

## ***City of Rutland***

### ***Sign Ordinance***

#### **1401 Purpose**

The purpose of this ordinance is to manage existing and proposed outdoor signs of all types; promoting public safety and welfare by reducing distractions and obstructions to users of the road which may contribute to crashes and by reducing hazards that may be caused by signs overhanging public rights-of-way; enhancing and protecting the aesthetic environment and values of the City of Rutland and its residents; meeting the public's concern for the free flow of information, creating a more attractive economic business environment and protecting property values to the greatest extent possible, and to augment the provisions of 10 V.S.A. Chapter 21.

This Ordinance section recognizes the necessity of signs to inform the travelling public and as an aid to local businesses in attracting customers. It also recognizes that neither the travelling public nor local businesses are well served by unlimited and excessive signage. The purpose of this section is to help preserve and improve the existing attractive aspects of the environment, to promote the welfare, convenience and safety of its inhabitants and visitors, to conserve the value of property, and to encourage an appropriate style and scale of advertising.

#### **1402 Definitions**

**Off- Premises Sign:** A sign which directs attention to an establishment, service, product, or activity *not conducted* on the same lot.

**Rutland Downtown Redevelopment Area:** The area legally designated for redevelopment by the Rutland Redevelopment Authority.

**Rutland Gateway Zoning Districts:** The legally defined areas on the Rutland City Zoning Map

**Rutland Zoning Districts:** The legally defined zoning districts as depicted in the most recent Zoning Ordinance of the City of Rutland

**Sign:** Any object or structure used to identify, advertise, or in any way attract or direct attention to any use, building, person, message, or product by any means, including the use of lettering, words, pictures, or other graphic depictions or symbols.

**Sign, Area:** The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

**Sign, Awning:** Sign on a roof-type structure made of canvas or plastic or similar material over a door or window that may contain the logo, name of business or type of business.

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

**Sign, Flush-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.

**Sign, Free Standing:** A sign erected and maintained on a freestanding frame, mast or pole not attached to any building.

**Sign, Height:** The vertical distance of the average elevation of the ground immediately below the sign to the level of the highest point of the sign.

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

**Sign, Roof:** A sign located on or above the roof of a building.

**Sign, Temporary:** A sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nation), search lights, twirling or sandwich boards, sidewalk or curb signs and balloons or other air or gas-filled figures.

**Sign, Window:** A sign which is mounted or painted on either side of a window.

**Yard, Front:** An area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way or property line and the required front setback line.

**Yard, Rear:** An area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the property line and the required rear setback line.

## **1403 Administration and Interpretation**

### **A. Sign Permits**

Before the alteration, construction, or installation of any **sign**, a sign permit shall be secured from the **Building Inspector/Zoning Administrator**, except as otherwise provided in this ordinance. Issuance of a sign permit shall be conditioned upon conformance with all applicable provisions of this ordinance. Through the design review process, the City may review and regulate the size, location, and lighting of all exterior signs within its purview. For new developments subject to site plan review by the Development Review Board, the sign shall be reviewed as part of that review.

Applications for all sign permits shall be made on a form available at City Hall- Building and Zoning Department. Payment shall be made to the Building Inspector of a permit fee as authorized by Section 3-1(47) of the Charter in an amount set by the Board of Aldermen. Action on the application shall be taken by the Building Inspector within 30 days of filing of a complete application.

#### **B. Violations and Penalties**

A violation of this Ordinance shall be a civil matter enforced in accordance with provisions of 24 V.S.A. Section 1974a and 1977, as amended.

#### **C. Appeals and Variances**

Applications for appeals, waivers and variances shall follow the appropriate procedure outlined in 24 V.S.A. 4465-4472, as amended.

### **1404 Required Reviews**

A. The requirements for signs for businesses within the Downtown **Redevelopment Area** are different than those within the remainder of the City. In addition to any appropriate provisions of this ordinance that would be applied to signs within the Rutland Downtown Redevelopment area, the following shall apply :

(a) Signs shall comply with the architectural guidelines set forth in the Rutland Downtown Redevelopment Plan.

(b) The Building Inspector shall have the authority to review proposed designs of signs to determine if they comply with the architectural guidelines.

(c) Temporary signs will be allowed within the Rutland Downtown Redevelopment area subject to the following terms and conditions:

1) temporary signs may be placed in front of a commercial establishment as long as said sign does not unreasonably obstruct pedestrian traffic or the views of vehicular traffic.

2) if said sign is placed upon the City right-of-way, said sign must comply with the requirements for insurance as set forth in this ordinance.

3) temporary signs placed in front of commercial establishments are to be no more than four feet (4') in height and thirty inches (30") in width. These signs may be single or double sided.

4) temporary signs may only be displayed during hours when the sign owner is open for regular business. At all times when the business is closed, the sign must be removed from its location within the public right-of-way.

5) before any temporary sign is allowed, the business must have on file with the Building Inspector a completed registration form and the business must pay a fee established by the Board of Aldermen. A new registration form shall be required yearly.

(d) decorative banners may only be placed on street light poles or utility poles in conjunction with adopted streetscape plans of the Downtown Redevelopment Area.

(e) The Rutland Redevelopment Authority or its designee shall coordinate the location, raising and scheduling of temporary banners extending over the public right of way in the Rutland Downtown Redevelopment area. All requests for the placement of such banners shall be reviewed and processed the Rutland redevelopment Authority or its designee. The placement of banners shall be subject to the following criteria:

- (1) They shall be no larger than four feet high and a length appropriate to fit the width of the street.
- (2) They shall be made either of mesh material or have sufficient wind cuts;
- (3)** They shall be attached to anchor devices adequate to properly contain them;
- (4) They shall be subject to insurance requirements as required in their ordinance;
- (5) They will only be allowed at existing anchoring points on Center Street, Merchants Row and Washington Street;
- (6) They shall remain in place for no longer than two weeks;
- (7) They shall only be erected after applicant has remitted a fee as set by the Board of Aldermen;
- (8) They may not be placed to advertise a for-profit business;
- (9) They may not contain pornographic or obscene material;
- (10) They may not be placed for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election.

If a request for placement of a temporary banner is denied by the Rutland Redevelopment Authority or its designee, the applicant may appeal such decision to the Rutland City Building Inspector. Such appeal shall be brought within ten days of the denial being issued.

## **B. Development Review Board Review Required**

All new free-standing signs on multi-tenant commercial properties, **drive thru menu boards**, **exterior ATMs**, gasoline price signs, and **vending kiosks**, shall require review and approval by the **Development Review Board** as part of the **site plan** and design review process as set forth in this ordinance.

### **1405 Administrative Review**

Temporary signs and signs not falling in the forementioned design review districts shall be subject to administrative review only. The administrative officer may act on an application for a minor modification to an already approved sign within a design review district without consultation from the Architectural Review Committee. A minor modification shall include only a change in business name or logo on the sign retaining the same font style, size, material and color.

### **1406 No Permit required**

The replacement, repair, or repainting of a damaged or worn sign with one of the same construction, size, color, material and design shall not require a permit.

### **1407 Signs Permitted in Any District**

**The following types of signs are permitted in all zoning districts subject to any specific requirement or prohibition provided herein for any particular zoning district.**

**A. Temporary Signs.** For the purpose of advertising a specific property, individual or event, signs not exceeding eight square feet in area are permitted provided the temporary signs are setback a minimum of five feet from a property line, not located within any public right-of-way, do not constitute a hazard to public safety, do not contain obscene matter and are removed within seven calendar days of cessation of the temporary occasion the sign is purporting to advertise. This provision shall not be construed to authorize the posting of signs upon trees, utility poles, traffic control signs, lights or devices, or in any place or manner prohibited by any other Federal, State or local regulation.

**B. Temporary Signs Advertising Real Estate Developments.** For the purpose of advertising real estate developments for which a plat has been officially recorded, one sign is permitted at each main entrance to the development named on the sign. Such signs shall not to exceed 32 square feet in area.

**C. Traffic Control Signs.** Signs that only regulate traffic on private property are permitted.

**D. Special Informational Signs.** For the purpose of giving directions and information, onsite signs pertaining to special uses where not otherwise permitted, and off-premises signs may be approved by the Development Review Board subject to a Special Use Permit specifying the size, location, lighting, design and display in accordance with this Ordinance. Such signs shall be limited to those which are necessary to inform the public as to location and information concerning facilities, institutions, business

districts, fraternal orders and service clubs, or such other activity as the board may judge to be beneficial to the total community.

**E. Special entrance signs.** A permanent sign is permitted as an integral part of a gate or entrance structure which identifies a subdivision, group development or other special development approved under the provisions of this ordinance provided there are not more than two signs for each main entrance, with a total sign area for each such entrance not to exceed 32 square feet. Under this provision, if such a special entrance sign is utilized no other main entrance identification sign is permitted.

The following table depicts signs dimensions and lighting permitted by zoning district, and prohibited sign types.

Districts	Freestanding Signs		Building Signs		Projecting Signs		Sign Lighting	Prohibitions
	Max Height	Max Area	# of signs	Max Height	Max Area	Min. Height Above St.		
Downtown & Strongs (Building 10 ft. or less from front property line)	0		None	Not above roof	1 sf/LF of building frontage	8 ft., does not project more than 3 ft. from bldg	8 sf.	No freestanding, Reader boards, internal illumination, Rooftop
Downtown & Strongs (Building greater than 10 ft. from front property line)	8 ft.	12 sf., emphasis on plaza designation	One	Not above roof	1 sf/LF of building frontage	8 ft., does not project more than 3 ft. from bldg	8 sf.	Reader boards, internal illumination, Rooftop
Downtown Plaza	0		None	Not above roof	1 sf/LF of building frontage	8 ft., does not project more than 3 ft. from bldg	8 sf.	Reader boards, Rooftop
S. Main St.								
N. Main St. Industrial	10 ft.	32 sf.	One	Not above roof	1 sf/LF of building frontage		Exterior illumination only	Reader boards, internal illumination, Rooftop
Grouger Hill, GateW-Bus-1								
GateW-Bus-2 Courthouse								
Main St. Park	6 ft.	12 sf.	One	Not above roof	4 sf.		Exterior illumination only	Reader boards, internal illumination, Rooftop
GateW 4 & 7 State/West Woodstock Planned Office								
NeighBus		12 sf., emphasis on plaza designation	One	Not above roof	1 sf/LF of building frontage		Exterior illumination only	Reader boards, internal illumination, Rooftop
GateW Strongs	8 ft.		One	Not above roof				
Residential	5 ft.	4 sf.	One	Not above roof	4 sf.		No lighting	Reader boards, No lighting, Rooftop
Gas Stations	10 ft.	32 sf.	One	Not above roof	1 sf/LF of building frontage, max for combination of bldg & canopy signs		Exterior illumination only	Reader boards, internal illumination, Rooftop

**Notes**

Need definition of how to measure sign around unencumbered letters  
Define that one permitted signs allows for two sides, only one side counts for sf. Max

???? Sections 9.3- 9.6 below are from Manchester and I am not sure if they are addressed in other parts of our draft ordinance so I threw it in!

## 9.3 Free-Standing Signs

### 9.3.1 Number

One **free-standing sign**, pedestal, or post-supported, is allowed per **lot**. The only exceptions are **temporary signs** as allowed by provisions in §9.8; where a lot has at least 650 feet of frontage on a town or state road, an additional **free-standing sign** is allowed provided the two **signs** will be at least 350 feet apart; or where the **lot** is located within the Commercial-1 zoning district, and has at least 300' of frontage along a single major **street** from which vehicular access is gained. In the third case, an **additional free-standing sign** may be permitted for each additional 300' of road frontage or partial increment thereof on that single major **street**, under the following conditions:

- (1) additional **signs** must be placed at separate, existing driveways accessing the **lot** from that single major **street**;
- (2) no **business** name, nor aspect of any **business** or establishment, may be listed or advertised on more than one **free-standing sign** on a **lot**;
- (3) each additional **free-standing sign** as described herein, shall be limited to 16 square feet.

#### 9.3.1.1 Businesses without Frontage on a Public Road

In the rare case where a **business** is located on a **parcel** which does not have frontage on a public road, and is served by a legally deeded **right-of-way** through a **parcel** which does have such frontage, said **right-of-way** shall be considered as a part of the **business lot** for purposes of an allowable **free-standing sign**. However, any such **sign** must be shared with the front **parcel**. This section shall not be interpreted to increase the number or size of **free-standing signs** allowed on any **parcel** or **lot**.

#### 9.3.1.2 Shared Signs in the RO

Many of the lands within the Recreation Overlay district have no frontage on public roads, and are accessed via shared private roads or **rights-of-way** off of public roads. Given the nature of land uses permitted within this district, and shared access into these uses, a shared roadside information **sign** is appropriate and necessary to inform the public of the location of these uses. Therefore, in addition to any **free-standing sign** that may be permitted for a recreational use on any **parcel** within this district, there may also be permitted a single **free-standing sign** that shall be shared by all land uses which share a single access road or **right-of-way** off of a major public road.

This **sign** shall be subject to all other provisions of the ordinance (for example, design review...), and shall be no larger than the largest **sign** otherwise allowed in that particular location in town. To maximize the effectiveness of this **sign**, consideration should be given to a single place name rather than simply a list of land uses.

This provision is limited to those **lots** which do not have frontage on a public road; *i.e.*, those uses on rear **lots** where the otherwise allowed **sign** would not be visible to the traveling public. This provision shall not be

interpreted to interfere with the rights of the underlying landowners (over whose land the **right-of-way** traverses) to have their own separate **sign** under this ordinance.

### 9.3.2 Dimensions and Location

**Free-standing signs** shall only have two sides, which are parallel to each other, and no more than six inches apart. The maximum allowable size of **free-standing signs** in the Commercial-1, Commercial-2, Commercial-3, Industrial, and Recreation Overlay districts is sixteen square feet. In the Transient Commercial Overlay districts, the maximum allowable size of a **free-standing sign** shall be 32 square feet. Unless otherwise regulated in this ordinance, **free-standing signs** in the General Residential, Mixed Use, Single Residential, and Farming and Rural Residential districts shall be no larger than eight square feet. The size shall be determined by the extreme limits of the writing, representation, emblems, or physical **structure** of the **sign**, whichever is largest.

The calculated area of a **free-standing sign** does not include its posts and cornices. However, the size of posts and cornices shall be proportional with the size of the **sign**. As provided elsewhere in this ordinance, single family residential **free-standing signs** may be up to one and one-half square feet in size, and **customary home occupations** are limited to two square feet in size, unless the home occupation has received **conditional use** approval by the **Development Review Board** for a larger **sign**. **Free-standing signs** identifying residential subdivisions and housing **developments** are limited to eight square feet.

Where two or more zoning districts co-exist, such as with overlay districts, the underlying district determines the allowable size of **signs**, except that a 32 square foot **free-standing sign** is allowed in the Transient Commercial Overlay districts. In other districts, where there are more than eight tenants in separate and unaffiliated ownership on a single **lot**, up to two square feet of additional **sign** is permitted for each tenant in excess of eight, up to an absolute maximum size of 24 square feet (this does not apply if there is more than one **free-standing sign** as allowed in §9.3.1). Such additional **free-standing sign** in excess of 16 square feet shall be designed so that it is easily removed, and the size of the **sign** thus decreased, should any or all of the additional tenants cease to exist on the **lot**.

The bottom of a **free-standing sign** shall not restrict the visibility of vehicles entering or leaving any intersection or driveway, town or state highway, or private road. Maximum allowable height is ten feet, measured from grade level to the top of the **sign** or any part of its **structure**.

**Free-standing signs** and their associated support **structures** shall be set back at least three feet from the inner edge of sidewalks; where sidewalks do not exist, the **setback** shall be at least seven feet from the **traveled way** or edge of pavement of the **street** or highway.

## 9.4 Flush-Mounted Signs

### 9.4.1 Number

If there is no **free-standing sign** on the **lot**, then two **flush-mounted signs** per establishment are allowed on the **building** where the advertised activity exists. If there is a **free-standing sign** on the **lot**, then each establishment is allowed one **flush-mounted sign** on the **building** where the advertised activity exists.

In addition, one three square foot **flush-mounted sign** may be permitted at the rear entrance of each establishment on a **lot**, provided that:

- (1) this rear entrance is a direct access from a rear parking lot which is located in the **rear yard** as defined in this ordinance;
- (2) this rear entrance is in addition to a front or side entrance;
- (3) the **sign** is not illuminated in any manner; and
- (4) the **sign** is mounted directly above, on, or beside the rear door to the establishment which it advertises.

#### **9.4.2 Dimensions and Location**

The maximum allowable size of **flush-mounted signs** in the Commercial-1, Commercial-2, Commercial-3, Industrial, Recreation Overlay, and Transient Commercial Overlay districts is sixteen square feet. Unless otherwise regulated in this ordinance, **flush-mounted signs** in the General Residential, Mixed Use, Single Residential, and Farming and Rural Residential districts shall be no larger than eight square feet. The size shall be determined by the extreme limits of the writing, representation, emblems, or physical **structure** of the **sign**, whichever is largest. Where mounted on a wall, these **signs** shall protrude no more than six inches from the wall.

As provided elsewhere in this ordinance, single-family residential **flush-mounted signs** may be up to one and one-half square feet in size, and **customary home occupations** are limited to two square feet in size, unless the home occupation has received conditional use approval by the **Development Review Board** for a larger **sign**. **Flush-mounted signs** identifying residential subdivisions and housing **developments** are limited to eight square feet. Where two or more zoning districts co-exist, such as with overlay districts, the underlying district determines the allowable size of residential **flush-mounted signs**.

**Flush-mounted signs** shall be mounted in traditional locations that fit with the architectural design of **buildings**, such as over entrance doors.

### **9.5 Projecting Signs**

**Projecting signs** may be substituted for allowable **flush-mounted signs** on a one-for-one basis. These **signs** shall not exceed eight square feet in size, and shall not extend further than three feet away from the **building**. For safety reasons, the lowest part of the **sign** or its support **structures** shall be at least eight feet above the sidewalk or grade directly beneath the **sign**.

### **9.6 Soffit Signs**

Where a covered walkway exists on a **building** with more than four tenants in separate and unaffiliated ownership, each tenant may have one **sign** which is hung from the soffit not to exceed two square feet. This **sign** shall not be illuminated, shall be hung in front of the entrance to the **business** which it advertises, and hung in a direction perpendicular to the walkway so that it is legible to pedestrians on the walkway. For safety reasons, the lowest part of the **sign** or its support **structures** shall be at least eight feet above the sidewalk or grade directly beneath it. **Soffit signs** are permitted in addition to any other **sign** allowed by this ordinance.

## *Dave's Section*

### **1408 Lighting**

Lighting on any sign shall be directed and shielded so that the light shines only on the subject sign, and to prevent glare offsite, into the sky, or onto adjoining properties or roads and highways. All bulbs shall be shielded or hooded. All ground-mounted fixtures shall be screened by bushes or other appropriate means. All fixtures mounted on the sign itself shall blend in with its background color or its surroundings, as deemed appropriate for the site. Lighting on any sign shall be limited to a total of 150 watts of incandescent light, 40 watts LED or the equivalent, unless otherwise authorized for unique site or sign –specific reasons. No sign may be internally illuminated except in the case of an exterior ATM, external vending kiosk if such illumination is specifically approved as part of the site plan and design. Building-mounted signs of the Downtown Plaza are granted a special waiver from this provision.

Where a sign or its lighting fixtures are being replaced or substantially altered, lighting shall be brought up to these standards. Applicants must demonstrate that lighting fixtures will satisfy these standards, and are appropriate for site-specific needs and circumstances.

Internally illuminated signs existing on the date of adoption of this ordinance may remain as-is, even if minor changes to such signs (such as changing business names or sign faceplates) are proposed. However, more significant changes to these signs (such as changes in location, or to the physical structure) will require complete compliance with the ordinance in effect at the time of the application for change. The administrative officer may require the adjustment or relocation of any sign lighting in order to prevent glare and to ensure vehicular and pedestrian safety.

### **1409 Special Categories of Signs**

**A. Residential Signs.** Residential subdivisions or housing projects are permitted one free-standing sign for identification purposes, not exceeding eight square feet. These signs generally shall not be illuminated. However, illumination may be permitted (at less than normally allowed) in certain limited circumstances, where clear safety concerns are demonstrated that warrant illumination.

A residential sign identifying the address and name or owner of a parcel containing a single residential use shall not require a permit. Such a residential sign shall not exceed 1.5 sq. ft.

**B. Gasoline Station Signs.** Each gas station is allowed one free-standing sign not to exceed 32 sq. ft. These signs can only be externally illuminated, cannot include reader boards and cannot be rooftop mounted. Maximum height for these signs is 10 ft. Gasoline prices may be incorporated into this free-standing sign. Building mounted signs cannot exceed 1 sq. ft. per linear ft. of building frontage. This is also the maximum for a combination of building and canopy signs.

**C. Window Signs.** Window signs may be displayed, and may cover up to 25% of the total window area per business establishment on the side of the building where such signs are located. The area of such signs will count toward the total building sign square footage.

Permanent window signs, including permanent lettering or stenciling are allowed as a part of an establishment's total window coverage, but shall require a permit. Window signs composed of stenciling or lettering shall be measured by drawing an imaginary polygon around the outside edge of all letters or emblems as if they were a single sign, and measuring the area of that polygon. Window signs shall not be internally illuminated or require power.

**D. "Open" Signs.** A business may display two rigid "OPEN" signs without a permit. Each sign shall measure no more than two sq. ft. in area,

be displayed on the building in which the business is located, in a window, or attached to an approved free-standing sign, only contain the word "OPEN" and may identify business hours; no other lettering is allowed except that a restaurant may have one rigid sign reading "NOW SERVING" in place of one of the allowable two rigid "OPEN" signs. If exposed to weather, it may be made of weather-resistant materials, and it shall not be internally illuminated.

Neon signs, however, are allowed for this category of signs (include a section that explains use of neon signs more completely- DC).

**E. "OPEN" Flags.** One "OPEN" flag shall be permitted instead of the two "OPEN" signs. This flag shall measure no more than 6 sq. ft., be displayed only on the building in which the business is located or attached to an approved free-standing sign, be displayed only during hours of business operation, and not display the business name, hours of operation, or any other textual information other than the word "OPEN". It shall be maintained in good condition without tears, rips, loose fibers, faded colors, or stains.

**F. Signs Announcing Specials or Sales.** One free-standing, two sided, portable sign made of weather-resistant material measuring 6 sq. ft. in size, for the purpose of advertising a restaurant menu special or retail sale, may be displayed during normal business hours on the day of the special or sale, during the period from May 1 through Nov. 1 and must be stored indoors at all other times.

Display of such signs announcing non-food sales events shall be limited as follows:

- one day per week for single-day sales,
- one week per month for week-long sales
- and one month per year for month-long sales.

Restaurants and food stores may display such signs daily to announce daily specials.

Such signs shall require a seasonal temporary sign permit and must meet all other applicable standards of this ordinance. These signs are not allowed to be internally or externally illuminated.

**G. Signs for Public Events.** The Zoning Administrator/ Building Inspector shall have the authority to issue a permit for the display of signs on a temporary basis for up to four times a year announcing a public event or sale. The permit fee shall be waived for local civic, religious, fraternal, political, non-profit, or charitable organizations. Proof of such status shall be required.

These signs shall not exceed 6 sq. ft. in area, not be displayed for more than seven consecutive day, and shall be removed promptly at the conclusion of the event.

Applications and permits shall specify the dimensions and designs of the signs and all relevant information about the event and contact information for the applicant.

**H. Signs for Civic Groups at Town Entry Points.** Bona Fide civic organizations may each be permitted a single sign up to three square feet in size at the town line at each entrance to the City along US 4 and US7 signifying the existence of a local chapter of that organization and its regular meeting time and place. These signs shall be placed on a single signboard, no more than 32 sq. ft. in size, and shall require approval by the D.R.B. through the design review process outlined in this ordinance.

**I. Temporary Signs in Lieu of Permanent Signs.** One temporary sign, made of rigid material and up to 8 sq. ft. in size shall be permitted by the ZA/ Building Inspector, and may be displayed until a permit for a permanent sign is issued, under the following circumstances:

- a permit has been issued for the land use or business establishment requesting the sign,
- a certificate of occupancy has been issued for that land use or business,

- a complete sign application has been submitted for a permanent sign for that land use or business, and
- the ZA/ Building Inspector finds that the temporary sign conforms to this ordinance and any adopted design guidelines.

A temporary sign in lieu of a permanent sign not meeting these criteria shall require approval by the D.R.B. A temporary sign in lieu of a permanent sign shall not take the place of a permanent sign for more than 120 days past the issuance of a permit for a permanent sign.

**J. Contractor, Project or Real Estate Signs.** One such sign may be displayed premises without a permit, subject to the following:

- The physical structure of such sign shall not exceed 3 sq. ft., not including support posts, the sign shall be constructed of rigid material, the sign is removed immediately upon completion of construction, or the sale or lease of the advertised real estate.

Such signs shall be placed in a window and together with any other window signs on the same side of the building, not exceed 25% of the total window area of that façade, be installed as a single, separate, free-standing sign in addition to any other permitted free-standing sign or installed as a sign panel on an existing permitted free-standing sign.

In place of a contractor's sign, a project sign may be displayed after securing a permit. A project sign shall not exceed 12 sq. ft. Such a sign shall be immediately removed upon project completion.

**K. Menu Boards.** In addition to the allotted free-standing, flush-mounted, projecting, soffit, or window signs on a premises, a restaurant may install a menu board at or near the main entrance to the restaurant. Then menu board may be externally illuminated but shall not be internally illuminated. The menu board shall require review by the D.R.B. as part of the overall site plan review of the restaurant.

Drive-through restaurants may install menu boards along the approved drive – through lane. The message face of any drive through menu board shall be screened from view from any public right-of-way. Drive through menu boards may be externally lit if it does not cause glare onto adjoining properties or rights-or-way. Drive through menu boards shall be reviewed by the D.R.B. as part of its site review of the restaurant.

**L. Exterior ATM.** In addition to the allotted free-standing, flush-mounted, projecting, soffit, or window signs on a premises, a commercial development may install an exterior ATM. The exterior ATM shall be screened from view from any public right-of-way. The exterior ATM may contain internally illuminated or audible features if it is demonstrated that the illuminated

features will not disturb uses on adjoining properties and rights-of-way. The exterior ATM shall require approval by the D.R.B. as part of its site plan review of the property.

**M. Exterior Vending Kiosks.** In addition to the allotted free-standing, flush-mounted, projecting, soffit, or window signs on a premises, a commercial development may install an exterior vending kiosk for an approved commercial use.

The vending kiosk shall be fully screened from view from any public right-of-way. The vending kiosk may contain internally illuminated or audible features if it is determined that such features will not cause glare onto adjoining properties and rights-of-way. The vending kiosk shall require approval by the D.R.B. as part of its site plan review of the property.

**N. Vending Machines.** Vending machines which are traditionally located outside of commercial buildings, such as those which house or dispense soda, ice, windshield wiper, propane gas cylinders and the like may incorporate non-illuminated signage advertising the product being sold. No vending machine may be internally illuminated (perhaps insert a compliance date here – DC)

### *Larry's Section*

#### **Exempt Signs**

The following **signs** are generally exempt from the provisions of this section except those provisions in 9.10, Prohibited Signs:

- (1) **Signs** located on or in a rolling stock of common carriers, provided that such rolling stock is not regularly parked near a **public right-of-way** in such a way that the rolling stock becomes the functional equivalent of a **permanent sign**.
- (2) **Signs** on registered and inspected motor vehicles except those which are determined by the **administrative officer** to be circumventing the intent of this ordinance.
- (3) **Signs** with an area not more than 260 square inches, identifying stops or fare zone limits of common carriers by motor bus.
- (4) Posters as defined in this ordinance. Any person erecting a poster is responsible for its removal immediately upon the conclusion of the advertised event, or after four days, whichever is sooner.
- (5) Political **signs** provided they are erected no more than three weeks before an election and are removed the day after the election. Any person erecting a political **sign** is responsible for its removal.
- (6) **Signs** erected by the City of Rutland or its school district.
- (7) **Signs** erected by the State of Vermont or any of its boards, agencies or departments.
- (8) Small on-premises **signs**, no more than two square feet in size, which are necessary for and displayed for the direction, instruction, or convenience of the public, including **signs** which identify rest rooms, freight entrances, designated accessible parking spaces, posted areas, or the like. Up to four such **signs** per lot are exempt under this provision; the **administrative officer** may issue permits for additional **signs**, upon filing of an application and a demonstration of the necessity for those **signs**. Lettering shall be generic and advertising or logos (including **business** names) are prohibited on directional **signs**. These **signs** shall not

be illuminated. Where free-standing, these **signs** shall not be more than three feet high, and shall not obstruct pedestrian or vehicular safety or circulation. Where building-mounted, these **signs** shall be placed in appropriate locations related to safety issues and architectural design.

- (9) Informational **signs** up to 16 square feet in size, on lands which have been conserved by easement or other permanent, protective measures.

## 9.10 Prohibited Signs

No **sign** may be installed or maintained along and visible from a **street** or highway which:

- (1) Interferes with, imitates, or resembles any official traffic control **sign**, signal or device, or attempts or appears to attempt to direct the movement of traffic.
- (2) Prevents the driver of a motor vehicle from having clear and unobstructed view of official traffic control **signs** and approaching or merging traffic.
- (3) Contains, includes or is illuminated by any flashing, intermittent or moving lights, or contains or consists of pennants, decorative or open flags (unless otherwise allowed in accordance with §9.8.5), ribbons, balloons, streamers or spinners, or other moving devices, or has any animated or moving parts, except traffic control **signs**. Commercial holiday decorations or displays are specifically excluded from this restriction from one week before Thanksgiving until January 31. Seasonal lights employing customary strings of white lights are specifically excluded from this restriction during the dark season as defined by Eastern Standard Time (from the last Sunday in October to the first Sunday in April).
- (4) Has any lighting that is not shielded to prevent light from being directed off-site, or at any portion of the traveled highway or **street**, or is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise to interfere with the operation thereof.
- (5) Is fraudulent or misleading, or is in violation of, or at variance with any federal law or regulation, including one containing or providing for conditions to or affecting the allocation of federal highway or other funds to the benefit of the state or any subdivision thereof.
- (6) Advertises or promotes activities which are illegal under state or federal law.
- (7) Is not clean and in good repair.
- (8) Is not securely affixed to a substantial **structure**.
- (9) Contains any fluorescent paint or material or which is lit by neon.
- (10) Is an off-premises **sign**, except as allowed for permitted temporary event **signs** or posters as defined in this ordinance.
- (11) Is affixed to a utility pole, tree, rock or other natural feature.
- (12) Any other **sign** that is not otherwise permitted or allowed under this ordinance.
- (13) Encroaches on a **public right-of-way**, path of pedestrian or vehicular travel, parking space, **building** entry or exit, or causes an unsafe condition.

## 9.11 Non-Operational Businesses

No **sign** or advertising shall remain on a non-operational **business** premise more than 30 days after the **business** has closed. A 30-day extension may be granted by the **administrative officer**. The **administrative officer** may allow **sign structures** without advertising messages to remain in place where appropriate and usable by a subsequent **business**.