

ARTICLE 03 SIGN REGULATIONS

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ARTICLE 03-.01 PURPOSE:

The purpose of this ordinance is to regulate all exterior signs and some interior signs placed for exterior observance, and prohibit the indiscriminate use of outdoor advertising. To establish appropriate guide lines for each of the Planning Districts, pertaining to size, placement, demeanor, and appropriateness of signs for their intended purpose.

These regulations are to encourage the use of signs which are:

1. Compatible with neighborhood and community character
2. Informative
3. Readable and clear
4. Non disturbing for vehicular traffic
5. Maintained in good safe repair
6. Of Historical or Architectural Significance

ARTICLE 03.02 AUTHORITY:

The authority for permit issuing of all signs is delegated to the Zoning Administrator subject to the dimensions, style, character, and placement as outlined in these regulations. The Zoning Board of Adjustment is the body for appeals. The Board is empowered to grant or deny Variances on a case by case basis. Exempt from this authority are signs erected, maintained and administered by the Village of North Bennington or the State of Vermont. (See section 3.2) or the Federal Government.

ARTICLE 03.03 DEFINITIONS:

ARTICLE 3.04. APPLICANT:

Any person, corporation, society, associate, partnership or other legal entity

ARTICLE 3.05 RIGHT-OF-WAY:

Shall mean any publicly owned space used for vehicular or pedestrian traffic. When the boundary of a public right-of-way is not known, it shall be assumed to be 25 feet from the centerline of the traveled way.

A sign shall be considered an Historic or Architecturally Significant Sign if it:

1. Is 50 years old or older; or
2. Is an original example representing a generally recognized architectural style or period such as signs made of carrara glass or Vitrolite from the Art Deco Period; or
3. Is a sign of particular significance to North Bennington due to its relationship to past events or businesses, or is a meaningful example of a particular period of North Bennington's history, and
4. Is in existence at the time of adoption of this amendment or future amendments of this Ordinance and is in its original context; and
5. Has not been significantly altered from its historic period; or if it has been altered it must be restorable to its original function and appearance.

ARTICLE 03.0 AREA OF SIGNS DEFINED:

Shall mean the entire area that includes all lettering wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or

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extensions, but shall not include any supporting structure or bracing. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign.

A sign consisting of individual letters, emblems, trademarks, etc or symbols attached to or painted on a surface, building, other shape which encompasses all of the letters and/or symbols together with any frame or any other material or color forming an integral part of the display.

ARTICLE 4.01 THREE DIMENSIONAL SIGNS:

The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object and within the smallest rectangle, circle or triangle which encompasses the object.

ARTICLE 4.02 FLAT SURFACE SIGNS:

A sign consisting of individual letters, emblems, trademarks, etc or symbols attached to or painted on a surface, building, other shape which encompasses all of the letters and/or symbols together with any frame or any other material or color forming an integral part of the display.

ARTICLE 5.0 GENERAL REGULATIONS:

1. Exterior signs must be constructed of solid opaque materials and, if lighted, must be lighted externally by either incandescent or fluorescent lights, so shaded that they will not shine directly onto any public way or into moving traffic.

2. The light from any sign(s) or advertising lights shall be so shaded, shielded, or directed or shall be maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect neighboring premises nor the safe vision of operators of vehicles moving on public roads and highways. All lighted signs and advertising lights shall be so shaded, shielded or directed that they shall not reflect or shine on or into residential structures.

3. Interior signs designed for outside viewing shall not have a color or brightness so as to be distracting. Such signs shall not have blinking or flashing lights.

4. All legally erected signs shall be kept in good repair.

5. The only signs advertising area attractions that will be allowed will be directional signs of the same type and size as those described in Section 3.5, Section 3.8 ¶ 4.

6. Where signs attached to any premise does not allow the minimum set back, by reason of proximity of building to lot lines, the sign shall be erected in such a way as to not project into or over the public right-of-way, such placement must receive approval from the Zoning Board of Adjustment.

7. Subdivisions or housing projects are allowed one (1) sign with the name of the subdivision or project not exceeding six (6) square feet. The height of the sign shall not exceed (8) eight feet as measured from the natural ground level.

8. Construction signs - one free standing sign on the site under construction. The area shall not exceed twenty four (24) square feet, and maintain a minimum setback of ten (10) feet. The sign shall not be erected one (1) month prior to the start of construction nor be left more than (14) fourteen days after completion.

9. Recognizing that in the VC, district, businesses have sign traditions or special needs in the recognition and conducting of their business, Sandwich Boards, Counter Balanced signs, and free standing signs such as freestanding exterior/ interior lighted gasoline brand name signs. Applicants with unusual needs can request a review under Section 6.1 e of this Ordinance. All such permit applications shall be reviewed with conformance to as many guide lines of the Ordinance as deemed applicable.

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10. Exterior freestanding food or beverage vending and similar lighted (or non lighted) dispensing machines are considered as signs for advertising purposes and are prohibited in all VR districts. They shall be allowed in the VC district and shall be subject to the following conditions.

- a. The light intensity shall be at the minimum brightness necessary for recognition purposes.
- b. Only one machine at a time , functional or otherwise, shall be allowed outside the or structure.
- c. Such dispensers shall be kept electrically safe, and in a clean sanitary condition at all times and with a minimum of clutter of surrounding area.
- d. Placement shall be made so as not to block vehicular or pedestrian or building access.

ARTICLE 6.0 EXTERIOR SIGNS PROHIBITED:

Prohibited signs are signs which:

1. Advertise any activity, business, product or service no longer produced or conducted on the premises. Such signs shall be removed by the owner within 1 months from the date of cessation of the activity, business, product, or service produced or conducted on the premises.
2. Advertise an activity, business, product or service not located on the premises situated within the Village of North Bennington.
3. Project more than 3 feet into or over the public right of way. Such signs shall be located high enough so as not to interfere with normal pedestrian vision and passage beneath.
4. Have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or use hard or harsh color lighting or luminescent paint shall be allowed.
5. Contain or consists of pennants, ribbons, streamers, flags, spinners, or other moving devices, strings of light bulbs or similar devices.
6. Contain moving parts. This shall not include time or temperature devices provided such devices are not used primarily as advertising mediums, nor shall it include traditional rotating barber poles.
7. Extend above the roof-line, parapet or eaves or sides of the building to which they are attached.
8. Appear to direct the movement of traffic or which interferes with, imitates, or resembles any official traffic, directional or route sign, signal or device.
9. Prevents a clear and unobstructed view of official signs and approaching or merging traffic.
10. No sign will be erected within 25 feet of any intersection of any village, town or state highway, except if mounted on the exterior of a building.
11. No commercial signs shall be erected in any designated Farming / Rural District or VR districts.
12. No "trailer" type signs, nor vehicles used primarily or intentionally as a sign shall be allowed in any district.
13. Internally illuminated signs are not permitted. See Section 3.2 and Section 6.1.5 for additional criteria.

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14. No sign shall be erected, attached or maintained upon trees, or drawn or painted on rocks or other natural features, or upon utility poles. (See Section 3.5 ¶ 1)

15. No signs or banners or similar devices shall be strung or raised above a public road to advertise a business or service. Exceptions: are outlined under Section 3.5 ¶ 1.

16. No combination signs that advertise a local business and a nationally or regionally advertised product is allowed, except that a franchised dealer may display the trademark of his product on his sign, and a gasoline station may display the trademark of that particular gasoline company on said sign. Endorsements or approvals may also be displayed as part of a single sign.

ARTICLE 7.0 EXTERIOR SIGNS, RESTRICTIONS:

Are on signs which are:

1. Directional signs are subject to regulation as to size, shape, color, lighting, manner of display and lettering of official Business Directional signs come under the jurisdiction of the Vermont State Travel Council. See VSA Chapter 21, §490: §492: §493: §494 & §495.

2. No sign shall be lighted at any time other than during normal business hours, with the exception of those signs for which either a permit has been granted or a variance issued by the Zoning Board of Adjustment outlining the conditional approvals attached to any such sign.

ARTICLE 8.0 INTERIOR SIGNS:

Restrictions on signs outward facing for public view are:

1. Window displayed electric or neon constructs shall be limited to two (2) per standard storefront glass pane and shall be reviewed by the Zoning Administrator for appropriateness of business purpose, for use within the Commercial (VC) and Village Industrial(I) Districts. Such signs are prohibited in VR Districts.

2. Window "shadowbox" or novelty signs having moving parts or repetitive motorized movements shall not be placed so as to be visible from the public traveled road.

ARTICLE 9.0 EXEMPT SIGNS:

Are signs which:

1. Are erected, maintained and administered by the Village of North Bennington or the State of Vermont under Title 10, Chapter 21, whether maintained at private or public expense, or temporary signs erected by the Federal Government for a limited specific purpose.

2. Are erected without advertising displayed for the direction, instruction or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas or the like with an area not exceeding (2) two square feet, provided such signs are on the premises of the activity served by the sign.

3. Are signs included on an inventory of Historical or Architecturally Significant Sign. Such designated signs shall be reviewed for current appropriateness under Section 2.4.

4. Safety zone, and land posting signs posted at legally defined distances along public frontages.

ARTICLE 10.0 TEMPORARY SIGNS:

A person or organization may, without obtaining a permit display a sign or signs provided that they conform as to size and regulations as outlined below:

1. Signs for a event of a civic, philanthropic service or religious organization, campaign, tag sales fair, exposition, or similar events and are removed within seven (7) days upon completion of the event. Signs

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shall not be attached to utility poles. This is to protect the utility company workers from a potential electrical hazard. Note: This is a Vermont State Law.

2. Signs announcing an auction, garage, tag or special sale, or special rate provided such sign shall:
 - a. Not exceed six (6) square feet. (To include and count as advertising space used on both sides of sign.)
 - b. Shall be removed daily from public view at the close of the day's event(s) and removed permanently upon completion of the event.
 - c. Shall be installed so as not to create a hazardous vehicle or pedestrian traffic condition.

ARTICLE 11.0 SIGNS IN VILLAGE RESIDENTIAL DISTRICTS:

1. Official house addressable number shall conform to E 9-1-1 regulation. **(See ARTICLE 17.0.)**

2. Alternate sign displaying the street number of the occupant of the premises or dwelling unit, not exceeding 1.5 square feet in area. Nor have any dimension greater than 24 inches. The sign shall be located as close as practical to the building or property entrance. If attached to other than a building, its standing location shall not exceed six (6) feet in height. A sign is permitted for a resident or residents at a point where the right-of-way serving the residents leaves the public street. Such a sign shall be erected on private property. Where the property has more than one occupant/ family groups requiring a sign, they are permitted to have one identification sign of the same dimensions noted above. The total area not to exceed four (4) square feet.

3. For home occupations - one (1) sign not exceeding six (6) square feet in area. All sides or faces to be counted in determining sign square footage, and a zoning permit has been obtained for the home occupation. Signs are restricted to businesses on the same premises.

4. All signs shall be set back a minimum of ten (10) feet from any property line. No free standing sign shall be allowed if the minimum ten (10) foot setback cannot be met.

5. No sign shall have flashing or moving lights nor illuminated by colored lights, and shall be properly shielded for minimum neighborhood distraction. Nor is use of luminescent paint permitted.

The entire area of the sign, front, back, and sides (if sides are greater than six (6) inches each), shall be included in the entire allowable area.

ARTICLE 12.0 SIGNS IN VILLAGE COMMERCIAL DISTRICT:

All signs and conditions applicable under Article 9.0 are permitted.

1. Signs are restricted to businesses on the same premises.

2. There shall be not more than one exterior sign for each business establishment, except that if there is more than one public entrance to any such single business establishment, there may be one additional secondary sign for each entrance; provided that the aggregate area of all such secondary signs shall not exceed fifty (50%) percent of the maximum permissible area authorized.

3. In addition to the forgoing sign or signs, one directory of the business establishments occupying a building may be affixed to the exterior wall of the building at the principal public entrance to the building. Such directory shall not exceed an area of one (1) square foot for each establishment occupying the building.

4. Signs shall have a area not exceeding thirty-two (32) square feet and the longest dimension shall not exceed eight (8) feet, otherwise they shall be subject to the provisions relating to on-premise signs contained in Title 10 V. S. A. Chapter 14. The entire area of the sign, front, back, and sides (if sides are

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greater than six (6) inches each), shall be included in the entire allowable area.

5. No sign lighting shall be flashing. Colored lighting if used, shall be of a subdued tint and shall not upset the decorum nor disperse light so as to have a negative effect upon the surrounding neighborhood.

6. Sandwich Boards or Counter Balanced signs are subject to review by the Zoning Board of Adjustment as to their esthetic view and appropriateness to the site and particular business. Such signs, if approved shall not exceed 24 inches by 30 inches in size for a combined sign area of ten (10) square feet. The total height of such signs as measured from the ground is not to exceed 48 inches after mounting on supporting members. They shall not unduly impede pedestrian traffic. Under no circumstances shall such signs be placed in the roadway so as to impede traffic or parking. Such signs shall be removed from public display and safely stored each day after the close of business.

ARTICLE 13.0 SIGNS IN VILLAGE INDUSTRIAL DISTRICT:

1. Signs pertaining only to a business on the same premise.

2. Signs shall have an area not exceeding forty (40) square feet and the longest dimension shall not exceed ten (10) feet otherwise they shall be subject to the provisions relating to on-premise signs contained in Title 10, VSA, Chapter 14.

3. A sign, affixed to, suspended from, or incorporated as part of building having only one principal business, may not project more than three feet from the building. Be at a height so as not to interfere with traffic or view and if lighted, such lighting to reflect on the sign or shielded so as not to be a safety hazard to road traffic or pedestrians and to extend no higher than two (2) feet above the roof line. No sign is to project over the public roadway.

4. Directional signs not over two (2) square feet in area may be placed near street intersections provided that they comply with all provisions of State Law and pose no threat to public safety. The entire area of the sign, front, back, and sides (if sides are greater than six (6) inches each), shall be included in the entire allowable area.

5. All free standing signs shall be set back a minimum of ten (10) feet from any property line.

6. No sign shall be flashing in color lighting.

ARTICLE 14.0 STRUCTURAL REGULATIONS:

1 All signs must be well constructed for their stated use, purpose and exposure.

2 All signs of a permanent or semi permanent type shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. The time period for correction of the disrepair shall not exceed 30 days from date of notice.

3 All free-standing signs or advertising structures together with any necessary supports, hooks, braces, guys and anchors shall be kept in good repair and be subjected to the same conditions outlined in Section 4.2.

4 No sign shall be erected, relocated or maintained so as to restrict free ingress to or egress from any door, window or fire escape. No sign shall be attached to a stand pipe or fire escape or utility pole. (See Section 3.5 ¶ 1)

ARTICLE 15.0 NON CONFORMING / NON COMPLYING SIGNS:

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1. All signs and supporting structures which do not conform to the provisions of the Ordinance upon the date of adoption, or as subsequently amended, shall be brought into compliance within six (6) months from the effective date of this ordinance including any subsequent amendment(s) thereto.

2. Any non conforming sign(s) not removed by the end of said six (6) months period shall be removed by the Village of North Bennington after 30 days written notice from the Administrative Authority and such costs for said removal shall be borne by the Property, and/or sign Owner and may be recovered by the Village in a civil action in the Court having the appropriate jurisdiction.

3. Any non conforming sign legally erected prior to the adoption of this Ordinance may continued to be maintained up to the adopted compliance date referred to in ¶ 1 provided however that during said period no such sign shall be enlarged, redesigned, or altered except in accordance with the provisions of this Ordinance, and provided further that any such sign that has been destroyed or damaged to such an extent that the cost of restoration would exceed thirty-five percent of the current replacement cost of the sign at the time of the destruction or damage, shall not be repaired, or rebuilt, or altered except in accordance with the Provisions established by this Ordinance.

ARTICLE 16.0 ADMINISTRATION, INTERPRETATION, AND ENFORCEMENT:

This Ordinance shall be administered, interpreted, and enforced by the Zoning Administrator in conformity with the provisions of Section 9.0 of the Village of North Bennington Bylaws and Title 24 VSA Chapter 117 § 4442 as they exist or are hereinafter amended. Any decision or act by the Zoning Administrator may be appealed within fifteen (15) days of such act or decision, to the Zoning Board of Adjustment.

ARTICLE 17.0 PERMITS, FEES AND INSPECTION:

1. No sign shall be erected, altered, placed, or relocated without a permit from the Zoning Administrator. (Exception Signs under Section 3.5 of this Ordinance).

2. Applications for signs shall be accompanied by detailed plans, specifications, fees and other information as required or requested by the Zoning Administrator.

3. There is hereby established a fee of \$10.00 for each sign permit application

4. Any sign may be inspected periodically by the Zoning Administrator for compliance with this ordinance or any other requirements of law.

5. The Zoning Board of Adjustment may grant a permit for a sign not complying with the provisions of this Ordinance, if it determines that the particular sign will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood in which such sign or signs are to be located, nor to traffic and safety conditions Therein, nor otherwise detrimental to the public safety and welfare. In granting such a Permit, the Zoning Board of Adjustment shall specify the size, type and location of the sign and impose such other terms, restrictions, and conditions as it may deem to be in the public interest.

ARTICLE 18.0 APPEALS:

Under this regulation shall be to the Zoning Board of Adjustment using those procedures as set forth in Title 24 V. S. A. Chapter 177 § 4464 and § 4465. If the notice of appeal includes a request for a stay of enforcement, and states the grounds for such request, such request will be considered under § 4466 and all conditions there so enumerated must be complied with.

ARTICLE 18.01 RIGHT OF APPEAL:

Any applicant for a permit, any person who has been ordered by the Zoning Administrator to incur expense in connection with a sign, or any person dissatisfied with any refusal, order, or decision of the Zoning

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Administrator, may appeal to the Zoning Board of Adjustment within 15 days from date of such refusal, order or decision. A public hearing on any appeal shall be warned and held using those procedures as set forth with Title 24 V. S. A. Chapter 117 § 4467 as exists or as is hereafter amended.

ARTICLE 18.02 VARIANCE CONSIDERATIONS:

The Board of Adjustment may vary the provisions of the ordinance in specific cases wherein its enforcement would involve undue hardship to the applicant. A verdict shall be rendered based on the criteria established in § 4468. If a decision is rendered in favor of an applicant under this section, the Board of Adjustment may attach such conditions it may consider necessary and appropriate under the circumstances.

ARTICLE 18.03 DECISIONS ON APPEAL:

In rendering a decision or in rejecting an appeal and in the enforcement of its decisions the Board and Municipality shall comply with Title 24 V. S. A. Chapter 117 § 4470 as exists or as in hereafter amended. In a unfavorable decision, the applicant can appeal to Superior Court under § 4471 and § 4472.

ARTICLE 19.0 PENALTIES:

Any person who violates any of the provisions of this Ordinance shall be subject to the penalties prescribed in Title 24 V.S. A. Chapter 117 Section § 4444.

ARTICLE 20.0 VALIDITY:

This Ordinance shall supersede all previous signs ordinances and / or sections of the Zoning Bylaw as adopted May, 1987 or as subsequently amended. The invalidity of any section or provision of this Ordinance, and its application to any sign, shall not invalidate any other section or provision, or application, of this Ordinance.

ARTICLE 20.0 EXEMPTIONS:

Nothing in this Ordinance shall exempt any applicant who applies for a municipal sign permit from full compliance with all other applicable State and Local Laws.

ARTICLE 21.0 EFFECTIVE DATE:

This ordinance approved at a regular Trustee's meeting held Tuesday, February 8, 1994. The effective date for this ordinance is April 7, 1994.

John Ulrich, Chairman, Trustees