terms and conditions of the approvals granted; or 3) contiguous lots which are shown on a plat approved by the South Burlington Planning Commission or Development Review Board pursuant to subdivision regulations shall constitute separate lots provided such approval has not expired.

(~~aa~~) **"Lot owner"** as used in this Ordinance shall mean the record owner of fee title to a lot.

(~~ab~~) **"Luminescent"** as used in this Ordinance shall mean any light, produced by the action of electricity in an enclosed gas, such as neon, argon or fluorine.

(ac) **"Luminous Material"** as used in this Ordinance shall mean a material that stores light and glows in the dark. The glow can be described as a weak soft light.

(ad) **"Marquees, canopies or awnings"** as used in this Ordinance shall mean building mounted fabric and frame constructions or free-standing fabric (or other similar material) and frame that is attached to a building and used for seasonal and/or advertising purposes that do or do not contain graphics or sign information for a particular establishment.

(ae) **"Mural"** as used in this Ordinance shall mean a purely decorative treatment on the exterior wall of a building that does not have the overt intent or effect of advertising a product or service for sale or an agency, organization or business.

(af) **"Name Plate Sign"** as used in this Ordinance shall mean any sign not more than one (1) square foot in area used to identify the owner or owners of a private residence.

(ag) **"Natural Materials"** as used in this Ordinance shall mean indigenous materials such as plants, shrubs, trees, wood that is stained or painted a neutral brown or grey color, unpainted stone, decorative textured masonry or concrete, and unpainted brick. "Natural Materials" shall not include glass or smooth (un-textured) poured concrete for purposes of this Ordinance.

(ah) **"Off-Premise Signage"** as used in this Ordinance shall mean any sign that is not displayed on the same premises where the goods, entity or services advertised are located.

(ai) **"Parapet Wall"** as used in this Ordinance shall mean a low wall along the edge of a roof, and being a portion of the wall which extends above the line of the roof, with the exterior to the extension forming a continuous plane with the wall below.

~~(aj) **"Perpendicular Sign"** as used in this Ordinance shall mean a sign attached to, or hanging from a structure attached to the wall of a building or structure with the exposed face of the sign in a plane perpendicular or roughly perpendicular to the face of said wall. A perpendicular sign shall not be considered a "Wall Sign" for the purposes of this ordinance.~~

(ak) **"Person"** as used in this Ordinance shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.

(al) **"Plate Line"** as used in this Ordinance shall mean the point at which any part of the roof structure first touches, or bears upon, an external wall.

(am) **"Point-of-Purchase Sign"** as used in this Ordinance shall mean the signage that advertises a product at its point of sale, or "point of purchase" location.

(an) **"Principal public façade"** of a building, as used in this Ordinance for purposes of calculating maximum total wall sign area, shall mean the main building façade facing a public street or another façade that functions as a principal façade with an actively used public entryway, subject to the approval and discretion of the Code Officer. There shall be no more than one principal public façade per building.

~~(kk) **"Projecting Sign" or "perpendicular sign"** as used in this Ordinance means any sign attached to a building or other structure and extending in whole or in part more than nine (9) inches beyond the building line, or more than fifteen (15) inches in the case of raceway signs.~~

(~~aqmm~~) **"Raceway Sign"** as used in this Ordinance shall mean a sign comprised of channel or other cut-out figures or letters mounted to an electrical enclosure, with the enclosure being smaller than the height of the attached letters.

(~~apmm~~) **"Reader Board"** shall mean a sign to which letters are not permanently secured or affixed and/or which is wheeled or otherwise readily moveable. The term "reader board" shall not include "A-frame" or "sandwich board" signs.

(~~aqoo~~) **"Reflectorized"** as used in this Ordinance shall mean any material that reflects light back toward its source in an intensity many times greater than would be reflected by a white painted surface. Reflectorized materials may include but are not limited to reflective sheeting, glass beads and glass or plastic reflectors.

(~~arpp~~) **"Residential District"** as used in this ordinance shall include the following zoning districts as defined in the South Burlington Land Development Regulations as presently in force or hereafter adopted and amended from time to time: Residential 1, Residential 2, Residential 4, Residential 7, Queen City Park, Lakeshore Neighborhood, and Southeast Quadrant.

(~~asqq~~) **"Roof Sign"** as used in this Ordinance shall mean any sign erected in any way upon a building or structure which extends above the roof line of the building or structure.

(~~atrr~~) **"Sign"** as used in this Ordinance shall mean and include every ~~sign~~, billboard ~~sign~~, bulletin-board, free-standing sign, wall sign, window sign, roof sign, animated sign, inflatable or wind sign, illuminated sign and projecting-perpendicular sign, and shall include any letter, word, number, model, mural decoration, banner, flag, pennant, clock, thermometer, insignia, light or combination of lights, used or placed as an announcement or declaration to identify, advertise or promote the interest of any person when the same is placed in view of the general public from outside the structure on which the sign is placed.

(~~auss~~) **"Temporary Sign"** as used in this Ordinance shall mean any sign for a limited period of time for advertising or informational purposes supplementary to or in place of existing permanent signs.

(~~avtt~~) **"Traveled way"** as used in this Ordinance shall mean the paved or otherwise surfaced area of a public street or road intended for use by vehicular traffic, including aprons, shoulders, and curbing, but not including a sidewalk or recreation path.

(~~awuu~~) **"Wall Sign"** as used in this Ordinance shall mean a sign attached to, painted on, and/or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel or roughly parallel to the face of said wall (including any interior wall) whether attached to windows or otherwise, which is placed in view of the general public from outside the building or structure.

(~~axvv~~) **"Wall"** as used in this Ordinance shall mean the surface area of any major plan unit of any side or face of a building.

(~~ayww~~) **"Wayfinding"** as used in this Ordinance shall mean signs with maps or other graphics used to convey location and directions to travelers, and not used for any advertising purpose.

(~~azxx~~) **"Window"** as used in this Ordinance shall mean the total area of transparent panes within a single supporting sash structure, excluding muntins. Panes divided by muntins shall not be considered individual windows; the total area of all panes and muntins within a single supporting sash structure shall constitute the total area of the window. Transparent panes inside a door frame shall be considered

"windows" for purposes of this Ordinance, subject to the judgment and discretion of the Code Officer.

~~(bavy)~~ **"Window Sign"** as used in this Ordinance shall mean a sign attached to, painted on, or erected against the interior or exterior of a window with the exposed face of the sign in a plane parallel or roughly parallel to the face of said window, and a sign otherwise located so as to be readable primarily from the outside of the window. Products for display shall not constitute a window sign if located at least 12 inches from a window.

~~(bbzz)~~ When the words **"maintain a sign"** or words of similar effect are used herein, the same refers to allowing the sign to continue in existence and shall not be taken to refer to keeping the sign in good order.

SECTION 4. Permits Required

It shall be unlawful for any person to erect, alter or relocate within the City of South Burlington, any sign, as defined in this Ordinance, without first obtaining a sign permit from the Code Officer, in accordance with all the provisions of this Ordinance. Any sign not expressly permitted by the provisions of this Ordinance is expressly prohibited.

SECTION 5. Permit Fees

Every applicant, before being granted a permit hereunder, shall pay to the City Treasurer such permit fee or fees in accordance with the schedule of fees adopted by resolution of the City Council, and as amended from time to time.

SECTION 6. Dorset Street/City Center Sign District.

(a) **Purpose.** There is hereby designated and created the Dorset Street/City Center Sign District, the boundaries of which are shown on a plan map entitled, "Dorset Street/City Center Sign District", July 22, 1998, which plan map is incorporated into and made a part of this Ordinance as Appendices Appendix AA and B.

This special sign district is designated to reflect the long term goal of the City to develop Dorset Street and the City Center area as an attractive mixed-use, well-designed, integrated focal point for the City. The area is to be a primarily residential, office, retail and municipal core for South Burlington. This special sign district is also intended to promote the intended pedestrian orientation for the future of the district as well as to ensure pedestrian and traffic safety, to encourage the effectiveness and clarity of sign communication, and to maintain and enhance the aesthetic quality within the district.

(b) **Standards for Design Review.** The parameters for the erection, alteration or relocation of any sign, except for temporary, window and exempt signs, located within the Dorset Street/City Center Sign District, as depicted on the above referenced plan, shall require design approval by the South Burlington Design Review Committee and Development Review Board. Such design approval shall be required prior to issuance of a sign permit by the Code Officer. In reviewing an application for design approval, the Design Review Committee and Development Review Board shall consider the following:

(1) Consistent Design: the design of a sign shall consider and be compatible and harmonious with the design of buildings on the property and nearby. The design of all signs on a property shall promote consistency in terms of color, graphic style, lighting, location, material and proportions.

(2) Promote City Center Goals: signs shall be designed and located in a manner which reinforces and respects the overall stated goals of the sign district and City Center Plan, including a high aesthetic quality and pedestrian orientation.

(3) Color and Texture: the color and texture of a sign shall be compatible and harmonious with buildings on the property and nearby. The use of a maximum of three (3) predominant colors per sign is encouraged-required to provide consistent foreground, text and background color schemes.

(4) Materials Used: signs shall be designed and constructed of high-quality materials complimentary to the materials used in the buildings to which the signs are related

(5) Multi-Tenant Buildings. Wall signs attached to multi-tenant buildings shall contain a consistent mounting (for example, cut out letters, lettering on raceway, etc.) and shall have consistent lighting where lighting is proposed.

(c) **Directory Signs.** In the Dorset Street/City Center Sign District, the City of South Burlington will establish a uniform Directory Sign System to be constructed and maintained by the City in the public right of way at designated locations and designed to serve businesses, offices and entities which share a curb cut, building or group of buildings. All businesses, offices, services, agencies and entities which share an entry or property are entitled to participate in this system for a fee as established and adopted by the City Council and included as part of the Schedule for Permit Fees. The fee will cover the initial cost of sign panel fabrication for the individual entity, as well as an appropriate percentage of the maintenance and management costs for the directory sign. Any business or entity participating in this directory sign system is allowed to do so without losing any of its total permissible sign area. Signs on this directory, therefore, will be in addition to the allowable sign area for the participating business or entity.

(d) **Entry Signs.** In the Dorset Street/City Center Sign District, entry signs which contain the words "enter" or "exit" and or related/similar wording are permitted as ground mounted or post-mounted signs and are not to exceed three (3) square feet. Included on these signs may be a reference to a business or office or building only where that business is not directly served by a curb-cut at the property itself and shares a curb-cut with another or multiple businesses or entities, and when this circumstance occurs the total area of one side may not exceed four (4) square feet. Such entry signs shall be allowed in addition to permitted free-standing and directional signs for the property. It is also desirable to coordinate lettering and design of these signs with the overall signage for the property it serves.

(e) **Establishments Selling Gasoline.** Establishments selling gasoline located within the Dorset Street/City Center Sign District shall be subject to all provisions of Section 22 of this Ordinance, and also shall be subject to the design review standards of this Section 6.

SECTION 7. Application for Sign Permit

(a) Except as otherwise provided, all applications for the Dorset Street/City Center Sign District shall follow the procedure for Master Signage Permits set forth in Section 8 of this Ordinance.

(b) Applications for all other sign permits shall be made upon forms provided by the Code Officer, and shall have attached thereto the following information and such other information pertaining to the proposed sign as the Code Officer may reasonably require.

- (1) Name, address and telephone number of applicant and property owner.
- (2) Location of building, structure, or lot to which, or upon which, the sign is to be attached.
- (3) Position of the sign in relation to nearby buildings or structures.
- (4) Plans (drawn to scale) and specifications including size and color of the sign and its various parts, the style of letter, material of which sign is to be constructed, and the method of attachment to the buildings or in the ground.
- (5) A color sketch of the sign and building as they would appear in relation to each other.
- (6) Statement as to method of illumination and intensity of the sign.
- (7) If required by the Code Officer, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and Ordinances of the City.
- (8) Name, address and telephone number of person erecting the sign.
- (9) Written consent of the owner of the building, structure, and land to which or on which the sign is to be erected.

(c) Except as provided in sub-section (d) below, within ~~ten-thirty~~ (+30) working days after receipt of all of the foregoing information, together with the permit fee specified in Section 5 hereof, the Code Officer shall review the application for compliance with this Ordinance and shall render a decision to approve or disapprove the application. In rendering a decision, the Code Officer shall determine whether the application complies with the requirements of this Ordinance, is compatible with surrounding architecture and uses, and does not create an adverse effect on the scenic or aesthetic quality of the area. In making his determination the Code Officer shall review each application in light of the purposes of this Ordinance and applicable design standards. When the Code Officer deems it necessary, an architect may be retained to assist in the review of individual applications, at the applicant's sole cost and expense.

(d) If the Code Officer determines that the application for the sign does not comply with all provisions of this Ordinance, the Code Officer shall, within the period noted above, notify the applicant in writing of the decision to disapprove the application, which notice shall include a statement of reasons for disapproval, and shall refund the permit fee in full. Such statement shall include a description of the manner in which the application can be brought into conformance with these regulations. If an application is approved, a permit shall be issued and forwarded to the applicant within the time period noted above.

SECTION 8. Master Signage Permits

(a) At such time as a new or amended permit is sought after the effective date of this Ordinance, all properties in the Dorset Street/City Center Sign District seeking a sign permit or permits and all multi-tenant buildings or multi-building complexes located wholly or partially within the R7-NC district shall submit a complete, new application for a Master Signage Permit to the Design Review Committee, irrespective of the status of past approvals. The new Permit shall not invalidate the

provisions of any existing approval, exemption or agreement with respect to signage; rather, it is instead intended to clarify the approved parameters for signage subject to a Master Signage Permit. Upon approval of a new Master Signage Permit, permittees shall use the review and amendment procedures set forth in this Section.

(b) In the Dorset Street/City Center Sign District, no permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Permit for the lot on which the sign(s) will be erected has been approved as conforming with the provisions of this Ordinance. In the case of a planned unit development (PUD), a Master Signage Permit shall be required for the entire PUD. An owner of a multi-tenant building or multi-building commercial property located anywhere outside the Dorset Street/City Center Sign District, and a sponsor of a project involving interpretive signage or wayfinding, also may apply for a Master Signage Permit as provided herein.

(c) For any lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit an application for a new or amended Master Signage Permit containing the following information:

- (1) An accurate plot plan of the lot, at such scale as the Code Officer may reasonably require;
- (2) Location of buildings, parking lots, driveways and landscaped areas on such lot;
- (3) Computation of the maximum area, number and height of signs, by sign type (i.e., free-standing, wall, etc.) allowed on the property under this Ordinance, and computation of the area and height of each sign proposed for the property;
- (4) The location, size, date of installation, and status of all non-complying signs on the property, if applicable.
- (5) The design parameters for the Master Signage Permit, in accordance with (d) below, including overall parameters and the design and location of any proposed individual signs.
- (6) The location and specifications of all proposed light fixtures and lighting elements, including cut sheets if applicable.
- (7) A proposed general design for any incidental and directional signs on the property, other than those with designs prescribed by law.

(d) Design.

- (1) The initial application for a Master Signage Permit shall establish a consistent set of parameters for the shapes, materials, foreground and background color schemes, typefaces, sizes, installations and sign types to be utilized for a property and shall include color illustrations thereof.
- (2) Applicants are strongly encouraged to specify parameters that will lead over time to creating a strong consistency of shape, foreground and background color scheme, typeface, size, and installation in order to ensure that all signage on a property is in accordance with the goals of the Dorset Street/City Center Sign District.
- (3) All Master Signage Permit applications shall specify how one or more of these

graphic elements will be used to relate all of the signs to each other visually.

(4) Applicants may request a review and approval of a range of potential sizes for individual signs, so that an application for an individual sign of approved materials, color and design that is within an approved size range will require only approval of the Code Officer.

(e) Other Provisions of Master Signage Permits.

(1) The property owner of record shall be the principal permittee for a Master Signage Permit.

(2) The Master Signage Permit may contain such other restrictions as the owners of the lots may reasonably determine. These provisions, upon granting of a sign permit to the applicant, become incorporated into the permit and are applicable for the duration of the permit.

(f) Review and Approvals.

(1) The Design Review Committee shall review the initial application for a Master Signage Permit, or for an amendment of a Master Signage Permit. Such application must be made and signed by the property owner. Upon a recommendation for approval by the Design Review Committee, the Development Review Board shall review and act upon the application for an initial Master Signage Permit or amendment thereof.

(2) Subsequent applications for individual sign permits pursuant to a Master Signage Permit may be made by tenants, with a property owner signature required for applications. Such applications made pursuant to a valid Master Signage Permit shall not require review by the Design Review Committee. The Code Officer shall review each application for its consistency with the approved design and dimensional parameters in the Master Signage Permit, and for consistency with the applicable dimensional and administrative standards in this Ordinance. Copies of the Code Officer's permit or denial shall be sent to the property owner and to the applicant, and shall become part of the Master Signage Permit.

(g) Amendment. Amendment of a Master Signage Permit, as opposed to approval of signs by the DRC and Code Officer subject to an existing, effective Master Signage Permit, shall require approval by the Design Review Committee and Development Review Board in the same manner as for a new Master Signage Permit.

(h) Existing Non-Conforming Signs on Properties Subject to Master Signage Permits

(1) The non-conforming status of other signs on the same property or subject to the same Master Signage Permit shall not prevent individual tenants from making applications for individual sign permits in accordance with a valid Master Signage Permit.

(2) Alteration of Non-Conforming Signs. Where there is any change to a non-conforming sign, a permit must be obtained from the Design Review Committee and Code Officer. To gain approval the sign must be brought into full compliance with the provisions of the Master Signage Permit for the property on which it is located and all other applicable provisions of this Ordinance. Routine maintenance of non-complying signs may be done provided there is no change at all to the color, shape, size, lighting, materials, or any other design or physical feature of the sign.

(i) **Binding Effect.** An approved Master Signage Permit shall be binding upon and run with the land. No sign shall be erected, placed, painted or maintained except in conformance with such Permit, and such Permit may be enforced in the same way as any provision of this Ordinance. In case of any conflict between the provisions of such Permit and any other provisions of this Ordinance, the Ordinance shall control.

SECTION 9. Free-Standing Signs

Free-standing signs are permitted only in accordance with the following provisions.

(a) All free-standing signs and the premises surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds. Free-standing signs shall be so designed as to be self-supporting without the need for guy wires, cables, chains, lines, or other similar ancillary supports.

(b) **Number of Signs Per Lot.** The maximum number of free-standing signs on a lot shall be as follows:

(1) Except as provided in Section 23(e) hereof and below, there shall not be more than one free-standing sign for each separate lot, regardless of how many businesses or commercial entities are located on such lot.

(2) Lots on which the Development Review Board has granted approval for the development of the property with two (2) or more separate entrances to a public road shall be entitled to additional free-standing signs where:

(i) each entrance is separated from each other entrance by a distance in excess of three hundred (300) feet, as measured from center line to center line between the two entrances; and

(ii) the number of proposed free-standing signs for the property does not exceed the number of public road entrances that meet the standards set forth above; and

(iii) the proposed free-standing signs are located within twenty-five (25) feet of the approved entrances.

(c) Lots on which a community garden is operated and maintained as an accessory use to a principal permitted use may have one (1) additional free-standing sign of no more than twenty-four (24) square feet, so long as such sign clearly advertises the community garden project and does not constitute an additional sign for the principal permitted use. Such sign may be displayed from May 1 through November 30 and shall require a sign permit.

(d) **Sign Location.** No part of a free-standing sign shall be placed in such manner as to visually obstruct traffic.

(1) No part of a free-standing sign which is forty (40) square feet or less in size shall be laced closer than five (5) feet to any property line, subject to the following:

(i) Public sidewalk or recreation path exists in public right-of-way:

(A) Where the outer edge of the public right-of-way is less than five (5) feet from the outer edge of the public sidewalk or recreation path, no part of a free-standing sign shall be placed closer than five (5) feet from the outer edge of the public sidewalk or recreation path. In no case shall a free-standing sign be placed closer than one (1) foot from the public right-of-way. (see illustration 9-1)

(B) Where the outer edge of the public right-of-way is five (5) feet or more from the outer edge of the public sidewalk or recreation path, no part of a free-standing sign shall be placed closer than one (1) foot from the right-of-way. (see illustration 9-2)

(ii) No public sidewalk or recreation path exists in public right-of-way:

(A) Where the outer edge of the public right-of-way is less than eleven (11) feet from the outer edge of the traveled way, no part of a free-standing sign shall be placed closer than five (5) feet from the right-of-way. (see illustration 9-3)

(B) Where the outer edge of the public right-of-way is eleven (11) feet or more, but less than fifteen (15) feet from the outer edge of the traveled way, no part of a free-standing sign shall be placed closer than sixteen (16) feet from the outer edge of the traveled way. (see illustration 9-4)

(C) Where the outer edge of the public right-of-way is fifteen (15) feet or more from the outer edge of the traveled way, no part of a free-standing sign shall be placed closer than one (1) foot from the right-of-way. (see illustration 9-5)

(2) No part of a free-standing sign which is larger than forty (40) square feet in size shall be placed closer than twenty (20) feet to any property line.

(e) Area of a Free-standing Sign.

(1) The area of a free-standing sign shall be the total area within the outer edge of the sign, excluding the supporting structure, provided the total area of the supporting structure is within the limits set forth in subsection (e) below. Any area of a support structure that exceeds the limits set forth in subsection (e) below shall be counted as sign area (Illustrations 9-6 and 9-7).

(2) A free-standing sign which is located on a lot of less than 40,000 square feet shall not exceed thirty-two (32) square feet in sign area.

(3) Except as provided in this subsection, a free-standing sign which is located on a lot of 40,000 square feet or more shall not exceed forty (40) square feet in sign area. A free-standing sign on a lot of 40,000 square feet or more may be eligible for additional sign area in accordance with the following provisions.

(i) A lot which contains two hundred (200) or more feet of contiguous frontage on one public street and which contains 10,000 or more square feet of building area shall be eligible for additional sign area above the forty (40) square foot maximum established in (3) above. The amount of additional sign area shall be based on lot

frontage and/or building size as indicated in Table 9.1. In no case shall the maximum size of a free-standing sign area exceed eighty (80) square feet.

(ii) Approval of a sign under this section shall be subject to the requirement that the lot on which the sign is located together with the building(s) thereon shall continue to meet the standards on which approval was granted. At the time of any alteration of lot frontage or building size, the Code Officer shall re-determine the allowable sign area under regulations then in effect, and, if such regulations require a sign with reduced sign area, shall direct the property owner to install a sign meeting such reduced sign area requirement within three (3) months of such determination.

(4) The maximum height of a free-standing sign shall be fifteen (15) feet, measured from the average finished grade at the base of the sign to the highest portion of any part of the sign structure.

(5) For lots which contain lawfully more than one (1) free-standing sign as provided in subsection (b) above and which qualify for a free-standing sign larger than forty (40) square feet as provided in (3) above, no more than one (1) free-standing sign on the lot may exceed forty (40) square feet in size.

(6) No sign and/or support structure dimension shall exceed the other by more than five (5) times. In the Dorset Street/City Center Sign District, no dimension shall exceed the other by more than four (4) times.

(7) In all districts, the depth of the sign and support structure shall not be visually disproportionate to the other dimensions of the sign.

(8) Area calculations shall exclude planters, provided such planters are no more than three (3) feet tall, no more than two (2) times the width of the sign, have no advertising or logos attached, and are used for plants and landscaping. Any area of a planter that exceeds three (3) feet in height or two (2) times the width of the sign, and any planter that has advertising or logos attached, shall be counted as sign area.

(ef) **Free-standing Sign Support Structures.** The area of a sign support structure shall not be included in calculating the area of a free-standing sign, subject to the following limitations and provisions:

(1) Support structures shall not incorporate or include any attachments, lettering, logos, or graphics. Any support structure that includes attachments, lettering, logos, or graphics, shall be counted as part of sign area.

(2) No support structure and no part of any support structure shall be internally illuminated.

(3) For a free-standing sign with two (2) or more independent post supports, outside the width of the sign area, supports of up to one (1) foot wide each shall be exempt from calculation of the area of the support structure. If the sign and the support structure are less than six (6) feet in height at the highest point from the average finished grade, two supports up to two (2) feet wide each shall be exempt from calculation of the area of the support structure.

(4) Notwithstanding the provisions of (2) above, for a free-standing sign and/or support structure with a combined height of up to ten (10) feet at the highest point from the

average finished grade, the total area of the support structure may not exceed one hundred fifty percent (150%) of the area of the sign. If the support structure of such a sign extends more than one (1) foot past the edge of the sign, the total area of the support structure shall not exceed one hundred percent (100%) of the area of the sign (Illustration 9-8).

(5) Notwithstanding the provisions of (2) above, for a free-standing sign and/or support structure with a combined height of more than ten (10) feet at the highest point from the average finished grade, the total area of the support structure shall not exceed one hundred percent (100%) of the area of the sign, and shall not extend more than one (1) foot horizontally in each direction beyond the horizontal edges of the sign (Illustration 9-8).

DRAFT

Illustration 9-1: Location of a Free-Standing Sign, R.O.W Less Than 5 Feet From Sidewalk

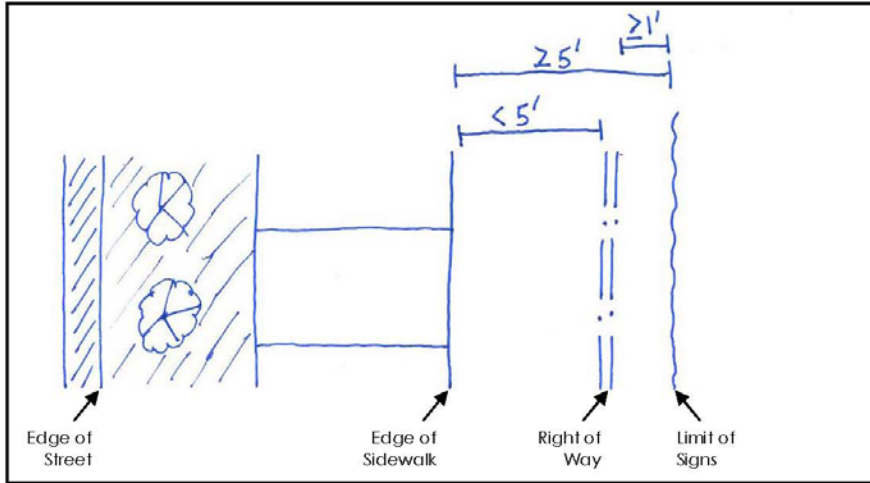


Illustration 9-2: Location of a Free-Standing Sign, R.O.W At Least 5 Feet From Sidewalk

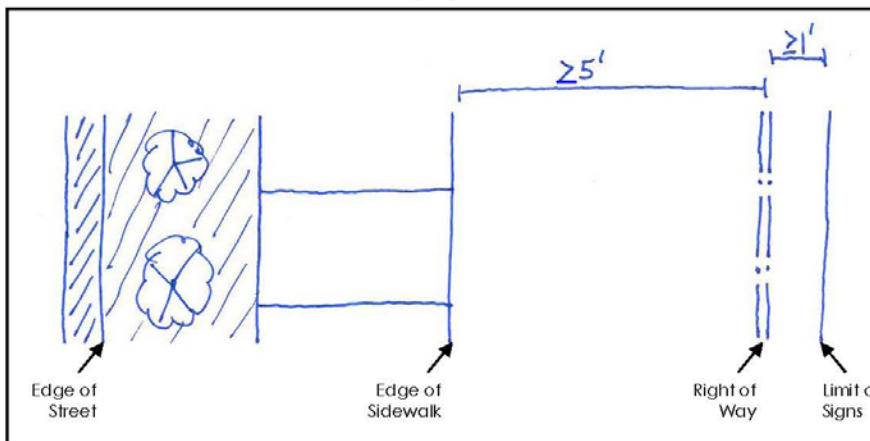


Illustration 9-3: Location of a Free-Standing Sign, No Sidewalk, R.O.W Less Than 11 Feet From Street

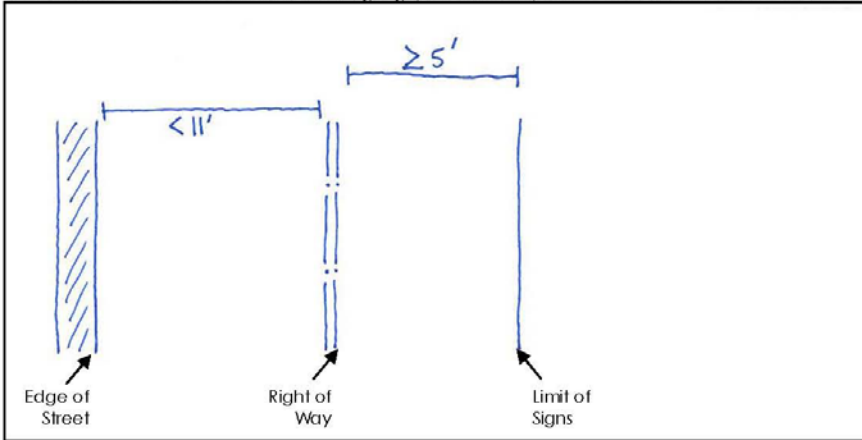


Illustration 9-4: Location of a Free-Standing Sign, No Sidewalk, R.O.W 11-15 Feet From Street

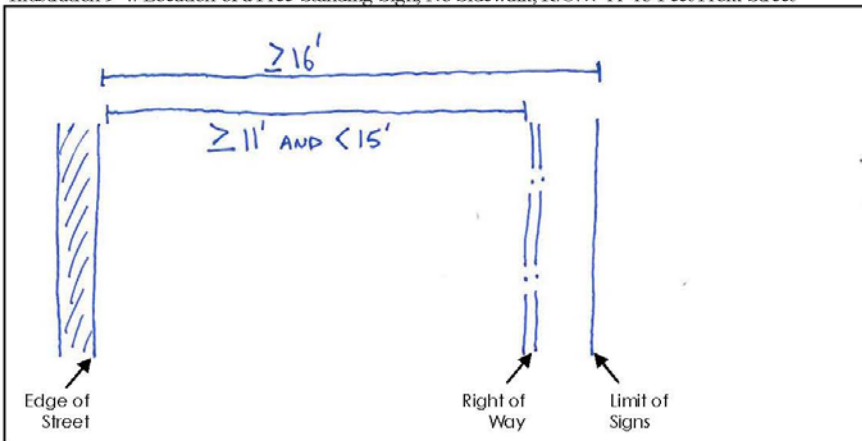
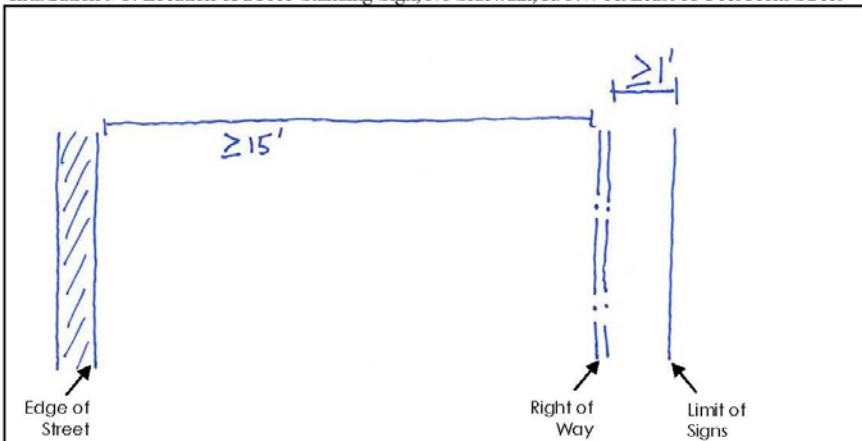


Illustration 9-5: Location of a Free-Standing Sign, No Sidewalk, R.O.W At Least 15 Feet From Street



(g) **Additional Standards.** All free-standing signs must meet the following additional standards:

(1) All free-standing signs are to be designed and constructed of suitable materials and erected and located in a manner which reinforces and respects the overall stated goals of this Ordinance.

(2) All free-standing signs shall have a base condition that is landscaped in an aesthetically pleasing or appropriate manner with hardy plant materials and/or elements that will remain attractive throughout the year, or finished in such a manner, whether in groundcover, lawn or hard surfaces so as to be appropriate and maintained for the entire year in an attractive manner. Such landscaping may be planted in the ground at the base, or may be in planters, provided the planters are fixed to the ground or sign.

Table 9.1 Free-Standing Signs – Additional Sign Area

	<u>Criterion</u>	<u>Additional Sign Area (In Square Feet)</u>
Frontage:	250' - < 300'	5
	300' - < 350'	10
	350' - < 400'	15
	400' - < 450'	20
	450' - < 500'	25
	500' - < 550'	30
	550' - < 600'	35
	600' and more	40
Building Size (square feet):	25,000 - < 50,000	10
	50,000 - < 75,000	20
	75,000 - < 100,000	30
	100,000 and more	40

* Example - A 43,000 square foot building on a lot with 325 feet of frontage would be entitled to a 60 square foot free-standing sign (40 square foot sign area allowance + 10 square foot frontage allowance + 10 square foot building size allowance = 60 square feet).

* Example - A 76,000 square foot building on a lot with 210 feet of frontage would be entitled to a 70 square foot free-standing sign (40 square foot sign area allowance + 0 square foot frontage allowance + 30 square foot building size allowance = 70 square feet).

(3) Signs or emblems indicating membership in national or regional organizations, including credit card signs, or informing the public that gifts, trading stamps, or similar promotional items are available on the premises, shall not be separately fastened to the outer edge or support structure of the principal sign. Such features shall be displayed against the principal sign face.

(4) Street names and numbers may be affixed to a free-standing sign or its support structure and shall be exempt from area calculations so long as the letters do not exceed three (3) inches in height and numbers do not exceed six (6) inches in height.

Illustration 9-6 Area of a Free-Standing Sign

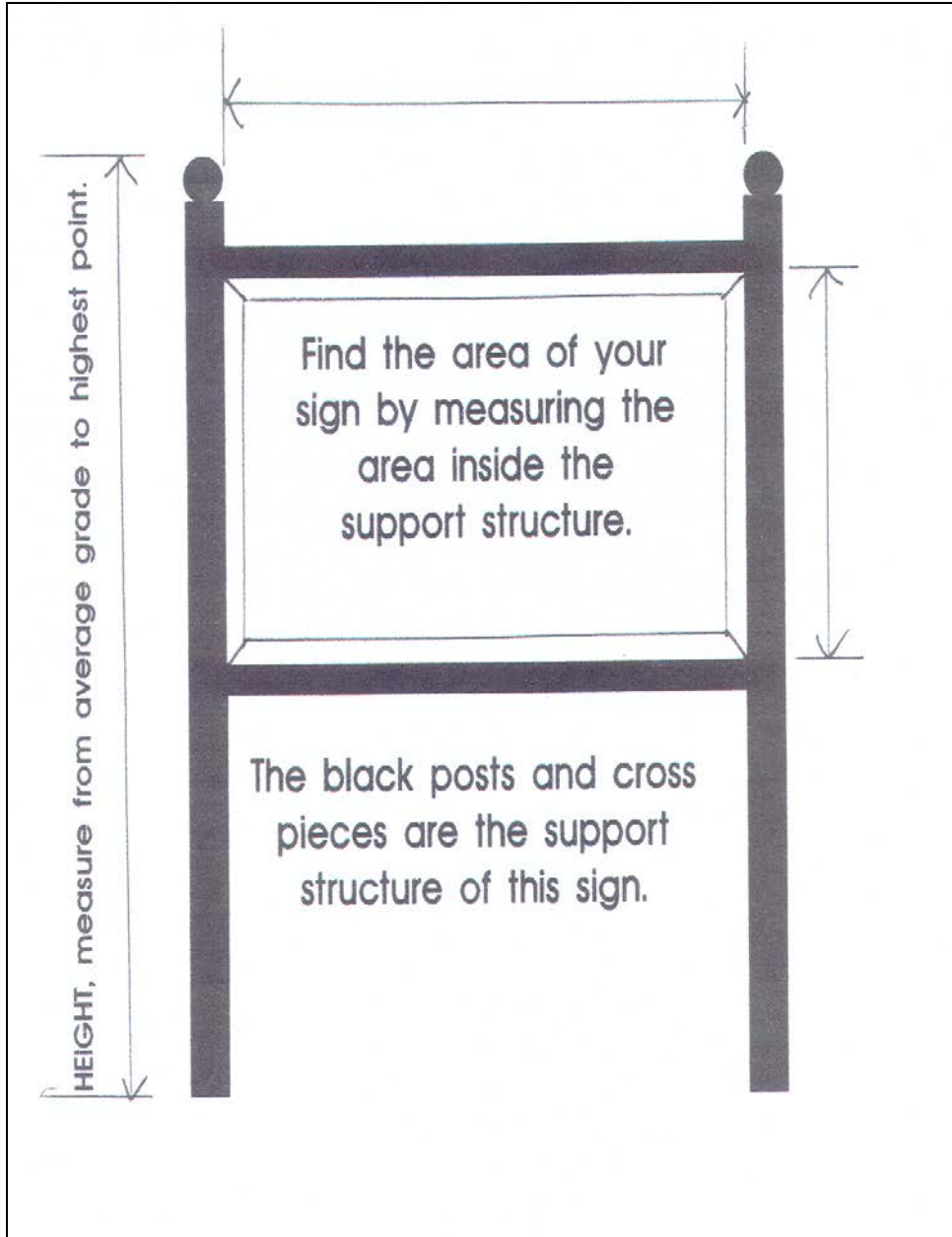


Illustration 9-7 Area of a Free-Standing Sign

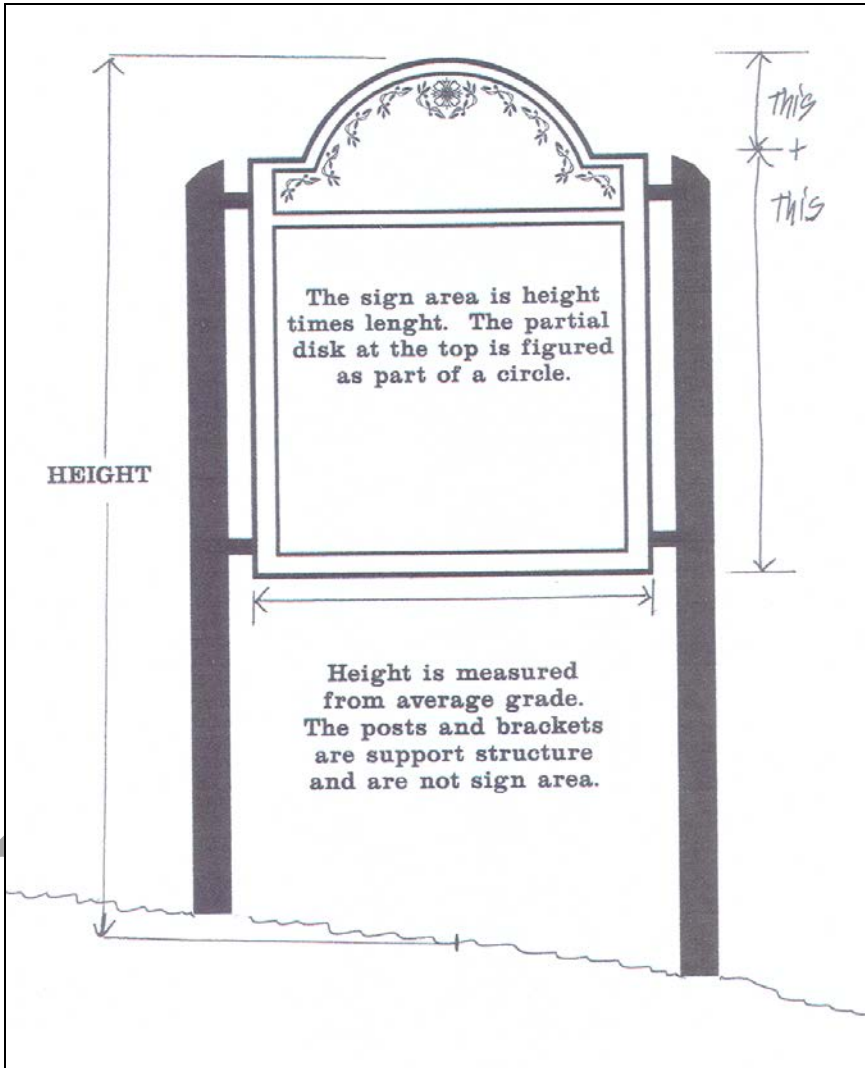
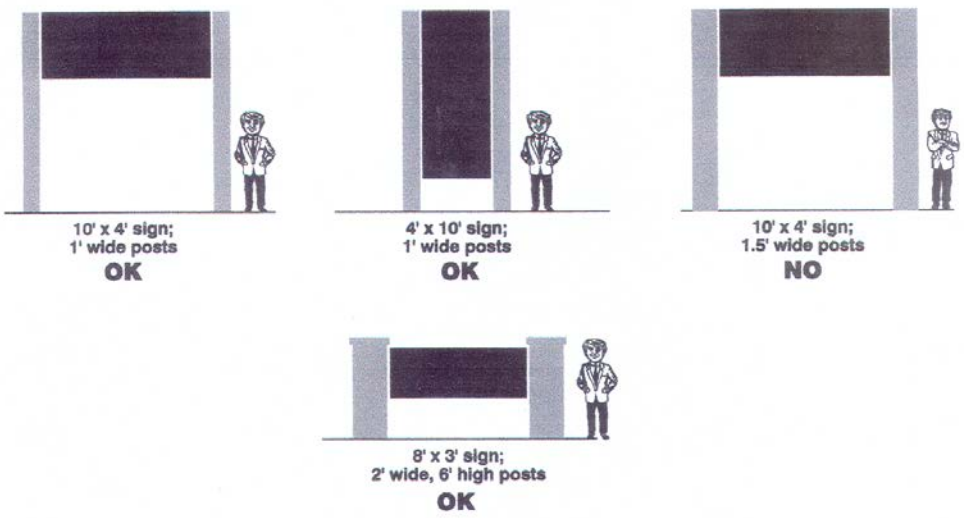
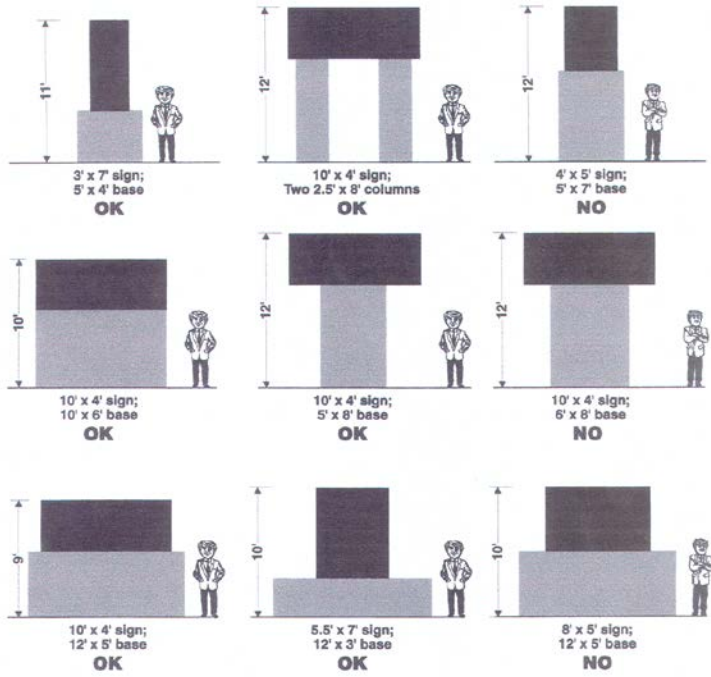


Illustration 9-8 Base and Sign Area Ratios



(5) Free-standing signs may not have changeable message areas unless required by the nature of the business or other approved land use itself, such as theaters, churches and other houses of worship, public and independent educational facilities accredited by the State of Vermont for elementary, secondary and higher education, motels and hotels, and establishments deriving a majority of their income as venues for the performing arts, and subject to the discretion and approval of the Code Officer. Any such changeable message area may not exceed eighty percent (80%) of the allowable sign area, and the dimensions and location thereof must be specified when an application for a sign permit is made.

(h) **Dorset Street/City Center Sign District.** Free-standing signs along Dorset Street are to be located in a sign corridor that begins adjacent to the road Right of Way and runs sixteen (16) feet from the edge of the Right of Way toward the building face. In those instances where dimensions do not provide for a two (2) foot setback from the Right of Way before a sign support post can be located, it is permitted to erect a centered single pole mounted sign of which the road side edge of the sign is directly outside the R.O.W. line. Free-standing signs in the Dorset Street/City Center District may not exceed thirty-two (32) square feet in overall dimensions and may be no higher than twelve (12) feet, measured from the average finished grade at the base of the sign to the highest point of any part of the sign structure. As of November 20, 2014, no new free-standing sign structures shall be permitted within the Dorset Street/City Center Sign District except within sixteen feet (16') of the Dorset Street, San Remo Drive, Williston Road or Kennedy Drive Rights-of-Way. Any existing free-standing sign lawfully in existence at the time of the adoption may be normally maintained, repaired, or replaced in accordance with the standards of this ordinance.

OR

Existing free-standing signs for buildings existing as of November 20, 2014 shall be allowed to continue indefinitely and may be repaired or replaced in the same location up to the size of the existing sign. No new free-standing signs shall be permitted for new buildings for which a zoning permit was issued prior to November 20, 2014. New buildings may re-use free-standing sign structures until November 20, 2021, however, any such sign shall be removed no later than November 20, 2021.

Comment [PC1]: NOTE: Two alternative options under consideration

(i) **Additional free-standing signs for permitted drive-through establishments.** Lots with an automobile service use or a permitted drive-through facility, including car washes, banks, and drive-through retail and restaurant establishments, may have one (1) free-standing menu board sign in addition to one (1) free-standing sign permitted in accordance with this Section. A menu board sign shall not exceed forty-eight (48) square feet in overall size, including cladding and support structure, and shall not exceed six (6) feet in height at any point. The text and graphics on the menu board shall not be legible from a public roadway. Landscaping or other suitable screening shall be used to screen the menu board generally from nearby public roadways, paths and sidewalks.

(j) **Multi-tenant buildings and multi-building complexes in the R7-NC zoning district.** Notwithstanding provisions to the contrary elsewhere in this ordinance, a multi-tenant building or multi-building structure under common management and ownership which is located wholly or partially within the R7-NC zoning district, and which has more than one approved curb cut onto a public roadway, may have one (1) free-standing sign of up to forty (40) square feet and one (1) additional free-standing sign per additional approved curb cut onto a public roadway, with any such additional signs not exceeding twenty (20) square feet in area and twelve (12) feet in height. The sign area of the free-standing signs may be designed and used in whole or in part as a directory for the tenants or services contained within the building or complex.

SECTION 10. Wall Signs

Wall signs shall be permitted only in accordance with the following provisions:

(a) **Number of wall signs.** The allowable number and area of wall signs shall be as set forth in Table 10-1 below.

(b) **Area of wall signs.**

(1) Except as otherwise provided in this Ordinance, the total area of all wall signs shall not exceed five percent (5%) of the area of the principal public façade of the building or one hundred (100) square feet, whichever is smaller.

(2) In no case shall any individual wall sign exceed fifteen percent (15%) of the area of the façade to which it is attached.

(c) In the Dorset Street/City Center Sign District, wall signs may not project above the roof or parapet of a building nor below the top of any first floor doorway unless permitted through the design review approval process.

(d) It shall be unlawful for any person to erect, alter, maintain or relocate any wall sign that covers, wholly or partially, any wall opening or to erect, alter, maintain or relocate any wall sign that projects beyond the ends or top of the wall to which it is attached. A wall opening is any opening exclusively provided for a window, door or removable panel.

(e) **Multi-tenant buildings and multi-building properties**

(1) Lots on which there is located commercial development consisting of two (2) or more distinct and separate businesses ("multi-tenant buildings" or "multi-building properties") shall be entitled to additional wall signs whose allowable area and number shall be in accordance with the formula set forth in Table 10-1.

(2) In a multi-tenant building, there shall be a maximum of two (2) wall signs per individual tenant. The maximum area of an individual wall sign shall be five percent (5%) of the individual tenant's storefront area, calculated as shown in Illustration 10-1, or one hundred (100) square feet, whichever is smaller.

(3) Owners of multi-tenant buildings and multi-building properties located outside of the Dorset Street/City Center Sign District shall have the option to obtain a Master Signage Permit from the Development Review Board, in accordance with Section 8 of this Ordinance. Once a Master Signage Permit is obtained, all changes to signage for that property shall be reviewed in accordance with the provisions of Section 8 of this Ordinance. Multi-tenant buildings for which there is a valid Master Signage Permit may increase the maximum allowable area of all wall signs and individual tenant signs as provided in Table 10-1. A property owner choosing this option ~~shall be responsible for~~ may allocate the allowable area of wall signs among individual tenants which varies from the maximum per tenant. Any such allocation shall be submitted as part of a Master Signage Permit application

(f) Areas of walls within which paint, lighting or other treatments are used to highlight or enclose an area of wall on which cutout letters or other signs are installed shall be deemed to be part of the wall sign for all intents and purposes of this Ordinance, and shall be subject to all applicable

provisions of this Ordinance.

(g) A wall sign shall not project from the wall in excess of nine (9) inches, except for raceway signs. A raceway sign may project up to fifteen (15) inches from the wall to which it is attached

(h) A lot containing two structures devoted to separate and unrelated uses in existence prior to February 6, 1995 shall be subject to the following provisions:

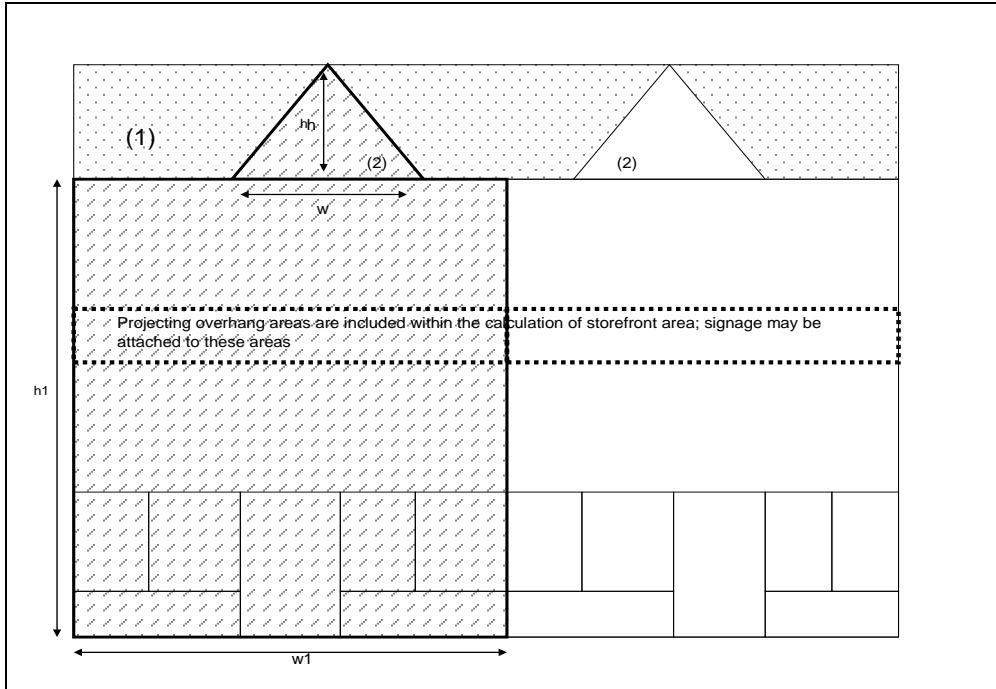
- 1) If the lot does not contain a free standing sign, each structure shall be entitled to wall signs in accordance with subsections (a) and (b) above.
- 2) If the lot contains a free standing sign which identifies the uses located in both structures, each structure shall be entitled to two wall signs as authorized by subsections (a) and (c) above.

Table 10-1 Area of Wall Signs

Type of building, signage and permit	Basis for total area of all wall signs	Maximum area of an individual wall sign Maximum percent of a building facade that can contain an individual sign	Additional regulations for multi-tenant buildings and multi-building lots
Single-tenant building with free-standing, perpendicular and/or landscape feature sign(s)	5% of principal public facade	15% of facade to which it is attached or 100 SF, whichever is smaller	Up to 2 <u>three (3)</u> wall signs per individual building
Single-tenant building, NO free-standing, perpendicular or landscape feature sign(s)	10% of principal public facade	15% of facade to which it is attached or 100 SF, whichever is smaller	Up to <u>three (3)</u> 2 wall signs per individual building.
Multi-tenant building or multi-building lot, no master signage permit, with free-standing, perpendicular sign or landscape feature sign(s)	No set limit; max. area determined by sum of allowable individual wall signs for each tenant	15% of facade to which sign is attached, 5% of individual tenant storefront area, or 100 SF, whichever is smaller	<ul style="list-style-type: none"> • Up to 2 wall signs per tenant • Signs may be attached to one or two building facades • See calculation of storefront area, Illustration 10-1
Multi-tenant building or multi-building lot, no	Total area per building based on	15% of facade to which sign is	<ul style="list-style-type: none"> • Up to 2 signs per tenant • Signs may be attached to one or

master signage permit, NO free-standing, <u>perpendicular</u>, or landscape feature sign(s)	individual tenant signage	attached, 5% of individual tenant storefront area, or 100 SF, whichever is smaller	two building facades <ul style="list-style-type: none"> • See calculation of storefront area, Illustration 10-1
Multi-tenant building or multi-building lot with a master signage permit in any district, including Dorset Street/City Center Sign District, with free-standing, <u>perpendicular</u>, or landscape feature sign(s)	10% of principal public façade of each building	15% of façade to which it is attached or 100 SF, whichever is smaller	<ul style="list-style-type: none"> • Up to three (3) <u>two</u> wall signs per tenant; • Signs may be attached to as many façades as have an actively used public entrance • Property owner must <u>may</u> divide up signage area among tenants
Multi-tenant building or multi-building lot with a master signage permit in any district, including Dorset Street/City Center Sign District, NO free-standing, <u>perpendicular</u>, or landscape feature sign(s)	15% of principal public façade of each building	15% of façade to which it is attached or 100 SF, whichever is smaller	<ul style="list-style-type: none"> • Up to three (3) <u>two</u> wall signs per tenant • Signs may be attached to as many facades as have an actively used public entrance • Property owner must <u>may</u> divide up signage area among tenants

Illustration 10-1: Example of the Calculation of Storefront Area.



- (1) Areas not perpendicular to the ground are NOT included in the storefront area.
 (2) Projecting areas perpendicular to the ground ARE included in the storefront area.
 (3) Storefront area (shaded) = $[(1/2)(w) \times (h)] + [(w1) \times (h1)]$

(4) If the lot contains a free standing sign that only identifies the use or uses located in one structure, the structure containing the use or uses identified on the free standing sign shall be entitled to free standing signs as authorized by subparagraphs (a) and (c) above, and the structure containing uses not identified on the free standing sign shall be entitled to no more than three (3) wall signs with a total area not exceeding ten percent (10%) of the area of the principal public façade of the structure. No wall sign shall exceed five percent (5%) of the total allowable sign area and no more than one (1) wall sign shall be placed on any one (1) façade of the structure.

SECTION 11. Directory and Entryway Signs

(a) **Directory and Entryway Signs Allowed.** In instances where it is desirable to list multiple stores or offices within one complex, or to identify a publicly-used entrance to a shopping center under single management, one (1) additional directory sign of no more than eight (8) square feet in total area may be attached to a wall or to the face of a free-standing sign, within the perimeter of the sign, in a suitable location to allow visitors, once within the property, to receive direction to a particular location.

(i) One (1) entryway sign identifying a shopping center may be affixed to the wall at each publicly-used entrance. These directory and entryway signs are not to compete with any advertising or informational signs designed to be visible from the traveled way.

(b) In multi-tenant buildings or multi-building structures under common management and ownership located wholly or partially within the R7-NC zoning district, and with more than one approved curb cut onto a public roadway, one (1) entryway sign may be affixed to the wall at each entrance identifying the offices or businesses accessible through the entry, or identifying the entryway as “staff only,” restricted, or such other directional guidance as is necessary for the appropriate function of the complex. Such signs shall not exceed three (3) square feet in size. In addition, one (1) free-standing directory sign of up to fifteen (15) square feet OR one (1) wall directory sign of up to twenty (20) square feet may be erected at each active publicly-used entryway. For any such wall signs, the provisions of Section 11(c) below shall apply.

(c) **Directory and Entryway Signs Attached to Walls.** The area of a directory or entryway sign affixed to a wall shall be included in the calculation of the total allowable area of wall signs for the building or property to which it is affixed, but shall not count against the total number of wall signs allowed for the building to which it is affixed.

(d) **Directory Signs Attached to Free-Standing Signs.** Directory signs attached to the face of a free-standing sign within the perimeter of the sign area shall not be counted as additional sign area.

SECTION 12. Incidental and Directional Signs

(a) Incidental Signs.

(1) Incidental signs may use a typestyle and/or color consistent with the signage of the business or tenant to which they are related, but shall not otherwise advertise or draw attention to the business or tenant.

(2) The use of logos or trademarks on incidental signs shall be prohibited.

(3) Incidental signs shall not exceed four (4) square feet each.

(4) Incidental signs attached to the facades of buildings are limited to one (1) sign per service bay or entry door indicating entry, exit, or other similar service or identification. Such incidental signs shall not count towards the maximum total number of wall signs allowable for the building to which they are attached, but shall count towards the maximum total area of wall signs allowable for the building to which they are attached.

(5) The number, placement and size of incidental signs shall not be, in the determination of the Code Officer, excessive. Such a determination shall include a consideration of factors such as, but not limited to, the nature of the business or operation involved, the volume of traffic to be directed, and the configuration of the buildings and improvements on the site.

(b) Directional Signs.

(1) Directional signs shall generally be exempt from the provisions of this Ordinance, in accordance with Section 23.

(2) Directional signs may include the name or logo of the business to which they are related. Applicants are encouraged to use a logo, typestyle and/or color consistent with the signage of the business or tenant to which they are related.

(3) Directional signs shall not be considered additional wall or free-standing signs.

(4) Directional signs shall be sufficient to direct traffic safely, and shall not, in the determination of the Code Officer, be excessive. Such a determination shall include a consideration of factors such as, but not limited to, the nature of the business or operation involved, the volume of traffic to be directed, and the configuration of the buildings and improvements on the site.

(5) Lettering on a directional sign shall not exceed six (6) inches in height.

(6) Number and size of directional signs:

(i) For properties of less than ten (10) acres in size, the number, and placement and size of directional signs shall not exceed one (1) per curb cut or driveway entrance to a property or a maximum of three (3), whichever is less. No such directional sign shall exceed three (3) square feet in area. No such directional sign shall be more than five (5) feet in height.

(ii) For properties ten (10) acres or more in size, the number of directional signs shall not exceed one (1) per two (2) acres of property area, to a maximum of eight (8) directional signs. Not more than one (1) directional sign shall be placed within twenty-five (25) feet of each curb-cut or driveway entrance. No directional sign shall exceed ten (10) square feet in size, and no more than half (rounded up) of the maximum allowable number of directional signs shall exceed three (3) square feet in size. No directional sign less than or equal to three (3) square feet in size shall be more than five (5) feet in height, and no directional sign larger than three (3) square feet in size shall be more than ten (10) feet in height.

(7) No directional sign shall be placed closer than five (5) feet from a property line. No directional sign that is greater than three (3) square feet in size shall be located closer than fifty (50) feet from a property line.

SECTION 13. Signs in Residential Areas

(a) **Non-residential uses in residential zoning districts.** There shall be no signs in a residential district (as so classified under the South Burlington Land Development Regulations as presently in force or hereafter adopted and amended from time to time), except that one (1) sign may be erected and maintained for a lot on which a valid non-residential use exists under South Burlington Land Development Regulations, provided that the sign does not exceed twenty (20) square feet, or thirty (30) square feet when located on a lot having frontage on Airport Drive, or forty (40) square feet when located on a lot of at least two (2) acres having frontage on Dorset Street or Hinesburg Road within the Southeast Quadrant Zoning District.

(b) Multi-tenant or multi-building complexes located partially within the R7-NC zoning district. For purposes of this Ordinance only and notwithstanding Section 13(a) above, multi-tenant buildings or multi-building structures under common management and ownership which are located wholly or partially within the R7-NC zoning district, and which have more than one approved curb cut onto a public roadway, shall be considered to be in a non-residential zoning district irrespective of the zoning of the portion of the property lying outside the R7-NC zoning district.

(c) Educational facilities in the Residential 4 and SEQ zoning districts. Notwithstanding Section 13(a) above, a public or private educational facility accredited by the State of Vermont to provide elementary or secondary education may erect and maintain one (1) freestanding sign of with a sign area of up to thirty-two (32) square feet, which may include a changeable message area consistent with the provisions of Section 9(g)(5) above.

(d) **Home Occupations.** Notwithstanding any provision herein to the contrary, a sign identifying a home occupation as defined by the South Burlington Land Development Regulations as presently in force or amended from time to time in a residential district shall not exceed two (2) square feet.

(e) **Bed and Breakfast Establishments.** Notwithstanding any provision herein to the contrary, a sign identifying a bed and breakfast as defined by the South Burlington Land Development Regulations as presently in force or amended from time to time in a residential district shall not exceed four (4) square feet when located on a lot fronting on a street or road having a maximum posted speed limit of 25 miles per hour or less, or eight (8) square feet when located on a lot fronting on a street or road where the maximum posted speed limit is in excess of 25 miles per hour.

(f) **Signs Identifying Residential Complexes.** Notwithstanding any provisions herein to the contrary, one (1) identification sign not exceeding twenty (20) square feet for purposes of identifying a single residential complex is permitted in a residential district.

(g) **Signs Identifying Dental or Medical Clinics.** Notwithstanding any provisions herein to the contrary, one (1) identification sign not exceeding twenty (20) square feet for purposes of identifying a dental or medical clinic is permitted in a residential district.

SECTION 14. Landscape Feature Signs

(a) In all districts in the City, a landscape feature sign may be utilized in place of a free-standing sign on any lot eligible for a free-standing sign. On lots eligible for multiple free-standing signs, multiple landscape feature signs may be allowed in accordance with the regulations for multiple free-standing signs.

(b) A landscape feature to which a sign is proposed to be attached must be approved by the ~~South Burlington Development Review Board (DRB) Code Officer~~ as part of its issuance of a permit for the lot on which the sign is proposed. Upon approval of the landscape feature, by the DRB of a landscape feature, the Code Officer may issue a sign permit for the use of the landscape feature as a sign in accordance with the dimensional and administrative requirements of this Ordinance.

(c) **Location.** No sign may be attached to a landscape feature that is closer than five (5) feet to any property line at any point. No sign larger than 40 square feet may be attached to a landscape feature that is closer than 20 feet to any property line at any point.

(d) A landscape feature sign shall consist of either individual cut-out letters and/or a cut-out logo, or an inset sign, either of which shall be permanently attached to or set into an approved landscape feature.

(e) The individual cut-out letters and/or logo, or the inset sign, shall not project above the top of the landscape feature at any point.

(f) The total area of the cut-out letters and/or logo, or the inset sign, may not exceed the maximum area of a free-standing sign (excluding any support structure) that would be allowable for the same lot.

~~(g)~~ No landscape feature to which a sign is attached may exceed six (6) feet in height from finished grade at any point, or four (4) feet in average height, from the finished grade at the base of the landscape feature.

~~(i) Any landscape feature to which a sign was attached as of November 1, 2014 may continue indefinitely and may be normally maintained and repaired. Any sign attached to such a sign may be repaired, altered, or replaced in conformance with the ordinance in effect at the time of the application for repair, alteration, or replacement. The Development Review Board may allow up to a maximum of seven (7) feet in height from finished grade and up to a maximum of five (5) feet in average height from the finished grade around the base of the landscape feature, upon a finding that the sign as proposed:~~

~~(g) _____
(h) _____ (1) Will not appear unduly bulky or massive from any public street, sidewalk, public land or traveled way;
(i) _____ (2) Will not present a hazard to traffic or pedestrian safety; and
(j)(h) _____ (3) Will be in keeping with the scale and character of other landscaping on the same and adjacent lots.~~

~~(k)(i)~~ A border area without any attached or inset signage must be maintained for a minimum of six (6) inches in all directions from the outside edge of the cut-out letters and/or logo or the inset placard sign. The border area shall be at least sixty percent (60%) of the total area of the landscape feature.

(i) The visual impact of maintenance panels should be minimized.

(j) Backlighting letters and/or cut out logos shall be permitted, provided the installation is consistent with Section of this Ordinance. Shielded exterior spotlighting shall be permitted, with the beam spread not to exceed the area of the cut out letters and/or logo or inset sign.

SECTION 15. Airport Signage

(a) **Airfield and Air National Guard Signage.** Except as provided in (3) below, all signage on the airfield of Burlington International Airport or property owned by the Vermont Air National Guard that is installed pursuant to Federal Aviation Administration (FAA) or United States Department of Defense (DOD) requirements, as applicable, shall be exempt from the provisions of this Ordinance.

(b) **Other Necessary Signage.** Except as provided in (3) below, all other signage on Burlington International Airport and Vermont Air National Guard property necessary to safe and efficient operation of the Airport or National Guard premises shall be determined by the Airport or Vermont Air National Guard pursuant to FAA or DOD recommended standards, as applicable, and shall be exempt from the provisions of this Ordinance.

(c) **Signs on Airport Property within 20' of Road Rights-of-Way.** Signs on Burlington International Airport property to be located within twenty feet (20') of the edge of the right-of-way of a public road adjacent to the Airport shall be subject to the provisions of this Ordinance and shall require a sign permit.

SECTION 16. Perpendicular Signs

Perpendicular signs will be permitted subject to the following conditions:

~~(a) — Where property dimensions create circumstances that do not allow for a free-standing sign, a perpendicular building-mounted sign or signs may be permitted.~~

~~(b) — Any perpendicular sign to be installed must be determined to be properly mounted on the building from which it is hung in a safe and appropriate fashion relative to the architecture of the building.~~

~~(c) — A perpendicular sign may not extend above the top of the building wall or parapet to which it is attached.~~

~~(d) — A perpendicular sign may extend no more than three (3) feet from the outside edge of the wall to which it is attached, and may have a vertical dimension of no more than ten (10) feet. The maximum area of the sign face of a perpendicular sign shall be thirty (30) square feet.~~

~~(e) — All signs of this type must be designed properly so as to be structurally correct and safe for pedestrians, traffic and other activities which occur in the vicinity.~~

~~(f) — Perpendicular signs are subject to the approval of the Code Officer who may seek the review of an architect, sign and/or engineering expert consultant to assist in his or her determination. All associated costs for this consultant review are to be borne by the applicant.~~

SECTION 16. Perpendicular Signs

Perpendicular signs are permitted within the Sign Design Overlay District subject to the following conditions:

(a) — Any perpendicular sign to be installed must be determined to be structurally sound and safe for pedestrians, traffic and other activities which occur in the vicinity. For any sign projecting in whole or in part over a public Right-of-Way, a certificate of insurance in the amount of ***** naming the City as an additional insured shall be provided to the Code Officer upon application and each subsequent year on or before July 1. Such certificate shall be valid at least until the following June 30.

(i) The City shall have the unconditional right to require removal, or to remove and require payment from the property owner, for any perpendicular sign projecting over a public right-of-way if at any time the certificate is not valid.

(b) — A perpendicular sign may not extend above the top of the building wall or parapet to which it is attached.

(c) — A perpendicular sign may extend no more than three (3) feet from the outside edge of the wall to which it is attached. Any sign proposed to extend more than three (3) feet shall be permitted only upon review and approval by the Development Review Board under the criteria of Section 6 of this Ordinance.

(d) — A perpendicular sign shall have its lowest point no less than eight (8) feet above the ground level.

(e) The maximum area of the sign face of a perpendicular sign shall be ten (10) square feet. Signs having two (2) parallel and attached faces shall be considered as one sign, and the area shall be computed for one side only.

(f) A perpendicular sign shall not be internally illuminated.

(g) There shall be a maximum of one (1) perpendicular sign per tenant, which shall be located on the tenant's storefront façade.

(h) Perpendicular signs are subject to the approval of the Code Officer who may seek the review of an architect, sign and/or engineering expert consultant to assist in his or her determination of compliance with this section. All associated costs for this consultant review are to be borne by the applicant.

SECTION 17. Real Estate and Construction Project Signs

(a) **Real estate signs.** Signs advertising to the public that the property on which the same sign is displayed is available for sale, rent or lease shall not require a sign permit, but shall not be illuminated and shall be subject to the limitations in this Section.

(1) In non-residential zoning districts, each lot shall be entitled to one (1) such free-standing sign not to exceed sixteen (16) square feet if located within twenty (20) feet of the edge of the right-of-way, or thirty-two (32) square feet if located more than twenty (20) feet from the edge of the right-of-way.

(2) In residential zoning districts, each lot shall be entitled to one (1) such free-standing sign not to exceed six (6) square feet.

(b) **Construction project signs.** Signs advertising that new construction, or an expansion, renovation or addition project (including painting, roofing, and siding) is taking place on the property on which the sign is displayed are subject to the provisions of this Section.

(1) In non-residential zoning districts and in residential zoning districts where a multi-lot development involving ten (10) or more lots is taking place, construction project signs shall be limited to one (1) sign per property or multi-lot development, not exceeding thirty-two (32) square feet in area and eight (8) feet in height and not illuminated. Such signs shall require a sign permit.

(2) Except as provided above, in residential zoning districts up to two (2) construction project signs may be displayed simultaneously on a lot. A single construction project sign shall not exceed six (6) square feet, or three (3) square feet each if two (2) such signs are displayed on a single lot. Such signs shall not require a sign permit.

(3) Construction project signs in all districts shall remain only until completion of the project. Such signs remaining on a lot after the project is completed shall be in violation of this Ordinance.

(4) Additional signs required to meet safety regulations for construction projects shall be exempt from the provisions of this Ordinance, and shall not require a sign permit.

(5) Except as specifically provided for residential zoning districts in (2) above, multiple construction project signs shall not be permitted and shall be subject to removal by the City.

(c) **Display of construction project and real estate signs on the same lot.** In all zoning districts, on lots of 80,000 square feet or less, there shall be no more than two (2) real estate and/or construction project signs displayed simultaneously. On lots in non-residential zoning districts exceeding 80,000 square feet, no more than three (3) real estate and/or construction project signs may be displayed simultaneously.

SECTION 18. Miscellaneous Types of Signs

(a) **Roof Signs** - It shall be unlawful for any person to erect, alter, relocate or maintain a roof sign as defined in this Ordinance. Provided, however, that a sign may be erected on a parapet wall if such parapet is an integral part of and architecturally consistent with the entire building and is not erected principally to receive and enhance the visibility of the sign. Any such sign shall not extend above said parapet wall.

(b) **Banners and Pennants** - It shall be unlawful for any person to erect, relocate, alter or maintain banners or pennants as defined in this Ordinance. However, properly displayed governmental flags shall be permitted, but not in excess of three different flags per lot. In addition, a business may display one flag, not exceeding six (6) square feet on which is depicted its name, emblem or logo, except in the Dorset Street/City Center Sign District where such is prohibited.

(c) **Projecting-Perpendicular Signs** - It shall be unlawful for any person to erect, alter, relocate or maintain any ~~projecting-perpendicular~~ sign as defined in this Ordinance, except as specifically allowed in Sections ~~10 and 16~~.

~~(c) **Inflatable or wind signs** - It shall be unlawful for any person to erect, alter, relocate or maintain any inflatable or wind sign as defined in this Ordinance.~~

(d) **Billboard Signs** - It shall be unlawful for any person to erect, alter, maintain or relocate any billboard sign as defined in this Ordinance, except as specifically allowed.

(e) **Animated Signs: Action Signs** - It shall be unlawful for any person to erect, maintain, alter or relocate any Animated Sign or Action Sign ~~except as specifically exempted within Section 23~~.

(f) **Limited Access Facility** - No sign may be erected if it is so located as to be primarily readable from a limited access facility as defined in Title 19 of the Vermont Statutes Annotated.

(g) **Temporary and Paper Signs** - Except as otherwise expressly provided in Section 19 herein, signs of paper, cardboard or similar material or signs which are temporary or non-permanent are hereby prohibited.

(h) **Window Signs** - Window signs including those which are temporary or permanent in nature are permitted provided the total sign area does not exceed twenty-five percent (25%) of the total window area to which the sign(s) is attached ~~or otherwise located so as to be readable primarily from the outside of the window~~.

(i) Where a window or windows constitute fifty percent (50%) or more of the area

of an individual building façade, the Code Officer shall have the authority to treat signs affixed to or otherwise located so as to be readable primarily from outside the window or windows as wall signs in keeping with Section 10 of this Ordinance.

(ii) A sign or signs painted on or affixed to or otherwise located so as to be readable primarily from outside the ~~the inside or outside of~~ windows shall be counted against the area of wall signs allowed for the building if the combined area of such a window sign or signs exceeds twenty-five percent (25%) of the window occupied.

(i) Raceway Signs – Raceway signs, including cans, the metal structure and/or the box frame, must be made so that the raceway enclosure blends with the exterior wall of the building to which it is attached. Raceway signs are subject to the provisions of Section 10 of this Ordinance (wall signs).

SECTION 19. Temporary Signs

1. City Center / Dorset Street Design District:

(a) Unless prohibited elsewhere in this Ordinance, a business establishment or other entity shall be allowed one (1) year-round, movable “a-frame” or “sandwich board” sign in accordance with the following conditions:

- a. Signs shall be no larger than four (4) feet in height and shall contain no more than twelve (12) square feet in area are permitted.
- b. Signs are only permitted for businesses with a dedicated ground story operable entrance.
- c. Signs shall be maintained within twenty (20) feet of a direct, first-floor operable entrance belonging to the business and shall be removed when the business is not open to the public.
- d. Signs shall obtain an annual permit valid for the remainder of the calendar year
- e. Signs shall contain a fixed message or shall be “chalkboards.” No “Reader Boards,” and no other signs with movable, changeable, or replaceable lettering are allowed.
- f. Sign messages may be altered thrgout the course of the permit, but shall not be an animated sign.

(b) Unless prohibited elsewhere in this Ordinance, an individual lot, as defined with the City’s Land Development Regulations, or in the case of a Planned Unit Development approved by the Development Review Board, all lots contained within the Planned Unit Development shall be allowed one (1) temporary sign in accordance with the following conditions:

- a. Any such application shall be signed by the property owner.

- b. No "Reader Boards" or similar such changeable wheeled signs are allowed.
- c. Temporary "A frame" or "sandwich board" signs up to eight (8) feet in height and containing no more than thirty-two (32) square feet in area, and banners up to thirty-two (32) square feet in area which are affixed for the purpose of advertising the opening of a new retail establishment or a special sales event on the lot where the signs are located, are permitted.
- d. Temporary signs shall be maintained for a maximum of fourteen (14) consecutive days once in every two (2) calendar month period, or seven (7) days once each calendar month.
- e. Temporary signs shall be maintained for a maximum of five (5) days in a calendar month provided the signs are displayed on the same day of the week for the entire month.
- f. Applicants for a temporary sign may choose either (c) or (d) above, but shall not change their permitted dates or messages within the duration of the permit.
- g. Establishments located on parcels of two (2) acres or more with a principal permitted business as a hotel and conference center shall be exempt from the limitations in Sections 19(c-e) above; however, no individual temporary sign may be maintained for a period in excess of fourteen (14) consecutive days every two (2) calendar month period, or seven (7) days once each calendar month. Temporary signs in excess of those permitted in Sections 19(c-e) above shall be limited to signs advertising specific temporary or limited-duration functions taking place on the property, and shall not be permitted for general advertising of the principal hotel or conference center function.
- h. Notwithstanding Section 19(b) above, temporary signs for non-residential uses in residential zoning districts shall be limited to a maximum of six (6) square feet in area; with the exception of temporary signs for places of worship in any zoning district and valid non-residential uses on lots of at least two (2) acres with frontage on Dorset Street or Hinesburg Road within the Southeast Quadrant Zoning District.

2. Outside of the City Center / Dorset Street Design District:

Unless prohibited elsewhere in this Ordinance, a business establishment or other entity shall be allowed one (1) temporary sign in accordance with the following conditions:

- (a)** No "Reader Boards" or similar such changeable wheeled signs are allowed.
- (b)** Temporary "A frame" or "sandwich board" signs up to eight (8) feet in height and containing no more than thirty-two (32) square feet in area, and banners up to thirty-two (32) square feet in area which are permanently affixed for the purpose of advertising the opening of a new retail establishment or a special sales event on the lot where the signs are located, are permitted.

(c) Temporary signs shall be maintained for a maximum of fourteen (14) consecutive days once in every two (2) calendar month period, or seven (7) days once each calendar month.

(d) Temporary signs shall be maintained for a maximum of five (5) days in a calendar month provided the signs are displayed on the same day of the week for the entire month.

(e) Applicants for a temporary sign may choose either (c) or (d) above, but shall not change their permit dates or message within the duration of the permit.

Establishments located on parcels of two (2) acres or more with a principal permitted business as a hotel and conference center shall be exempt from the limitations in Sections 19(c-e) above; however, no individual temporary sign may be maintained for a period in excess of fourteen (14) consecutive days every two (2) calendar month period, or seven (7) days once each calendar month. Temporary signs in excess of those permitted in Sections 19(c-e) above shall be limited to signs advertising specific temporary or limited-duration functions taking place on the property, and shall not be permitted for general advertising of the principal hotel or conference center function.

Notwithstanding Section 19(b) above, temporary signs for non-residential uses in residential zoning districts shall be limited to a maximum of six (6) square feet in area, with the exception of temporary signs for places of worship in any zoning district and valid non-residential uses on lots of at least two (2) acres with frontage on Dorset Street or Hinesburg Road within the Southeast Quadrant Zoning District.

SECTION 20. General Sign Requirements

The following requirements shall apply to all signs:

(a) No Signs within Public Road Rights-of-Way -- Except as specifically permitted in Section 16, No permanent or temporary sign, including but not limited to signs for real estate sales, product or service advertisement, and political advertisements, other than those required for governmental purposes, shall be located within a public road right-of-way.

(b) Maintenance - All signs and other advertising structures, together with all their supports, braces, guys and anchors, shall be of substantial and sturdy construction, 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.

(c) Wind Pressure and Dead Load Requirements - Any sign or advertising structure as defined in this Ordinance shall be designed and constructed to withstand wind pressures and receive dead loads as required by recognized engineering and construction practices in the City of South Burlington.

(d) Obstruction to Doors, Windows or Fire Escapes - No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign shall be attached to a stand pipe or fire escape.

(e) Signs Not to Constitute Traffic Hazards - In order to secure and maintain reasonable traffic safety, it shall be unlawful for any person to erect or maintain any sign containing reflective materials or any animated sign or action sign as defined in this Ordinance. No sign shall be erected or maintained in such a manner as to obstruction free and clear vision or so as to distract the attention of the driver of any vehicle by reason of the position, shape or color thereof. Pursuant to the foregoing, no sign shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device. Accordingly, no sign or other advertising structure shall make use of the words "Stop", "Go", "Look", "Slow", "Danger", or any other similar phrase, symbol, or character,

or apply any color in such a manner as to interfere with, mislead, or confuse traffic.

(f) Projecting Images - No person or establishment shall project light, logos or images into any area visible from a public sidewalk or right-of-way.

(g) Design Standards for All Signs - Signs shall be designed and constructed in such manner and of such materials as to be consistent with the following design standards unless the applicant can establish to the satisfaction of the Code Officer, that any standards which are not met are inapplicable, unnecessary, or would create an extraordinary and unreasonable hardship:

(1) No sign shall be located on a tree, or painted or drawn upon a rock, lawn, or the ground, excluding permitted landscape feature signs as provided herein.

(2) All signs, and the standards and posts supporting them, shall be of substantial and sturdy construction. Break-away standards and posts are permitted if of substantial and sturdy construction.

(3) Signs shall not dominate the lot on which they stand or the building to which they are attached, but shall be compatible with same.

(4) Signs shall contain a minimum amount of lettering which shall be clearly visible to the public without being distracting to motorists.

(h) No sign may be erected if it is so located as to be primarily readable from a limited access facility as defined in Title 19, V.S.A.

(i) No display of pornographic or lewd signs shall be permitted.

(j) No sign shall be affixed to a handrail or fence.

(k) No sign shall be attached to a water supply tank, and no sign shall be painted on a water supply tank except for governmental or operational identifications or notices, which are to be as minimal in size as practicable.

(l) No sign shall be attached to a utility cabinet other than identification or required operational signs installed by the owner of the cabinet. No advertising signs shall be installed on any cabinet.

(m) Off-premise signage shall not be permitted.

(n) The use of parked or stationary motor vehicles to display temporary signs, such as but not limited to stickers, banners, drapes, and placards, for advertising purposes, shall be prohibited. For purposes of this sub-section such temporary signs shall include but not be limited to those signs that would not remain affixed to the vehicle when the vehicle is moving, or that would constitute a hazard to safe operation of the vehicle, and other similar cases as determined by the Code Officer.

SECTION 21. Lighting

(a) Except as provided elsewhere in this Ordinance, indirect or interior lighting may be used to illuminate any sign provided that the source of light shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. Except in the Dorset Street/City

Center Sign District, fixtures should not be placed any nearer than five (5) feet to the property line.

(b) It shall be unlawful for any person to erect, alter, maintain or relocate any sign employing the use of luminescent lights as defined in this Ordinance, except where such luminescent elements are shielded from direct view by a separate translucent material.

(c) No sign of any kind shall be left illuminated after ten o'clock P.M. (10:00 PM) in any residential zoning district, and no sign of any kind shall be left illuminated after midnight in any non-residential zoning district unless the premises are open for business after midnight, in which case, no sign of any kind shall be left illuminated after the premises are closed for business. Notwithstanding the above, a wall sign may be left illuminated, if the Code Officer determines that it is necessary for the protection of the property from theft or vandalism, and such determination is made a part of the permit.

(d) String lighting shall not be allowed except for a non-permanent, seasonal or charitable business with permit by Code Officer.

(e) In the Dorset Street/City Center Sign District, internally illuminated signs shall utilize opaque backgrounds and translucent letters, logos and/or graphics, so as to insure that the lettering, logos and/or graphics are illuminated rather than the background. Translucent backgrounds utilizing dark colors may be used with white, clear or other light translucent letters, logos and/or graphics, provided the Design Review Committee determines that the effect will be consistent with the intent of this provision.

(f) The illumination of flags must conform to the provisions of the South Burlington Land Development Regulations regarding nighttime illumination of governmental flags. No other upward illumination of flags is permitted.

(g) The use of integrated neon, LED and fiber optic lighting to illuminate signs shall be permitted provided the light source is covered with a clear, translucent or opaque material so that the light source is diffused and no glare is reflected. Exposed neon lighting shall not be permitted.

(h) Except as provided in (g) above, fixtures shall not include bare bulbs, and fixtures shall not make bare bulbs or other direct light sources visible to persons viewing a sign.

SECTION 22. Regulations for Establishments Selling Gasoline

(a) **Wall signs.** For establishments selling gasoline, wall signs may be attached to the principal building and, if applicable, to a structural canopy. There shall be no more than two (2) wall signs on a principal building with the total area of all wall signs on the principal building not to exceed fifteen percent (15%) of the gross façade area of the principal building.

(b) **Structural canopies.** There shall be no more than four (4) advertising and/or brand identification signs attached to each structural canopy on each lot, with no more than one (1) such sign attached to each face of a structural canopy and no individual sign to exceed fifteen (15) square feet. Internal illumination of structural canopies shall be permitted and shall not constitute a sign.

(c) **Signs necessary to operations.** There shall be no limit on the total number of signs necessary for the operation of the establishment attached to a structural canopy and gasoline pumps, including such signs as "restrooms," "self service," or "air," provided no individual sign exceeds six (6) square feet. The foregoing notwithstanding, however, any such sign including the name and/or logo of the business to which it is attached, other than names or logos integral to a gasoline pump, shall count as a wall or structural canopy sign and shall be subject to the applicable provisions of this Section and

Ordinance.

(d) **Free-standing signs.** For establishments selling gasoline, there shall be no more than one free-standing sign per lot. If a price sign is included as part of the free-standing sign, such establishments may add up to twelve (12) square feet to the free-standing sign allowance otherwise applicable to the lot. Such price signs must be an integral part of the one (1) allowed free-standing sign. The permitted area of the base or support structure of the free-standing sign shall be based on the maximum area of the free-standing sign applicable to the lot, excluding the additional twelve (12) square foot allowance for signs that include a price sign.

(e) The total square footage of all signs on the lot, including point-of-purchase signs on gasoline pumps but excluding signs identified in section (c) above, shall not exceed one hundred (100) square feet.

(f) The outdoor display of products for sale shall be prohibited, with the exception of vehicle tires, ice and/or propane.

(g) Temporary signs outside the principal building shall be permitted as per Section 19 of this Ordinance.

SECTION 23. Exemptions

The provisions and regulations of this Ordinance shall not apply to official business directional signs and sign plazas as defined in and erected pursuant to Chapter 21 of Title 10, Vermont Statutes Annotated. The provisions and regulations of this Ordinance shall also not apply to the following signs, provided however, said signs shall be subject to the provisions of Sections 20, 21 and 25.

(a) Memorial signs or tablets, names of buildings and date of erection when cut into any stone or masonry surface or when constructed of bronze or other incombustible materials and not exceeding six (6) square feet in total area.

(b) One (1) residential "Name Place Sign" as defined in this Ordinance;

(c) Traffic signs and legal notices;

(d) Signs or billboards approved by the Code Officer that advertise the City of South Burlington, or any of its departments, or provide a community directory to the recreational and commercial facilities offered in the City; or advise the public of the location of facilities operated by the City, ~~or any of its departments,~~ or for events hosted by community groups specifically approved by the City Council-

(e) Directional Signs, consistent with the provisions of Section 12 above; provided however, that the Code Officer may order the removal of Directional Signs upon finding by him that some are unnecessary, not within the definition set out in Section 3, or are otherwise contrary to the provisions of this Ordinance;

(f) Bona fide Christmas and holiday decorations displayed during the period from November 15 through January 5;

(g) "Warning", "Danger", "No Trespassing", or similar signs, in size and quantity as reasonably required to accomplish their intended purpose;

- (h) Signs for charitable or political purposes displayed on a wall or window.
- (i) Signs attached to electronic scoreboards, provided the following are met:
- (1) The scoreboard upon which the sign is attached is located on City owned or leased land,
 - (2) The sign advertises a business or organization that made a monetary contribution towards the scoreboard in question,
 - (3) The sign includes the words "This scoreboard donated by" or similar words to that effect,
 - (4) The maximum size of the sign shall not exceed twenty-one (21) square feet,
 - (5) The area of the sign shall not exceed twenty-four percent (24%) of the area of the scoreboard and sign combined,
 - (6) The maximum height of the sign shall be ten (10) feet, measured from the average finished grade at the base of the scoreboard to the highest point of any part of the sign,
 - (7) The sign shall not be illuminated.
 - (8) The sign shall be covered by an attractive, fitted panel so that it is not visible during the months of November through March, and
 - (9) The sign shall require written approval from the City Manager, or his/her designee, prior to its erection or alteration.
- (j) One- or two-sided free-standing signs for post secondary educational institutions which are used to provide information regarding on-campus activities that are open to the public. Such signs must be approved by the City Manager or the manager's designee, may not exceed fifty (50) square feet per side, must be at least fifteen (15) feet from the pavement of any public road, must not be located within any public right-of-way, and may not exceed ten (10) feet in height. Such signs may include an ~~electronic message board~~ animated sign not exceeding ten (10) square feet on each side of the sign, which may only be used between the hours of 7:00 A.M. and midnight. Information may be displayed on the message board on an intermittent basis, provided each display is at least five (5) minutes in duration. Each institution shall be limited to one (1) sign.
- (k) Signs reasonably necessary for the operation and use of the Chittenden County Transportation Authority and other public transit services.
- (l) Purely decorative murals, as defined in this Ordinance, that in the judgment of the Code Officer do not have the intent or visual effect of increasing the area of a sign.
- (m) All wall and free-standing signs, including those attached to windows and doors, that are necessary to ensure compliance with the Americans with Disabilities Act, provided such signs do not interfere with public safety.
- (n) Sculptures that do not involve a representation of or reference to a business, service or

good shall not be construed to be signs and shall be exempt from the provisions of this Ordinance. Sculptures may be subject to the provisions of the South Burlington Land Development Regulations, as amended.

(o) Vermont and Federal government markers of historical sites or places of interest and Vermont state tourism signs, provided such signs do not interfere with public safety.

(p) One (1) help wanted sign of no more than four (4) square may be attached to permitted free-standing sign.

(q) Barber poles, in accordance with Vermont statutes.

~~(r) Wayfinding and interpretive signage. Sponsors of activities requiring bona fide interpretive signage or wayfinding signs, such as but not limited to signage for a natural area, natural resource demonstration project, educational initiative, or projects with a focus on historic, natural or cultural resources, may apply for a Master Signage Permit pursuant to Section 8 of this Ordinance. The Design Review Committee shall have the authority to determine the appropriate number, sizes, locations, designs and contents of such wayfinding or interpretive signs, but in no case shall the size of any single wayfinding or interpretive sign exceed twenty (20) square feet. The Design Review Committee shall have the authority to require supplemental plans or graphics, to require additional review by the Design Review Committee or Code Officer for changes or amendments to a Master Signage Permit, and to issuance of individual sign permits for certain signs approved within a Master Signage Permit.~~

(s) Signs designated as “historic” by the Vermont Division for Historic Preservation (or its successor) or the National Register of Historic Places. Alterations to such signs shall only be permitted if the entire sign becomes compliant with these regulations or if the proposed alterations are approved as remaining “historic” by the above-named bodies.

(t) Informational signs affixed to the principal face of a propane gas cage containing safety information, the manufacturer’s name, the manufacturer’s logo, and/or emergency contact information. Lettering, numbering, or logos shall not exceed three (3) inches in height.

~~(u)~~ One (1) restaurant menu not exceeding two (2) square feet in size per restaurant, affixed to a wall that adjacent to a door that leads directly into such restaurant. No lettering or numbers shall exceed one (1) inch in height. No such menus shall be internally illuminated. Any other lighting shall be downcast directly onto the menu.

~~(v)~~ Up to two (2) signs affixed to a vehicle fueling station (including gasoline, electric, or other vehicle fuel types) not exceeding fifty (50) square inches per sign.

~~(w)~~ One (1) flag per business with a direct ground floor entrance, affixed via a building-mounted flag pole, with the word “Open” and no other words or logos, measuring not more than fifteen (15) square feet. No such flag shall interfere with any part of a Public Right of Way.

SECTION 24. Non-Conforming Signs

(a) On or before JUNE 3, 2009, all non-conforming signs shall have been removed, lawfully replaced, or otherwise altered so as to comply with all applicable provisions of the South Burlington Sign Ordinance in effect as of that date.

(b) A “conforming sign” shall become a non-conforming sign on the effective date of an amendment of this ordinance that establishes a standard or requirement with which the sign does not conform. A conforming sign shall be:

(1) Any sign in existence on June 3, 2009, that on such date was in full compliance with all requirements of this ordinance as it was then constituted; or

(2) Any sign first constructed after June 3, 2009, in strict compliance with a permit issued under this ordinance; or

(3) Any sign altered or relocated after June 3, 2009, in strict compliance with a permit issued under this ordinance.

(c) Within five (5) years of the date a sign becomes non-conforming, it shall be removed or, following issuance of a permit, be altered or relocated to comply with this ordinance.

SECTION 25. Unsafe and Unlawful Signs

If the Code Officer shall find that any sign is unsafe or insecure, or is a menace to the public, ~~or has been constructed, erected or is being maintained in violation of the provisions of this Ordinance,~~ he shall immediately give written notice to the owner thereof and shall have said written notice served by certified mail with return receipt requested. If the owner ~~failed~~ to remove or alter the structure, ~~so as to comply with the standards herein set forth,~~ at the discretion of the Code Officer after receipt of such notices, said sign or structure may be removed by the Code Officer at the expense of the owner of the sign and owner of the property upon which it is located, such expense of removal to be the joint and several liability of all such owners. The Code Officer may cause any sign which is an immediate peril to person or property, to be removed summarily and without notice.

SECTION 26. Removal of Certain Signs

Any sign now or hereafter existing which no longer identifies a bona fide use conducted, or a property sold, on the lot on which it is located, or which is not maintained in a safe and appropriate condition, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found on the lot on which it is located within ten (10) days after written notification from the Code Officer, and upon failure to comply with such notice within the time specified in such order, the Code Officer is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached or is located.

SECTION 27. Revocation of Permits

The Code Officer is hereby authorized and empowered to revoke any permit issued by him upon failure of the permittee to comply with any provisions of this Ordinance.

SECTION 28. Renewal of Permits

Upon the expiration of any permits under this Ordinance, the sign for which the permit was issued shall be removed immediately unless the holder thereof applies for a renewal permit upon payment of the fee set out at Section 5 hereof and upon the filing of a renewal application on forms furnished by the Code

Officer. Such forms shall include such questions as are reasonably required to enable the Code Officer to decide whether the renewal permit should be issued. The Code Officer shall act within the number of days, and in the manner set out at Section 7. Provided, further, that no permit shall be issued to any applicant if the sign or sign owner is not in compliance with the provisions of this Ordinance, as then amended, except as provided for Master Signage Permits in Section 8.

SECTION 29. Appeals

Any person aggrieved by any action of the Code Officer or Design Review Committee may appeal such action, or refusal to act, to the South Burlington Development Review Board. Such appeal shall be lodged with the City Clerk within fifteen (15) days of the Code Officer's or Design Review Committee's action or refusal to act, and shall be accompanied by an appeal fee in accordance with the schedule provided under Section 5 of this Ordinance. The fee for such appeal shall be the same as for appeals of actions of the Administrative Officer to the Development Review Board pursuant to the South Burlington Land Development Regulations. The hearing shall be held at the time and place set by the Chairman of the Development Review Board but no sooner than seven (7) days, nor later than twenty (20) days, after public notice of such hearing has appeared in a newspaper having general circulation in the City. The Development Review Board may make such order or take such action, including the issuance of a permit or the revocation of same as is consistent with this Ordinance. Provided, however, in deciding such appeals, the Development Review Board may not grant variances, exemption, extra-ordinary relief or otherwise alter, amend, enlarge or modify the provisions of the Ordinance, it being the intent of this section to merely provide for appeals from the decisions of the Code Officer or Design Review Committee, and not to provide for variances or exceptions hereto. The Development Review Board may adopt rules governing the conduct of such hearings, and if such rules are adopted it shall cause a copy thereof to be furnished to each applicant at the time that the appeal is taken.

SECTION 30. Enforcement and Penalties

(a) Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. The Administrative Officer or Assistant Administrative Officer of the City of South Burlington shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Judicial Bureau a municipal complaint. The Administrative Officer or Assistant Administrative Officer shall issue a written warning for a violation of this Ordinance before issuing a municipal complaint for a first offense of this Ordinance in any calendar year.

(b) Waiver Fee An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pay the waiver fee:

First offense -	\$25 <u>\$50</u>
Second offense -	\$50 <u>\$75</u>
Third offense -	\$75 <u>\$100</u>
Fourth offense -	\$100 <u>\$125</u>
Fifth offense -	\$125 <u>\$150</u>
Sixth offense -	\$150 <u>\$175</u>
Seventh offense -	\$175 <u>\$200</u>
Eight offense -	\$200 <u>\$250</u>
Ninth offense -	\$275 <u>\$350</u>
Tenth offense -	\$350 <u>\$450</u>
<u>Each subsequent offence</u>	<u>\$550</u>

Offenses shall be counted on a calendar year basis.

(c) Civil Penalties. An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First offense -	\$50	\$100
Second offense -	\$100	\$150
Third offense -	\$150	\$200
Fourth offense -	\$200	\$250
Fifth offense -	\$250	\$300
Sixth offense -	\$300	\$350
Seventh offense -	\$350	\$400
Eight offense -	\$400	\$500
Ninth offense -	\$450	\$600
Tenth offense -	\$500	\$700
<u>Each subsequent offense -</u>	<u>\$800</u>	

Offenses shall be counted on a calendar year basis.

(d) Other Relief. In addition to the enforcement procedures available before the Judicial Bureau, the City Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, to request revocation of a license by the City Council or to pursue any other remedy authorized by law.

SECTION 31. Conformity with State Law

Anything herein to the contrary notwithstanding, this Ordinance shall in no way be construed to permit the erection or maintenance of any sign contrary to the laws of Vermont, now in existence or hereafter enacted.

SECTION 32. Severability

Any part or provision of this Ordinance shall be considered severable and, if any provision of this Ordinance or the application thereto to any person or circumstance is held invalid, such invalidity shall not effect other provisions or applications of the Ordinance which can be given effect without the invalid provisions of application, and to this end the provisions of this Ordinance are declared severable.

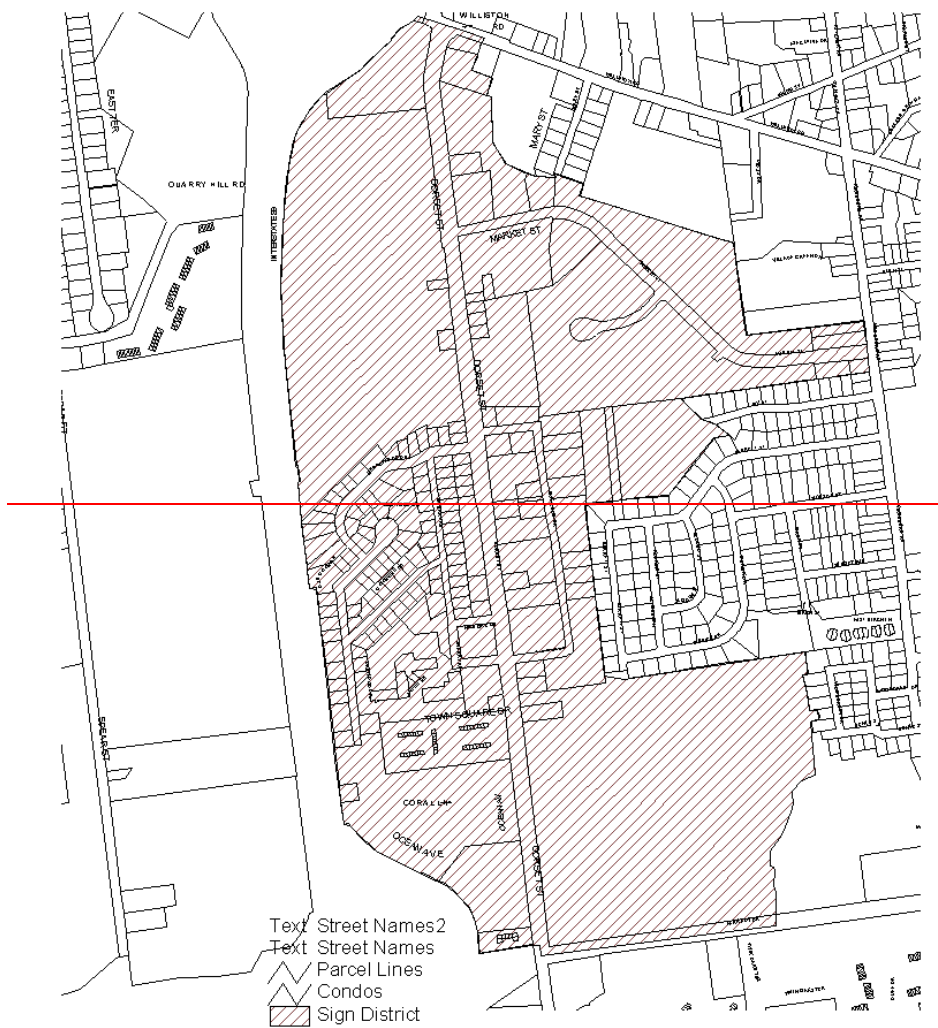
SECTION 33. Repeal of Zoning Provisions

Adoption of this Ordinance shall be deemed to repeal such portions of the South Burlington Zoning Ordinance adopted June 25, 1973 and any amendments thereto, which are inconsistent with the provisions of this Ordinance.

SECTION 34. Effect. This Ordinance shall take effect from the date of its passage.

APPENDIX A

Dorset Street/City Center Sign District Map
Created: 7/22/99



APPENDIX B

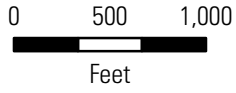
Dorset Street/City Center Sign District

Description of District Boundaries

The westerly boundary of the District follows the Interstate Highway Right of Way from Williston Road to Kennedy Drive in the south. Kennedy Drive forms the southern boundary of the District and Williston Road forms the northerly boundary. At Kennedy Drive, the District boundary follows the School Department Boundary in a northeasterly direction along the stream bed and then northerly parallel to Woodcrest Drive and 100 feet back from the roadway R.O.W. The boundary follows the School Department Boundary in a westerly direction for a total of 1336 feet. The boundary then heads in a northerly direction, and parallel to Barrett Street for 1130 feet at which point it turns easterly and follows the Barrett Street alignment and coinciding with the property lines which are between 110 and 120 feet from the Barrett Street R.O.W. and coinciding with the property line delineating lands owned by the City of South Burlington. The District boundary follows this property line as it heads in an irregular fashion to the northwest to its intersection with the property line of lands owned by South Burlington Realty. At this point the line then heads in an easterly direction for 1245 feet to the Hinesburg Road R.O.W. The District then follows Hinesburg Road northerly for 181 feet at which point the boundary then follows the property for the South Burlington Realty parcel as it abuts the Central School Property. The District Boundary then heads north along the Central School Property for 84 feet and west 200 feet to the end of Mary Street. The District Boundary then proceeds westerly coinciding with the north property line of the properties located at 2 and 6 Market Street. The District Boundary then heads northerly to Williston Road along the eastern property lines of properties located at 8 and 100 Dorset Street and 1055 Williston Road.

City of South Burlington

City Center Sign Design District



-  Existing Sign Design District
-  Proposed Addition to Sign Design District

