

**Sign Ordinance Amendment Worksheet**

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<b>Sign Ordinance Amendment Worksheet</b>	<b>Draft 02/05/2021</b>
<b>Ordinance</b>	<b>Notes</b>
<p>Chapter 405. Zoning Article IX. Specific Development Regulations Section B. Signs.</p>	
<p><u>1. Findings, Purpose and Intent, and Interpretation. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this section is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the preservation of the character of the various neighborhoods, the creation of an attractive and harmonious community, and protection against interference with the historic character of designated areas, including the downtown district. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This ordinance section shall not be interpreted in a manner inconsistent with the United States Constitution First Amendment guarantee of free speech. If any provision of this section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this section that can be given effect without the invalid provision.</u></p>	
<p><del>1</del>2. Definitions. Unless otherwise expressly stated in this Ordinance, the following definitions shall apply to this section:</p> <p>a) Announcement or Bulletin Board — Signs containing written or printed notices for public, fraternal, charitable, civic or religious institutions that contain no commercial advertising.</p> <p>b) Billboard — An outdoor sign advertising products or services not made, sold, used or served on the premises on which the sign is located.</p> <p>c) Erect — To build, construct, attach, hang, place, suspend or affix a sign, or to paint a wall sign or to do anything else which causes a sign to be visible to the general public.</p> <p>d) Frontage - Building — The length of a building, at ground level, that faces a public street or parking area.</p> <p>e) Frontage - Street — The distance, measured along a straight line connecting the point of intersection of the side lot lines with a public street.</p> <p>f) Sign — Any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Excluded from this definition are the actual products or merchandise being marketed, and pavement markings or driveway directional arrows painted on the ground that contain no advertising.</p> <p>g) Sign Area — The area of a sign is the total area within a line circumscribing all surfaces or structures used or employed or designated for use as a sign or for sign purposes including spaces between or within letters and/or pictorial matter, slates and panels.</p> <p>(1) Spaces between major supports or frames required for clearance between sign and ground shall be excluded. Frames and structural members that do not meet the definition of a sign shall not be included in the computation of sign area.</p> <p>(2) All visible faces of a multi-faced sign shall be counted separately and then totaled in calculating sign area, except that on dual-faced signs where the two (2) faces are parallel and opposite, only one (1) side shall be counted. Three (3) dimensional signs shall be treated as dual-faced and the total area shall be two (2) times the area of the line circumscribing all surfaces or structures used or employed or designated in the plane of the largest dimension.</p>	

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<p>h) Sign, Freestanding — A sign supported by a pole, uprights, braces or frame or similar device on the ground and not supported by any walls, building or similar structure.</p> <p>i) Sign Height — The height of a sign shall be the vertical distance measured from the ground at the base of the sign to the highest point of any portion of the sign or supporting structure.</p> <p>j) Sign, Illuminated — A sign illuminated with an artificial light directed from an exterior source or illuminated from within as an integral part of the construction of the sign, including neon signs.</p> <p>k) Sign, Off-Site Directional — Any sign giving directions to the location of any use or activity not located upon the property upon which the sign is erected, and which may contain only the name of the use and necessary information giving directions to the use; provided however that no advertising shall be contained in such sign.</p> <p>l) Sign, Portable — Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; satellite dishes which display advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.</p> <p>m) Sign, Projecting — A sign erected so as to project approximately perpendicular from the exterior of any building or wall.</p> <p>n) Sign, Roof Mounted — A sign placed upon the roof of any building or portion thereof, or erected on a vertical framework supported by the roof of a building.</p> <p>o) Sign, Wall-Mounted — A sign erected against, painted on or attached to the wall of any building or structure (except a freestanding sign support) including by illustration and not limitation, signs affixed to fences, screens and freestanding walls.</p> <p>p) Sight Distance Triangle — The land adjoining a street intersection that is kept clear of obstructions between three (3') and seven feet (7') above the ground to protect the visibility and safety of motorists and pedestrians. The protected sight distance area is the triangle with legs that are the intersecting flowlines of two (2) streets at an intersection. The legs shall extend thirty-five feet (35') away from the intersection of the flowlines.</p>	
<p><del>23</del>. Building permit required/safety and materials.</p> <p>a) Except as provided herein, no sign shall be erected, installed, displayed, kept, modified, repaired, placed or replaced unless a building permit is issued therefor.</p> <p>b) No provision of this Ordinance shall be construed to prohibit the painting, repainting, varnishing, etc. of a lawfully existing sign. <del>No provision of this Ordinance shall be construed to prevent the building inspector from issuing a permit for the repair, replacement or resurfacing of any preexisting, nonconforming sign, lawfully existing on the 23rd day of October, 1989,</del> provided that there is no change in the height, location, or shape of said sign or increase in sign area (unless the change in the shape of the sign is due to a decrease in sign area, in which case change in the shape of said sign is permissible).</p> <p>c) The Building Inspector may require the following information to be submitted along with the application for a building permit:</p> <p style="padding-left: 40px;">(1) Name, address and telephone number of the applicant.</p> <p style="padding-left: 40px;">(2) A drawing of the proposed sign, giving dimensions, colors, materials and details about the proposed lighting.</p>	

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<p>(3) A drawing of the building or lot showing where the proposed sign is to be located in relation to the building, property lines and streets, including heights.</p> <p>(4) A drawing of the plans and specifications and details of the method of construction and attachment to the building or in the ground.</p> <p>(5) Any electrical permit required and issued for said sign.</p> <p>(6) Written consent of the owner of the building, structure or land to which or on which the sign is to be erected.</p> <p>d) Every sign and all parts thereof, including without limitation, the framework, supports, background wiring systems and anchors shall be constructed and maintained in compliance with all applicable building, electrical and fire prevention codes. All signs and parts thereof shall be kept in good repair.</p>	
<p><del>34</del>. Permitted signs in any zoning district. The following signs are permitted in any Zoning District. No sign shall be higher or wider than four feet (4') exclusive of framework:</p> <p>a) One (1) sign, no greater than one and one-half square feet (1 1/2 ft.<sup>2</sup>) in area displaying the name and address of the occupant and/or identifying a permitted or accessory use.</p> <p>b) <u>One (1)</u> Announcement or bulletin boards provided they are erected for a period not to exceed two (2) weeks in conjunction with advertisement of an upcoming event. No more than two (2) such signs shall be permitted for any event and the total combined sign area for all signs for any one event shall not exceed thirty-two square feet (32 ft.<sup>2</sup>).</p> <p>c) <u>One (1)</u> Temporary "For Sale" or "For Rent" signs no greater than six square feet (6 ft.<sup>2</sup>) in area in a residential zone and no greater than twelve square feet (12 ft.<sup>2</sup>) in area in any other zone that advertises the sale, lease, rental, etc. of real property upon which the sign is located. These signs shall not be illuminated.</p> <p>d) Traffic signs or signs erected by a public or municipal agency in discharge of its governmental functions.</p> <p>e) Instructional or directional signs, identifying on-premise traffic, parking or other functional activity, such as lavatory facilities, telephone, sections of a building, entrances, offices, etc. bearing no commercial advertising. Each sign shall not exceed two square feet (2 ft.<sup>2</sup>) in area.</p> <p>f) <u>One (1)</u> Accessory signs incidental to a business or a profession conducted on the premises indicating hours of operation, credit cards, business affiliations, and the like, provided the total area does not exceed two square feet (2 ft.<sup>2</sup>); and accessory signs such as no trespassing, or other such signs regulating the use of the property upon which it is located, of no more than two square feet (2 ft.<sup>2</sup>) in area per sign.</p> <p>g) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance.</p>	
<p><del>4</del> <u>5</u>. Signs <del>permitted</del> in Residential and Open Space <u>Zoning</u> Districts.</p> <p>a) The following signs are permitted in Residential and Open Space <u>Zoning</u> Districts:</p> <p>(1) All signs permitted under Paragraph <del>34</del> above.</p>	

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<p>(2) One (1) sign, no greater than twelve square feet (12 ft.<sup>2</sup>) in area, identifying a legally maintained nonconforming use. The location of such signs shall comply with the side yard setback provisions of the Land Space Requirements Table in Article III. for the zoning district in which it is located. Such sign shall be placed no closer than ten feet (10') from the front lot line and shall not project above the height of any principal building. The overall height of a freestanding sign in these districts shall not exceed ten feet (10').</p> <p>(3) One (1) sign, no greater than twelve square feet (12 ft.<sup>2</sup>) in area, identifying a use permitted by special use permit or use granted by variance proceeding. The location of such signs shall comply with the side yard setback provisions of the Land Space Requirements Table in Article III. for the zoning district in which it is located. <i>[Amended 8-15-1994[1]]</i> [1] <i>Note: Change ARTICLE IX, Specific Development Regulations Section B.4.5.a)(3) and Section B.67., the wording, from "special exception" to "special use permit" or any place it may appear.</i></p> <p>(4) Permanent signs at major entrances to residential developments or open space entrances designed only to identify such developments or spaces and do not exceed twelve square feet (12 ft.<sup>2</sup>) in area.</p> <p>b) Signs in these districts shall be lighted only by continuous, external white light.</p>	
<p><del>56.</del> Signs <b>permitted</b> in Commercial, Industrial and Waterfront <u>Zoning</u> Districts. The following signs are permitted in Commercial, Industrial and Waterfront <u>Zoning</u> Districts:</p> <p>a) On lots having one (1) establishment: On any lot upon which is located only one (1) establishment, the following signs shall be permitted:</p> <p>(1) One (1) freestanding sign, not to exceed fifteen feet (15') in overall height including the space clearance between the ground and the sign. The maximum area of said signs shall be equal to or less than one square foot (1 ft.<sup>2</sup>) of sign area for each five lineal feet (5') of street frontage of said lot, not to exceed thirty-two square feet (32 ft.<sup>2</sup>). In instances where a lot fronts on more than one (1) street, only the frontage on one (1) street may be used for calculating sign area. That frontage shall be the frontage upon which the signs are located.</p> <p>(2) One (1) wall mounted sign, one (1) roof-mounted sign or one (1) projecting sign. The maximum area of a wall-mounted sign shall be equal to or less than one square foot (1 ft.<sup>2</sup>) for each two lineal feet (2') of building frontage on which the signs are attached, not to exceed fifty square feet (50 ft.<sup>2</sup>), provided that the sign shall not extend beyond the top or side of the wall to which it is attached. The maximum area of a roof-mounted or projecting sign shall not exceed twelve square feet (12 ft.<sup>2</sup>). The base of all projecting signs shall be no less than eight feet (8') above the ground. Projecting signs shall not project more than four feet (4') from the exterior wall of the building. Roof mounted signs shall not extend above the peak of the roofline of the roof upon which it is mounted or be attached in any way which would increase the overall height of the structure on which is located.</p> <p>b) On lots having multiple establishments: On any lot upon which is located more than one (1) establishment the following signs shall be permitted:</p> <p>(1) One (1) freestanding sign per lot not to exceed fifteen feet (15') in overall height including the space clearance between the ground and the sign. The maximum area of said sign shall be equal to or less than one square foot (1 ft.<sup>2</sup>) of sign area for each five lineal feet (5') of street frontage of said lot, not to exceed thirty-two square feet (32 ft.<sup>2</sup>). In instances where a lot fronts on more than one (1) street, only the frontage on one (1) street may be used for calculating sign area. That frontage shall be the frontage upon which the sign is located. and:</p> <p>(2) One (1) wall mounted sign, one (1) roof mounted sign or one (1) projecting sign per establishment. The maximum area of any wall mounted sign shall be equal to or less than one square foot (1 ft.<sup>2</sup>) for each two lineal feet (2') of building frontage on which the sign is attached divided by the number of establishments having signs on said wall, up to a maximum of forty square feet (40 ft.<sup>2</sup>), provided that</p>	

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said sign shall not extend beyond the top or side of the wall to which it is affixed. The maximum area of a roof mounted or projecting sign shall not exceed twelve square feet (12 ft.<sup>2</sup>). The base of all projecting signs shall be no less than eight feet (8') above the ground. Projecting signs shall not project more than four feet (4') from the exterior wall of the building. Roof mounted signs shall not extend above the peak of the roofline of the roof upon which it is mounted or be attached in any way which would increase the overall height of the structure on which is located. (NOTE: It is not clear if this applies to each sign or all signs in total.)

c) Common signage plans. If the owner or owners of a lot with three (3) or more establishments file with the Building inspector a common signage plan conforming with the provisions below, a twenty-five percent (25%) increase in the area of each freestanding or wall mounted sign shall be allowed.

- (1) The Common Signage Plan shall contain all information required by ~~paragraph~~ subsection 23.c) above, with the exception of ~~paragraph~~ subsection 23.c(1), and specify standards for consistency among all signs on the lot with regard to color scheme, lettering or graphic style, lighting, location on buildings, material and sign proportions.
- (2) There shall be only one (1) freestanding sign for each lot regardless of number of establishments and the common signage plan shall provide for sale or shared usage of said sign.
- (3) The Common Signage Plan shall be signed by all owners or their authorized agents in such form as the building inspector shall require.
- (4) A Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the Town for any proposed development including those plans required to be filed pursuant to Article VII, Section G. of this ordinance and shall be processed simultaneously with that plan.
- (5) A Common Signage Plan may be amended by filing a new Common Signage Plan that conforms with all requirements of the ordinance then in effect.
- (6) After approval a Common Signage Plan, no sign shall be erected placed, painted, or maintained, except in conformance with such plan, and such plan shall be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

d) All signs permitted under paragraphs 3 and 4 above.

~~6~~7. Signs permitted by special use permit. The following signs may be permitted as a special use permit by the Zoning Board of Review:

- a) Off-site directional signs where the location of a use requires such signs in order to avoid confusion, traffic congestion or similar inconveniences, and to facilitate travel to such location. The Zoning Board of Review may permit signs as are reasonably necessary to accomplish these objectives, but no more than two (2) such signs shall be permitted for any one (1) use. The area of any such sign shall be no more than four square feet (4 ft.<sup>2</sup>) and in all cases the minimum number of signs and size necessary to accomplish any of these objectives shall be authorized. The Zoning Board of Review shall only grant the minimum relief necessary to effect the purposes of this section.
- b) Signs, which by their content, design, shape or construction, are representations of a trademark, logogram or symbol employed in the advertising of any industrial use. No more than one (1) such sign shall be permitted for each such use, and may be permitted only in industrial zoning districts. The area of any such sign may not exceed forty square feet (40 ft.<sup>2</sup>). Such sign shall only be wall-mounted, may be illuminated and shall be in addition to any permitted signs. The Zoning Board of Review shall only grant the minimum relief necessary to effect the purposes of this section.

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<p>c) Any sign not in conformance with the provisions of this ordinance in regards to permitted number of signs, sign area, height, or location only, provided that no relief from this ordinance may be granted to allow the lawful erection or maintenance of signs prohibited by <del>paragraph</del> <u>subsection 78</u> hereof.</p>	
<p><del>78</del>. Signs prohibited in all districts. The following signs are prohibited and shall not be erected or maintained in any <u>zoning</u> district:</p> <p>a) Billboards or off premise signs ([except as permitted under paragraph <del>67</del>. a]).</p> <p>b) Signs which incorporate in any manner any flashing, moving or oscillating illumination or illumination which varies in color, or signs with audible sounds.</p> <p>c) Signs which have visible moving parts, including signs which achieve movement by action of wind currents.</p> <p>d) Projecting signs with internal illumination.</p> <p>e) Obsolete signs or obsolete supporting structures which no longer advertise the bone fide business or use conducted on the premises.</p> <p>f) Signs or supporting structures which constitute a hazard to public safety or health.</p> <p>g) Signs which by reason of size, location, content, coloring or manner of illumination, obstruct, hinder or distract the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads or which interfere with, mislead or confuse traffic.</p> <p>h) Searchlights, pennants, spinners, banners and streamers.</p> <p>i) Portable signs and trailer signs.</p> <p><u>j) Feather shaped flags.</u></p>	
<p><del>89</del>. General provisions</p> <p>a) No sign shall extend onto or over a public right-of-way without prior approval by the Town Council. The Town Council shall require the applicant to maintain sufficient insurance coverage to protect both the Town and the applicant from all claims from personal injuries which may arise from said sign.</p> <p>b) Nothing in this section shall be interpreted as authorization for or approval of the continuation of the use of signs in violation of any ordinance in effect at the time of the passage of this section.</p> <p>c) No sign shall be erected or placed within the sight distance triangle defined in <del>paragraph</del> <u>subsection 1</u> herein which obstructs the visibility of a motorist entering or leaving such establishment in the space between three feet (3') and seven feet (7') above the ground.</p> <p><u>d) Noncommercial signs - Any sign authorized under this section may contain a noncommercial message. Noncommercial signs shall be subject to the same permit requirements, restrictions on size and type, and other specifications set forth in this section.</u></p>	
<p>9. Signs exempt from permit requirement. No permit shall be required for signs <del>defined permitted in Subparagraphs a), b), d), e), f) and g) of</del> <u>under paragraph</u> <del>subsection 3 4</del> herein, provided said signs otherwise comply with the provision of this ordinance.</p>	

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<p>10. Administration and enforcement. The Town Building Inspector shall have the responsibility and authority for:</p> <ul style="list-style-type: none"><li>a) Determining conformance with this article for all proposed and presently existing signs.</li><li>b) Issuing a permit for all signs which comply with this ordinance.</li><li>c) Issuing notice to any owner of a nonconforming or prohibited sign or owner of land on which a prohibited sign exists that they are in violation of this ordinance <del>and to supply to said person a copy of this ordinance.</del></li><li>d) Inventorying all signs presently in the Town.</li><li>e) Determining compliance with the state building and safety codes and conducting periodic inspections of existing signs to ensure the safety and continued compliance with state building and safety codes.</li><li>f) Removing prohibited signs which are unsafe or unlawful as defined under the state building code or signs determined to be prohibited or not in compliance with this chapter.</li></ul>	
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