

**Burlington Planning Commission
Ordinance Committee**

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Burlington Planning Commission

Ordinance Committee

Thursday, August 3, 2017 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

AGENDA

1. Amendment to Article 7: Signs
Revise Article 7 to be consistent with U.S. Supreme Court decision Town of Gilbert v. Reed and to consider form based standards
2. Annual Organizational Meeting
Nomination and election of committee chair
3. Adjournment (6:15)

Next Meeting – September 7, 2017

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IMLA Model Sign Code – 4th Rough Draft

This Model proposes a content neutral sign code developed based on the decision of *Reed v. Town of Gilbert*, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444, 25 Fla. L. Weekly Fed. S 383 (U.S. 2015). The sign code recognizes that government signs are government speech intended to ensure public safety. These government signs include those described and regulated in the Manual on Uniform Traffic Control Devices and signs that are necessary to identify properties and to implement the laws of the state. The skeleton of this Model derives from the Washington County, Oregon sign regulations which were found to be content neutral by the United States District Court for Oregon, Portland Division in *Icon Groupe, LLC v. Washington Cnty.*, 2015 U.S. Dist. LEXIS 67682 (D. Or. May 26, 2015).

This Model accepts at face value the Supreme Court’s unanimous view that governments may regulate signs. In *City of Ladue v. Gilleo*, 512 U.S. 43, 48, 114 S. Ct. 2038, 2041-2042, 129 L. Ed. 2d 36, 42-43, (U.S. 1994) writing for a unanimous court Justice Stevens explained that “While signs are a form of expression protected by the Free Speech Clause, they pose distinctive problems that are subject to municipalities’ police powers. Unlike oral speech, signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. It is common ground that governments may regulate the physical characteristics of signs -- just as they can, within reasonable bounds and absent censorial purpose, regulate audible expression in its capacity as noise. See, e. g., *Ward v. Rock Against Racism*, 491 U.S. 781, 105 L. Ed. 2d 661, 109 S. Ct. 2746 (1989); *Kovacs v. Cooper*, 336 U.S. 77, 93 L. Ed. 513, 69 S. Ct. 448 (1949).” In *Ladue*, the Court concluded that the City’s regulation banning almost all residential signs went too far in restricting speech. At the same time the Court noted that its decision did not eliminate the city’s ability to restrict some types of signs: “Nor do we hold that every kind of sign must be permitted in residential areas. Different considerations might well apply, for example, in the case of signs (whether political or otherwise) displayed by residents for a fee, or in the case of off-site commercial advertisements on residential property. We also are not confronted here with mere regulations short of a ban.” *City of Ladue v. Gilleo*, 512 U.S. 43, 58, 114 S. Ct. 2038, 2045, 129 L. Ed. 2d 36, 49, (U.S. 1994). Thus, *Ladue* teaches us that governments may impose limits on some signs and impose regulations short of a complete ban.

In *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507, 101 S. Ct. 2882, 2892, 69 L. Ed. 2d 800, 814-815 (U.S. 1981) a majority of the Justices of the Supreme Court concluded that a government could distinguish between commercial and non-commercial speech when regulating signs: “Finally, in *Central Hudson Gas & Electric Corp. v. Public Service Comm’n*, 447 U.S. 557 (1980), we held: ‘The Constitution . . .



accords a lesser protection to commercial speech than to other constitutionally guaranteed expression. The protection available for a particular commercial expression turns on the nature both of the expression and of the governmental interests served by its regulation.’ *Id.*, at 562-563 (citation omitted). We then adopted a four-part test for determining the validity of government restrictions on commercial speech as distinguished from more fully protected speech. (1) The First Amendment protects commercial speech only if that speech concerns lawful activity and is not misleading. A restriction on otherwise protected commercial speech is valid only if it (2) seeks to implement a substantial governmental interest, (3) directly advances that interest, and (4) reaches no further than necessary to accomplish the given objective. *Id.*, at 563-566.

“Appellants agree that the proper approach to be taken in determining the validity of the restrictions on commercial speech is that which was articulated in *Central Hudson*, but assert that the San Diego ordinance fails that test. We do not agree.”

Despite concluding that San Diego’s ordinance regulating billboard’s survived the *Central Hudson* test, four members of the majority reached the conclusion that the city’s ordinance was facially unconstitutional because it allowed commercial speech at certain locations where it prohibited non-commercial speech. “It does not follow, however, that San Diego’s general ban on signs carrying noncommercial advertising is also valid under the First and Fourteenth Amendments. The fact that the city may value commercial messages relating to onsite goods and services more than it values commercial communications relating to offsite goods and services does not justify prohibiting an occupant from displaying its own ideas or those of others.” *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 512-513, 101 S. Ct. 2882, 2895, 69 L. Ed. 2d 800, 818 (U.S. 1981)

Because *Metromedia* offers scant support for developing content based regulations of commercial signs, i.e., regulations that use the message to define whether the sign is commercial, this Model does not attempt to distinguish regulations of commercial versus non-commercial signs, but prohibits commercial signs in some locations. Arguments can be made and definitions constructed that could effectively allow or prohibit signs based on whether they are commercial versus non-commercial, but where commercial signs are allowed, *Metromedia* informs the conclusion that non-commercial signs must also be allowed.

Where this Model uses time limits or size limits, those should be considered as illustrative only and are not intended to form a part of the Model except for illustrative purposes.

ARTICLE ____ . - SIGNS

DIVISION I. - GENERAL PROVISIONS

Findings, purpose and intent; interpretation.

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, 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 character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging



aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the [governing body] or Board of [Adjustment, Appeals, Zoning Appeals].

Comment: *Adopters of sign laws should be careful to consider how special permits, variances and other limitations are applied to signs. First Amendment principles dealing with prior restraint of speech may come into play and would need to be addressed. As mentioned throughout the adopters of this Model should review it carefully with their attorney to be sure that they have a sound legal basis for adoption.*

(c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

(d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(e) These regulations distinguish between portions of the City/County/Town designed for primarily vehicular access and portions of the City/County/Town designed for primarily pedestrian access.

(f) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City/County/Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(g) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Comment: *The previous sections (a) through (g) were taken directly from the Local Government Association of Virginia's Model Sign Code with only minor revisions if any and one Comment.*

(h) These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or this City/County/Town. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.



Section 1. Definitions.

1.1 Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

1.1.1 Sign area:

1.1.1.1 the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or

1.1.1.2 where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

1.1.2.3 Sign face: The entire display surface area of a sign upon, against or through which copy is placed.

1.1.3 Electric. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

1.1.4 Flashing. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except digital billboards, must be considered a flashing sign.

1.1.5 Freestanding. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

1.1.6 Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

Comment: This model recognizes, as did the Supreme Court in *Reed v. Town of Gilbert*, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015), that the government must speak and in doing so is not regulated as private individuals under the First Amendment. While the Government often speaks directly, its speech can often be found in requirements of law that demand members of a community, residents and property owners to post notices to protect the rights afforded by the government. This form of speech finds protection in this Model in recognition of legal requirements that a property owner must post a property against trespassing, solicitors and others to enforce property rights and privacy; or where a property owner must warn of dangers on the property to protect public safety and limit liability such as warning of dangerous animals, high voltage, sinkholes, gun or weapon usage among other dangers. While these postings are sometimes voluntary, all are required by the government to be in a certain form and should constitute the government's speech (they would not be



considered private speech under the axiom: actus me invito factus non est meus actus). Compelled speech generally finds little support under First Amendment analysis and in the cases decided by the Supreme Court. Nevertheless, compelled commercial speech such as warning labels on cigarette packaging and requirements imposed by the SEC on business communications affecting investors have been sustained. Here the types of compelled speech that fall within the government speech definition are forms of speech required by law to warn of dangers or to assert rights protected by the law. A community attempting to rely on these forms of compelled speech as with the rest of this Model should only do so after a full review and analysis by its attorney.

1.1.7 Ground Mounted. A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

1.1.8 Highway Sign. A Freestanding sign, Integral Sign or Flat Mounted Sign that is erected and maintained within the view of motorists who are driving on a highway.

1.1.9 Integral. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

1.1.10 Marquee. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

1.1.11 Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

1.1.12 Outdoor Advertising. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Comment: *This definition is content based under the literal interpretation of Reed v. Town of Gilbert as it requires one to determine from reading or looking at the sign if a product is being advertised that is not sold, manufactured or distributed on or from the premises. However, based on the concurring opinion of Justice Alito and the opinions of Justice Kagan and Justice Breyer, to say that a majority of the Court would reach the conclusion that defining “outdoor advertising” or “off premise” amounts to a content based restriction seems a stretch.*

1.1.13 Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

1.1.14 Projecting. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

1.1.15 Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.



1.1.16 Temporary. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

1.1.17 Flat Wall (Façade-Mounted). A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

1.1.18 Digital Billboard. A sign that is static and changes messages by any electronic process or remote control.

1.1.19 *Vehicle sign* means any sign attached to or displayed on a vehicle.

1.2 Prohibited Signs.

Signs are prohibited in all Districts unless:

1.2.1 Constructed pursuant to a valid building permit when required under this Code; and

1.2.2 Authorized under this Code.

1.2.3 A property owner may not accept a fee for posting or maintaining a sign allowed under Section 1.3.2 and any sign that is posted or maintained in violation of this provision is prohibited.

1.2.4 In residential zones or on property used for non-transient residential uses, commercial signs are prohibited.

Comment. *This provision 1.2.4 may limit home occupations and transient residential uses, so should be considered carefully if adopted. An alternative might be to provide “except for those properties on which a home occupation or a transient residential use has been approved.”*

1.3 Authorized Signs.

The following signs are authorized under Section 1.2.2 in every District:

1.3.1 Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs are allowed in every zoning district which form the expression of this government when erected and maintained and include the signs described and regulated in 1.3.1.1, 1.3.1.2, 1.3.1.3 and 1.3.1 when erected and maintained pursuant to law.

1.3.1.1 Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

Comment: *The Federal Highway Administration has established uniform standards for signs that regulate traffic or that are erected and maintained within road rights of way or adjacent property. These uniform standards are intended to be used by the owners of private property that is open to the public to reduce confusion and limit the risk of accident. While these signs are content specific they serve an extraordinarily important public function.*



1.3.1.2 Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case larger than *[insert size limitation here]*. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

Comment: *The local government should establish a required dimensional limitation on identification signs based on the size of the structure and its distance from the public road if the structure is visible from the public road. The design and dimensions should conform to reasonable standards set to ensure that emergency responders can identify the property if necessary.*

1.3.1.3 Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property.

Comment: *As noted in Reed v. Town of Gilbert some content based signs are necessary to protect the public and are likely to survive strict scrutiny. Signs prohibiting trespassing or solicitors; warning of the dangers of "high voltage" or other hidden dangers may be required for a person to assert property rights or to protect a property owner from liability. A local government should establish dimensional limitations, quantity limitations and other regulations designed to ensure the purpose of the sign is furthered while protecting the aesthetics of the community and protecting traffic and other public safety goals.*

1.3.1.4 A flag that has been adopted by the federal government, this State or the local government may be displayed as provided under the law that adopts or regulates its use and as provided in Section 1.3.7.

Comment: *Flags can be problematic. Most communities want to regulate them, to avoid the used car lots and other businesses that use multiple flags to attract attention. On the other hand, communities that adopt laws that restrict the flags face condemnation for restricting the American Flag. While an argument can be made that displaying the federal, state and local flags merely affirm the government's adoption of those symbols, a person may wish to express different views by using flags as speech. IMLA believes that if flags are allowed as provided in 1.3.1.4, they are not likely to be found to be government speech and restrictions on other flags are not likely to survive a challenge under a strict scrutiny analysis. For that reason, IMLA suggests limitations as described in Section 1.3.7.*

1.3.1.5 The signs described in Sections 1.3.1.1, 1.3.1.2, and 1.3.1.3, are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

1.3.2 Temporary Signs, Generally.



1.3.2.1 Temporary signs allowed at any time:

- a) A property owner may place one sign with a sign face no larger than [two (2) square feet] on the property at any time.
- b) A property owner may place a sign no larger than[8.5 inches by 11 inches][in one window on the property at any time.

1.3.2.2 One temporary sign per [0.25] acre of land may be located on the owner's property for a period of [thirty (30) days] prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate Where the size of the property is smaller than [0.25] acres these signs may be posted on the property for each principal building lawfully existing on the property.

1.3.2.3 One temporary sign may be located on a property when:

- a. the owner consents and that property is being offered for sale through a licensed real estate agent;
- b. if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and
- c. for a period of [15 days] following the date on which a contract of sale has been executed by a person purchasing the property.

1.3.2.4 One temporary sign may be located on the owner's property on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than [two days in a year and the days must be consecutive] and may not use this type of sign in any [Commercial District] for more than [14 days in a year and the days must be consecutive]. For purposes of this Section 1.3.2.4 a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward.

Comment: This Section offers an opportunity for signs for garage sales, yard sales and the like. Often the state regulates these types of activities by imposing time limits on how often they can be conducted. It might be possible to refer to those state laws to allow for the necessary signage, but without regulating content those signs could be used for other purposes as they may here. Should the community allow signs for other purposes? By allowing one temporary sign at all times, the community adopting this model does so. Thus, a person can post a notice of a birth, a special birthday, an anniversary, a wedding or other important event or choose to use the sign for other purposes entirely without any restriction being imposed on its content.

1.3.2.5 During the 40 day period December 1 to January 10, a property owner may place [insert number] temporary signs on the property and may use lights that do not exceed [] lumens as measured at the property line between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form a sign.



1.3.2.6 A property owner may place and maintain one temporary sign on the property on [July 4].

1.3.2.7 A person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per[0.25 acre] at any one time to [2]plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property.

Comment: *This restriction conflicts with the provisions in 1.3.2.2 which allows multiple signs based on the number of issues and candidates are on a ballot. The law post Reed will likely help to describe how these two rules can be effected. An option might be to amend this Section 1.3.2.7 to read: It is the intent of this Code to limit the aesthetic impact of signs on properties to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety, the accumulation of signs adversely affects these goals, property values and public safety, accordingly a person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per[0.25 acre] at any one time to [2]plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property unless a court having jurisdiction determines that additional signs must be permitted and then the signage must be limited to the fewest signs and the smallest accumulated sign area permissible under the court's determination.*

1.3.2.8 The sign face of any temporary sign, unless otherwise limited in this Section 1.3.2 must not be larger than [two (2) square feet].

Comment: *Section 1.3.2 allows property owners to place temporary signs on their property during certain time periods and allows the property owner to select whatever message the owner chooses during those periods. This provision complies with both Reed v Town of Gilbert and City of Ladue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36, 1994 U.S. LEXIS 4448, 62 U.S.L.W. 4477 (U.S. 1994) as it allows a property owner the ability to make use of the property for free expression but in a manner designed to reduce clutter and advance aesthetic interests of the community without any content based limitations.*

1.3.3 For purposes of this Section (1.3) the lessor of a property is considered the property owner as to the property the lessor holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessors of a property then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and has the sole right to occupy and the size of the property must be deemed to be the property that the lessor has the sole right to occupy under the lease.

1.3.4 Signs not in an enclosed building and not exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property.



1.3.5 Flags as follows:

1.3.5.1 Single-family Zoning Districts. In a single-family zoning district, [two flags and one flag pole] per premises. Each flag must be a maximum of [15] square feet in area. The flag pole must be a maximum of [25] feet in height or no higher than the highest point of the principal building's roof, whichever is lower. [Flag poles must meet the minimum yard setback requirements for a principal building.]

1.3.5.2 Nonresidential Zoning Districts. In a non-residential zoning district, one flag per [25] feet of frontage on a right-of-way up to a maximum of [six flags and six flag poles] per premises. Each flag must be a maximum of [24] square feet in area. Flag poles must be a maximum of [50] feet in height but no higher than the highest point of the nearest principal building's roof on the premises. [Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.]

Optional for Car lots:

1.3.5.3 Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

1.3.6 Vehicle signs must be covered if the vehicle is parked on the same property for longer than [] hours so that the sign is not visible from a public way.

1.4 Permit required.

1.4.1 *In general.* A sign permit is required prior to the display and erection of any sign except as provided in section 1.4.6 of this Article.

1.4.2 *Application for permit.*

- (1) An application for a sign permit must be filed with the [Code Official/Zoning Administrator] on forms furnished by that department. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances. An application for a temporary sign must state the dates intended for the erection and removal of the sign. An application for any sign must state the date when the owner intends to erect it and provide a bond sufficient to allow the City/County/Town to remove it if it is not properly maintained or if it is abandoned.
- (2) The Code Official/Zoning Administrator or designee must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application [within ---days after receipt]. Any application that complies



with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances must be approved.

- 3) If the application is rejected, the Code Official/Zoning Administrator must provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

1.4.3 *Permit fee.* A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City/County/Town Council must accompany all sign permit applications.

1.4.4 *Bond.* The applicant must submit a bond in an amount and from an issuer approved by the Code Official to protect the City/County/Town from the cost of removing the sign should it no longer be allowed under the laws of the [county/city/town], state or federal government. If the permit is issued a condition of the permit must be that the bond is maintained and increased or decreased based upon the then current estimates of the costs of removal of the sign. If the sign is removed without cost to the City/County/Town the Code Official must release the bond but may execute upon it should the City/County/Town be held responsible for or incur any cost in removing the sign.

1.4.5 *Duration and revocation of permit.* If a sign is not installed and a use permit issued within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit must be void. The permit for a temporary sign must state its duration, not to exceed 30 days unless another time is provided in this code or the zoning ordinance. The City/County/Town may revoke a sign permit under any of the following circumstances:

- (1) The City/County/Town determines that information in the application was materially false or misleading;
- (2) The sign as installed does not conform to the sign permit application;
- (3) The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
- (4) The Code Official/Zoning Administrator determines that the sign is not being properly maintained or has been abandoned.

1.4.6 *Permits not required.* A sign permit is not required for signs:

1. Described in Sections 1.3. with a total area of up to [thirty two (32) square feet and a maximum height of eight (8) feet];



Comment: *The decision as to which signs should require a permit ought to be carefully considered based on considerations of staffing, control and enforcement. The issue discussed above regarding the total number of signs applies here as well to the total area limitations and the potential conflict addressed.*

2. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished; or
3. Minor signs when no more than [two per parcel]. Additional minor signs are permitted in certain districts with a permit.

1.4.7 *Appeals.* If the Code Official/Zoning Administrator denies a permit the applicant may appeal under [insert here the cite to the provision for appeals from decisions of the Code Official].

Comment. *This draft does not address the issue of prior restraint that may be affected by a denial of a permit and the requirement of a speedy appeal. This issue is being left to future drafts.*

1.5 Specific Sign Regulations by District

The following sign regulations must apply to all Use Districts as indicated.

1.5.1 Residential Districts

1.5.1.1 Scope:

This Section (1.5.1) must apply to all Residential Districts.

1.5.1.2 Size:

A. When a sign is authorized on a property, the sign must not exceed [two (2) square feet in area]. Where attached dwellings exist on a property the total square footage of signs must not exceed [two square feet per dwelling unit and must not exceed a total of twelve (12) square feet in area per structure].

B. For Residential Developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must be controlled according to the following:

- (1) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.
- (2) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.
- (3) Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet.



1.5.1.3 Location:

Permitted signs may be anywhere on the premises, except in a required side yard or within [ten (10) feet] of a street right-of-way.

1.5.1.4 Height:

The following maximum heights must apply to signs:

- A. If ground-mounted, the top must not be over [four (4) feet above the ground]; and
- B. If building mounted, must be flush mounted and must not project above the roof line.

1.5.1.6 Illumination:

Illumination if used must not be blinking, fluctuating or moving. Light rays must shine only upon the sign and upon the property within the premises.

1.5.1.7 The following signs are not allowed: Highway Signs, Portable Signs, Marquee Signs, Digital Billboard, Outdoor Advertising Sign, and Projecting Sign.

1.5.2 Commercial and Institutional Districts

1.5.2.1 Scope:

This Section (1.5.2) must apply to all [insert appropriate titles Commercial Districts and the Institutional District].

1.5.2.2 Number and Size:

For each lot or parcel a sign at the listed size may be authorized:

A. [insert name of district] signs must not exceed [thirty-five (35) square feet]. [For additional standards for the [insert name of district] District see Section [if additional standards apply insert here]].

B. [insert appropriate district titles here: Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM)] signs must not exceed the following [area requirements based on the speed limit and number of traffic lanes of the adjacent public street:

Maximum Speed Limit	No. of traffic lanes	Max. Sq. Footage of sign
30 mph or less	3 or less	32 sq. ft.
35 mph or more	3 or less	50 sq. ft.
30 mph or less	4 or more	40 sq. ft.
35 mph or more	4 or more	72 sq. ft.

]

C. Two (2) or more lots or parcels having a combined linear frontage of [eighty-five (85) feet] may combine their sign areas allowed by Section 1.5.2.2 B. for the purpose of providing one



common free-standing or ground-mounted sign. The sign must not exceed [one hundred fifty (150) square feet].

D. Corner Lots:

Where a lot fronts on more than one street, only the square footage computed for each street frontage must face that street frontage.

E. If not otherwise regulated as to maximum sign area in this code, signs are governed by the following: [

Maximum Sign Area	Street Frontage
20 sq. ft.	85 ft. or less
25 sq. ft.	86-90 ft.
30 sq. ft.	91-99 ft.
35 sq. ft.	100 ft. or more

]

F. Commercial Center:

Signs used for Commercial Centers must be allowed as follows:

- (1) [Only one (1) sign of one hundred fifty (150) square feet must be permitted for centers less than five (5) acres and greater than one (1) acre].
- (2) [A maximum of two (2) signs of four hundred (400) square feet must be permitted for complexes for five (5) to fifty (50) acres].
- (3) [A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of more than fifty (50) acres].
- (4) Individual businesses are allowed a face building mounted sign pursuant to Section 1.5.2.2 A. and B.

Comment: To be clear, the limits that are included are from one county's sign law and should not be used by others without thoughtful consideration as to the specific needs and values of the community.

G. Highway Signs:

Highway signs, [except/including Digital Billboards and Outdoor Advertising Signs], must be permitted only in the [insert appropriate district here, for example: General Commercial (GC) District]. Such signs must not exceed three hundred (300) square feet per face, nor must the face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following must apply:

- (1) Minimum spacing must be as follows:

Type of Highway	Minimum space from Interchange (in feet)	Minimum space between signs on same side of Highway (in feet)



Interstate Hwy	500	1000
Limited Access (Freeway)	500	1000
Other Roads	None	500

2) For the purpose of applying the spacing requirements of Section (1) above, the following must apply:

- (a) Distances must be measured parallel to the centerline of the highway;
- (b) Measurements for the spacing between signs must be based on when the construction of the sign:
 - i. Received final approval by the Code Official measuring from the first sign to have received that approval; or
 - ii. If the Code Official has not given final approval to a sign that will be limited by the spacing requirement once it is constructed, then
 - 1) Measured from the first sign given a building permit that is not cancelled or void at the time of measurement; or
 - 2) When no permit has been issued that is still valid, measured from the first fully complete application for a building permit received by the Code Official that has not been cancelled or which is void; and
- (c) A back-to-back, multiple signs on one freestanding pole, double-faced or V-type sign must be considered as one sign.

1.5.2.3 Location:

- A. Flat Wall Signs may be located on any wall of the building.
- B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and [fifteen (15)] feet above driveways or alleys.
- C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 1.5.1.2 B. and 1.5.2.2 F. may be located anywhere on the premises except as follows:
 - (1) A ground-mounted sign must not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.
 - (2) A freestanding sign must not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of [eight (8) feet six (6) inches] and provided the location complies with the Manual on Uniform Traffic Control Devices.
- D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than [eight (8) feet six (6) inches (8' 6")]. The maximum vertical dimension of signs must be determined as follows:



Height above Grade	Vertical Dimension
8' 6" up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

E. Wall signs must not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.

F. Permitted highway signs, including digital billboards, may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of-way.

G. No portion of a digital billboard must be located within two hundred and fifty (250) linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

1.5.2.4 Height:

A. Ground-mounted signs must not exceed four (4) feet in height from ground level.

B. Freestanding signs must not exceed twenty-eight (28) feet in height from ground level.

C. Highway signs, including digital billboards, must not exceed thirty-five (35) feet in height from ground level.

1.5.2.5 Content:

A. Any of the signs pursuant to this Section (1.5.2) may be changeable copy signs.

B. The primary identification sign as allowed under 1.3.1.2 for each firm must contain its street number. The street number must be clearly visible from the street right-of-way.

1.5.2.6 Illumination:

Must be as provided in Section 1.4.6.

1.5.3 Industrial

1.5.3.1 Scope:

This Section must apply to the Industrial District.

1.5.3.2 Number and Size:



A. One (1) sign for each street frontage, each with a maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage must be permitted.

B. One freestanding or ground-mounted sign not exceeding fifty (50) square feet per lot or parcel.

C. The maximum size and number of signs that the owner or owners of an Industrial Park development may erect and maintain at the entrances to the development must be controlled according to the following:

(1) A maximum of two (2) signs of three hundred (300) square feet per face must be permitted for industrial parks or complexes of less than ten (10) acres;

(2) A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of ten (10) acres or more. More than three (3) signs may be approved through [a Type I procedure], provided the total sign area does not exceed twelve hundred (1200) square feet.

1.5.3.3 Location:

Must be as provided in Section 1.5.2.3.

1.5.3.5 Illumination:

Must be as provided in Section 1.5.6.

1.5.4 Agriculture District

1.5.4.1 Scope:

This Section must apply to the [insert appropriate language describing rural/agricultural and forestry areas] outside the [insert appropriate designation such as: Urban Growth Boundaries].

1.5.4.2 Size:

- a. Signs other than highway signs must have a maximum area that does not exceed thirty-two (32) square feet per sign.
- b. Highway signs must comply with Section 1.5.2.G

1.5.4.3 Location:

- a. Signs other than highway signs must be at least twenty-five (25) feet from a right-of-way, and must be at least twenty-five (25) feet from an adjacent lot.
- b. Highway signs must be
 - a. at least twenty-five feet from a right of way and must be
 - b. at least 250 feet from a residence on an adjacent property; and
 - c. comply with the distance and spacing requirements of Section 1.5.2 G.

1.5.4.4 Illumination:



As provided in Section 1.5.6.

1.5.4.5 Maximum number of signs:

DRAFT



Acreage	No. of Signs
0 – 20	2
21 – 40	3
41 – 60	4
61 & over	5

1.5.5 Supplemental Criteria in all Districts

1.5.5.1 Temporary Signs:

Temporary signs are subject to the following standards:

- A. Must not on one property exceed a total of sixteen (16) square feet in area;
- B. Must not be located within any right-of-way whether dedicated or owned in fee simple or as an easement;
- C. Must only be located on property that is owned by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or on public property;
- D. Must not be illuminated except as allowed in 1.5.1.6 or 1.5.6 based on the District in which the sign is located; and
- E. Must be removed within fourteen (14) days after the election, sale, rental, lease or conclusion of event which is the basis for the sign under 1.3.2 or if a different standard is required in Section 1.3.2 must be removed within the time period required by that Section.

1.5.5.2 Bench Signs:

On street benches provided:

- A. The benches must not be higher than four (4) feet above ground;
- B. Limited to fourteen (14) square feet in area;
- C. The benches are not located closer than five (5) feet to any street right-of-way line;
- D. Benches are located in a manner not to obstruct vision;
- E. Must be included as part of the total permitted sign area of the premise on which it is located.

1.5.5.3 Integral Signs:

There are no restrictions on sign orientation including whether it is freeway-oriented. Integral sign must not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but must not be illuminated internally.

1.5.5.4 Private Traffic Direction:



Illumination of signs erected as required by the Manual on Uniform Traffic Control Devices must be in accordance with Section 1.5.6. Horizontal directional signs flush with paved areas are exempt from these standards.

1.5.5.5 Original Art Display

Original art displays are allowed provided that they meet the following requirements:

- A. Located [designate where they are allowed such as: Urban Growth Boundary];
- B. Must not be placed on a dwelling;
- C. Must not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;
- D. Must be no more than sixty-four (64) square feet in size, per lot or parcel;
- E. Compensation will not be given or received for the display of the original art or the right to place the original art on site; and
- F. Must not be illuminated.

1.5.6 Illumination

No sign must be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

1.5.6.1 No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, must be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

1.5.6.2 When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing must not exceed three hundred (300) milliamperes rating for white tubing or one hundred (100) milliamperes rating for any colored tubing.

1.5.6.3 When fluorescent tubes are used for the interior illumination of a sign, such illumination must not exceed:

- A. Within Residential districts:

Illumination equivalent to four hundred twenty-five (425) milliamperes rating tubing behind a Plexiglas face with tubes spaced at least seven inches, center to center.

- B. Within land use districts other than Residential:

Illumination equivalent to eight hundred (800) milliamperes rating tubing behind a Plexiglas face spaced at least nine (9) inches, center to center.

1.5.6.4 Digital billboards allowed pursuant to Section 1.5.2.2 G must:



- A. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
- B. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;
- C. Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
- D. Change from one message to another message no more frequently than once every ten (10) seconds and the actual change process is accomplished in two (2) seconds or less;
- E. Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction; and
- F. Not be authorized until the Code Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital billboard.

1.5.7 Prohibited Signs

The following signs or lights are prohibited which:

- 1.5.7.1 Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
- 1.5.7.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;
- 1.5.7.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;
- 1.5.7.4 Are roof signs except as allowed in Section 1.5.5.4;
- 1.5.7.5 Are freeway-oriented signs except as allowed as Highway signs;
- 1.5.7.6 Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti; or
- 1.5.7.6 Are portable signs that do not comply with the location, size or use restrictions of this Code.

1.5.8 Procedures

Applications for a sign permit must be processed through [insert appropriate permitting procedure here].

1.5.9 Nonconformity and Modification



Except as provided in Section 1.5.9.2 of this Chapter, signs lawfully in existence on the date the provisions of this Code were first advertised, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming. Provided, however, a sign constructed during the period of time following the day on which the Supreme Court released its opinion in *Reed v. Town of Gilbert*, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015) and the date the provisions of this Code were first advertised for adoption must not be considered a non-conforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the Supreme Court’s decision in *Reed v. Town of Gilbert*, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015).

*Comment: This section attempts to address two issues common to regulation. 1. The race to vest – often a person who sees a regulation being proposed attempts to establish a vested right before the regulation can take effect where notice and public hearing are required. This race to vest often leads to a flurry of activity that can be difficult to process and allows uses that are considered undesirable to flourish while the government attempts to limit them. Allowing an ordinance to apply to properties based on the date it is first advertised provides a more fair solution allowing the government to provide public notice and give thoughtful contemplation to the issues involved rather than engaging in a race to adopt a measure before its utility is thwarted by a rash of construction and that insures the limited effect on individual property owners and the community as whole that the public process embraces. 2. The effect of a regulated business enjoying a period where there is no regulation due to a court decision. Clearly, the Supreme Court did not aim to eliminate sign regulation; it only sought to eliminate content based sign regulation. Rather than allow the decision in *Reed v. Gilbert* to extend authority beyond its intent, the Model limits the effect of an unregulated period by recognizing that signs constructed during that period do not deserve protection from the application of the law.*

1.5.9.1 For the purpose of amortization, these signs may be continued from the effective date of this Code for a period not to exceed ten (10) years unless under a previous regulation the signs were to be amortized and in that case the amortization period must be as previously required or ten years whichever is less.

1.5.9.2 Signs which were nonconforming to the prior Ordinance and which do not conform to this Code must be removed immediately.

1.5.10 Compliance

Any sign which is altered, relocated, replaced or must be brought immediately into compliance with all provisions of this Code.

14.6.9- SIGN STANDARDS

a) **Purpose and Applicability.** The purpose of this Subsection is to provide an opportunity for effective identification subject to reasonable, yet appropriate conditions for identifying goods sold or produced or services rendered in all Form Districts, and maintain and enhance the quality of the City's appearance by:

- i. Controlling the size, location and design of temporary and permanent Signs so that the appearance of such Signs will reduce Sign clutter, be aesthetically harmonious with their surroundings, and will enhance the overall appearance of the built environment.
- ii. Ensure that Signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and reduce potentially hazardous conflicts between commercial or identification Signs and traffic control devices and Signs.

The standards of this Subsection apply to all Signs as permitted by the Form Districts (Section 14.3). Signs regulated by this Subsection shall not be erected or displayed unless a zoning permit is obtained or it is listed as exempt.

b) **Exempt Signs.** The following Signs are exempt from the standards of this Subsection and are permitted in any Form District without a permit:

- i. One identification Sign per Dwelling Unit or business not to exceed 2 square feet which serves only to indicate the address.
- ii. Public information, traffic control, identification, special event, directional, and other Signs erected by or at the direction of:
 - A. A government agency; or
 - B. A public utility or other quasi-public agent in the performance of a public duty.
- iii. City entry, community or district identification Signs not exceeding 80 square feet in area and 8-feet in height.
- iv. Memorials/ Interpretative/Historical Sign or Tablets displayed by a public or education non-profit agency strictly for the purposes of informing or educating the public provided the area shall not exceed 12 square feet per face.
- v. Names of buildings or dates of erection when carved in stone, masonry or similar material or made of bronze, aluminum or other permanent type material.
- vi. Property management and directional Signs displayed strictly for the control, direction, safety or convenience of the public provided the area of any such Sign shall not exceed 2 square feet. Examples include but are not limited to: private nature of a road, Driveway or premises, Parking Area entrances or exits, regulating fishing or hunting and trespassing.
- vii. Credit card, trading stamp, or trade association Signs not exceeding one-half Square foot each and not exceeding ten per establishment.
- viii. Flags or emblems of religious or governmental organizations not exceeding 40 square feet each with no single dimension greater than 8-feet. The number of flags shall not exceed 3 per 50-feet of Frontage. A flag may be flown from the supports on a Building or be displayed on a pole not exceeding 30-feet in height.
- ix. Repainting, refacing, repair or change of lettering, logo or colors using the same materials within an existing permitted Sign frame.

c) **Prohibited Locations and Features**

- i. Prohibited Locations:
 - a. No Sign shall be located within or over the public right-of-way unless displayed by a governmental entity or as provided Section 14.3 (Specific to Form Districts);
 - b. Signs shall not be located on property without prior authorization granted by the Property Owner, or in the case of public parks or any public property without the permission of the City of Burlington;
 - c. Signs shall not be located where the view of approaching or intersecting traffic would be obstructed;
 - d. Signs shall not be located as to interfere with clear and unobstructed view of a highway or official Sign, and/or the safe movement of vehicles, bicycles or pedestrians operating within, entering, leaving or crossing a public right-of-way or Thoroughfare;
 - e. Signs shall not be located on the roofs of Buildings or Structures;
 - f. Signs shall not interfere with pedestrian movement along Sidewalks and paths;

- g. Signs shall not be attached to any traffic control Sign, utility pole, street Sign or Tree, except for Signs installed by or at the direction of a government agency for public information or special events;
 - h. Signs shall not be mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on private premises close to the public right-of-way or within public right-of-way in a manner intended to attract the attention of the public for advertising purposes, except where the motor vehicle or trailer is regularly and consistently used and moved to conduct normal business activities; and,
 - i. Off-premise Signs which advertise or otherwise direct attention to any commodity or activity, sold, offered or conducted elsewhere than on the premises upon which such Sign is located.
 - ii. Prohibited Features
 - a. Moving, flashing, or animated Signs including but not limited to searchlights, streamers and spinners;
 - b. Inflatable Signs, such as but not limited to balloons, gas inflated Signs or similar inflated Signs;
 - c. Portable Signs, except for Sandwich Board Signs as permitted by the Department of Public Works;
 - d. Flags, other than those specifically allowed in [Sec. 14.6.9 b](#));
 - e. Outdoor image projections (Signs projected from an external light source onto a building or Structure) or any other similar devices; and,
 - f. Any Sign and materials that are distracting to motorists and interfere with the safe movement of vehicles, bicycles or pedestrians operating within, entering, leaving or crossing a public right-of-way or Thoroughfare.
- d) Temporary Signs. Temporary Signs are allowed in all Form Districts and shall meet the following standards:
- i. Shall not be illuminated.
 - ii. Shall meet the standards found in [Table 14.6.9-A](#) (Allowed Temporary Signs).
 - iii. Permits are not required for allowed temporary Signs.

TABLE 14.6.9-A - ALLOWED TEMPORARY SIGNS

CONSTRUCTION SITE FREESTANDING SIGN

Number of Signs	1 per site max.
Types Allowed	Freestanding or Wall
Total Sign Face Area	32 sf for residential max.; or 64 sf for commercial max.
Sign Height	8' max.
Location	Installed on the premises of a project under construction
Duration/Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.

CONSTRUCTION SITE WRAP SIGN

Number of Signs	1 per street frontage max.
Sign Height	12' max.
Location	Installed along the perimeter of the premises of a project under construction
Duration/Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.

CONSTRUCTION SITE WINDOW WRAP SIGN

Number of Signs	1 per window and/or door max.
Sign Area	Must fill the entire glazed portion of the window and/or door.
Location	Installed on the premises of a project under construction.
Duration/Frequency	Installed no sooner than one week prior to the commencement of construction and shall be removed within 24 hours of completion of construction or if the project ceases construction for 12 months or longer.

SPECIAL EVENT BANNER OR SIGN

Size	12' max. along any dimension for a maximum of 144 Square feet.
Duration/Frequency	Display shall not exceed 30 days with a minimum of 30 days between installation periods with a maximum of four display times per calendar year.

REAL ESTATE SALE/RENTAL SIGN

Number of Signs	1 per street frontage
Types Allowed	Freestanding or Window
Total Sign Face Area	6 sf max. per Sign
Sign Height	6' max if Freestanding
Location	These Signs may only be installed on the property to which they refer.
Duration	Shall be removed within three (3) days after a rental agreement has been executed or title has been transferred.

POLITICAL SIGN

Types Allowed	Freestanding or Window
Total Sign Face Area	6 sf max. per Sign
Sign Height	6' max if Freestanding
Duration/Frequency	Such Signs shall not be erected earlier than forty-five (45) days prior to the election to which they pertain and shall be removed within three (3) days afterwards.

e) Nonconforming Signs

- i. A nonconforming Sign must be brought into conformity with the provisions of the this Subsection, when:
 - a. The Sign is structurally or dimensionally altered or relocated; or
 - b. When the Principal Use of the property is changed from a commercial use to a residential use.
- ii. However, the repainting, refacing, repair or change of lettering, logo or colors using the same materials within an existing Sign frame is not considered an alteration within the meaning of this Subsection and shall not require a zoning permit.

f) Maintenance, Abandonment and Removal

- i. All Signs must be maintained in a condition or state of equivalent quality to which was approved or required by the City.
- ii. An on-premise Sign advertising an activity, business, service or product must be removed or the Sign face replaced with a blank face within 60 days of the activity, business, or service promoted by the Sign being discontinued on the premises where the Sign is displayed.
- iii. If the use is not reestablished or a new use is not established within two (2) years, then the entire Sign Structure and mounting hardware must be removed.

g) Sign Lighting. In addition to the outdoor lighting requirements of Sec. 5.5.2 of the Comprehensive Development Ordinance, the following

requirements shall pertain to the lighting of all Signs:

- i. Signs shall be illuminated such that the illumination does not create glare or unduly illuminate the surrounding area.
- ii. In addition to other permitted Lamp types, neon, LED or similar lighting may be used to illuminate Signs.
- iii. Externally illuminated Signs:

Light fixtures used to illuminate Signs shall be top mounted and shall employ the use of grids, hoods, baffles or other such devices and aimed so that light is directed only onto the Sign face. The light source or reflective surfaces of the fixture shall not be visible from the public way or surrounding properties.

- iv. Backlit (i.e. Halo) Signs:

Backlit Signs shall light the lettering, logo and other related Sign elements only, and the lighting design shall be such that no excess light spill or glare results from the back lighting fixtures and/or source. The back lit Sign shall not increase the measurable vertical light level at a point 20 feet distant from the Sign in any direction.

- v. Internally illuminated Signs:
 - a. Internally illuminated Signs shall be designed with light lettering and graphics against a dark field.
 - b. The Sign cabinet shall fully enclose the light such the light source is not visible from the exterior of the Sign.
 - c. Internally illuminated Signs shall be designed so that Lamps produce no more than 200 Initial Lumens per Square foot.

h) Master Sign Plan:

In order to provide for design quality, flexibility, compatibility, and consistency in larger Buildings and Building complexes with multiple tenants, a master sign plan must be filed for all sites occupied by more than three tenants where all signs must meet the requirements of the master sign plan. The master sign plan must indicate the standards of consistency as applicable of all signs on the subject property with regard to:

- i. Colors;
- ii. Letter/graphics style;
- iii. Location and Sign Type;
- iv. Materials;
- v. Methods of illumination; and/or
- vi. Maximum dimensions and proportion.

Any Master Sign Plan seeking relief from the requirements of this subsection may follow the process provided in Art. 7 Part3 of the BCDO.

i) Permanent Signs

- i. Permanent Signs shall meet the standards set forth in [Section 14.6.9](#), and [Tables 14.6.9-C](#) through [14.6.9-K](#) below.
- ii. The allowed Sign Types within any Form District shall be as set forth in [Section 14.3](#) (Form Districts).

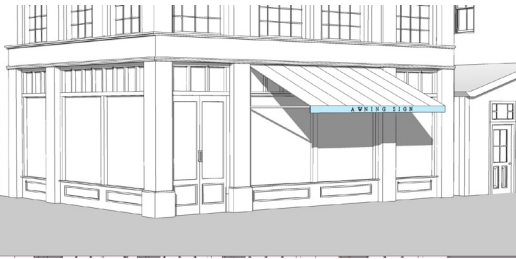
TABLE 14.6.9-B - SIGN TYPES SUMMARY TABLE [NOT REGULATORY]			
SPECIFIC SIGN TYPE	ILLUSTRATION	DISTRICTS	STANDARDS
AWNING & CANOPY SIGN: This Sign type is integrated within or part of an Awning or Canopy.		FD5 FD6	14.6.9-C

TABLE 14.6.9-B - SIGN TYPES SUMMARY TABLE [NOT REGULATORY]

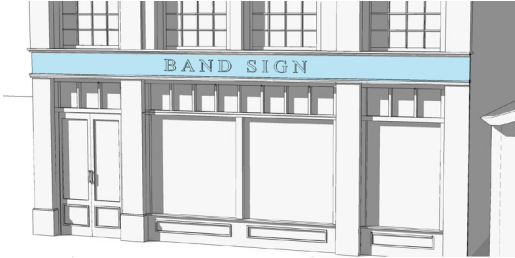
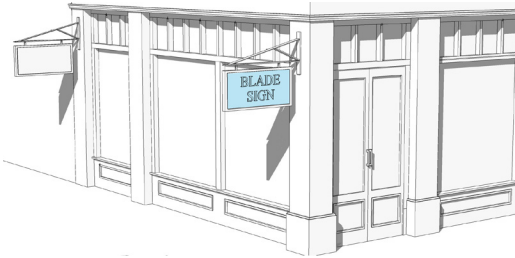
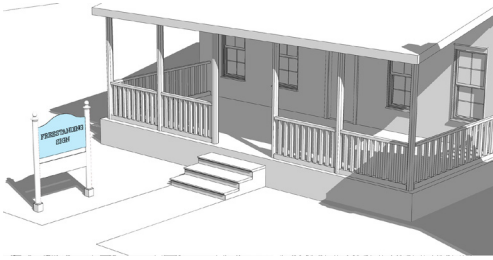
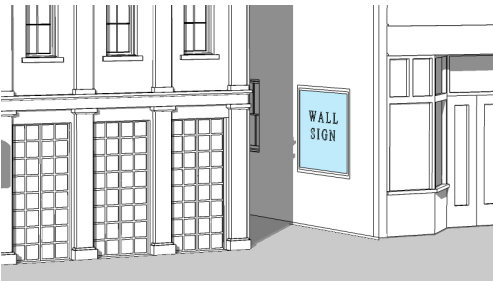
SPECIFIC SIGN TYPE	ILLUSTRATION	DISTRICTS	STANDARDS
MARQUEE SIGN: This Sign type is a structural feature of a Building that provides shelter and Sign space.		FD5 FD6	14.6.10-D
BAND SIGN: This Sign type is integrated flat against the Façade of a Building		FD5 FD6	14.6.9-E
BLADE SIGN: This Sign type is mounted on the Building Facade, projecting at a 90-degree angle, more than ½ inch in thickness, made of metal or other material and either not illuminated or illuminated by some source other than neon tubing or internal lighting.		FD5 FD6	14.6.9-F
FREESTANDING SIGN: This Sign type is fully detached from a Building and have an external support Structure consisting of 1-2 posts.		FD5 FD6	14.6.9-G

TABLE 14.6.9-B - SIGN TYPES SUMMARY TABLE [NOT REGULATORY]

SPECIFIC SIGN TYPE	ILLUSTRATION	DISTRICTS	STANDARDS
MONUMENT SIGN: This Sign type is fully detached from a Building and is supported along the entire length of its base.		FD5 FD6	14.6.9-H
NAMEPLATE: This Sign type consists of either a panel or individual letters applied to a Building, listing the names of businesses or Building tenants		FD5 FD6	14.6.9-I
OUTDOOR DISPLAY CASE: This Sign type consists of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a Building wall or free-standing support. It allows the contents, such as menus or maps, to be maintained and kept current.		FD5 FD6	14.6.9-J

TABLE 14.6.9-B - SIGN TYPES SUMMARY TABLE [NOT REGULATORY]

SPECIFIC SIGN TYPE	ILLUSTRATION	DISTRICTS	STANDARDS
WALL SIGN: This Sign type is attached to freestanding walls and is often used to mark a place of significance or the entrance to a location.		FD5 FD6	14.6.9-K
WINDOW SIGN: This Sign type is placed or painted on the interior of a Shopfront window or the window of a business door.		FD5 FD6	14.6.9-L

14.6.9-C AWNING & CANOPY SIGN

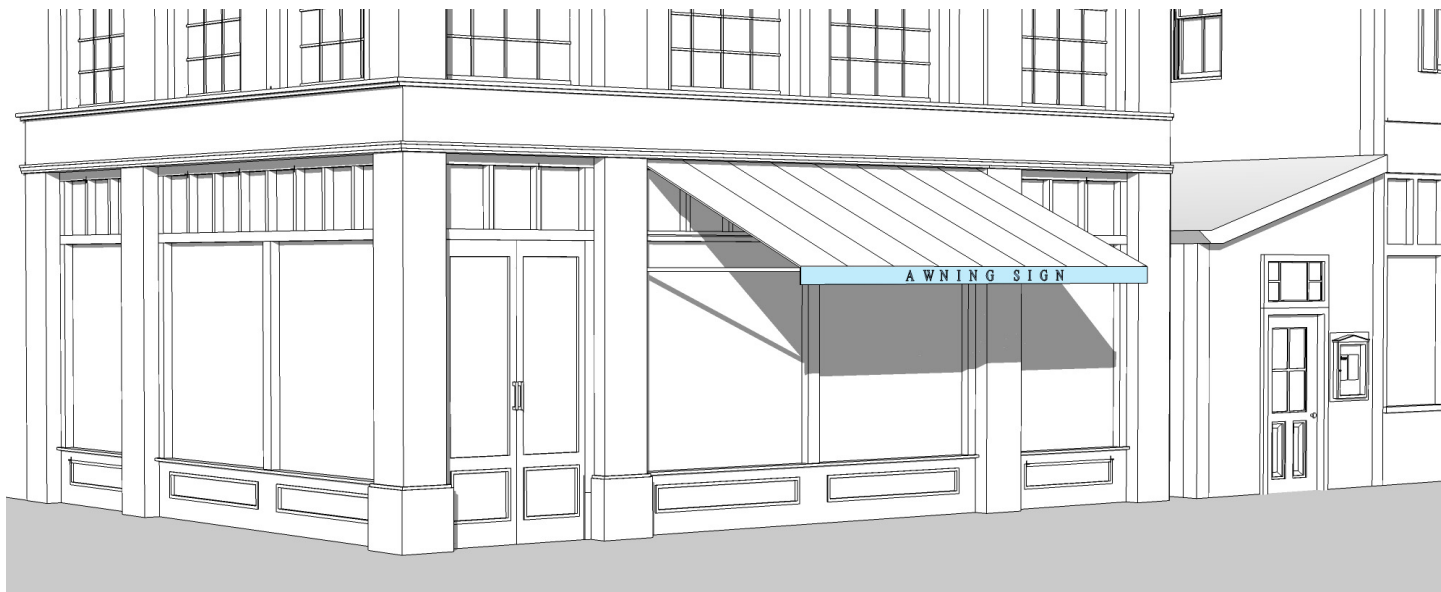


Diagram provided for illustrative purposes only

DESCRIPTION

This Sign type is integrated within or part of a first floor Awning or Canopy.

ALLOWED IN

FD5, FD6

SPECIFICATIONS

Area, Letter	75% of the Valance or Canopy face max and/or 25% of the sloping plane
Height, Letter	5" min; 10" max on Valance 18" max on sloping plane 24" max on or above Canopy

MISCELLANEOUS

Signage on a Canopy shall be limited to the face or may project above.

Signage on an Awning or Canopy shall be limited to the windows and doors on the first (ground) floor.

A Canopy Sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy provided a minimum of 8' clear height above any sidewalk and 14' clear height above any parking and/or circulation area is provided.

Awning Signs shall not be internally illuminated or backlit. Canopy Signs may be backlit.

Specific standards for Awnings and Canopies can be found in [Section 14.4.13 Urban Design Standards](#).



14.6.9-D MARQUEE SIGN

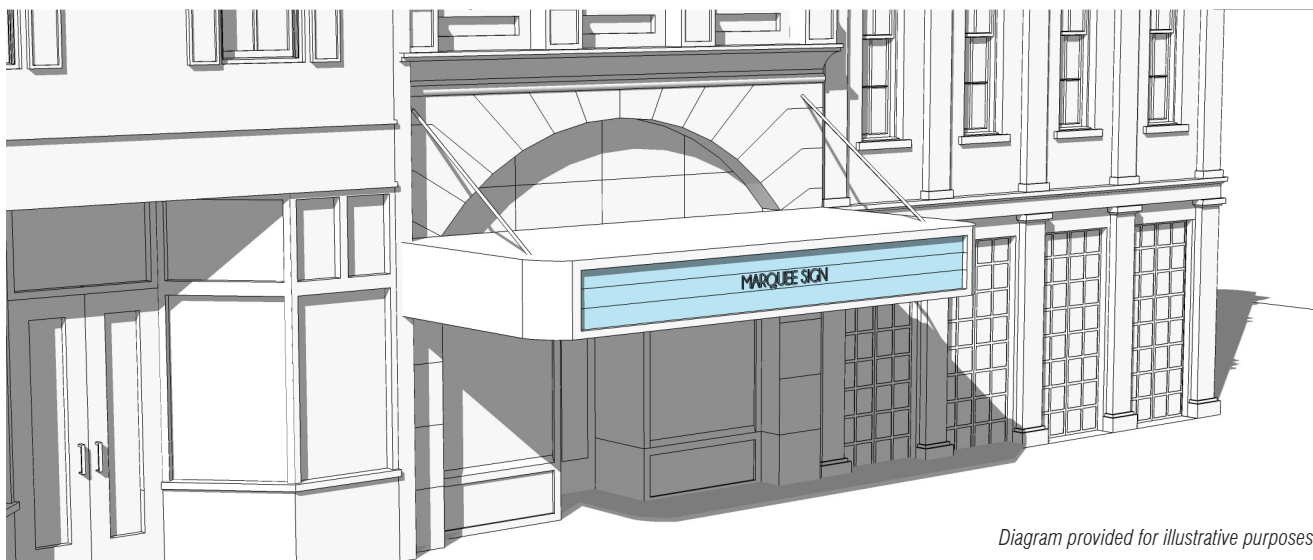


Diagram provided for illustrative purposes only

DESCRIPTION	ALLOWED IN
This Sign type is a structural feature of a Building that provides shelter and Sign space.	FD5, FD6
SPECIFICATIONS	
Number of Marquee	1 per Frontage max
Width, Overall	Width of the Frontage Type
Height, Overall	The top of the Marquee shall be no more than the lesser of the floor level of third Story or 35'
Height, Clear (above finished sidewalk)	9'6" min.
Projection, Overall	6' min.; 10' max.
Distance from Curb	3' min.
MISCELLANEOUS	
Marquee Signs shall be allowed only for Cinemas, Conference/ Convention Centers, Performing Arts Centers and Recreation Facility - Indoor.	
Marquee Signs shall be located only above the Principal Entrance of a Building.	
Marquee Signs shall be cantilevered or supported from above. Columns or Posts are prohibited.	
Changeable message boards with removable physical lettering are permitted.	



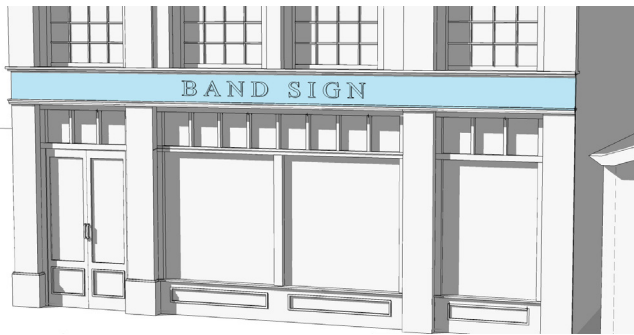
14.6.9-E BAND SIGN

Diagram provided for illustrative purposes only.

DESCRIPTION**ALLOWED IN**

This Sign type is integrated within a Sign Band as part of a Shopfront or Officefront Private Frontage.

FD5, FD6

SPECIFICATIONS

Quantity	1 per Shopfront/ Officefront max.
Area, Sign	75% of the Sign Band max.
Width, Sign	Width of Shopfront/ Officefront max.
Height, Sign Band	3' max.
Depth/Projection of lettering	7" max.
Letter Height	18" max.

MISCELLANEOUS

Band Signs shall only be associated with a Shopfront or Officefront Frontage Type

Where a Sign Band exists, the Band Sign shall be located within it.

Band Signs shall include only characters, background, lighting, and an optional logo.

Cut-out Letters shall be individually attached to the wall or on a separate background panel. Flat Panel letters shall be printed or etched on same surface as the background, which is then affixed to the wall.

Band Signs may be externally illuminated or backlit. Neon is permitted. Electrical raceways, conduits and wiring shall not be exposed. Internal lighting elements shall be contained completely within the Sign assembly or inside the wall.

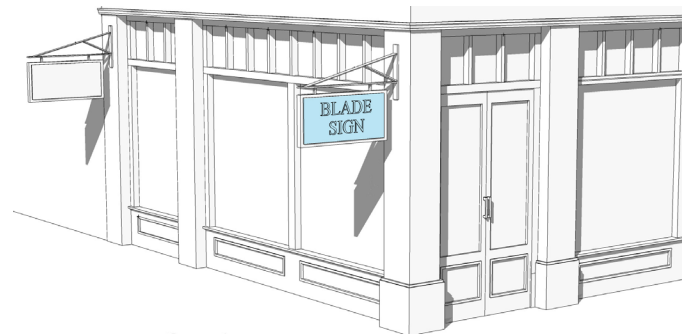
14.6.9-F BLADE SIGN

Diagram provided for illustrative purposes only.

DESCRIPTION**ALLOWED IN**

This Sign type is mounted on the Building Facade, projecting at a 90-degree angle.

FD5, FD6

SPECIFICATIONS

Quantity	1 per Principal Entrance for a first floor tenant max.
Area, Sign	9 sf max.
Width, Sign (projection)	4' max.
Height, Sign	4' max.
Depth, Sign	6" max.
Offset from facade	6' min; 12' max
Height, Overall (above finished sidewalk)	18' max
Height, Clear (above finished sidewalk)	8' min.

MISCELLANEOUS

The bracket must be an integral part of the sign design.

Blade Signs may be double-sided or three-dimensional.

Blade Signs shall be permitted only for uses that have a Principal Entrance on the first Story.

The clear height of the Blade Sign shall be measured from the sidewalk grade to the lowest portion of the overhanging sign and/or bracket.

Blade Signs shall only be externally illuminated.

Blade Signs may encroach the public right-of-way as permitted by the Form District

14.6.9-G FREESTANDING SIGN

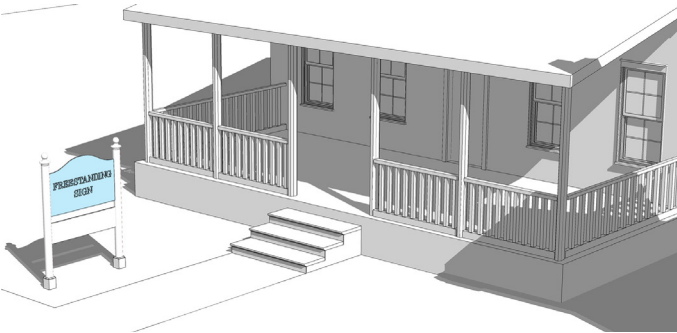


Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
This Sign type is fully detached from a Building and have an external support Structure consisting of 1-2 posts.	FD5, FD6

SPECIFICATIONS

Quantity	1 per Frontage max.
Area, Sign	25 sf max.
Width, Sign	8' max.
Height, Sign	8' max.
Height, Depth	1' max.
Height, Overall	14' max.

MISCELLANEOUS

Freestanding Signs may be double-sided.
Freestanding Signs may not be located in the public right-of-way.
The height of the Freestanding Sign shall be measured from the finished grade to the top of the light standard or supporting standard, whichever is higher.
Freestanding Signs may be internally or externally illuminated or backlit.
Freestanding Signs for a Fuel Service Station may include static internal illuminated changeable copy for the display of gas prices.

14.6.9-H MONUMENT SIGN



Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
This Sign type is fully detached from a Building and is supported along the entire length of its base.	FD5, FD6

SPECIFICATIONS

Quantity	1 per Frontage max.
Area, Sign	60 sf max.
Depth, Sign	2' max.
Height, Overall	10' max.
Height, Base	2' min., 4' max

MISCELLANEOUS

Monument Signs may be double-sided.
Monument Signs may not be located in the public right-of-way.
The height of the Monument Sign shall be measured from the finished grade to the top of the light standard or sign face, whichever is higher.
Monument Signs may be internally or externally illuminated or backlit.
Monument Signs for a Fuel Service Station may include static internal illuminated changeable copy for the display of gas prices.

14.6.9-I NAMEPLATE SIGN



Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
This Sign type consists of either a panel or individual letters applied to a Building, listing the names of businesses or Building tenants.	FD5, FD6

SPECIFICATIONS

Quantity	1 per address
Area	3 sf max.
Width	18” max.
Height	24” max.
Depth/Projection	3” max.

MISCELLANEOUS

- A nameplate shall only provide the name, address or logo of an owner, tenant, and/or the Building to which it is affixed.
- Nameplates shall consist of either a panel or individual characters applied to a Building wall within four (4) feet of an entrance to the Building.
- Nameplates may only be backlit.

14.6.9-J OUTDOOR DISPLAY CASE

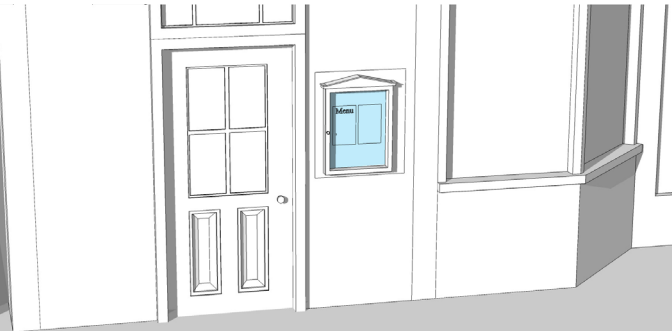


Diagram provided for illustrative purposes only.

DESCRIPTION	ALLOWED IN
This Sign type consists of a lockable metal or wood framed cabinet with a transparent window or windows, mounted onto a Building wall. It allows the contents, such as menus or maps, to be maintained and kept current.	FD5, FD6

SPECIFICATIONS

Quantity	1 per first floor business; 4 max. for theaters per Frontage
Area	6 sf max.
Width	4' max.
Height	4' max.
Projection	3” max.

MISCELLANEOUS

- Outdoor display cases may only be illuminated from inside the display case.
- Outdoor display cases of theatres operating in the Building may be larger but shall not exceed 12 Square feet.
- Outdoor display cases shall only be attached to a wall.

14.6.9-K WALL SIGN

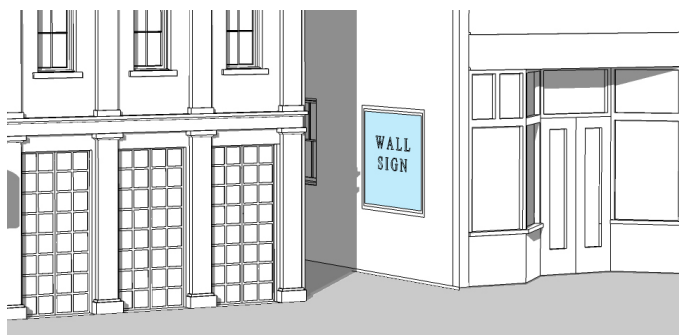


Diagram provided for illustrative purposes only.

DESCRIPTION

This Sign type is attached, painted or otherwise mounted parallel to a Building Façade or terrace wall.

ALLOWED IN

FD5, FD6

SPECIFICATIONS

Area, Total	2 sf per linear foot of Frontage associated with the first floor business, not to exceed 200 sf max.
Height above ground	The top of the Sign shall be no higher than the lesser of the floor level of second Story or 25'.
Projection	12" max.

MISCELLANEOUS

No portion of a Wall Sign may extend above the roof line or above a parapet wall of a Building with a flat roof

A Wall Sign may not cover windows or other architectural details.

Wall Signs may be externally illuminated or backlit.
Neon is permitted.

14.6.9-L WINDOW SIGN



Diagram provided for illustrative purposes only.

DESCRIPTION

This Sign type is placed directly behind or affixed to a Shopfront or Officefront window or door.

ALLOWED IN

FD5, FD6

SPECIFICATIONS

Quantity	1 per first or second floor floor window and ground floor entry
Area	25% of individual pane max.
Letter Height	8" max.

MISCELLANEOUS

Characters and logos shall be placed directly on the window or hang no more than 12" behind the glass. Items placed more than 12" from the glass shall not be considered a Sign.

Window Signs shall not be illuminated however the use of neon is otherwise permitted.

Window Signs shall not interfere with the primary function of windows, which is to enable passersby and public safety personnel to see through windows into premises and view product displays.

ARTICLE 7: SIGNS

Introduction: This Article of the Burlington Comprehensive Development Ordinance addresses the type, size, location, and design of all types of signs throughout the city. In the regulation of signs, it is important to understand that the City is considering only the physical aspects of the sign, not content. Signs can be considered and permitted individually, or as part of a "Sign Master Plan" that treats all signs within a development or complex as a group to encourage creativity.

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PART 1: GENERAL PROVISIONS

Sec. 7.1.1 Authority and Intent

These regulations are enacted under the provisions of 24 V.S.A. Section 4411 with the intent to ensure that all signs and advertising features are:

- (a) Compatible with their surroundings;

- (b) An enhancement to the city's visual environment;
- (c) Orderly, readable, and safe;
- (d) Harmonious in color, material and lighting with the building to which it relates; and,
- (e) Non-distracting to motorists.

Sec. 7.1.2 Permit Required

All signs, regardless of size, shall require the issuance of a zoning permit before public display unless otherwise specifically exempt by this Article.

Sec. 7.1.3 Exemptions

The following types of signs are permitted in all parts of the city and shall be exempt from the requirements of this Article:

- ~~(a) Political Signs: Signs advertising political parties and/or candidates provided:~~
 - ~~1. The size of such signs does not exceed thirty two (32) square feet;~~
 - ~~2. Such signs are not erected earlier than forty five (45) days prior to the election to which they pertain; and,~~
 - ~~3. All such signs are removed within three (3) days after the date of the election.~~
- ~~(a) Highway and Official Signs.~~ Subject to approval by the city engineer, signs within the public right-of-way or along a public thoroughfare designed and placed in conformance with the Manual on Uniform Traffic Control Devices (MUTCD) published by the US Dept. of Transportation, and other official public signs or notices placed on a temporary basis for use by emergency services or public utilities.
- ~~(b) Street Address Signs. Numerals that identify the address of the property so that it can be identified from the street, provided the area of any such sign does not exceed two (2) square feet.~~
- ~~(c) Directional Signs: Non illuminated signs displayed on private property strictly for the direction, safety or convenience of the public, including such signs which identify the location of restrooms, telephone booths, parking area entrances or exits, freight entrances or the like, provided the area of any such sign shall not exceed two (2) square feet.~~
- ~~(d) Real Estate Sale/Rental Sign. One temporary non illuminated sign advertising the sale or rental of the premises or indicating that such premises have been sold or rented, provided the area of any such sign shall not exceed six (6) square feet and shall be removed within three (3) days after the rental agreement has been executed or title has been transferred.~~
- ~~(e)(c) Flags: Flags or emblems of religious, educational, or governmental organizations, not to exceed 15 square feet with no single dimension greater than five feet provided they not exceed three flags per 50 feet of frontage, and are flown from supports of the buildings or grounds being occupied by the organization or an individual. In residential and RCO zones, up to two (2) flags and one (1) pole per lot. In all other zones, one (1)~~

flag per 25 feet of a lot's road frontage, up to a maximum of six (6) flags and six (6) poles. In all zones, each flag may be up to 15 square feet with no single dimension exceeding 5 feet. The height of the flag pole shall not exceed the height limit for the zone per the district-specific dimensional requirements of Article 4. Flag pole setbacks shall be per the district-specific dimensional requirements of Article 4.

~~(f) Contractor Sign. A single non-illuminated sign, not exceeding thirty-two (32) square feet in area, maintained on the premises while a building is actually under construction.~~

~~(g)~~(d) Property Restriction Signs. Non-illuminated signs such as those announcing no trespassing; the private nature of a road, driveway, or premises; or regulating fishing or hunting on the premises, provided the area of any such sign shall not exceed two (2) square feet.

~~(h)~~(e) Holiday Decorations: Holiday decorations displayed for and during recognized federal, state, or religious holidays to the extent they do not interfere with traffic safety or in any way becomes a public safety hazard.

(f) Home Occupation Signs. One non-illuminated sign for a permitted home occupation not to exceed two (2) square feet.

(g) Temporary Signs.

1. All temporary signs are subject to the following provisions i-iv:

- i. Must not be located within any public street right-of-way unless permitted by the Department of Public Works.
- ii. Must only be located on the property owned by the person whose sign it is and must not be placed on any utility pole, street light, or similar object unless permitted by the Department of Public Works.
- iii. Must not be illuminated.
- iv. Must be removed within 14 days after the election, sale, rental, lease, or conclusion of event which is the basis for the sign unless otherwise expressly allowed under individual temporary sign types.

2. Types of allowed temporary signs:

- i. One sign of up to two (2) square feet may be placed on a property at any time for up to 30 consecutive days.
- ii. Up to [?] signs with an aggregate area of [?] may be placed on a property for a period of 30 days prior to an election involving candidates for a federal, state, or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate.
- iii. One sign of up to six (6) square feet may be placed on a property being offered for sale. Such sign may remain for a period of 15 days following the date on which a contract of sale has been executed by a person purchasing the property.

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Commented [SG1]: Or limit individual size by sign type per the requirements of permanent signs

~~(i)iv.~~ One sign of up to six (6) square feet may be placed on a property on a day when the property owner is opening the property to the public; provided, however, such a sign may not be used for more than 2 days in a year in all residential and RCO zones and may not be used for more than 14 days in a year in all other zones.

~~(j) Residential Sign: A sign of less than two (2) square feet which serve only to indicate the name and address of residential occupants.~~

~~(k) Memorials/Interpretive Markers. Non illuminated memorial, interpretive, signs or historical signs or tablets displayed by a public or educational non profit agency strictly for the purpose of informing or educating the public provided the area of any such sign shall not exceed thirty two (32) square feet.~~

Commented [SG2]: This exemption is useful, but it sure is content based and it also limits who the exemption applies to. Restrictions on RCO sign allowances has been revised in Sec. 7.2.2 to allow multiple signs. The prior limitation of 1 had spurred this exemption, esp. for city parks.

Sec. 7.1.4 Prohibited Signs

The following types of signs shall be prohibited in all parts of the city:

- (a) No person shall paint, paste, brand, stamp or in any other manner place on or attach to any tree, rocks or other natural feature, utility pole, or other pole on any street or public right-of-way, any sign, excluding an official sign, or other advertisement, bill, notice, card or poster.
- (b) Any ~~off-premise~~ sign which advertises ~~or otherwise directs attention to any commodity or activity- goods, products, or services which are not sold, manufactured, or distributed on or from the property on which the sign is located. offered or conducted elsewhere than on the premises upon which such sign is located unless otherwise provided for in Sec. 7.1.7.~~
- (c) Any sign or supporting structure located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the ~~D~~epartment of ~~P~~ublic ~~W~~orks.
- ~~(d) Any sign or other advertising device with visible moving or movable parts or with flashing animated or intermittent illumination (except signs indicating the time, date or weather conditions), and any sign that contains any fluorescent paint or device, including mirrors, which has the effect of intensifying reflected light.~~
- ~~(e) No sign or advertising device attached to a building shall be located on the roof. Nor shall any sign or advertising device project above the roof or parapet line. Nor shall any sign or advertising device project more than 12 inches out from the wall to which it is attached.~~

Sec. 7.1.5 Temporary signs (Reserved)

~~The display of any such temporary sign(s) shall be limited to two non consecutive 30 day periods per calendar year. Any other sign shall be considered permanent.~~

Commented [SG3]: Put under Exemptions

Sec. 7.1.6 Non-Conforming Signs

Any sign or other advertising device which does not conform to the provisions of this ordinance in terms of location, area, illumination, type, or height shall be deemed a non-conforming sign. Non-conforming signs may remain in use at the same location, and ordinary maintenance and repair of such signs shall be permitted.

A non-conforming sign shall not be relocated, enlarged, replaced, redesigned, or altered in any way (except for a change of lettering, logo or colors using the same materials within an existing sign frame subject to obtaining a zoning permit) except to bring the sign into complete or substantially greater compliance with this Article. In such cases, the DRB may allow a sign to be in substantially greater compliance than the existing nonconforming sign subject to the development review criteria in Article 6.

Sec. 7.1.7 Reserved Off-Premise Signs

~~Off premise signs shall not be permitted with the following exceptions:~~

~~(a) Political signs as regulated by Sec. 7.1.3;~~

~~(b) Temporary non-illuminated signs directing persons to temporary exhibits, shows or events provided:~~

~~1. The size of such sign does not exceed twelve (12) square feet in area; and,~~

~~2. Such signs are not posted earlier than two (2) weeks prior to the event and are removed within three (3) days after the event.~~

~~(c) Non-illuminated signs used for directing members or patrons to service clubs, churches or other nonprofit organizations provided:~~

~~1. Such signs indicate only the name of the facility and the direction of the facility; and,~~

~~2. Such signs do not exceed four (4) square feet in area.~~

~~(d) Sandwich board signs as regulated by the dept. of public works.~~

Sec. 7.1.8 Sign Permit Applications and Submission Requirements

A Sign Application as provided in Article 3 is necessary for those requests pertaining to all signs covered by the requirements of this Article.

Submission requirements shall include all the following, as applicable:

1. A completed application form, and signed by the property owner, along with the applicable fee;
2. A scaled rendering of the proposed sign indicating its dimensions in square inches or feet (length, width, height), and all materials and colors used;
3. Applications involving freestanding signs shall include a scaled site plan indicating the location of all existing and proposed signs on the lot and all setbacks in feet from the property lines and/or rights-of-way.

4. Applications involving parallel and projecting signs shall include a scaled building elevation indicating the location of all existing and proposed signs on the building face and the frontage dedicated to the establishment in linear feet.
5. Where applicable, the type and method of illumination (i.e. external, internal, or backlit), including the fixture style, placement, and bulb wattage and type;
6. The total square footage of all existing signs for the establishment; and,
7. Photographs of the building or site where the sign is proposed.

Such requests require only administrative review and approval pursuant to the procedural requirements of Sec. 3.2.7 and the requirements of this Article.

Sec. 7.1.9 Types of Signs

(a) Freestanding Signs:

The height of freestanding signs shall be measured from the official street grade to the top of the light standard or supporting standard, whichever is higher. Only one freestanding sign is permitted for each separate street frontage devoted to an establishment. A kiosk sign is considered a freestanding sign. A sign that stands without supporting elements, such as "sandwich sign" or interchangeable message board on wheels, is also considered a freestanding sign. (See Figure 7.1.9-1)

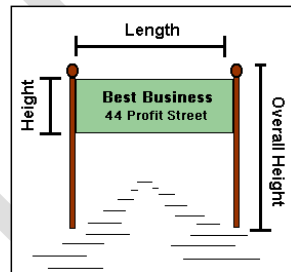


Figure 7.1.9-1 Freestanding Sign

(b) Kiosk Signs:

Kiosks erected on city sidewalks shall not occupy more than twenty five per cent (25%) of the total width of the sidewalk measured at the location of the kiosk. The maximum height of a kiosk shall not exceed nine (9) feet. Kiosks shall not unreasonably interfere with the normal flow of pedestrian traffic. A bus shelter may be used as a kiosk. Kiosks are to be distinguished from "free-standing signs" which are governed by Section 21-5 of Chapter 21 of the Burlington Code of Ordinances.

Commented [SG4]: This section talks a lot about kiosks in the ROW. Zoning does not pertain to that in any event. Toss it and simply wrap into freestanding sign standards.

(c) Parallel Signs:

Parallel signs shall not extend beyond the edge of any wall or other surface to which they are mounted, and shall not project more than eighteen (18) inches from the surface thereof. (See Figure 7.1.9-2)

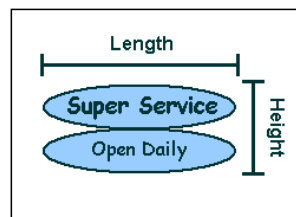


Figure 7.1.9-2 Parallel Sign

(d) Projecting Signs:

The content of projecting signs must be affixed flat to such canopy, marquee, or awning and is limited to announcing the name of the establishment or any on-premises show or event. (See Figure 7.1.9-3)

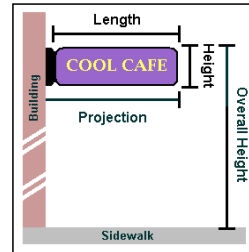


Figure 7.1.9-3 Projecting Sign

~~(e) Roof Signs:~~

~~No sign or advertising device attached to a building shall project above the roof or parapet line nor more than 12 inches out from the wall to which it is attached.~~

Commented [SG5]: Put under prohibitions

Sec. 7.1.10 Sign Location and Area**(a) Obstruction:**

No sign shall be placed in such a way that it prevents clear and unobstructed view of a highway or official sign or of approaching or merging traffic.

(b) Setbacks:

No portion of any freestanding sign shall be located any closer to any property line than fifty per cent (50%) of the required yard setback for the district in which it is located.

(c) Calculation of Sign Area:

The following shall govern the calculation of a sign's area:

1. The area of a sign shall include all lettering, designs, or symbols, together with the background, whether open or enclosed, upon which they are displayed. Not included are any supporting framework incidental to the display itself.
2. Advertising relating to a specific product or products sold on the premises, or the utilization of corporate symbols, logos, or similar features, shall be included in the aggregate sign area permitted for each establishment.
3. Where a sign consists of individual letters or symbols attached, painted, or applied directly to a building, wall, or window, the area shall be considered to be the smallest rectangle encompassing all the letters and symbols. (See Figure 7.1.10-1)
4. In computing the area of a double-faced sign, only one side shall be considered if both faces are identical. Notwithstanding the



Figure 7.1.10-1 Area of a sign affixed directly on a building.

above, if the interior angle formed by the two (2) faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.

5. The maximum allowable area of a sign shall include all permanent signs attached, painted, or applied to a building facade. If an establishment has walls fronting on two (2) or more streets, the sign area for each street shall be computed separately.

Sec. 7.1.11 Sign Lighting

In addition to the outdoor lighting requirements of Sec. 5.5.2, the following requirements shall pertain to the lighting of all signs:

- (a) Signs shall be illuminated such that the illumination does not create glare or unduly illuminate the surrounding area.
- (b) Externally illuminated signs:
 1. Light fixtures used to illuminate signs shall be top mounted and shall direct the light downward toward the sign.
 2. Ground mounted lights shall not be used unless under special circumstances where conditions of (1) above cannot be met and only if reviewed by the DAB and approved by the DRB.
 3. Light fixtures shall employ the use of grids, hoods, or baffles, and aimed so that light is directed only onto the sign face. The light source or reflective surfaces of the fixture shall not be visible from the public way or surrounding properties.
- (c) Backlit signs:
 1. Backlit (i.e. reverse channel illumination) signs shall light lettering and logo and other related sign elements only, and lighting design shall be such that no excess light spill or glare results from the back lighting fixtures and/or source. The back lit sign shall not increase the measurable vertical light level at a point 20 feet distant from the sign in any direction.
 2. In addition to other permitted lamp types, neon or similar lighting may be used to illuminate backlit signs.
- (d) Internally illuminated signs:
 1. Internally illuminated signs shall be designed with light lettering and graphics against a dark field.
 2. The sign cabinet shall fully enclose the light such the light source is not visible from the exterior of the sign.
 3. Internally illuminated signs shall be designed so that lamps produce no more than 200 initial lumens per square foot.

Sec. 7.1.12 Electronic Message Display

An electronic message display may be permitted for any grades 6-8 or secondary school, use as defined in Article 13 in any zoning district subject to the following requirements:

- (a) An electronic message display shall not have any distracting appearance of motion including but not limited to flashing, blinking, shimmering, animation, moving video, or scrolling advertising.
- (b) An electronic message display that is readily visible to drivers of vehicles on any public way shall have characters of sufficient size to be easily discerned and must not constitute a safety hazard by distraction of drivers.
- (c) No more than one (1) electronic message display with two sides shall be permitted per grades 6-8 or secondary school.
- (d) The area occupied by the message on an electronic message display may comprise no more than fifty (50) percent of the maximum total allowable sign area as provided in Article 7, Part 2.
- (e) The message display area may have a maximum of three (3) lines of characters including all letters, numbers, spaces, or other symbols.
- (f) An electronic message display shall consist only of alphabetic or numeric characters on a plain background and may not include any graphic, pictorial, or photographic images.
- (g) A maximum of one color shall be used for an electronic message, which shall be on a dark background of one color.
- (h) The message that is displayed may change no more frequently than once every two (2) minutes. When the display of an electronic message changes, it must change as rapidly as is technologically practicable with no phasing, rolling, scrolling, flashing, or blending.
- (i) An electronic message display shall include internal ambient light monitors that automatically adjust the brightness level of its display according to natural ambient light conditions.
- (j) An electronic message display shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
- (k) Such electronic message displays shall only be permitted on the following streets:
 - Main Street
 - North Avenue
- (l) The hours of operations for such electronic message displays shall be permitted from 6:00am to 10:00 pm except that secondary school use shall have no such limit on the hours of operation.

PART 2: DISTRICT REGULATIONS

Sec. 7.2.1 Regulation by District

Signs shall be permitted in each district as specified in Table 7.2.1-1 below and as further regulated by the provisions of this Part. Where other provisions in this Article are more restrictive than Table 7.2.1-1, the more restrictive provisions shall apply.

Table 7.2.1-1: Sign Regulation Summary

Sign Type	Dimensional Requirements	Zoning District ⁴			
		All RCO and Residential Districts	All Mixed Use and Institutional Districts	All Enterprise Districts	(Reserved)
Parallel	Size	20-sf	2-sf ¹	2-sf ¹	-
	Maximum Height	14-ft ²	14-ft ²	14-ft ²	-
	Illumination	No	Yes	Yes	-
Projecting	Size	4-sf	4-sf	4-sf	-
	Maximum Height	12-ft ²	14-ft	14-ft	-
	Illumination	No	Yes	Yes	-
Freestanding	Size	20-sf	½-sf ¹	1-sf ¹	-
	Maximum Height	6-ft	14-ft	6-ft	-
	Illumination	No	Yes ³	Yes	-

1. Size is determined per each linear foot of building frontage allocated to the establishment
2. Or ceiling height of the first floor, whichever is less, except in D, D-T, E-LM and NMU-NAC where the sign may be above 14 feet as per Sec 7.2.3(a)4, Sec. 7.2.4 (c)2D, or Sec. 7.2.4(c)6C.
3. Illuminated freestanding signs are not permitted in NMU district.
4. No signs shall be permitted in the Urban Reserve District.

Sec. 7.2.2 Signs in Residential and RCO Districts

(a) Permitted Signs:

~~In addition to signs authorized under Sec. 7.1.3 and Table 7.2.1-1, only the following~~ The following on-premise signs shall be permitted in any Residential and RCO districts in addition to signs authorized under Sec. 7.1.3.

(a) Restrictions on Residential District and RCO District Signs:

1. In all residential districts, only one (1) sign per property shall be allowed.
2. In all residential and RCO districts, no sign shall be located within three (3) feet of any sidewalk or its vertical plane, except where such sign is attached to the face of the building at least eight (8) feet above the sidewalk and protruding no more than six (6) inches from the face of the building.

(b) Parallel Signs:

Parallel signs are permitted provided:

1. One (1) sign not exceeding twenty (20) square feet.
2. Sign not to exceed fourteen (14) feet in height or the ceiling height of the first floor, whichever is less.
1. Organization Signs. Parallel, projecting and freestanding signs representing governmental educational or religious organizations provided that the total area of all signs for any individual use shall not exceed twenty (20) square feet.
2. Agricultural Signs. One (1) sign advertising for sale agricultural produce raised on the premises, not to exceed two (2) square feet in area.
3. Non residential Building Sign. One sign identifying a permitted non residential building, use, or activity, provided the area of such sign shall not exceed twenty (20) square feet.

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(c) Freestanding Signs:

Freestanding signs are permitted provided:

1. One (1) sign for each separate street frontage provided that it does not exceed twenty (20) square feet.
2. Sign not to exceed six (6) feet in height.

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(d) Projecting Signs:

Projecting signs are permitted provided:

1. One (1) sign not exceeding four (4) square feet.
2. Sign not to exceed twelve (12) feet in height or the ceiling height of the first floor, whichever is less.

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(b) Restrictions on Residential District Signs:

The following restrictions regarding type and placement of signs pertain to all signs in all Residential and RCO districts:

1. No sign shall be located within three (3) feet of any sidewalk or its vertical plane, except where such sign is attached to the face of the building at least eight (8) feet above the sidewalk and protruding no more than six (6) inches from the face of the building.

Sec. 7.2.3 Signs in Mixed Use Districts

Except as provided pursuant to Sec 7.2.4 below pertaining to signs on the Church Street Marketplace, the following on-premise signs may be permitted in any mixed use zoning district in addition to signs authorized under Sec. 7.1.3 ~~and Table 7.2.1-1:~~

(a) Parallel Signs:

Parallel signs are permitted provided:

1. The total area of all parallel signs for each establishment shall not exceed two (2) square feet for each linear foot of frontage devoted to such establishment. If such establishment does not occupy any floor area on the ground level, other than an entryway, the maximum permitted sign area shall not exceed one (1) square foot for each linear foot of frontage devoted to such establishment.
2. Signs painted on or affixed to the inside or outside of windows shall be included in the computation under (1) above and (2) below, only if the combined area exceeds twenty-five (25) per cent of the area of the window which they occupy.
3. In no case, however, may the total area of all parallel signs exceed the lesser of two hundred (200) square feet or fifteen (15%) per cent of the area of the facade to which they are attached for the length of frontage devoted to such establishment.
4. A sign above 14 feet may be allowed where the first floor of the building has a floor-to-ceiling height in excess of 14 feet, subject to the following:
 - A. In no instance shall a sign be allowed above the floor level of a second story, or the cornice line of a structure whichever is lower;
 - B. Such signs shall be architecturally compatible with the design of the structure; and,
 - C. No such sign can be internally illuminated.

(b) Freestanding Signs:

Freestanding signs are permitted provided:

1. Only one such sign shall be permitted for each separate street frontage devoted to an establishment;
2. The area of any such sign shall not exceed one half (1/2) square foot per one (1) linear foot of frontage or a total of sixty (60) square feet, whichever is less; and,
3. The height of any freestanding sign shall not exceed fourteen (14) feet.

(c) Projecting Signs:

Projecting signs are permitted provided the sign:

1. Does not visually interfere with the view to and from adjacent properties;
2. Does not extend above any portion of the roof of the building to which such sign is affixed;
3. Has its lowest edge at least eight (8) feet above any pedestrian way; and,

4. Is vertically aligned.

(d) Signs connected to a canopy, awning, or marquee:

Signs connected to a canopy, awning, or marquee are considered projecting signs, and as such are governed by (c) above and the following:

1. All lettering and artwork is fixed flat to such canopy, marquee or awning; ~~and,~~
2. ~~All lettering is limited to the name of the establishment and announcing any on-premise show or event where applicable.~~

Commented [SG7]: Delete - content based.

Sec. 7.2.4 Sign Regulations for Church Street Marketplace

The regulations of this section shall govern all signs located in the Church Street Marketplace District (hereinafter "district") as defined by Sec. 321 of the City Charter.

(a) Marketplace Commission Approval:

Prior to review and approval of an application under this ordinance for a sign, all signs, banners, kiosks, and similar advertising features must be reviewed by and consented to in writing by the Church Street Marketplace District Commission, which may make use of the Church Street Marketplace Design Guidelines in such reviews.

(b) Exemptions:

Signs at the following addresses shall be exempted from the provisions of this subpart. Such signs may be repaired or replaced so long as the repair or replacement is identical to the sign existing at the time of this ordinance. Where such repair or placement changes the appearance of the sign, the sign must meet all requirements of this subpart.

1. 34 Church Street;
2. 37 Church Street;
3. 75 Church Street (Bank Street facade);
4. 78 Church Street;
5. 107 Church Street; and,
6. 115 Church Street.

(c) Permitted Signs and Restrictions:

Unless otherwise noted, the following on-premise signs shall be permitted:

1. Parallel Signs:

- A. The total area of all parallel signs for each establishment shall not exceed one and one-half (1.5) square foot of length of that portion of such wall devoted to such establishment.
- B. If such establishment does not occupy any floor area of the ground level of the building, other than an entryway, the maximum permitted sign area shall not exceed ten (10) square feet.

- C. Signs painted on or affixed to the inside or outside of windows shall be included in the computation of subsections (A) and (B) above, if their combined area exceeds thirty (30) per cent of the area of the window they occupy.
- D. No signs, except window signs, shall be placed more than one (1) foot above the finish floor level of the second floor of a multi-story building to which they are attached. In no case shall such signs be placed more than fourteen (14) feet above the lowest point where the sidewalk meets the building line on the façade to which the sign is attached or, where there is a public canopy structure, above the top edge of the glass roof.
- E. No parallel sign shall project more than twelve (12) inches from the face of the wall to which it is attached, except as otherwise provided in subsection (3)(b) below.

2. Projecting signs:

- A. There shall be no more than one (1) such sign per establishment.
- B. The total area of such a projecting sign shall not exceed eight (8) square feet.
- C. The maximum projection of such sign beyond the building line shall not exceed four (4) feet.
- D. The maximum height to the top of such a sign, as measured from the lowest sidewalk elevation at the building line on the façade to which the sign is attached, shall not exceed eighteen (18) feet.
- E. The lower edge of such a sign must be at least seven (7) feet six (6) inches above the sidewalk directly beneath the sign.
- F. Three-dimensional signs ~~depicting the goods or services available on the premises~~ are allowed within the limits specified in items (A) through (E) above. The area of the smallest rectangle, which can be drawn encompassing all the parts of the sign, shall measure the area of such signs.
- G. Two-dimensional signs shall have both faces parallel, vertical and at right angles to the building line.

Commented [SG8]: This language is redundant with general provisions earlier in the Article.

3. Canopies, marquees and awnings:

- A. Canopies, marquees, and awnings attached to buildings are permitted subject to development review board review.
- B. When a sign is affixed to such a canopy, marquee or awning, it shall satisfy the following requirements:
 - i. If placed parallel to the building facade, its area shall be deducted from the maximum allowable area of parallel signs; and,
 - ii. If at right angles, it shall be in substitution of any other projecting sign and shall meet the requirements of subsection (2) A, B, and D through G above for projecting signs.

4. Pedestrian Canopy Signs/Floor Mosaic Signs.

- A. Permanent verbal and nonverbal signs, satisfying the conditions of (3) above for canopies, marquees and awnings, may be attached to the Church Street pedestrian canopy provided they also satisfy the following requirements:
 - i. Such signs may be attached only to front or back columns or to cross members below the glass;
 - ii. The owner of such a sign must bear the full cost of attaching the sign to the canopy structure and must also fully restore the galvanized and painted waterproofing membranes on the canopy, which may be damaged during attachment or removal of the sign;
 - iii. The maximum height of such sign measured from the base of the sidewalk directly below shall be nine (9) feet; and,
 - iv. No person shall have more than two (2) signs located in or attached to any part of the public right-of-way or public canopy system.
- B. Mosaic signs are permitted in the floor of building entries and may fill the entire entry. Such signs may be placed within the sidewalk directly in front of building entries, subject to the following conditions:
 - i. The materials used in creating such a sign must be durable, nonskid paving materials, laid in a manner that is compatible with the existing sidewalk paving and creating no discontinuities in sidewalk surface or changes in grade;
 - ii. The width of such a sidewalk sign shall be no greater than the width of the building entry and the depth shall be no more than seven (7) feet from the building line; and,
 - iii. The owner must bear the full cost of removing the existing sidewalk pavement, assume all liabilities for structural problems in the sidewalk or accidents which may occur due to such re-paving, and restore the original pavement should any problem arise.

5. Kiosks:

~~Permanent kiosks are permitted provided that the information displayed thereon shall serve a public purpose such as the names and locations of establishments on the block in which the kiosk is located or on the Church Street Marketplace as a whole, or provision of space for changing information such as posters and announcements; and provided that such kiosks meet the following location and dimensional requirements:~~

- ~~A. — Such kiosk shall not impede the flow of pedestrian traffic;~~
- ~~B. — Such kiosk shall not interfere with any publicly funded amenity;~~
- ~~C. — The maximum area of the projected plan of such a kiosk shall be fifteen (15) square feet;~~
- ~~D. — The maximum height of such kiosk shall be ten (10) feet; and,~~
- ~~E. — Two dimensional signs shall have both faces parallel, vertical and at right angles to the building line.~~

Commented [SG9]: Kiosks within the Church Street Marketplace are within the public ROW and are not subject to zoning in any event. This current provision also controls the content of kiosk signage.

6. Other restrictions on type and placement of signs:

- A. Freestanding on-premises signs are not permitted, ~~except as otherwise provided below.~~
- B. Internally illuminated signs are prohibited. Signs inside the building may be illuminated in any manner by a steady source of light. Signs external to the building envelope may be illuminated by a steady source of light external to the sign, except that linear outline neon signs with no background are permitted.
- C. Fabric banners or streamers may be mounted on the façade of a building with the written approval of the city engineer, who must be satisfied as to the structural soundness of the mounting device to withstand wind loads. All liability in case of structural failure, however, shall remain the sole responsibility of the owner. The lower edge of such a banner or streamer must be at least fourteen (14) feet above the sidewalk directly beneath the sign. The maximum projection of such banner or streamer beyond the building line shall not exceed six (6) feet.
- ~~D. Temporary flags or banners may be attached to those light poles that have been structurally designed to receive them.~~

Commented [SG10]: Flags, temporary or otherwise, are exempt.

Sec. 7.2.5 Signs in Enterprise Districts

Signs in the Enterprise Zoning Districts shall be subject to the restrictions in Sec. 7.2.3 except as modified below:

- (a) The total area of any parallel sign shall not exceed two (2) square feet for each foot of length of the front building wall or length of that portion of such wall devoted to such establishment, or two hundred (200) square feet, whichever is less;
- (b) No parallel sign shall be painted on or affixed to the outside windows;
- (c) Illuminated signs are prohibited;
- (d) Freestanding signs shall not exceed six (6) feet in height;
- (e) The area of any freestanding sign shall not exceed one half (1/2) square foot per one (1) linear foot of frontage or a total of sixty (60) square feet, whichever is less; and,
- (f) No sign shall be located within three (3) feet of any sidewalk or its vertical plane, except where such sign is attached to the face of the building at least eight (8) feet above the sidewalk and is protruding no more than six (6) inches from the face of the building.

Sec. 7.2.6 Signs in the Institutional District

Signs in the Institutional Zoning District shall be subject to the restrictions in Sec. 7.2.3. Signs in the district which exceed these restrictions shall be permitted provided such sign is in accordance with a signage plan submitted by the institution and approved by the DRB.

PART 3: SIGN PLANS

Sec. 7.3.1 Intent

In order to provide for design quality, flexibility, compatibility, and creativity in larger buildings and building complexes with multiple tenants or owners, signs shall be allowed as specified in a sign master plan for the property as follows:

Sec. 7.3.2 Applicability

Within any Mixed Use, Enterprise, or Institutional zoning district, all signs located on a site, building or a complex of buildings located on a single lot with three or more tenants or owners may be granted a zoning permit if the signs comply with a sign master plan submitted by the building owner and reviewed and approved by the DRB under the provisions of Sec. 7.3.4 below and Article 6.

Sec. 7.3.3 Submission Requirements

A sign master plan shall be a comprehensive plan of all planned signs to be located on the site and on all facades of the building or building complex.

Information to be included in a sign master plan shall include, but not be limited to, the following:

- (a) Total number of signs proposed, including any existing signs that will remain.
- (b) Sketch of signs clearly indicating size/dimensions of all signs – including height above finished grade, lettering, logos or other graphics, colors, materials, texture.
- (c) Types of signs – parallel, freestanding, projecting or window.
- (d) Building elevations/photographs clearly illustrating the placement of signs on buildings.
- (e) Site plan indicating location of freestanding signs and structures.
- (f) Methods of illumination.

Sec. 7.3.4 Flexibility from Existing Standards

The sign master plan shall be compatible with the site and buildings and character of the surrounding area pursuant to the provisions of Article 6. While individual signs in the plan may vary from the restrictions of Sections 7.2.3, 7.2.4, 7.2.5 and 7.2.6 in the type and placement of signs on a structure or lot, no individual sign may exceed the size limitations as per Sec. 7.2.3(a)(3).

Except for such variations approved by the development review board by acceptance of a master sign plan pursuant to this Article, all other requirements, permits, and restrictions regarding signs shall remain in effect.

Sec. 7.3.5 On the Record Review

Pursuant to the authority of 24 V.S.A. §4471(b), any permit request for a Master Sign Plan approval by the DRB will be on the record, so that any appeal is not a de novo review, in accordance with the Vermont Rules of Civil Procedure.

ARTICLE 13: DEFINITIONS

Introduction: This Article of the Burlington Comprehensive Development Ordinance provides definitions of terms, concepts, and uses found throughout the ordinance.

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S	<u>238</u>
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PART 2: FLOOD HAZARD DEFINITIONS	4499

Sec. 13.1.1 Miscellaneous.

For the purposes of this ordinance,

- (a) Words used in the singular include the plural and words used in the plural include the singular;
- (b) Words used in the present tense include the future;
- (c) The word "shall" is mandatory and not merely directory;
- (d) The word "building" includes "structure";
- (e) The word "lot" includes the word "plot"; and,
- (f) The word "land" includes the words "marsh", "wetland" and "water".

Sec. 13.1.2 Definitions.

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

A - R

As written.

S**Salon/Spa: - Senior Housing:**

As written.

Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, trade marks by which anything is made known, such as are used to identify or advertise an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public-street or right-of-way and used to attract attention. (See Article 7)

~~(a) **Business Sign:** An on-premises sign that directs attention to any primary business, commodity, service, industry or other activity, which is sold, offered or conducted on the premises.~~

~~(b)~~ **(a) Directly Illuminated Sign:** A sign, which emits light from a source within such sign directly or through transparent or translucent material, including but not, limited to, neon and exposed lamp signs.

~~(c)~~ **(b) Flashing Sign:** An illuminated sign on which an artificial light is in a non-stationary position or is not constant in intensity or color at all times during use.

~~(c)~~ **(c) Freestanding Sign:** A self-supporting sign resting on the ground or supported by means of poles or standards in the ground. The height of freestanding signs shall be measured from the official street grade to the top of the light standard or supporting standard, whichever is higher. ~~Only one freestanding sign is permitted for each separate street frontage devoted to an establishment. A kiosk is considered a freestanding sign.~~ A sign that stands without supporting elements, such as "sandwich sign" or interchangeable message board on wheels, is also considered a freestanding sign.

Commented [SG1]: Inappropriate as part of the definition.

- ~~(e)~~**(d) Holiday Decorations:** Holiday decorations displayed for and during recognized federal, state, or religious holidays shall be exempted from the provisions of this article except where they interfere with traffic safety or in any way becomes a public safety hazard.
- ~~(f)~~**(e) Indirectly Illuminated Sign:** A sign illuminated from an outside source so shielded that no direct rays are visible elsewhere on the lot. If such shielding device is defective, the sign shall be deemed to be a directly illuminated sign.
- ~~(g)~~**(f) Kiosk:** Any structure erected in a public place with approval of the development review board for the specific purpose of displaying any sign to direct or inform pedestrians. A kiosk is considered a type of freestanding sign.
- ~~(h)~~**(g) Non-complying Signs:** Any sign existing at the time of the passage of this section that does not conform in area, illumination, type, or height with the provisions herein.
- ~~(i)~~**(h) Off-Premise Sign:** A sign which advertises or otherwise directs attention to any commodity or activity sold, offered or conducted elsewhere than on the premises upon which such sign is located.
- ~~(j)~~**(i) Official Sign:** Any sign, including traffic signs and similar regulatory notices, erected by a duly constituted governmental body.
- ~~(k)~~**(j) On-Premise Sign:** A sign directing attention to an activity on the same premise.
- ~~(l)~~**(k) Parallel Sign:** A sign attached, painted, or otherwise mounted parallel to a wall or other vertical building surface. Parallel signs do not extend beyond the edge of any wall or other surface to which they are mounted and do not project more than eighteen (18) inches from the surface thereof.
- ~~(m)~~**(l) Projecting Sign:** Any sign mounted to a wall or other vertical building surface other than a parallel sign. Signs connected to a canopy, awning, or marquee that project more than 18" are considered to be projecting signs. The content must be affixed flat to such canopy, marquee, or awning and is limited to announcing the name of the establishment or any on-premises show or event.
- ~~(n)~~**(m) Roof Sign:** A sign erected on or above the roof or parapet of a building.
- ~~(o)~~**(n) Temporary Sign:** A display, information sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other light material, with or without a structure frame, and intended for a limited period of display.
- ~~(p)~~**(o) Vehicular Sign:** A sign affixed to any vehicle in such a manner that the display of such sign is a primary purpose of the vehicle. Any such sign shall be considered a freestanding sign.

~~(a)~~(p) **Window Sign:** A sign affixed to the window or placed within twelve (12) inches of the glass area.

Site Plan: - Surface parking:

As written.

T - Z

As written.

PART 2: FLOOD HAZARD DEFINITIONS

As written.

**Burlington Planning Commission
Ordinance Committee**

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Burlington, VT 05401
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Burlington Planning Commission

Ordinance Committee Meeting Minutes

Thursday, August 3, 2017 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

Attendance

- **Committee Members:** Alexander Friend (AF), Bruce Baker (BB), Rob Purvee (RB)
- **Absent:** Andy Montroll (AM), Leo Sprinzen (LS)
- **Public:** None
- **Staff:** Scott Gustin (Planning & Zoning), Kimberlee Sturtevant (City Attorney's Office)

1. Amendment to Article 7: Signs

Revise Article 7 to be consistent with U.S. Supreme Court decision Town of Gilbert v. Reed and to consider form based standards

The committee and staff discussed the proposed changes to Article 7 in order to eliminate content based provisions. Discussion also included consideration of new dimensional and form standards for signs to be incorporated into the form based zoning code.

A motion was made by AF and seconded by BB:

Accept the proposed revisions and move along to the full Planning Commission for further consideration.

Vote: 3-0-0, motion carried.

2. Annual Organizational Meeting

A motion was made by BB and seconded by RP:

Nominate AF as committee chair.

Vote: 3-0-0, motion carried.

3. Next Meeting

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September 7, 2017

4. Adjournment

The Committee adjourned at 6:00 PM.