



**CITY OF ESSEX JUNCTION
PLANNING COMMISSION
REGULAR MEETING AGENDA**

Online & 2 Lincoln St.
Essex Junction, VT 0545
Wednesday, December 6, 2022
6:30 PM

E-mail: cyuen@essexjunction.org

www.essexjunction.org

Phone: 802-878-6944, ext. 1607

This meeting will be held in-person at 2 Lincoln Street and available remotely. Options to join the meeting remotely:

- **JOIN ONLINE:** [Join Zoom Meeting](#)
- **JOIN CALLING:** (toll free audio only): (888) 788-0099 | Meeting ID: 953 1240 7791; Passcode: 040339

1. **CALL TO ORDER** [6:30 PM]
2. **AGENDA ADDITIONS/CHANGES**
3. **PUBLIC TO BE HEARD**
 - a. Comments from Public on Items Not on Agenda
4. **MINUTES**
 - a. November 9, 2023
5. **BUSINESS ITEMS**
 - a. Act 47 Affordable housing verification procedures*
 - b. Sign content neutrality*
 - c. Potential Land Development Code amendments memo*
6. **MEMBERS UPDATES**
7. **STAFF UPDATES**
8. **ADJOURN**

*attachments included in the packet

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**CITY OF ESSEX JUNCTION
PLANNING COMMISSION
PUBLIC HEARING
MINUTES OF MEETING
November 9, 2023
DRAFT**

MEMBERS PRESENT: Phil Batalion, Chair; Patrick Scheld, Vice Chair; Diane Clemens; Scott McCormick; Elijah Massey.

ADMINISTRATION: Chris Yuen, Community Development Director; Jennifer Marbl, City Planner.

OTHERS PRESENT:

1. CALL TO ORDER

Phil Batalion called the meeting to order at 6:36 PM.

2. AGENDA ADDITIONS/CHANGES

Community Development Director Yuen said he would like to provide an update on the sign regulation enforcement campaign that is currently underway, specifically around content neutrality as laid out in the Land Development Code. This will be agenda item #5f.

3. PUBLIC TO BE HEARD

a. Comments from Public on Items Not on Agenda

4. MINUTES

a. October 5, 2023

MOTION by PATRICK SCHELD, SECOND by SCOTT McCORMICK, to approve the minutes of October 5, 2023 as drafted. VOTING: unanimous (5-0); motion carries.

5. BUSINESS ITEMS

a. Update on Rental Registry and Inspection Program

Community Development Director Yuen began by noting that the City Council took up and discussed the draft rental registry ordinance at its November 8, 2023 meeting. He said that the Council is interested in moving quickly on this item, though noting that the limiting factor is the bandwidth of the City Council itself. He noted that the initial public hearing on the draft ordinance will occur in January, and if there are amendments, they will need to hold a second public hearing in February. He said that in terms of implementation, they will need to procure software and hire staff, but he said that this could be up and running within this current fiscal year. He noted that in terms of public engagement, the Council is interested in outreach activities related to compliance, so staff will be reaching out to landlords and tenants to begin to educate them on this new program.

Commissioner McCormick noted items that Councilors brought during last night's discussion, which included looking into an incentive program for landlords who have minimal infractions and demonstrate good compliance, and also the idea of a housing trust fund. He also said he is in support of a simple fee structure (citing the flat fee of \$115 per unit), but noted that for some of the larger landlords with many units, this will not be an insignificant cost. He said that part of the communication to landlords should

include information on the benefits of this program for them. Commissioner Massey agreed, saying that the Commission and Council should be prepared to speak to potential concerns from landlords and renters about how this could lead to increased costs and potentially disincentivize the development of affordable housing. Commissioner Batalion suggested reducing the fee for affordable units. Community Development Director Yuen replied that this could be complicated to implement, given that there are multiple definitions of affordability at play, but alternatively suggested a reduced fee for non-profit housing providers.

Commissioner Massey asked how likely it is that the Council will pass this ordinance and the program will be implemented within this fiscal year. Community Development Director Yuen replied that barring any fatal flaws, it is likely that implementation could occur within months. He noted one area of potential concern, which pertains to the rental housing health code being passed to the fire marshal's role. He said that staff need to make sure that the City still has the jurisdiction to enforce this ordinance without a fire marshal, but said that this question should be resolved soon.

b. Discussion of Neighborhood Development Area expansion application

City Planner Marbl presented two options for extending the boundaries of the Neighborhood Development Area beyond their current location. She said that the first option would extend the boundary from its current location around the Village Center by $\frac{1}{4}$ of a mile and generally follows the contours of the current NDA boundaries, with an additional corridor down Pearl Street. She said that the second option is based on zoning laws and which districts are zoned for development, with a more significant extension down Pearl Street.

Commissioner Scheld asked if the City has spoken to anyone from the Department of Housing and Urban Development about these boundaries, and City Planner Marbl replied that they are having a discussion with them next week. Commissioner Clemens asked if the City can have two NDAs. Community Development Director Yuen replied that it is an add-on designation that pairs with the City's Village Center designation, and they may need to pursue some combination of the two options presented. Commissioner Scheld noted that the State also likes to see the NDA be contiguous with the Village Center area. Commissioner Batalion asked about the benefits of the NDA designation. City Planner Marbl replied that there are reduced Act 250 regulations and more flexibility around those regulations within that designation, as well as priority consideration for State grants. Commissioner Batalion said that it may be more beneficial to seek an NDA for the option that captures the areas of the City with the most and densest development potential (such as that Pearl Street corridor).

Commissioners discussed the Downtown designation and whether seeking it to replace the Village Center designation would be beneficial to the City. Commissioner Scheld noted that the Downtown designation would require more work from staff to run downtown programs while not reaping many tangible additional benefits than the current Village Center designation. Community Development Director Yuen noted that the Downtown designation would also get the City a $\frac{1}{2}$ -mile buffer instead of a $\frac{1}{4}$ -mile buffer, allowing for more flexibility in regulations in a wider area. Commissioners were supportive of pursuing the expanded NDA for the Village Center.

c. Update on Vision and Strategic Action Plan

Community Development Director Yuen provided an update on the two community input events that occurred recently, noting that each event had about 50 attendees (though half of them were staff, board

members, and City Councilors). He noted that the focus on Thursday were around drivers of change in the City and how the City can adapt to them. He said that the Saturday event then took those drivers of change and asked for input on whether the City should adapt to them or try and preserve the status quo around them, and whether that should be driven by the City/government or should be developer-led. Commissioner McCormick noted concerns about very low participation in the survey that was fielded around the strategic visioning, as well as concerns about lack of diverse representation participating in the workshops and strategy sessions (for example, no students or high school teachers, no first responders). He spoke positively about some of the creative ideas that came out of the sessions.

d. Discussion on potential Act 47 Affordable Housing verification requirements

Community Development Director Yuen said that a number of developers are submitting applications that seek to utilize the density bonus (height bonus) allowances if certain affordable housing unit thresholds are met in a proposed development project, and that it behooves the City to have a good mechanism to verify that those affordable housing threshold requirements are being met. City Planner Marbl spoke about how Burlington verifies this, which is through requesting a copy of the lease from the landlord as well as proof of income, and then compares this to VHFA's affordability thresholds for Chittenden County. Community Development Director Yuen said that the City could pursue a similar path, and request leases and number of bedrooms for rental units (as a proxy for household size). He said that staff are still trying to work through options for verification, and will present something more definitive to the DRB in the coming months. Commissioner Batalion asked what the ongoing enforcement would be for inclusionary zoning. Community Development Director Yuen replied that it would be considered a zoning violation if the condition of approval is that they need to meet affordable housing requirements for 15 years. Commissioner Clemens said that the rental registry will help ensure that the covenants around affordability are being enforced. Commissioner Scheld suggested reaching out to VHCB and asking how they enforce their affordable housing thresholds, since they have affordability requirements in perpetuity.

e. Discussion of future Planning Commission initiatives

Commissioner McCormick noted that the Comprehensive Plan needs to be revised in the near future, and that the City is working on its strategic plan currently. Commissioner Clemens, who had experience with the prior revision of the Comprehensive Plan, spoke about that experience, and that it took about 18 months to engage with other boards and commissions and stakeholders to inform the content of each subsection of the Comprehensive Plan. She suggested putting together a timeline and back into the due date for the Comprehensive Plan, as well as an outline for the different sections of the plan and a public engagement plan. Commissioner Scheld asked whether it should be the role or an initiative of the Planning Commission to try and get more community events (such as a farmer's market or community block parties) up and running. Commissioner McCormick said that one initiative of the Planning Commission should be building up more community engagement. Community Development Director Yuen suggested relying on the expertise of the Chittenden County Regional Planning Commission (CCRPC) for helping support revisions for the Comprehensive Plan. He said that there are also other initiatives (such as the Transit Oriented Design district) that would inform updates to the Comprehensive Plan. Commissioner Batalion suggested reviewing the latest version of the Comprehensive Plan and think about potential revisions. Commissioner McCormick said that this good be a good topic for a joint meeting with the City Council. Commissioner Massey suggested, related to engagement, that it would be useful to inventory the spaces that the community uses to engage with each other already, as opportunities for community outreach.

f. Update on City's Sign Regulation Enforcement Campaign

Community Development Director Yuen said that it has been a goal of the City Council to increase enforcement activities, and one frequently-lodged complaint was around signage around the City and how it doesn't follow current regulations. He said that he and City Planner Marbl have been engaging with businesses to let them know what signage requirements are for the City and how they can bring their signage into compliance with those requirements. Community Development Director Yuen said that a complicating factor is the current LDC regulations around content neutrality for signs.

6. COMMISSIONER UPDATES

Commissioner McCormick said that the Capital Projects Committee met on Tuesday and had a discussion about how to use Local Option Tax funds, and that the current estimate of revenue from that is around \$1 million per year. He said that the Committee drafted a LOT fund policy, which outlines what that revenue can be used for. He noted that 25% of the LOT funds can be set aside for sidewalk maintenance, but that the remainder is for capital improvement projects.

Commissioner McCormick also spoke about a conference he attended in Montpelier that focused on climate change and funding opportunities for municipalities. Commissioner Clemens said she also attended this conference, but attended sessions related to data and wildlife, and noted that there were also numerous sessions on flooding and flood mitigation.

7. STAFF UPDATES

None.

8. ADJOURNMENT

**MOTION by SCOTT McCORMICK, SECOND by ELIJAH MASSEY, to adjourn the meeting.
VOTING: unanimous (5-0); motion carries.**

The meeting was adjourned at 9:01 P.M.

RScty: AACoonradt

City of Essex Junction, VT

Affordable Housing Height Bonus Criteria and Reporting Requirements

The Vermont HOME Act of 2023, Act 47 (S.100) adds the allowance for an additional floor¹ for qualifying "affordable housing developments", defined in 24 V.S.A. § 4303 as:

*a housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are **affordable housing** units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.*

For rental units, 24 V.S.A. § 4303 defines Affordable Housing as:

housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the highest of the following:

- (i) the county median income, as defined by the U.S. Department of Housing and Urban Development;*
- (ii) the standard metropolitan statistical area median income if the municipality is located in such an area, as defined by the U.S. Department of Housing and Urban Development; or*
- (iii) the statewide median income, as defined by the U.S. Department of Housing and Urban Development.*

Does your property qualify as an affordable housing development?

To qualify, the overall rent of the "affordable units", inclusive of utilities and fees, must be below the maximum rent thresholds based on the criteria above. These limits are summarized on the Vermont Housing Finance Agency's monthly summary here:

<https://www.housingdata.org/documents/purchase-price-and-rent-affordability.pdf>

As of November 2023, the applicable maximum gross rent for affordable units, inclusive of utilities and fees are as follows:

Maximum Affordable Rent by unit type 2023, inclusive of utilities and fees²			
Studio / Efficiency	1 Bedroom	2 Bedroom	3 Bedroom
\$1,590	\$1,704	\$2,045	\$2,363

What if some utilities and fees are paid by the tenant?

If some or all utilities are excluded from the rent, refer to the Vermont State Housing Authority's current schedule of "Allowances for Tenant Furnished Utilities and Other Services". These utility allowances are subtracted from the maximum affordable rent.

¹ additional floor beyond what is otherwise allowed in a zoning district, in areas served by municipal water and sewer.

² Maximum gross rent are based on HUD guidance stipulating that homes have at least 1 bedroom for every 1.5 people in the household. This means that the affordable rent and purchase price of a 1-bedroom home are based on the average of the median incomes of 1 person household and of a 2-person household as a proxy for the median income of a "1.5-person household". The affordable rent and purchase price for a 2-bedroom home are based on the median income of a 3-person household (i.e., 2 bedrooms x 1.5 people/bedroom = 3-person household). For a 3-bedroom home, the rent and price are based on the average of the median incomes of a 4- and 5-person household.



As of November 2023, the following is a sample of the typical Allowances for Tenant Furnished Utilities and Other Services:

Utility or Service	0 BR	1 BR	2 BR	3 BR
Natural Gas Heating	\$ 93	\$ 105	\$ 111	\$ 118
Natural Gas Cooking	\$ 4	\$ 4	\$ 6	\$ 8
Other Electric	\$ 38	\$ 44	\$ 62	\$ 79
Electric Water Heating	\$ 28	\$ 33	\$ 42	\$ 51
Water and Sewer	\$ 55	\$ 58	\$ 77	\$ 105
Trash Collection	\$ 78	\$ 78	\$ 78	\$ 78

Reporting Requirements

Upon site plan approval, applicants who wish to utilize the Act 47 height bonus must:

1. Provide the Community Development Department with copies of any covenants or restrictions in place to preserve affordability for at least 15 years.
2. Fulfill annual reporting requirements by December 31 of each year during the 15-year period:
 - a. Submit a completed Affordable Housing Rent Reporting Form,
 - b. Submit copies of the lease documents for all affordable housing units on the property, or by random sampling as requested by the Community Development Department.

DRAFT



**City of Essex Junction, VT
Affordable Housing
Rent Reporting Form**

Reporting Period 11/2023 - 1/2024
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INSTRUCTIONS:

See City of Essex Junction, VT Affordable Housing Height Bonus Criteria and Reporting Requirements prior to completing this form. The report must include all Affordable Housing Units on the property.

Property description (address) for application: _____

General information

Applicant _____ Day Phone _____
 Address _____
 Email Address _____

Property Owner of Record (attach affidavit if not applicant)

Applicant _____ Day Phone _____
 Address _____
 Email Address _____

Property Management

Name of Company _____ Day Phone _____
 Email Address _____

Date of Report: _____ Total Units: _____ Total Affordable Units: _____

Minimum number of affordable units: 20% of Total number of units **OR** 5 units, whichever is greater= _____

Affordability Requirement Dates (minimum 15 years)

Date of original approval, if renewing (yyyy-mm): _____ Valid until (yyyy-mm): _____

What utilities are included in the rent? Circle all that apply, specify type if applicable:					
Utility	Not Included	-OR-	Type of Included Utility		
HEAT:	Not Included	Natural Gas	Bottle Gas	Oil/Electric	Kerosene
WATER HEATING:	Not Included	Natural Gas	Bottle Gas	Oil	Electric
COOKING:	Not Included	Natural Gas	Bottle Gas	Electric	Kerosene
ELECTRIC:	Not Included	other electric lights, appliances etc.)			
WATER	Not Included	Included			
TRASH COLLECTION	Not Included	Included			
OTHER					



Unit Number	Number of Bedrooms	Initial Lease Date	Monthly Rent

I certify that the information on this application is true and correct. I agree to abide by all the requirements specified in the Land Development Code and any conditions placed upon approval of this application.

Applicant _____
Date

Land Owner (if different) _____
Date

Staff Action

Date received _____ Approved _____ Denied _____

In compliance with affordable housing requirements? Yes _____ No _____

Explain (if denied) _____

Other approvals/conditions (note type/attach other signed approvals): _____

Staff Signature _____
Date

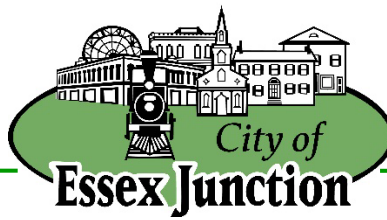


Unit Number	Number of Bedrooms	Maximum Affordable Rent Allowed	Gross Rent (including utilities charged by landlord)	Actual Utility Override *Only used if tenant complains	Estimated Additional Utilities	Initial Lease Date	Pass or Fail Affordability Requirements
1	0	\$1,590	\$1,300	0	\$148		Passes
2	1	\$1,704	\$1,800	0	\$207		Boarderline Fail
3	2	\$2,045	\$2,300	0	\$263		Fails
4	3	\$2,363	\$2,250	0	\$316		Boarderline Pass
5	3	\$2,363	\$2,250	0	\$316		Boarderline Pass

Property Address	
Total Number of Units:	10
Minimum Affordable Units:	5
Meet the Required Number of Units?	Yes
Does Property Meet All Requirements?	No

Utilities	Type	Included
HEATING:	Electric	Included
COOKING:	Electric	Included
ELECTRIC:	-	Included
WATER HEATING:	Electric	Included
TRASH COLLECTION:	-	Included
	Type	Estimated Value
OTHER UTILITIES: eg: Condo Fees		\$0.00
		Not Included

Instructions: The columns or cells highlighted in yellow are required to assess whether the project passes or fails the requirements for affordable housing as stated. These calculations are based on 30% of the 80% Area Median Income divided into monthly income. To adjust any of these percentages or to update the AMI, as must be updated annually, see next page '2023 calculations'. This also includes the cost of utilities based on the Vermont State estimations of utility cost. If preferred, verify the actual total cost of utilities with the tenant and enter into column E. Otherwise, indicate 0.



MEMORANDUM

To: Planning Commission

From: Christopher Yuen, Community Development Director

Meeting Date: December 6, 2023

Subject: Sign Content Neutrality- Land Development Code (LDC) Amendments

Issue: The LDC's sign regulations need to be amended as some parts of it are unconstitutional.

Discussion:

In 2015, a supreme court case, *Reed v. Town of Gilbert*, 576 U.S. 155, clarified that municipal content-based restrictions on signage can be unconstitutional restrictions on speech. In 2022, *City of Austin, Texas, v. Reagan National Advertising of Austin LLC, et al*, 596 US, reaffirmed that municipal sign regulations are limited to time, place, or manner restrictions. In short, if you must read the content of the sign to tell if it is compliant with the regulations or not, the regulation is unconstitutional.

Many municipalities have updated their sign ordinances in recent years to be content neutral in recent years in response to these supreme court rulings. Changes to the Essex Junction's sign regulations were intended to be a part of the most recent LDC Amendments, with assistance from CCRPC between 2021 and 2022; however, the topic was ultimately excluded as schedule constraints necessitated a shift of focus towards the more urgent housing-related amendments.

Given the ongoing desire by City Council for enhanced enforcement of the LDC, and repeated complaints about signage along commercial corridors, the City Manager has directed the Community Development Department to prioritize addressing the sign content neutrality issues in the LDC.

Currently, signage is covered in the following sections of the LDC.

- Section 201.G Sign Regulation Definitions
- Section 502.H Approval of Signs
- Section 714 Sign Standards

These sections are attached, with potentially problematic wording highlighted.

CCRPC previously identified two examples of content-neutral municipal sign regulations which may be suitable templates to start from. These examples are from the City of Burlington VT, and the Town of Manchester VT. Burlington's regulations are more detailed, and a bit more complex, but are clearly written and illustrated. Manchester's regulations are simpler, but contain fewer illustrations. Manchester's regulations also require the registration of temporary signs- a requirement that may be administratively onerous. These examples are attached.

Based on the widespread extent of the content-neutrality issues currently in the LDC, it would be much easier to completely replace our existing sign regulations than to try to amend them in a patchwork manner.

Cost:

There is no direct cost associated with amending sign regulations in the LDC.

Recommendation:

Staff recommends that the amended LDC sign regulations be based on the Burlington sign regulations.

The Planning Commission should review the existing LDC signage regulations, as well as the example from Burlington and provide initial feedback on components that may need to be adapted for use in Essex Junction.

Staff will use this feedback to draft amendments to the sign regulations for review by the Planning Commission in January 2024.

Attachments:

1. Sections 201.G, 502.H, and Section 714 of the Essex Junction LDC
2. City of Burlington Comprehensive Development Ordinance Article 7: Signs
3. Town of Manchester Land Use & Development Ordinance Section 10: Sign Regulations

controlled by public authority.

13. *"Sanitary Sewer"* shall mean a sewer which carries sewage not including storm, surface, and ground waters.

14. *"Sewage"* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, commercial and industrial establishments, together with such ground, surface, and storm waters as may be present.

15. *"Sewage Treatment Plant"* shall mean any arrangement of devices and structures used for treating sewage.

16. *"Sewage Works"* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

17. *"Sewer"* shall mean a pipe or conduit for carrying sewage.

18. *"Slug"* shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

19. *"Storm Drain or Storm Sewer"* shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

20. *"Superintendent"* shall mean the manager of the Sewage Department or his authorized deputy, agent or representative.

21. *"Suspended Solids"* shall mean solids that either float on the surface of, or are suspended in water, sewage, or other liquids, and which are removable by laboratory filtering.

22. *"Water-Course"* shall mean a channel in which a flow of water occurs, either continuously or intermittently.

23. *"Secretary"* shall mean the Secretary of the Agency of Natural Resources, State of Vermont, or their designee.

G. Sign Regulation Definitions.

For the purposes of Section 714 of this Code, the following special definitions shall apply:

1. *"Billboard"* shall mean an off-premises sign owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign.
2. *"Directional sign"* shall mean a free-standing sign used at driveway entrances to direct traffic flow which includes no advertising or logos.
3. *"Electronic Message Board"* shall mean a sign with a message copy or other display that is produced and periodically changed electronically or electrically that is attached to another sign, or to the support structure. The message copy or display shall be limited to public service announcements, time and temperature, and goods or services available on the premises, and shall consist of words, letters, numbers and punctuation only. Illumination shall be of a constant intensity, and shall not blink, flash or give the appearance of movement.
4. *"Facade"* shall mean the principal face of a building, usually facing the street and/or containing a public entrance.
5. *"Natural Causes"* shall mean those causes, which occur naturally in nature, such

as wind, rain or earthquakes. Natural deterioration caused by rot or rust or damage caused by human actions shall not be considered a natural cause.

6. *"Replacement Cost"* shall mean the estimated total cost of replacement, at fair market rates, with the same or similar materials, by a professional contractor.
7. *"Sign"* shall mean any device that is visible to persons not located on the lot where such device is located and designed to attract the attention of such persons or to communicate information to them.
8. *"Sign, Alteration"* shall mean any repairs or replacement of any part of a sign including its support structure except for repainting. Changing messages on a permanent display area of a sign designed for periodic changing of messages is not regarded as an alteration.
9. *"Sign, Facing or Face"* shall mean the surface of a sign board, background area, and structural trim through which a message is displayed or illustrated.
10. *"Sign, Free-Standing"* shall mean a sign that is permanently attached to, erected on, or supported by an independent structure which is not an integral part of or attached to a building or other structure. If the message is removed from a structure originally designed and used as a freestanding sign, this structure shall be considered a sign.
11. *"Sign, Government"* shall mean any traffic control, directional, or informational sign placed on any parcel or in the right-of-way for the purpose of protecting the general public health, safety, or welfare.
12. *"Sign, Grand-Opening"* shall mean a temporary sign used to announce the opening of new businesses which have been closed more than seven (7) days and are re-opening. Changes in management or ownership do not qualify under this definition.
13. *"Sign, Ground"* shall mean a permanent, free-standing sign located on or close to the ground.
14. *"Signs, Internally Illuminated"* shall mean signs where the source of the illumination is inside the sign and light emanates through the message of the sign. Signs which are filled with neon or other gas that glows shall be considered internally illuminated signs.
15. *"Sign, Off-Premises"* shall mean a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located. Signs which draw attention to causes or proclaim political, religious, or other non-commercial messages shall also be an off-premises sign.
16. *"Sign Permit"* shall mean a permit issued which authorizes the recipient to erect, move, enlarge or alter a sign.
17. *"Sign, Permanent"* shall mean any sign as defined herein, permanently affixed to a building or the ground.
18. *"Sign, Portable"* shall mean a free-standing sign not permanently affixed, anchored or secured to the ground or structure on the lot it occupies, including trailered signs.
19. *"Sign, Projecting"* shall mean any sign which is attached to a building or other

structure and which projects from the wall or roof surface of that portion of the building or structure to which the sign is attached.

20. "*Sign, Roof*" shall mean a sign on a roof that has a pitch of less than one-to-four. Signs on a roof with a pitch of greater than one-to-four shall be considered a wall sign.

21. "*Sign, Wall*" shall mean a permanent sign securely affixed to and parallel to the face of a wall of a building.

22. "*Sign, Window*" shall mean signs painted or posted on any glass or translucent surfaces.

23. "*Sign, On-Premises*" shall mean a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, enterprise or activity that exists or is conducted, offered, sold, maintained, or provided on the lot where the sign is located.

24. "*Sign, Temporary*" shall mean a sign which is used in connection with an event that is designed, intended, or expected to take place or to be completed within a short or definite period. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary

H. Stormwater Regulation Definitions.

For the purposes of Section 713 of the Code, the following special definitions shall apply:

1. "*Alter*" shall mean any site activity that measurably changes the ability of the ground surface area to absorb water or will change existing surface drainage patterns. Alter may also be represented as the alteration of drainage characteristics or conducting any activity that disturbs the land.

2. "*Best Management Practices*" (*BMP*) shall mean any structural or non-structural site improvements that are recognized to be the most effective and practical means to prevent and/or reduce increases in stormwater volumes and flows, reduce point and non-point source pollution and promote stormwater quality improvement with protection to the environment. "*Structural*" BMPs are devices engineered and constructed to provide treatment and temporary storage of stormwater runoff. "*Non-Structural*" BMPs use natural measures involving site characteristics to reduce the volume of stormwater or eliminating the source of the pollutant. Non-structural BMPs do not require extensive construction effort in order to promote pollutant reduction. A schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution, including, but not limited to, the stormwater treatment practices (STPs) set forth in the Vermont Stormwater Management Manual.

3. "*Erosion and Sediment Control Plan*" shall mean a plan that indicates the specific measures and their sequencing for use to control sediment and erosion on a development site during and after construction.

4. "*Existing Development*" shall mean a development that was built prior to the effective date of the adoption of this Code.

5. "*Green Stormwater Infrastructure (GSI)*": A suite of systems and practices that restore and maintain natural hydrologic processes in order to reduce the volume and

filing an appeal in accordance with the procedures of Section 1707.

(b) Any interested person may appeal a Staff decision classifying a Site Plan Amendment or acting on a minor amendment by appealing to the Board pursuant to Section 1704.

G. Approval of Home Occupations

1. Purpose. To provide a process for expeditious review of applications for Home Occupation Permits.
2. Review Required. Any proposed Home Occupation as defined by this Code shall require a Home Occupation Permit.
3. Permit Application. Applications shall be made on forms supplied by the Community Development Department.
4. Standards of Review. Any application for Home Occupation Permit shall meet the provisions of Section 711. Staff shall approve or deny an application for a Home Occupation within three (3) days of receipt, and may establish conditions in any or all of the following areas:
 - (a) Hours of operation
 - (b) Expiration dates
 - (c) Parking
 - (d) Signs
5. Appeals. Any interested person may appeal a decision regarding a Home Occupation Permit to the Development Review Board pursuant to Section 1702 below.
6. Expiration of Permit. Home Occupation approvals shall expire sixty (60) days from the date of approval if not implemented.

H. Approval of Signs

1. Intent and Purpose. The intent and purpose of this sign ordinance is as follows:
 - (a) To regulate advertising and identification signs in order to preserve, protect, and promote the public health, safety and general welfare.
 - (b) To recognize the business community's need for business identification and advertising and the similar need for a well-maintained and attractive appearance.
 - (c) To ensure that the public is not endangered or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of signs.
 - (d) To protect property values in and between residential, commercial and industrial uses by reducing visual clutter and preventing blighting influences.
 - (e) To promote traffic safety by reducing visual distractions to motorists.
 - (f) To coordinate the type, placement and physical dimensions of signs within different zoning districts.
2. Sign Permits:
 - (a) No sign may be constructed, erected, moved, enlarged, illuminated or altered without a sign permit, except as specifically provided in this Code.
 - (b) Staff shall act to approve or deny all sign permit applications within three (3) working days of receipt of a complete application. The Development Review

Board shall review and approve sign location associated with site plan applications being reviewed by the Development Review Board. All site plan applications before the Development Review Board shall include a sign for review unless a new or modified sign is not part of the project. Staff shall review all sign permit applications that would not otherwise require review by the Development Review Board.

(c) Repainting or changing messages on a sign shall not, in and of itself, constitute an alteration of a sign. If plans submitted for a zoning permit include sign plans in sufficient detail to determine whether the proposed sign or signs comply with the provisions of this Code issuance of the requested Zoning Permit shall constitute approval of the proposed sign or signs if approval is specifically stated on the zoning permit.

(d) Sign Permit Applications:

(i) Applications shall be made by the owner of record, or authorized agent, and shall be issued to the owner of record.

(ii) Sign permit applications shall include a drawing to scale indicating the following:

(aa) The proposed sign.

(bb) All existing signs maintained on the premises.

(cc) A plan which designates setbacks and the location of the proposed sign; a building facade drawing and a landscaping plan if the sign is free-standing.

(dd) Specifications for wiring, construction, and lighting.

Drawings shall be of sufficient clarity to show the extent of the work.

3. Signs Allowed Without a Permit. Signs allowed without a permit under this paragraph shall be exempt from the provisions of Section 714 of this Code.

(a) Signs not exceeding two (2) square feet in area that are customarily associated with residential use, such as signs giving property identification names or numbers or names of occupants; signs on mailboxes or newspaper tubes; and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals; home occupation signs pursuant to the standards as contained herein.

(b) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, direction, or regulatory signs.

(c) Official warning signs of a non-commercial nature erected by public utilities.

(d) Flags, pennants, balloons or insignia of non-profit or government organizations if not displayed as a commercial promotion or as an advertising device.

(e) Integral decorative or architectural features of buildings so long as such features do not contain letters, trademarks, motorized parts or lights.

(f) Signs prohibiting or restricting parking, or directing and guiding traffic on private property, not exceeding four square feet and with no advertising or

logos.

(g) Church bulletin boards, church identification signs and church directional signs that are not internally illuminated, do not exceed sixteen (16) square feet in area and satisfy the following location limitations:

(i) The sign is not located less than ten (10) feet from a property line.

(ii) There is not more than one sign along any front lot line.

(h) Signs painted on or otherwise permanently attached to currently licensed motor vehicles which are clearly incidental to the customary use of the vehicle.

(i) Temporary signs pursuant to Section 714.

4. Appeals.

Any interested person may appeal a decision regarding a sign to the Development Review Board in accordance with the provisions of Section 1702 below.

5. Expiration of Permit. A sign permit shall expire if not erected within one (1) year from the date of approval.

I. Approval of Accessory Apartments

1. Purpose. To provide a mechanism for Administrative Officer review and approval of proposals to create accessory apartments in any Residential District.

2. Review Requirement. Any accessory apartment shall be reviewed as specified by the procedures in this section.

3. Review Procedures. The Administrative Officer may approve accessory apartments in accordance with the standards specified in Section 721.

4. Submittal Requirements. Sufficient information shall be submitted to enable the Administrative Officer to determine the possible impact of the proposal on all abutting residentially zoned properties. The following minimal requirements shall be met.

(a) A plot plan, which shows all existing structures, dimensions and distances from structures to property lines.

(b) The location of existing and proposed parking.

(c) The location of existing and proposed landscaping and screening.

(d) A drawing showing the existing structure arrangement and proposed location and arrangement of the accessory apartment.

5. Appeals. Any interested person may appeal an Administrative Officer decision regarding a permitted use by filing an appeal in accordance with Section 1702.

6. Expiration of Approval. Approval of an accessory apartment shall expire when the Zoning Permit expires.

J. Approval of Activities Regarding Nonconforming Uses

1. Review Requirement. Any use of land or buildings lawfully existing on the effective date of this Code which is not allowable under this Code in the District where it is located shall be considered a nonconforming use and may be maintained subject to the provision of Chapter 8.

2. Appeals:

(a) Any interested person may appeal a Staff decision regarding a nonconforming use to the Development Review Board in accordance with the

to Title 10.20, Storm Water Ordinance Appendix A-C as amended

(a) Agreements signed under Title 10.20 Storm Water Ordinance Appendix B Section 2, 6 and Title 10.20 Storm Water Ordinance Appendix C Section 2, 6 can refer to Appendix B Fee Schedule of the Land Development Code.

SECTION 714: SIGN STANDARDS.

The provisions of this Section shall apply to all signs except those exempted herein. Signs in the Planned Exposition (PE) District shall require Conceptual and/or Site Plan approval.

A. Temporary Signs

Temporary signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter including minimum yard set-backs and height limitations. Temporary signs shall not be included in computation of sign area and the number of free-standing signs.

1. Temporary signs which are allowed without a sign permit:
 - (a) Signs advertising real estate on which the sign is located (including buildings) is for sale, lease, or rent and identification of the owner or agent. Such signs shall be placed on the ground and shall not exceed four (4) square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than five (5) acres, a single sign may be erected. For lots of five (5) acres or more in area and having a street frontage in excess of four hundred (400) feet, a second sign not exceeding four (4) square feet in area may be erected.
 - (b) Two (2) temporary directional signs may be placed within the public right-of-way during a special event (e.g., open house, garage sale). Each sign shall not exceed six (6) square feet and shall not block entrances, sidewalks or obstruct Visibility Triangles. All signs shall be removed immediately after the event.
 - (c) Construction site identification signs which identify the project, owner or developer, architect, engineer, contractor and subcontractors, funding source, and related information including but not limited to sale or leasing information. Not more than one (1) such sign may be erected per site, and it may not exceed thirty-two (32) square feet in area. Such signs shall not be erected prior to the issuance of a zoning permit, if required, and shall be removed within three (3) days after the issuance of the final occupancy permit, job completion, or six (6) months whichever is less. If construction is not completed within the six (6) month period, the sign may remain on the property for an additional six (6) months or until the project is completed, whichever is sooner.
 - (d) Temporary signs attached to the interior of a building window or glass door. Window signs shall not exceed twenty-five (25) percent of the total window space. Such signs shall be removed within thirty (30) days after placement.
 - (e) Displays, including lighting, erected in connection with the observance of holidays provided they are removed within ten (10) days following the holidays.

Temporary lighting for Christmas decorations from November 15 to January 15 are exempt.

(f) Signs erected on private property for elections or political campaigns. The signs shall be removed three (3) days after the election or conclusion of the campaign and may not exceed fifteen (15) square feet in surface area. A political candidate and/or representative may erect or hold a sign within the public right-of-way provided the candidate and/or representative is present and does not block entrances, sidewalks, or obstruct Visibility Triangles. Political signs in right-of-way may not exceed six (6) square feet in surface area.

(g) Sandwich-Board Signs. Sandwich-board signs are to be located near the business establishment entrance as a means to advertise to pedestrians. Properties with multiple businesses on one (1) lot shall not co-locate sandwich board signs. A business establishment may have one (1) single-sided portable sign or one (1) double-sided sandwich/portable sign provided the sign complies with the following standards: shall be placed on the ground and shall not be larger than eight (8) square feet; may be located within the public right-of-way provided it does not block entrances, sidewalks, or obstruct Visibility Triangles; shall be within fifteen (15) feet of the front door of the business; shall be removed during hours when the business is not open. Signs on publicly owned property for the purpose of public notice are exempt from the requirements of this Section.

(h) Special Event Signs and Banners in right-of-way. A temporary sign or banner in the City right-of-way announcing a nonprofit event is allowed upon approval of the City Council, the size and location to be determined by the City Council. Installation of the sign shall be supervised by the City Public Works Department. In addition;

(i) The event shall be sponsored by a charitable, civil or nonprofit organization.

(ii) The event shall occur within the City limits.

(iii) The sign shall indicate the sponsoring organization, location and duration of the event. No more than twenty (20) percent of the sign area shall contain advertising of any product or commercial logo.

(i) Temporary sign(s) approved by the City Council on public property or within the public right-of-way.

Other temporary signs not listed in this Section, shall be regarded and treated in all respects as permanent signs.

2. Temporary signs for which a permit is required.

(a) Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival, or similar event is to take place on the lot where the sign is located. Such signs may be erected not sooner than two (2) weeks before the event and must be removed no later than three (3) days after the event. No such signs may exceed thirty (30) square feet in surface area.

(b) One (1) sign indicating or directing one to a special event of a nonprofit organization is allowed off the premises of the event with the owner's written

permission. The signs may not be erected sooner than two (2) weeks prior to the event and must be removed no later than three (3) days after the event. No such signs may exceed thirty (30) square feet in surface area.

3. Any signs on public property shall be specifically approved by the City Council.

B. Number of Signs

1. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
2. A two-sided sign shall be regarded as one sign if the distance between the backs of each face of the sign does not exceed one (1) foot.

C. Computation of Sign Area

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
2. If the sign has more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.
3. The sign surface area of two-sided signs shall be computed by including the total of both sides designed to attract attention or communicate information that can be seen at any one (1) time by a person from one (1) vantage point.
 - (a) The sign surface of a double faced, back to back sign shall be calculated by using the area of only one (1) side of such sign if the distance between the backs of such signs does not exceed one (1) foot.

D. Wall Signs

1. Unless otherwise provided in this article, the total surface area devoted to all wall signs on any lot shall not exceed the limitations set forth in this section.
2. In the Commercial and Industrial Districts, one (1) wall sign per business establishment is allowed, not exceeding five (5) percent of the following area:
 - (a) The size shall be computed as the length of wall multiplied by fifteen (15) feet, or twenty (20) square feet, whichever is greater. If a structure has multiple stories with different business establishments, the facade area shall be calculated by multiplying the length of wall used by each business establishment by vertical floor to ceiling height of each story.
3. No wall sign shall project more than eight (8) inches from the wall to which it is attached, extend beyond the building face on a street or parking lot, or exceed the lowest of the following height limitations:
 - (a) Twenty (20) feet above grade;

(b) The cornice line of the building at the building line.

4. In Commercial and Industrial Districts, one (1) business directory wall sign is allowed per principal structure. It must be attached to the principal structure and may not exceed thirty-two (32) square feet or two (2) square feet per business, whichever is less.

E. Number of Wall Signs

1. In Commercial and Industrial Districts, the overall number of wall signs shall not be restricted as long as the total square footage of all wall signs does not exceed the size limitation as listed in Section 714.D.2.

2. In lieu of a freestanding sign an additional twenty (20) square feet of wall signage shall be allowed. However, in no case may a single wall sign exceed the size limitations in Section 714.D.2.

3. In Commercial Districts, if a business is on a corner lot having frontage on two (2) streets, two (2) wall signs shall be allowed, one (1) on the facade facing each street.

F. Projecting Signs

One (1) projecting sign, perpendicular to the wall surface on which it is mounted, may be allowed, subject to the following:

1. The projecting sign must be securely fastened to the wall on which it is mounted.

2. The projecting sign may not project more than three (3) feet from the wall on which it is mounted.

3. The projecting sign shall not be more than two (2) feet tall.

4. The projecting sign shall be mounted so that no part is less than eight (8) feet above ground level.

5. Projecting signs within the Village Center District are specifically permitted. Projecting signs in any other District which would project over any public right-of-way shall require approval by the City Council.

G. Window Signs

1. In Commercial and Industrial Districts businesses are allowed temporary and permanent window signage not to exceed twenty five (25) percent of the total window area. Each separate window pane shall not have a sign greater than twenty five (25) percent of the window. The Development Review Board may waive the twenty five (25) percent limit on window signage upon determination that the waiver request is consistent with the intent and purpose of the sign regulations as outlined in Section 502.K.

2. Window signs do not require a permit, but must comply with the twenty five (25) percent limit on window signage.

3. Village Center District – Businesses in the Village Center District shall be allowed one (1) internally lit or neon window sign. All internally lit or neon window signs shall not to exceed three (3) square feet and shall require approval of a sign permit. Businesses on a corner lot shall be allowed to have two (2) internally lit or neon window signs, one (1) facing each street frontage. A business that has over one hundred and

fifty (150) feet of street frontage shall be allowed two (2) internally lit or neon window signs subject to the size restrictions. All other internally lit permanent, temporary or window signage is expressly prohibited in the Village Center District unless otherwise provided in this Chapter.

H. Awnings

1. A premise, and each occupant of a shopping center or multi-use building, may display awnings on each street or highway frontage in any Commercial District. In addition, awnings are allowed over windows and entrances that do not front on a Public Street or highway. All awnings shall be allowed subject to the following limitations:
 - a) The awning may extend to within one (1) foot of the vertical plane created by the curb or right-of-way line.
 - b) Awnings must clear the sidewalks or ground by at least eight (8) feet.
 - c) The top of the awning, where it is attached to the building, shall be no higher than fourteen (14) feet above grade
 - d) An awning with letters in the form of a sign shall be considered a wall sign.
 - e) Awnings without letters shall be allowed subject to the size and height restrictions above, but the overall number of awnings shall not be restricted.
 - f) Awnings may be non-illuminated or externally illuminated only by down-directed and shielded fixtures and incandescent bulbs.

I. Freestanding Signs

1. For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area.
2. In Commercial and Industrial Districts, a single side of a freestanding sign may not exceed three tenths (0.3) of a square foot in surface area for every one (1) linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of a free standing sign exceed forty (40) square feet in surface area if the lot on which the sign is located has less than two hundred (200) feet of frontage on the street toward which that sign is primarily oriented, fifty (50) square feet on lots with two hundred (200) or more but less than four hundred (400) feet of frontage, and sixty (60) square feet on lots with four hundred (400) feet or more of frontage.
3. Freestanding signs that have no discernable sides, such as spheres or other shapes not composed of flat planes, may not exceed the maximum total surface area allowed under for a single side of a freestanding sign.
4. In all Districts, any legal business or recreational use, except a Home Occupation, that is not readily visible from a street, may be allowed to erect one (1) off-premise directional sign. This sign may not exceed four (4) square feet, and must be on an adjacent lot or on a right-of-way owned or leased by the business in question. This directional sign must be set back at least five (5) feet from the edge of the right-of-way. Staff may deny an application for a directional sign in any residential district which in Staff's judgment alters the character of the area.
5. Businesses with Drive-Through Facilities may have one (1) menu board sign in

addition to one (1) free-standing sign. A menu board sign shall not exceed forty-eight (48) square feet and shall be screened from the public right-of-way.

6. Automobile service stations or convenience stores selling gasoline may add twelve (12) square feet to the free-standing sign allowance for price signs. They must be part of or attached to the supports of the one (1) allowed free-standing sign, gas pump canopy, gas pump, or combination thereof and shall not exceed the additional twelve (12) square foot allowance.

J. Number of Freestanding Signs

1. Except as specifically authorized by this section, no lot or group of contiguous lots used for a single development, may have more than one freestanding sign. However, lots with greater than four hundred (400) feet of frontage may have an additional freestanding sign, not to exceed twenty (20) square feet provided the freestanding signs are at least one hundred and fifty (150) feet apart.

2. If a development is located on a lot that is bordered by two (2) public streets that do not intersect at the lot's boundaries (Double Frontage Lot) then the development may not have more than one (1) freestanding sign on each side of the development bordered by such streets.

3. Directional signs for driveway entrances or exits, which provide direction, instruction or convenience to the public shall be restricted as follows:

(a) No more than one (1) such sign shall be located at each driveway.

(b) No advertising or business logo information shall be located on such information signs.

(c) Each directional sign shall not exceed three (3) square feet in area.

(d) Directional signs must be set back at least five (5) feet from the edge of the right-of-way and shall not exceed three (3) feet in height above grade.

(e) A directional sign in the Industrial District may be twelve (12) square feet in area and have a maximum height of ten (10) feet if it is set back two hundred (200) feet or more from the nearest public road.

4. An automobile service station or convenience store with a gas pump canopy may use its one (1) free-standing sign and area allowance on the two (2) ends of the canopy with a maximum sign height of three (3) feet.

5. Landscaping regulations for free-standing signs are as follows:

(a) The area within five (5) feet of all sides of a permanent free-standing sign shall contain landscaping, consisting of shrubs, rock beds, vines or flowering plants, or any combination thereof. A planter or berm no more than three (3) feet above average grade may be approved by the Staff provided that such planter does not increase the height of the sign.

(b) Landscaping shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing of grass, weeding and removal of litter. Landscaping plantings that perish shall be replaced by the next planting season.

K. Subdivision, Multi-Family, and School Entrance Signs.

At any entrance to a residential subdivision, multi-family development or school, there may

be not more than two free-standing or wall signs identifying the entrance. A single side of any such sign may not exceed ten (10) square feet.

L. Location and Height Requirements

Unless otherwise allowed in this Chapter, the following shall be required for all free-standing signs and permanent signs.

1. Front Yard Setbacks. Signs must meet the following minimum front yard setbacks:
 - (a) In all districts, signs shall be set back no less than ten (10) feet from the property line.
 - (b) On lots located on the northerly side of Pearl Street between 159 Pearl Street and Susie Wilson Road, signs shall be set back no less than seven and one-half (7.5) feet from the property line.
 - (c) If a building is located closer to a street than the minimum setback for signs, all signs shall be located flush with the facade of the building.
2. Side and Rear yard Setbacks. Side and rear yard minimum setbacks shall be ten (10) feet in non-residential districts and fifteen (15) feet in all Residential, Neighborhood Commercial, Residential/Office Districts.
3. Height. The height of a sign shall include the height of any supportive posts or structure. No free-standing sign shall exceed the following maximum heights:
 - (a) In the Commercial and Industrial Districts, signs shall not exceed fifteen (15) feet in height.
 - (b) Signs for commercial uses in Residential/Office and Residential Districts shall not exceed ten (10) feet in height.
 - (c) Signs for residential uses, including Home Occupations, in all Residential and Residential/Office Districts shall not exceed five (5) feet in height.

M. Sign Illumination and Signs Containing Lights.

Unless otherwise prohibited, signs may be illuminated as specified below:

1. Unless specifically provided for elsewhere in the code, internally illuminated signs are prohibited in Flood Plain, Residential/Office and Village Center District. Internally lit signs in the Village Center District may be allowed with approval of the Development Review Board upon determination that the internally lit sign meets the intent of Section 502.H.1.
2. Externally illuminated signs shall meet the following standards:
 - (a) The average level of illumination on the vertical surface of the sign shall not exceed three (3.0) foot-candles, and the uniformity ratio (ratio of average to minimum illumination) shall not exceed two to one (2:1).
 - (b) Lighting fixtures illuminating signs shall be carefully located, aimed, and shielded so that light is directed only onto the sign facade. Lighting fixtures shall not be aimed toward adjacent streets or properties.
3. Internally illuminated signs are allowed in the Highway Arterial, Multi-Family/Mixed Use-1, Multi-Family/Mixed Use-2, Transit Oriented Development and Mixed Use District and shall meet the following standards:

- (a) The lettering or symbols shall constitute no more than forty (40) percent of the surface area of the sign.
 - (b) The luminous transmittance for the lettering or symbols shall not exceed thirty-five (35) percent.
 - (c) The luminous transmittance for the background portion of the sign shall not exceed fifteen (15) percent.
 - (d) Light sources shall be fluorescent tubes, spaced at least twelve (12) inches on center, mounted at least three and a half (3.5) inches from the translucent surface material.
4. Signs within one hundred and fifty (150) feet of a Residential District or residential use may be illuminated only during operating hours of the business or until 9:00 P.M., whichever is earlier.
5. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign. It shall not shine directly into a public right-of-way or residential property.
6. Internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised is not open for business except:
- (a) Signs that constitute an integral part of a telephone booth, device that indicates the time, date or, temperature or similar device.
 - (b) Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.
 - (c) Internally illuminated vending machines shall not be allowed outside of buildings except in Commercial Districts.
7. Illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.
8. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or temperature and barber pole signs.
9. String lights may be used in connection with commercial premises except as specifically prohibited within this Section.

N. Miscellaneous Restrictions and Prohibitions.

- 1. Signs located off the lot of the business, except those specified in Section 714, are prohibited.
- 2. Signs which obstruct the view of official signs and approaching or merging traffic are prohibited.
- 3. Signs that revolve or are animated or that utilize movement or apparent movement are prohibited. Without limiting the foregoing, banners, balloons, streamers, animated display boards, non-governmental flags, pennants and propellers are prohibited.
- 4. No sign may be erected so that by its location, color, size, shape, nature, or message it would obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

5. Permanent freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure to minimize danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.
6. Any signs which advertise a business, which no longer exists or a product no longer sold are prohibited.
7. Portable or temporary signs or any sign erected on a parked vehicle where such a sign would not otherwise be permitted are prohibited.
8. Unless otherwise permitted by this ordinance, signs over or in the public right-of-way are prohibited unless specifically approved by the City Council.
9. Signs erected so as to obstruct any door, window or fire escape on a building are prohibited.
10. No sign shall be erected, attached, painted, or maintained upon utility poles, or trees and other natural features.
11. Any sign containing a phosphorescent paint is prohibited.
12. Signs which appear to direct the movement of traffic, interfere with, imitate, or resemble any official traffic, directional, or route signs, signal, or device are prohibited.
13. Tourist information signs under Chapter 21, Title 10 of Vermont Statutes Annotated are permitted.
14. The legal display of governmental or non-governmental flags is allowed, subject to the following limitations:
 - (a) Flags with advertising or commercial logos shall be considered to be free-standing signs.
 - (b) No more than three (3) such flags may be displayed per business.
 - (c) Flag poles must meet all setback requirements.
 - (d) At no time shall any flag extend across a property line onto an adjoining property or public right-of-way.
15. Roof signs are prohibited.
16. Signs on sport fields that are not visible from the public right-of-way do not require a permit if the top edge of the sign is not more than five (5) feet off the ground. Signs that are visible from the public right-of-way shall require a permit.

O. Maintenance of Signs

1. All signs and all components thereof, including but not limited to, supports, braces, and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted or stained with a neutral color to blend with the natural environment.
2. Staff is authorized to order the repair or removal of any sign which in the judgment of the Staff is dangerous, or which is erected or maintained contrary to this Code.

P. Unlawful Cutting of Trees or Shrubs

No person may damage, trim, destroy or remove any trees, shrubs or other vegetation for

the purpose of increasing or enhancing the visibility of any sign in any of the following locations:

1. Within any public right-of-way of unless the work is done pursuant to the expressed written authorization of the City or other Agency having jurisdiction over the streets.
2. On property that is not under the ownership or control of the person responsible for such work unless the work is authorized by the owner.
3. In any area where such trees or shrubs are required to remain under a permit issued by the City or any other Agency having jurisdiction to issue such permits.

Q. Exemptions

The provisions and regulations of this Ordinance shall not apply to the following signs. However, said signs shall be subject to the provisions of Section 502.H:

1. One- or two-sided free-standing signs for municipal departments, which are used to provide public information, and are deemed to meet the intent of Section 502.H.1. Such signs must be approved by the Development Review Board and City Council, may not exceed thirty (30) square feet per side, must be at least fifteen (15) feet from the pavement of any public right-of-way, must not be located within any right-of-way, and may not exceed ten (10) feet in height. Such signs may include an Electronic Message Board not exceeding ten (10) square feet on each side of the sign, which may only be used between the hours of 7:00 A.M. and midnight. Information may be displayed on the message board on an intermittent basis, provided each display is at least five (5) minutes in duration. Each department shall be limited to one (1) sign.

SECTION 715: TELECOMMUNICATIONS

A. Balloon Test

The Development Review Board may require the applicant to fly a four (4) foot diameter brightly colored balloon at the location and maximum elevation of any proposed tower. If a balloon test is required, the applicant shall advertise the date, time, and location of this balloon test at least seven (7) days in advance of the test in a newspaper with a general circulation in the City. The applicant shall also inform the Development Review Board, in writing, of the date, time and location of the test, at least fifteen (15) days in advance of the test.

1. The balloon shall be flown for at least eight (8) consecutive daylight hours on two (2) days. If visibility and weather conditions are inadequate for observers to be able to clearly see the balloon test, further tests may be required by the Development Review Board.

B. Criteria For Approval and Conditions

An application for a Wireless Telecommunication Facility permit shall be approved after a hearing when the Development Review Board finds all the following criteria have been met:

1. The Facility will not be built on speculation. If the applicant is not a Wireless

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:

- (a) Effectively maintain a safe and orderly pedestrian and vehicular environment by being legible and not distracting to motorists, cyclists, and pedestrians;
- (b) Reduce potentially hazardous conflicts between Signs and traffic control devices;
- (c) Compliment their surroundings, and protect and promote neighborhood and community character;
- (d) Effectively optimize communication that support the community's sustained economic development, and reduce visual clutter within or directed upon the public realm; and,
- (e) Are an enhancement to the city's built environment, and are harmonious in size, design, color, material, and lighting with the building to which it relates, without removing, obscuring or detracting from the community's character, history, and architecture.

Sec. 7.1.2 Permit Required

All Signs shall require the issuance of a zoning permit subject to the standards of this Article before public erection and display unless otherwise specifically exempt by this Article. All Signs must be maintained in a condition or state of equivalent quality to which it was approved or required by the City.

Sec. 7.1.3 Exemptions

Repainting, refacing, repair, or change of lettering, logo, or colors using the same materials within an existing permitted Sign frame shall be exempt from the requirements of this Article and allowed without the requirement to obtain a new zoning permit.

The following types of Signs are permitted in all parts of the city, and shall also be exempt from the requirements of this Article and the necessity to obtain a permit:

- (a) **Highway and Official Signs**. 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 public information, traffic control, identification, special event, directional, public notice, and other such Signs erected by or at the

- direction of a government agency, court, or public utility in the performance of their public duty.
- (b) Street Address Identification. As required pursuant to Chapter 27 Sec. 101 of the *Burlington Code of Ordinances*, numerals that identify the street address of the property so that it can be easily identified from a public thoroughfare by patrons, guests, and emergency responders provided such numerals are a minimum of 3-inches and maximum of 10-inches in height, and the area of the numerals does not exceed two (2) square feet. In cases where the building is not located within view of the public street, the numerals shall be located on a mailbox or other suitable device such that it is visible from a public thoroughfare.
- (c) Flags:
1. In all Residential and RCO zones: up to 2 flags which may or may not be attached to 1 freestanding pole per lot. Each flag may be up to 15 square feet in area with no single dimension exceeding 5-feet. Any freestanding flag pole shall meet the maximum height and minimum setback requirements per the district-specific dimensional requirements of Article 4.
 2. In all other Zoning or Form districts: 1 flag per 25 feet of a lot's road frontage, up to a maximum of 6 flags which may or may not be attached to up to 6 freestanding poles are permitted. Each flag may be up to 24 square feet in area with no single dimension exceeding 6-feet. The height of any freestanding flag pole shall not exceed the highest point of the Principal building on the lot or 50-feet whichever is lower, and shall meet the minimum setback requirements per the district-specific dimensional requirements of Article 4 or 14 or 10-feet whichever is more restrictive.
- (d) Property Management, Information, and Directional Signs. Non-illuminated Signs two (2) square feet or less in size controlling access to a property and/or oriented to and intended primarily for use internal to the property. Examples may include those announcing no trespassing or solicitation; warning of hidden dangers; the private nature of a road or driveway; directional and parking; and, regulating fishing or hunting.
- (e) Signs Inside Buildings. Any Sign which is located completely within an enclosed building and 12-inches or more behind a window or door provided they do not obscure more than 40% of the total window area between 4 and 7 feet above the adjacent sidewalk and otherwise preclude an unobstructed view into the establishment from the sidewalk.
- (f) Vending Machines and Gas Pumps: Signs incorporated into or upon vending machines or fuel pumps.
- (g) Signs Within an Athletic Field or Complex: Any Signs facing inward to the field of play and associated spectators such as those affixed to a wall, window, fence, or scoreboard.
- (h) Historic Marker: A non-illuminated Wall Sign two (2) square feet or less in size commemorating the historic significance of a building or site.

- (i) Temporary Signs: Temporary Signs are permitted subject to the standards found in Sec. 7.1.5 Temporary Signs below.
- (j) Murals: Non-commercial artistic expression in the form of a unique hand-produced work of visual art which is tiled, painted directly upon, or otherwise affixed or placed directly onto an exterior wall of a building or structure provided that the Mural:
 - 1. does not contain any advertising copy, symbols, lettering, logos or other such recognized branding related to products or services provided on the premises where the mural is located except where otherwise permitted and incorporated into a permitted Sign Type as provided in Secs. 7.2.2 through 7.2.14 Sign Types;
 - 2. is placed on a Secondary Frontage or non-street-facing side or rear elevation of a Building or Structure; and,
 - 3. is not illuminated.

Sec. 7.1.4 Prohibited Signs

The following types and characteristics of Signs shall be prohibited in all parts of the city:

- (a) No person shall paint, paste, brand, stamp, or in any other manner hang, place on or over, or attach to any tree, rocks, or other natural feature; and any utility pole, street light, transformer, hydrant, bench, or any similar object or surface any advertisement, bill, notice, card, Sign, or poster for any purpose unless as permitted by this Article or otherwise installed by or at the direction of the Department of Public Works or the Burlington Electric Department.
- (b) Signs that may obstruct the view of approaching or intersecting traffic, or otherwise interfere with the 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, sidewalk, path, or Thoroughfare including those located within a clear sight triangle;
- (c) Any Sign and/or Sign structure that obstructs the view of, imitates, or otherwise may be confused with a governmental, traffic or safety Sign;
- (d) Any Sign and copy that mimics the City's E-911 street naming and addressing system by using a fictitious, or "vanity," address consisting of a combination of a number, name, and/or place type (e.g. "1 City Square") that has not been assigned by the City and thus may interfere with the timely and accurate response by emergency services.
- (e) Signs that interfere with free passage from or obstructs any fire escape, downspout, window, door, stairways, ladder, or Building opening or appurtenance intended as a means of ingress or egress, or providing light or air.

- (f) Signs located on any property without prior authorization granted by the Property Owner;
- (g) Any Sign which advertises goods, products, or services which are not sold, manufactured, stored, or distributed on or from the property on which the Sign is located.
- (h) Signs located on the roofs of Buildings or Structures, or that project above the roof or parapet line;
- (i) Signs mounted, attached, or painted on a trailer, boat, motor vehicle, or other mobile conveyance when parked, stored, or displayed conspicuously close to or within the 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,
- (j) Signs of any of the following types or with any of the following features or characteristics:
 - a. Any Sign, portion of a Sign, or other advertising device with:
 - i. visibly moving or movable parts; or,
 - ii. flashing, animated, or intermittent illumination except for those specifically allowed in Sec. 7.1.9 or Sec. 7.2.7; or,
 - iii. fluorescent paint or tape, mirrors, disks, reflectors, or similar devices which has the effect of intensifying reflected light.
 - b. Inflatable Signs, such as but not limited to balloons, gas inflated Signs, blimps, or similar inflated Signs;
 - c. Portable Signs, except for Sandwich Board Signs as permitted under Sec. 7.2.11 below or by the Department of Public Works for placement in the public right-of-way;
 - d. Windblown devices such as but not limited to, streamers, spinners, banners, pennants, and Flags other than those specifically allowed in Sec. 7.1.3 (d); and,
 - e. Searchlights, outdoor image projections, or any other similar displays projected from an external light source into the sky or onto any Building, Structure, right-of-way, or Thoroughfare, except as may be allowed on a limited basis for special events by the Church Street Marketplace Commission, Public Works Commission, Parks Recreation and Waterfront Commission, or City Council.

Sec. 7.1.5 Temporary Signs

The following types of Temporary Signs are allowed in all Districts without the requirement of a zoning permit provided they meet the standards found in Table 7.1.5-A - Temporary Signs below:

Table 7.1.5-A Temporary Signs

Temporary Banner	
Number of Signs	1 on a primary street frontage
Types Allowed	Wall
Sign Area	50 sf max.
Sign Height	No higher than the floor level of the 2nd story.
Illumination	None
Duration/Frequency	Shall not exceed 30 consecutive days and a maximum of 2 display periods per calendar year separated by a minimum of 30 days between display periods.
Temporary Sign	
Number of Signs	1 on a primary street frontage
Types Allowed	Freestanding, Wall, or Window
Sign Area	6 sf max. for any individual Sign
Sign Height	<u>Freestanding</u> : 4’ max above the finished grade (including supports), 3’ max if located within a Clear Sight Triangle <u>Wall or Window</u> : No higher than the floor level of the 2nd story.
Illumination	None
Duration/Frequency	Shall not exceed 30 consecutive days and a maximum of 2 display periods per calendar year separated by a minimum of 30 days between display periods.
Real Estate Sign	
Number of Signs	1 on a primary street frontage of a property offered for rent or sale
Types Allowed	Freestanding, Wall, or Window
Sign Area	6 sf max.
Sign Height	<u>Freestanding</u> : 4’ max above the finished grade (including supports), 3’ max if located within a Clear Sight Triangle <u>Wall or Window</u> : No higher than the floor level of the 2nd story.
Illumination	None
Duration/Frequency	Shall not be erected prior to the property being offered for sale or rent, and shall be removed within 3 days after a rental agreement has been executed or title to the property has been transferred.

Table 7.1.5-A Temporary Signs

Election Period Sign	
Number of Signs	6 Signs max. per property
Types Allowed	Freestanding, Wall, and/or Window including Banners
Sign Area	6 sf max. for any individual Sign
Sign Height	<ul style="list-style-type: none"> • <u>Freestanding</u>: 4' max above the finished grade (including supports), 3' max if located within a Clear Sight Triangle • <u>Wall or Window (including Banners)</u>: No higher than the floor level of the 2nd story.
Illumination	None
Duration/Frequency	Shall not be erected earlier than 60 days prior to an election, and shall be removed within 3 days afterwards.
Construction Site Sign	
Number of Signs	1 per street frontage max.
Sign Types Allowed	Freestanding or Wall
Total Sign Face Area	32 sf max in a Residential or RCO district; or, 64 sf max in all other districts.
Sign Height	8' max.
Illumination	None
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	
Number of Signs	1 per street frontage max.
Sign Height	12' max.
Illumination	None
Location	Installed along the perimeter of the premises of a project under construction. Must not be located within any public street right-of-way unless permitted by the Department of Public Works
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.

Table 7.1.5-A Temporary Signs

Construction/Real Estate Window Wrap	
Number of Signs	1 per window and door max.
Sign Area	May fill the entire glazed portion of the window and/or door.
Sign Height	No higher than the ceiling level of the 1st story
Illumination	None
Location	Installed on the premises of a project under construction.
Duration/Frequency	Shall not be erected prior to the property being offered for sale or rent, or one week prior to the commencement of construction, and shall be removed within 3 days after a rental agreement has been executed or title to the property has been transferred or within 24 hours of completion of construction.

Sec. 7.1.6 Non-Conforming Signs

Any legally pre-existing Sign or other advertising device which does not conform to the current provisions of this Article 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 repainting, refacing, repair or a change of lettering, logo, or colors using the same materials within the existing Sign frame) except to bring the Sign into complete or substantially greater compliance with this Article. In such cases, the DRB may allow a new Sign to be in substantially greater compliance than the existing nonconforming Sign subject to the applicable requirements of this Article. Nonconforming signs that are destroyed or damaged by 50% or more of their value shall not be rebuilt or repaired after one (1) year except in full conformance with this Article.

Sec. 7.1.7 Discontinuance and Removal

Any 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. If the use is not reestablished, or a new use is not established, within one (1) year, then the entire Sign Structure and mounting hardware shall be removed.

Sec. 7.1.8 Sign Permit Applications, Submission Requirements, Review and Decision-making

An 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 also 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, Freestanding Yard, and Monument Signs shall include a scaled site plan indicating the location of all existing and proposed Signs on the lot, all setbacks in feet from the property lines and/or rights-of-way, and the location of any Clear Sight Triangle.
4. Applications involving Awning, Blade, Canopy, Marquee, Nameplate, Outdoor Display Case, Projecting, Window, and/or Wall Signs shall include scaled building elevations indicating the location of all existing and proposed Signs on the building facade 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. Applications involving an Electronic Changeable Message must also provide written certification from the sign manufacturer that the luminance of the display has been factory pre-set so that it will not exceed 5,000 nits.
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.

Sign Permit requests shall receive administrative review and approval pursuant to the procedural requirements of Sec. 3.2.7 and the requirements and standards of this Article except as provided for in Sec. 7.1.6 for modifications to a non-conforming sign and Sec. 7.3.2 Master Sign Plans which shall receive review and approval by the DRB.

The Church Street Marketplace District shall be afforded an opportunity to review and comment on any application for a Sign placed within the Church Street Marketplace prior to final action under this Article.

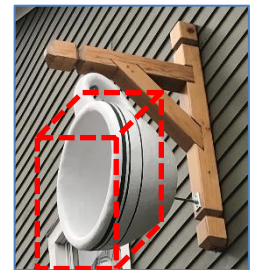
Sec. 7.1.9 Calculation of Sign Area and Height

(a) The following shall govern the calculation of a Sign’s area:

1. The area of a Sign shall include all numerals, lettering, designs, logos, 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 unless specifically indicated otherwise under Secs. 7.2.2 through 7.2.14 Sign Types.
2. Where a Sign consists of only individual numerals, letters, logos, or symbols attached, painted, or applied directly to a door, wall, or window, the area shall be considered to be the smallest polygon which would enclose the sign encompassing all the letters and symbols. (See Figure 7.1.9-1).
3. If a Sign has two or more faces, the area of all faces is included in determining the maximum area of the Sign, unless the two faces are identical and placed back to back or are no more than two feet apart. In such case, the Sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate Sign area.
4. The Sign area of a three-dimensional, free-form, or sculptural (non-planar) Sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the Sign.
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.
6. Limitations on the height of lettering shall pertain only to the height of individual characters.

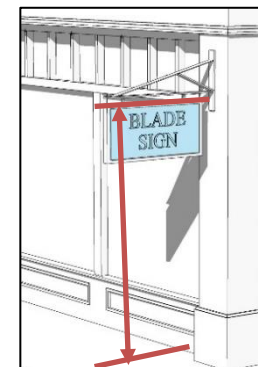
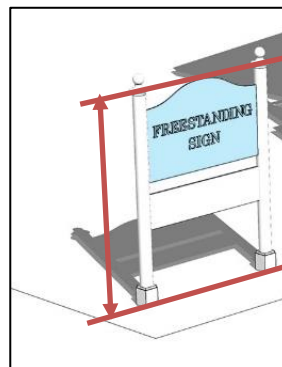


Figure 7.1.9-1 Area of a Sign affixed directly on a wall or window.

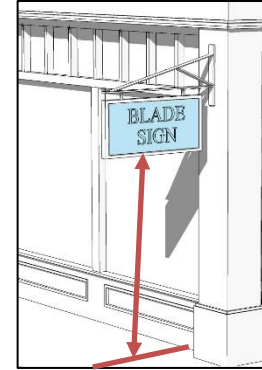


(b) Unless described otherwise under Secs. 7.2.2 through 7.2.14 Sign Types, the following shall govern the calculation of a Sign’s height:

1. Sign height overall is measured as the vertical distance from the finished grade at the base of a freestanding Sign, or of a building or structure for an attached Sign, to the highest point of the Sign.



2. For Signs attached to and projecting from a building or structure, vertical clearance is measured as the vertical distance from the finished sidewalk level to the lowest point of the Sign or Sign structure.



Sec. 7.1.10 Sign Lighting

The following requirements shall pertain to the lighting of all Signs:

- (a) The eligibility of lighting for any Sign shall be as indicated under Secs. 7.2.2 through 7.2.14 Sign Types.
- (b) All Signs shall be illuminated such that the illumination is steady and stationary, directed solely at the Sign or internal to it, and does not create glare or unduly illuminate the surrounding area.
- (c) The luminance of any Sign shall not exceed 250 nits between dusk and dawn, as measured from the brightest element of the Sign’s face. Dusk and dawn are defined as, respectively, the time starting at one-half hour before sunset and one-half hour after sunrise, as determined by the National Weather Service (actual time).
- (d) External Illumination:
 1. Light fixtures shall be located, shielded, and directed such that the light source is directed only onto the Sign face.
 2. Neither the light source or reflective surfaces of the fixture shall be visible from the public way or surrounding properties.
 3. Light fixtures used to illuminate signs shall be top mounted and shall direct the light downward toward the sign.
 4. Ground mounted lights shall not be used unless under special circumstances where conditions of (3) above cannot be met. In such cases, the receptacle or device housing the light source shall not extend more than 12 inches above ground, and shall be fully screened and housed.
 5. Projecting light fixtures must be simple and unobtrusive in appearance and not obscure the Sign.
- (e) Reverse Channel Illumination (i.e. Backlit):
 1. Backlit 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.
 2. The light source shall not be visible from the public way or surrounding properties.

3. Illumination levels shall not increase the measurable vertical light level at any point 20 feet distant from the Sign in any direction.
- (f) Internal Illumination:
1. Internally illuminated Signs shall be designed such that light passes through the lettering, logo, and other related Sign elements only, and the background shall remain opaque and light transmission shall be blocked.
 2. The Sign cabinet shall fully enclose the light source so that it is not visible from the exterior of the Sign.
 3. The background must be opaque and a darker color than the message of the Sign.
- (g) Direct Illumination (i.e. the use of exposed lamps, such as neon tubes and LED's, that have no shielding and are visible to the eye):
1. Direct illumination is limited to letters, numbers, symbols, and accents.
- (h) Raceways, Conduit, Wiring, and Transformers
1. All electrical raceways, conduits, and wiring shall be contained completely within the Sign assembly or inside the wall and shall not be exposed.
 2. If a raceway is necessary, it cannot extend in width or height beyond the area of the Sign.
 3. A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the Sign.
 4. Visible transformers are not allowed.
- (i) Electronic Changeable Message:
- Where permitted as provided in Secs. 7.2.2 through 7.2.14 Sign Types, Electronic Changeable Message displays shall:
1. Not have any distracting appearance of motion including but not limited to flashing, blinking, shimmering, animation, video, or scrolling advertising.
 2. Limit the luminance of the display not to exceed 5,000 nits at any time.
 3. Have characters of sufficient size to be easily discerned and must not constitute a safety hazard by distraction of drivers where readily visible to drivers of vehicles on any public way.
 4. Consist only of alphabetic or numeric characters on a plain background, and shall not include any graphic, pictorial, video, or photographic images.
 5. Utilize a maximum of only one color for the message on a dark background of only one color.
 6. Have a minimum display time of two (2) minutes. When the message changes, it must complete the transition within 1 second or as rapidly as is technologically practicable whichever is less with no phasing, rolling, scrolling, flashing, or blending.

7. Be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
8. Contain a default mechanism that freezes the changeable message in one position, or shuts off the device entirely, in the event of a malfunction.
9. Limit the area occupied by the electronic changeable message to no more than (50) percent of the maximum total allowable Sign area as provided in Secs. 7.2.2 through 7.2.14 Sign Types.
10. Be limited to a maximum of three (3) lines of characters including all letters, numbers, spaces, or other symbols dedicated to the electronic changeable message.

Sec. 7.1.11 Alternative Compliance

Minor variation and relief any non-numerical standard found in this Article, and any numerical standard by no more than 20% of such requirement, may be granted by the Development Review Board after review and recommendation by the Design Advisory Board and a Public Hearing.

Decisions by the DRB regarding any Alternative Compliance granted shall be made in writing, and upon affirmative findings that:

- (a) the relief sought is necessary in order to accommodate a unique circumstance or opportunity;
- (b) the relief, if granted, will yield a result equal to or better than strict compliance with the standard being relieved;
- (c) the relief, if granted, is the minimum variation necessary from the applicable standard to achieve the desired result;
- (d) the relief, if granted, will not impose an undue adverse burden on adjacent properties; and,
- (e) the remainder of the Sign will otherwise be developed consistent the purpose of this Article, and all other applicable standards.

PART 2: SIGN TYPES

Sec. 7.2.1 Sign Types

All Signs shall meet the standards set forth in this Article, and the Sign Types described in this Part in Secs. 7.2.2 through 7.2.14 below.

(a) Mixing Multiple Sign Types:

1. Mixing multiple Signs types on a single building or site in any combination is permitted unless otherwise limited by the Sign Type or Table 7.2.1-A below.

Table 7.2.1-A Sign Type Combinations

	Awning & Canopy Sign	Band Sign	Blade Sign	Directory Sign	Freestanding Sign	Freestanding Yard Sign	Marquee	Monument Sign	Outdoor Display Case	Projecting Sign	Sandwich Board	Wall Sign	Window Sign
Awning & Canopy Sign		●	●	●	●	●	○	●	●	●	●	●	●
Band Sign	●		●	●	●	●	●	●	●	●	●	●	●
Blade Sign	●	●		●	●	○	○	○	●	○	●	●	●
Directory Sign	●	●	●		●	●	●	●	●	●	●	●	●
Freestanding Sign	●	●	●	●		○	○	○	●	○	●	●	●
Freestanding Yard Sign	●	●	○	●	○		○	○	●	○	●	●	●
Marquee	○	●	○	●	○	○		○	●	○	●	●	●
Monument Sign	●	●	○	●	○	○	○		●	○	●	●	●
Outdoor Display Case	●	●	●	●	●	●	●	●		●	●	●	●
Projecting Sign	●	●	○	●	○	○	○	○	●		●	●	●
Sandwich Board	●	●	●	●	●	●	●	●	●	●		●	●
Wall Sign	●	●	●	●	●	●	●	●	●	●	●		●
Window Sign	●	●	●	●	●	●	●	●	●	●	●	●	

○ - Sign Types are **not** permitted on the same frontage or elevation.

● - Sign Types are permitted on the same frontage or elevation.

2. Multiple signs on a facade shall be designed and organized in a manner consistent and complementary with the overall architecture of the Building, and employ complimentary materials, colors, design, and scale of letters.

(b) The Sign Types permitted in each form or zoning district shall be as defined in Table 7.2.1-B below:

Table 7.2.1-B Sign Types Permitted by Form/Zoning District											
Sign Type	Mixed Use							Enterprise & Institutional			Sign Type Standards
	FD6	FD5	DW-PT	NAC	NAC-CR	NAC-RC	NMU	E-LM	E-AE	I	
Awning & Canopy Sign	●	●	●	●	●	●	●	●	●	●	7.2.2
Band Sign	●	●	●	●	●	●	●	●	●	●	7.2.3
Blade Sign	●	●	●	●	●	●	●	●	●	●	7.2.4
Directory Sign	●	●	●	●	●	●	●	●	●	●	7.2.5
Freestanding Sign	●	●	●	●	●	●	●	●	●	●	7.2.6
Freestanding Yard Sign	●	●	●	●	●	●	●	●	●	●	7.2.7
Marquee	●	●	●	●	○	○	○	○	○	●	7.2.8
Monument Sign	●	●	●	●	●	●	●	●	●	●	7.2.9
Outdoor Display Case	●	●	●	●	●	●	●	●	●	●	7.2.10
Projecting Sign	●	●	●	●	●	●	●	●	●	●	7.2.11
Sandwich Board	●	●	●	●	●	●	●	●	●	●	7.2.12
Wall Sign	●	●	●	●	●	●	●	●	●	●	7.2.13
Window Sign	●	●	●	●	●	●	●	●	●	●	7.2.14
● - Sign Type is permitted							○ - Sign Type is <u>not</u> permitted				

Table 7.2.1-B Sign Types Permitted by Form/Zoning District (continued)								
Sign Type	Residential			Civic, RCO & Urban Reserve				Sign Type Standards
	RH	RM/ RM-W	RL/ RL-W	Civic & RCO-R/G	RCO-A	RCO-C	UR	
Awning & Canopy Sign	●	○	○	○	○	○	○	7.2.2
Band Sign	○	○	○	○	○	○	○	7.2.3
Blade Sign	●	●	●	●	●	●	○	7.2.4
Directory Sign	●	●	●	●	●	○	○	7.2.5
Freestanding Sign	○	○	○	●	○	○	●	7.2.6
Freestanding Yard Sign	●	●	●	●	●	●	●	7.2.7
Marquee	○	○	○	○	○	○	○	7.2.8
Monument Sign	○	○	○	●	○	○	●	7.2.9
Outdoor Display Case	○	○	○	●	●	○	○	7.2.10
Projecting Sign	○	○	○	●	○	○	○	7.2.11
Sandwich Board	○	○	○	●	●	●	●	7.2.12
Wall Sign	●	●	●	●	○	○	○	7.2.13
Window Sign	●	●	●	●	●	●	○	7.2.14
● - Sign Type is permitted					○ - Sign Type is not permitted			

7.2.2: Awning & Canopy Sign



Description

This Sign type consists of one or more faces, and is integrated within or part of an Awning or Canopy extending over a principal entrance and/or first floor windows on a Primary or Secondary Frontage, or spanning across an individual storefront or an entire building façade.

Specifications

Location	Only Awnings and Canopies on ground floor doors or windows may contain signs.
Quantity (max)	<ul style="list-style-type: none"> • 1 per Awning • 3 per Canopy
Area, Lettering (max)	<ul style="list-style-type: none"> • 75% of the area of the Valance or Canopy face • 25% of the area of the sloping plane of an Awning
Height, Lettering (min/max)	<ul style="list-style-type: none"> • 5-in min; 10-in max on the Valance, or 18-in max on sloping plane of an Awning • 24" max. on a Canopy

Miscellaneous

Canopy Signs may be placed on the face and sides of the Canopy, or extend above or below the Canopy face provided 8-ft min. clear height above the sidewalk is maintained.

Awning Signs may only be placed on the Valance or sloping plane of the Awning, not both.

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

Awning or Canopy Signs in a Residential district shall not be illuminated.

Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

7.2.3: Band Sign



Description

This Sign type consists of a single face, and is placed within a Sign Band that is architecturally integrated into the overall design of the building façade over a principal entrance and spanning across an individual storefront or the entire façade on a Primary Frontage.

Specifications

Quantity (max)	1 Band Sign per street-level storefront
Width, Sign (max)	Length of the street-level storefront frontage
Height, Sign (max)	3-ft
Height, Overall (max)	the lesser of the floor level of the second floor or 18-ft above the finished sidewalk.
Depth/Projection, lettering (max)	7-in from the face of the Sign Band
Area, Sign (max)	75% of that portion of the Sign Band associated with the street-level use

Miscellaneous

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

If illuminated, Band Signs may only be externally illuminated or backlit.

7.2.4: Blade Sign



Description

This Sign type consists of 1-2 faces, and projects perpendicular from the Building facade on a Primary or Secondary Frontage, or elevation where street frontage is not available.

Specifications

Location (max)	within 4-feet of a principal entrance.
Quantity (max)	1 per ground floor tenant
Width, Sign (max)	3-ft
Height, Sign (max)	3-ft
Depth, Sign (max)	6-in
Offset from Building (min/max)	6-in min and 12-in max from the facade
Projection (max)	4-ft from the facade
Area, Sign (max)	9 sqft
Height, Clear (min)	8-ft min. above finished sidewalk (the lowest portion of the overhanging sign and/or bracket)
Height, Overall (max)	The lesser of the floor level of the second floor or 18-ft above the finished sidewalk.

Miscellaneous

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

A Blade Sign erected on a building that adjoins the intersection of 2 streets may intersect at a 45 degree angle to the corner of the building.

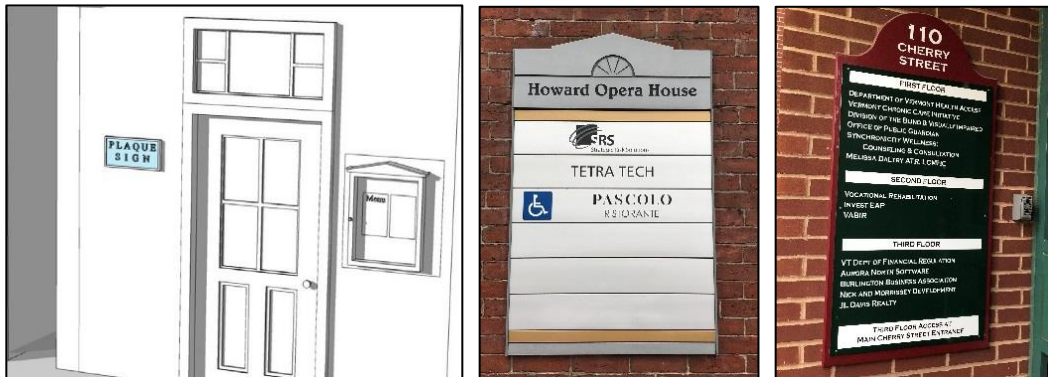
A Blade Sign may be attached to the face or underside of a canopy

If illuminated, Blade Signs shall only be externally illuminated.

Blade Signs in any Residential, RCO, or Urban Reserve district shall not be illuminated.

Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

7.2.5: Directory Sign



Description

This Sign type has a single face and consists of either a panel or individual letters applied directly to a building wall, typically listing the names of building tenants.

Specifications

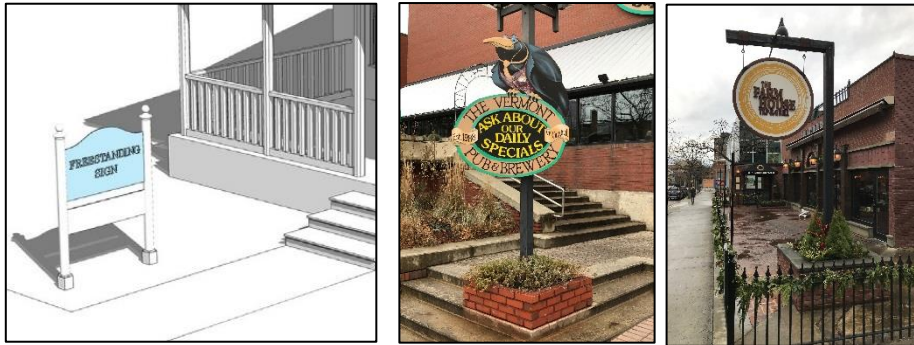
Location (max)	within 4-feet and to the side of a principal entrance.
Quantity (max)	1 per principal entrance
Width (max)	18-inches
Height (max)	36-inches
Depth/Projection (max)	3-inches from the facade

Miscellaneous

If illuminated, Directory Signs may only be backlit.

Directory Signs in any Residential, RCO, or Urban Reserve district shall not be illuminated.

7.2.6: Freestanding Sign



Description

This Sign type consists of 1 or 2 faces, is fully detached from a Building, and placed in a front yard with external support consisting of 1-2 posts.

Specifications

Quantity (max)	1 per primary street frontage
Width (max)	8-ft (not including supports)
Height	10-ft (not including supports)
Depth (face-to-face) (max)	1-ft
Sign Area (max)	60 sf. (not including supports) or 0.5 sf per linear foot of street facing building frontage whichever is less.
Setback (min)	The lesser of 3-ft from the front property line or in-line with the building façade, and 5-ft from any side property line
Height, Overall (max)	14-ft above the finished grade (including supports).

Miscellaneous

No part of a Freestanding Sign may encroach or overhang upon a public right-of-way, clear sight triangle, driveway, parking area, or walkway.

Freestanding Signs associated with a Fuel Service Station may include an electronic changeable message only for the display of numerals.

Freestanding Signs may only be internally or externally illuminated or backlit.

7.2.7: Freestanding Yard Sign



Description

This Sign type consists of 1 or 2 faces, is fully detached from a Building, and placed in a front yard with external support consisting of 1-2 posts.

Specifications

Location	primary street frontage
Quantity (max)	1 per lot.
Width (max)	6-ft (not including supports)
Height	4-ft (not including supports)
Depth (face-to-face) (max)	1-ft
Area (max)	20 sf (not including supports)
Setback (min)	The lesser of 3-ft from the front property line or in line with the building façade, and 5-ft from any side property line
Height, Overall (max)	6-ft above the finished grade (including supports).

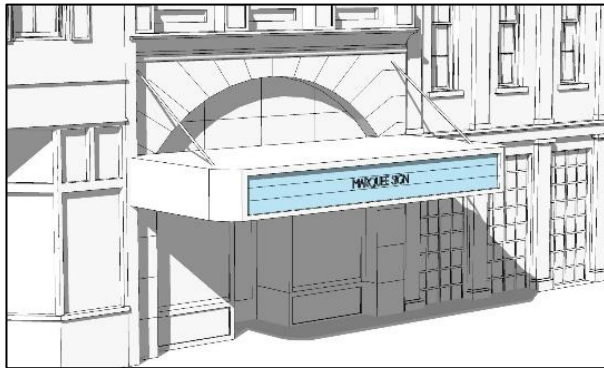
Miscellaneous

No part of a Freestanding Yard Sign may encroach or overhang upon a public right-of-way, clear sight triangle, driveway, parking area, or walkway.

Freestanding Yard Signs may only be externally illuminated.

Freestanding Yard Signs in any Residential, RCO, or Urban Reserve district shall not be illuminated.

7.2.8: Marquee



Description

This Sign type consists of 1-3 faces on an iconic structural feature of a Building that projects perpendicular from the façade over a principal entrance.

Specifications

Quantity (max)	1 per primary street frontage.
Width (max)	Width of the street-level frontage associated with the principal entrance
Projection (min/max)	6-ft min.; 10-ft max. from the facade
Setback (min)	No closer than 3-ft from the back of the curb
Area, Sign (max)	75% of any face of the Marquee
Height, Clear (min)	10-ft above the finished sidewalk
Height, Overall (max)	The top of the Marquee shall be no more than the lesser of the floor level of third Story or 35-ft above the finished sidewalk

Miscellaneous

Marquees shall be allowed only for the following uses: Cinemas, Conference/ Convention Centers, Performing Arts Centers, and Recreation Facility - Indoor.

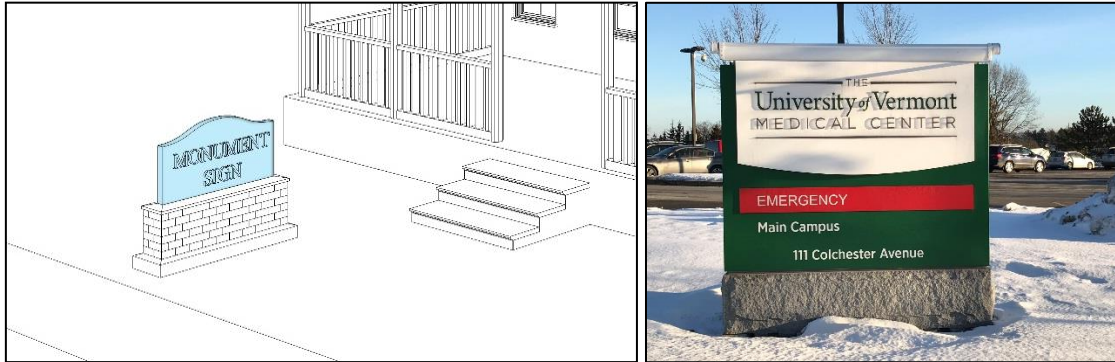
A Marquee erected on a Building that adjoins the intersection of 2 streets may intersect at a 45 degree angle to the corner of the Building.

Marquees shall be cantilevered or supported from above. Columns or Posts extending to the ground are prohibited.

Marquees may be illuminated internally and directly, and may include manual or electronic changeable message. Marquees may include intermittent blinking and flashing lamps and borders.

Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

7.2.9: Monument Sign



Description

This Sign type consists of 1-2 faces, is placed in a front yard fully detached from a Building, and is supported along the entire length of its base.

Specifications

Quantity	1 per primary street frontage.
Depth (face-to-face) (max)	2.5-ft
Setback (min)	<ul style="list-style-type: none"> • The lesser of 3-ft from the front property line or in line with the building façade. • 5-ft from any side property line.
Area (max)	60 sf (not including supports) or 0.5 sf per linear foot of street facing building frontage whichever is less.
Height, Overall (max)	6-ft from the finished grade

Miscellaneous

No part of a Monument Sign may encroach upon a public right-of-way, clear sight triangle, driveway, parking area, or walkway.

If illuminated, a Monument Sign may only be internally or externally illuminated or backlit.

Monument Signs in a Residential or RCO district shall not be illuminated.

A Monument Sign associated with a public or civic use may include manual or electronic changeable message.

7.2.10: Outdoor Display Case



Description

This Sign type has a single face and consists of a metal or wood framed cabinet mounted onto a building facade on a Primary or Secondary Frontage with a transparent window and a lockable opening allowing the contents, such as menus or posters, to be kept current.

Specifications

Quantity (max)	1 per tenant*
Width(max)	3-ft
Height (max)	4-ft
Area (max)	6-sf*
Depth/Projection (max)	3-in from the Facade

* Cinemas, Performing Arts Centers, and Performing Arts Studios may have up to 4 Outdoor Display Cases per street frontage, each not exceeding 12-sqft in area, not to exceed fifteen (15%) per cent of the area of the Façade associated with the tenant.

Miscellaneous

Outdoor Display Cases may only be illuminated from inside the display case, and shall not include electronic changeable messages.

7.2.11: Projecting Sign



Description

This Sign type consists of 2 faces on an iconic structural feature of a Building that projects perpendicular from the Façade.

Specifications

Quantity (max)	1 per Primary street Frontage
Width, Sign (max)	4-ft
Height, Sign (max)	10-ft
Depth, Sign (max)	6-in
Offset from Building (min & max)	6-in min and 12-in max from the Façade
Projection (max)	5-ft from the Façade (incl brackets)
Area, Sign (max)	40 sqft
Height, Clear (min)	the greater of the floor level of second Story or 15-ft above finished sidewalk
Height, Overall (max)	the lesser of the floor level of third Story or 35-ft above the finished sidewalk

Miscellaneous

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

A Projecting Sign erected on a building that adjoins the intersection of 2 streets may intersect at a 45 degree angle to the corner of the building.

A Projecting Sign shall be cantilevered or supported from above. Columns or Posts extending to the ground are prohibited.

A Projecting Sign may be illuminated externally, internally, and directly.

Any encroachment into or over the public right-of-way must also be approved by the Dept. of Public Works and/or City Council as may be applicable.

7.2.12: Sandwich Board



Description

This Sign type is a two-sided, portable sign that is constructed in the form of an “A” or similar tent-like shape, or attached to a heavy base in the form of an inverted “T”.

Specifications

Quantity (max)	1 per ground floor tenant; and 1 per 4 upper story or below grade tenants
Area (max)	8 sf
Height (max)	4-ft above the finished grade; 3-ft if placed within a clear sight triangle
Width (max)	3-ft
Location	<ul style="list-style-type: none"> • 15-ft max. from a principal entrance • no closer than 10-ft from a street intersection or crosswalk • no closer than 12-ft from another Sandwich Board

Miscellaneous

A Sandwich Board shall not interfere with ingress and egress points and the flow of pedestrian traffic, and a minimum of 5-feet of sidewalk clearance must be maintained at all times.

A Sandwich Board shall only be displayed during business hours, and must be taken indoors when the business is closed.

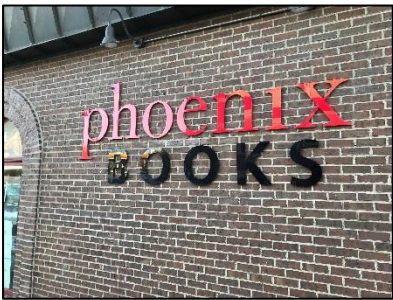
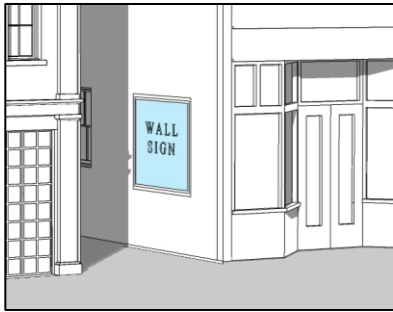
A Sandwich Board must be freestanding, and shall not be attached to the ground or any other structure or object.

A Sandwich Board shall not be illuminated.

A Sandwich Board shall be constructed of durable, weather resistant materials and finish, and sufficiently weighted to the ground to prevent blow-down. During high wind events all Sandwich Boards shall be taken indoors.

The requirements of this Sign Type do not apply to Sandwich Boards placed within the public right-of-way which must be approved by the Dept. of Public Works or the Church Street Marketplace Commission as may be applicable.

7.2.13: Wall Sign



Description

This Sign type has a single face and is attached, painted, or otherwise mounted parallel to a building or structure wall on a Primary or Secondary Frontage or elevation where no street Frontage is available.

Specifications

- Height (max)** No higher than the floor level of the second story.
- Area (max)**
- 2 sf per linear foot of street frontage, or elevation where no street frontage is available, associated with a first floor tenant.
 - 10 sf for a second floor tenant with only a ground floor entryway.
 - In no case may the total area of all Wall Signs exceed the lesser of two hundred (200) square feet or fifteen (15%) per cent of the area of the façade or elevation to which they are attached.
 - A Wall Sign in any residential district shall not exceed 6-sf in area.
 - A Wall Sign in a RCO-R/G district shall not exceed 20-sf in area.
- Depth/Projection (max)** 12-in max. from the facade

Miscellaneous

A Wall Sign may not be applied on or obscure architectural features such as: windows, doors (other than egress-only), pilasters, cornices, window, door or other building trim, feature bands, and other recessed or projecting features.

A Wall Sign may not be painted on walls made of previously unpainted stone or brick.

If illuminated, Wall Signs may be externally illuminated or backlit.

7.2.14: Window Sign



Description

This Sign type has a single face, and is affixed directly onto or behind the glazing of a window and/or door on a Primary or Secondary Frontage, or elevation where no Frontage is available.

Specifications

- Quantity (max)** 1 per first or second floor window and/or ground floor entry.
- Area (max)**
- 20% of the area of any individual window located between 4 and 7 feet above the adjacent sidewalk or finished grade.
 - total area may not exceed 30% of the total window area of all windows with Signs per façade or elevation.

Height, Lettering (max) 8-inches

Miscellaneous

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

Window Signs shall not be illuminated, however the use of neon as part of the Sign design is permitted.

Window Signs in any Residential, RCO, or Urban Reserve district shall not be illuminated.

Window area calculations shall include only the glazing.

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.

PART 3: MASTER SIGN PLANS

Sec. 7.3.1 Intent

In order to provide for a higher degree of design quality, flexibility, compatibility, and creativity in larger buildings and building complexes with multiple tenants or uses, Signs shall be allowed as specified in a Master Sign Plan for the property.

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 with three or more owners, tenants, or uses located on a single lot or adjacent lots under common ownership may be granted a Master Sign Plan submitted by the building owner and reviewed and approved by the DRB under the provisions of this Part. Signs located on City property erected by or at the direction of the City or any of its departments in the performance of their public duty or responsibility may also seek approval under the provisions of this Part.

Where a Master Sign Plan includes sufficient detail regarding the location, type, lighting, and other requirements for individual Signs, those Signs may be approved as part of the Master Sign Plan without the necessity for an individual permit(s). Otherwise the installation of individual Signs proposed pursuant to, and in compliance with, an approved Master Sign Plan shall receive administrative review and approval pursuant to the procedural requirements of Sec. 3.2.7.

Sec. 7.3.3 Submission Requirements

A Master Sign Plan shall be a comprehensive plan of all planned Signs to be located on the site(s) and on all facades of the building(s) or building complex.

Information to be included in a Master Sign Plan shall include, but not be limited to, the following in sufficient detail as necessary to render a decision for the Master Sign Plan and individual Signs as may be applicable:

- (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 – see Part 2.
- (d) Building elevations/photographs clearly illustrating the placement of Signs placed on all buildings.
- (e) A site plan indicating the location of all freestanding Signs, buildings, and structures.
- (f) Methods of illumination.

Sec. 7.3.4 Flexibility from Existing Standards

- (a) The Master Sign Plan must establish standards of consistency applicable to all Signs to be provided on the subject property with regard to:
- Colors;
 - Letter/graphics style;
 - Location and Sign Type;
 - Materials;
 - Methods of illumination; and/or
 - Maximum dimensions and proportion.
- (b) A Master Sign Plan shall be consistent with the intent and purpose of the form or zoning district within which the site is located and the intent of this Article, and be compatible with the site and character of the surrounding area.
- (c) All of the Signs in a Master Sign Plan shall be designed and organized in a manner consistent and complementary with the overall architecture of the Building, and employ complimentary materials, colors, design, and scale of letters while still providing diversity and differentiation among individual tenants,
- (d) Individual Signs in an approved Master Sign Plan may vary from the locational standards of Part 2 of this Article pertaining to each Sign Type, and be granted Alternative Compliance per Sec. 7.1.11. However, no individual Sign may exceed the maximum area limitations for the specified Sign Type, or conflict with the limitations and prohibitions of Sec. 7.1.4 .
- (e) Except for such variations approved by the DRB 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.

Section 10 **Sign Regulations**

10.1 Purpose

The natural surroundings, history, and built environment of Manchester provide the community with its distinctive character and allure. This section has been adopted to ensure that all signs installed in the Town of Manchester are compatible with the town's unique character and environment and the Manchester Town Plan. This section recognizes the necessity of signs to inform residents and the travelling public, and as an aid to local businesses in attracting customers, and as an avenue for citizen expression. It also recognizes that neither residents, the travelling public, nor local businesses are well served by unlimited signage.

The purpose of this section is to preserve and improve scenic and pedestrian oriented streetscapes within the Town of Manchester, to promote the welfare, convenience and safety of residents and visitors, to conserve the value of property, and to encourage a style and scale of outdoor advertising and messaging that is compatible with the local economy and the town's design guidelines, including the following specific purposes:

- (1) To improve traffic safety by promoting the efficient flow of vehicles and the protection of pedestrians, bicyclists, and motorists from injury caused by – or fully or partially attributable to – cluttered, distracting, or illegible signage.
- (2) To allow adequate avenues for both commercial and non-commercial messaging.
- (3) To protect the aesthetic appeal of the town's natural and built environment, including the protection of viewsheds.
- (4) To protect the nighttime dark sky, avoid light pollution, and prevent unsafe conditions that may be caused by sign lighting.
- (5) To prevent property damage, personal injury, and litter caused by improperly constructed or poorly maintained signage.
- (6) To protect property values, the local economy, and quality of life by enhancement of the streetscape.
- (7) To provide clear standards that enable efficient, fair, and consistent enforcement of these regulations.

10.2 Content Neutrality

- (1) This section is not intended to and does not restrict speech on the basis of its content, viewpoint, or message. No part of this section should be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message displayed on any sign may be changed to a different non-commercial message without the need for any approval, permit, or registration, provided neither the size, mounting, nor material composition of the sign is changed.
- (2) This section does not prohibit a person from holding a sign on public property, so long as the person holding the sign does not block ingress or egress from buildings and does not create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or on other public pathways.
- (3) To the extent that any provision of this section is deemed ambiguous, it must be interpreted not to regulate on the basis of the content of the message.

10.3 Permitting & Review Procedures

Before the alteration, construction, or installation of any sign, a zoning permit shall be secured from the Zoning Administrator, except as otherwise provided Section 10.13 and Section 10.3.4.

10.3.1 Development Review Board Approval Required

Except on parcels with only single- or two-family use, any proposed permanent freestanding sign, shall require approval by the Development Review Board as part of the site plan review process as set forth in this ordinance.

10.3.2 Design Review Required

- (1) Any proposed permanent sign within the Design Review Overlay District, shall require review by the Design Advisory Committee, which will make a recommendation to the Development Review Board or Zoning Administrator prior to a hearing or to a permit being issued.
- (2) The Design Advisory Committee, Development Review Board, and Zoning Administrator shall consider size, location, design, color, texture, lighting, and materials of all exterior signs in keeping with Design Guidelines for Manchester's Commercial & Historic Districts.

10.3.3 Administrative Review

- (1) Permanent signs on parcels with only single- or two-family use and temporary signs shall be subject to administrative review ~~only~~.
- (2) The Zoning Administrator may act on an application for a minor modification to an already approved sign within the Design Review Overlay District without consultation from the Design Advisory Committee. A minor modification shall include only a change that does not increase the size of the sign and retains the same material composition. This may include a change in location of the sign, and changes to sign lighting.

10.3.4 No Permit Required

- (1) The replacement, repair, or repainting of a damaged or worn sign with one of the same construction, size, material composition and design does not require a permit.
- (2) Replacement of panels on a multipanel sign with panels of the same material composition not resulting in an increase in sign size does not require a permit.
- (3) The display of window signs does not require a permit, but such signs must conform to Section 10.9.
- (4) Freestanding signs of 1.5 square feet or less do not require a permit, but such signs must not exceed eight in number without a waiver granted by the Development Review Board.
- (5) Wall signs of 1.5 square feet or less do not require a permit, but such signs must not exceed eight in number without a waiver granted by the Development Review Board.
- (6) Signs painted on the surface of a paved parking lot do not require a permit.
- (7) The display of temporary signs as described in Section 10.12 does not require a permit, but must be registered with the town after submittal of an online registration form through the Town of Manchester website.
- (8) The display of a sign not exceeding 11" x 17" on a community bulletin board does not require a permit.
- (9) Architectural features of a building, such as cornerstones, do not require a permit.
- (10) The display of street address numbers in compliance with Enhanced 9-1-1 addressing standards does not require a permit.

10.3.5 Size

- (1) The size of any sign is determined by multiplying the full encompassing height by the full encompassing width of the writing, representation, emblems, or physical structure of the sign, whichever is largest. However, the calculated area of a freestanding sign does not include posts, cornices, or the base of a monument sign, provided these support elements are proportional and comply with the standards of Section 10.4.2(6). See illustration in Figure 10-2.
- (2) The size of non-planar signs (sculptural, spherical, free-form or other non-planar forms) is one half of the sum of the areas of the four equal sides of the smallest six sided polyhedron (cuboid) that encompasses the sign structure.

10.4 Freestanding Signs

10.4.1 Number

- (1) In the TC, MU1, MU2, MU3 OI, R10, R4, R1, RR, RA, and FC zoning districts, permanent freestanding signs are allowed according to the numbers indicated in Table 10-1. Freestanding signs are not allowed in the DN zoning district, except that freestanding signs existing in the district on the effective date of this provision (May 5, 2020) may be retained as previously approved.
- (2) For a parcel without frontage on a public road that is served by a legally deeded right-of-way through a parcel with such frontage, said right-of-way shall be considered as part of the premises for purposes of an allowable freestanding sign. The width of the right of way shall determine the length of frontage for the purposes of determining the number of signs allowed. 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 signage under this ordinance.

10.4.2 Dimensions

Dimensional parameters for freestanding signs are indicated in Table 10-2 and the following:

- (1) Planar freestanding signs shall only have two sides, which are parallel to each other, and no more than six inches apart.
- (2) Non-planar freestanding signs must comply with size limits of the underlying zoning district as measured as described in Section 10.3.5.
- (3) The maximum allowable size of a freestanding sign in ~~the~~ the TC, MU3, and OI districts is 32 square feet.
- (4) The maximum allowable size of a freestanding signs in the MU1 and MU2 districts is 16 square feet.
- (5) The maximum allowable size of a freestanding signs in the R10, R4, R1, RR, RA, and FC is eight square feet.
- (6) The size of posts and cornices, and the base of any monument sign, shall be proportional with the size of the sign (that is: at least 15% and no more than 100% of the total size of the structure).
- (7) The maximum allowable height for any freestanding sign is ten feet, measured from grade level to the top of the sign or any part of its structure.

10.4.3 Setback

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

10.5 Wall Signs

10.5.1 Number

Wall signs are allowed according to the numbers indicated in Table 10-1, except that total allowable area of one wall sign may be divided into multiple signs.

10.5.2 Dimensions

Dimensional parameters for wall signs are indicated in Table 10-2 and the following:

- (1) Total area of all wall signage per unit* must not exceed a number equivalent to 30% of the linear length of the front of the building on which it is mounted. If linear length is measured in feet, total signage area is in square feet. For example, for a building with a linear front of 80 feet, the combined area of wall signs per unit* mounted on the building cannot exceed 24 square feet. (*Unit shall mean any distinct tenant, use, or defined space within the building.)
- (2) The maximum size of a wall sign in the DN, MU1, MU2, and RA districts is 20 square feet.
- (3) In the TC, MU3, and OI districts the maximum size of a wall sign is 40 square feet.
- (4) The maximum size of a wall sign in the R10, R4, R1, RR, and FC districts is eight square feet.

10.5.3 Mounting

- (1) A planar wall sign shall protrude no more than six inches from the wall on which it is mounted.
- (2) A non-planar wall sign shall protrude no more than 18 inches from the wall on which it is mounted.
- (3) A wall sign must be mounted in a manner that does not obscure or impair the architectural elements of the wall on which it is mounted (see Figure 10-3 for examples of unacceptable positions).

10.6 Projecting Signs

- (1) Projecting signs may be substituted for allowable wall signs on an area-for-area basis.
- (2) Projecting signs shall not exceed eight square feet in size.
- (3) A projecting sign shall not extend further than three feet away from the wall on which it is mounted.
- (4) The lowest part of a projecting sign or its support structures shall be at least eight feet above the sidewalk or grade directly beneath the sign.
- (5) A projecting sign must be mounted in a manner that does not obscure or impair the architectural elements of the wall on which it is mounted (see Figure 10-3 for examples of unacceptable positions).

10.7 Soffit Signs

- (1) Soffit signs may be substituted for allowable wall signs on an area-for-area basis.
- (2) Soffit signs shall not exceed six square feet in size in the DN, TC, MU1, MU2 MU3, and OI districts.
- (3) Soffit signs shall not exceed four square feet in size in the R10, R4, R1, RR, RA, and FC districts.
- (4) Soffit signs shall be hung in a direction perpendicular to the underlying walkway.
- (5) The lowest part of a soffit sign or its support structures shall be at least eight feet above the sidewalk or grade directly beneath it.
- (6) A soffit sign must be mounted in a manner that does not obscure or impair the architectural elements of the building on which it is mounted (see Figure 10-3 for unacceptable positions).

10.8 Awning, Canopy, & Marquee Signs

- (1) Awning, canopy, and marquee signs may be substituted for allowable wall signs on an area-for-area basis.
- (2) Signs on awnings, canopies, and marquees shall not exceed 16 square feet in the DN, MU1, and MU2 districts.
- (3) Signs on awnings, canopies, and marquees shall not exceed 20 square feet in the TC, MU3, and OI districts.
- (4) Signs on awnings, canopies, and marquees shall not exceed 8 square feet in the R10, R4, R1, RR, RA, and FC districts
- (5) The lowest part of any awning, canopy, or marquee with signage shall be at least eight feet above the sidewalk or grade directly beneath the structure.
- (6) An awning, canopy, or marquee with signage must be mounted in a manner that does not obscure or impair the architectural elements of the building on which it is mounted.

10.9 Window Signs

Window signs may be displayed, and may cover up to 25% of the total window area on the side of the building where such signs are located, provided that coverage for a single window does not exceed 50%. Any temporary window signs must be considered together with any permanent window signs in calculating window coverage and vice versa.

10.10 Additional Permanent Signs

In addition to the allotted freestanding, wall, projecting, soffit, awning, canopy, or marquee signs on a premises, additional signs may be permitted after a waiver is applied for and granted by the Development Review Board. Such signs shall not exceed 3 square feet and may not be higher than 4 feet from grade.

10.11 Sign Lighting

- (1) Sign lighting must meet the standards of Section 9.5 for outdoor lighting.
- (2) Lighting on any sign must be directed and shielded to shine only on the subject signage, and to prevent glare offsite, into the sky, or onto adjoining properties or roads and highways.
- (3) Ground or under mounted lighting is prohibited. Such lighting existing on the date of adoption of this provision (May 5, 2020) may remain. However, any change to such signage or its lighting will require complete compliance with the ordinance in effect at the time of the application for change.
- (4) Lighting on any sign shall be limited to a total of 150 watts of incandescent light, 40 watts LED, or the equivalent. LED lighting must be less than or equal to 3000K temperature color.
- (5) No sign may be internally illuminated. Backlighting of opaque or cutout features of a sign is allowed.
- (6) Internally illuminated signs existing on the date of adoption of this provision (January 6, 1997) may remain, even if the content of the sign changes. However, any changes other than to the content will require complete compliance with the ordinance in effect at the time of the application for change.
- (7) Alterations to existing noncompliant signs or sign lighting must include bringing the lighting into compliance with these lighting standards.
- (8) The Zoning Administrator may require the adjustment or relocation of any sign lighting in order to prevent glare and to ensure vehicular and pedestrian safety.

10.12 Temporary Signs

- (1) The display of temporary signs must conform to the parameters described in this section. Such signs must be registered through the Town of Manchester website. For display locations not owned by the registrant, the applicant must attest to receiving landowner permission.
- (2) Such signs may not be displayed within a public right-of-way.
- (3) Such signs may not be displayed on lands owned by the Town of Manchester.
- (4) Such signs may not be internally or externally illuminated except as incidentally, externally illuminated by existing, approved site lighting.
- (5) Temporary window signs do not need to be registered, but must be considered together with any permanent window signs in calculating window coverage and vice versa.

10.12.1 A-frame, T-frame & X-frame Signs

- (1) One temporary A-frame, T-frame, or X-frame sign may be displayed per unit provided it is stationary, stable, or securely affixed to the ground.
- (2) These signs may be displayed during daytime or business hours only and must be stored indoors at all other times.
- (3) These signs must be registered on the Town of Manchester website for up to 90-day increments.
- (4) Dimensional standards for these signs are indicated in Table 10-4.

10.12.2 Teardrop Signs

In the TC, MU2, MU3 and OI districts, one teardrop sign may be displayed on a parcel provided it is stationary and securely affixed to the ground with a ground stake. Teardrop signs shall not be displayed for more than 3 consecutive days in any month and shall not exceed 8 feet in height from the ground in which they are anchored.

10.12.3 Banner Signs

One temporary banner sign may be displayed on a parcel provided it is affixed securely to a structure to prevent movement. Dimensional standards for banner signs are indicated in Table 10-4. Banner signs shall not be displayed for more than 60 consecutive days.

10.12.4 Yard Signs

Yard signs may be displayed on a parcel according to the parameters indicated in Table 10-3 and Table 10-4. These signs shall not be displayed for more than 90 consecutive days except that such signs may be re-registered via the Town of Manchester website for additional 30-day increments.

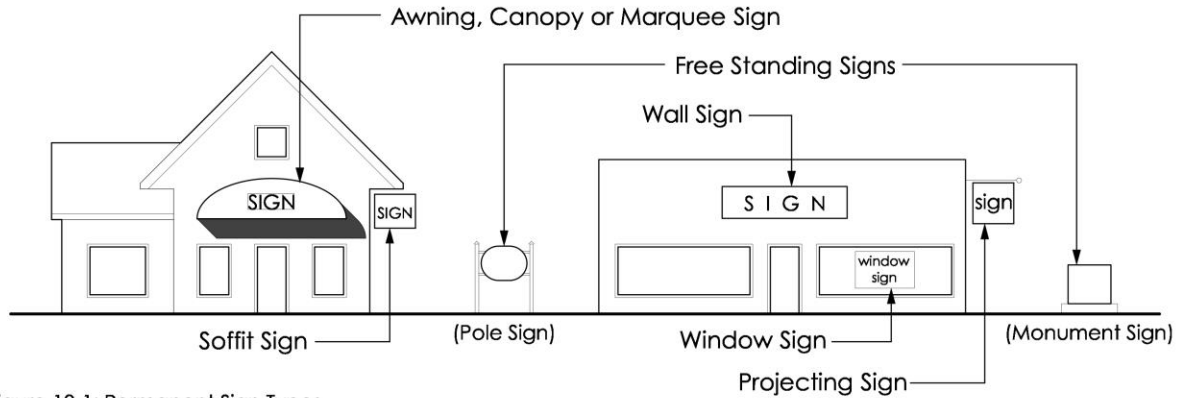


Figure 10-1: Permanent Sign Types

SIGN AREA = HEIGHT x LENGTH

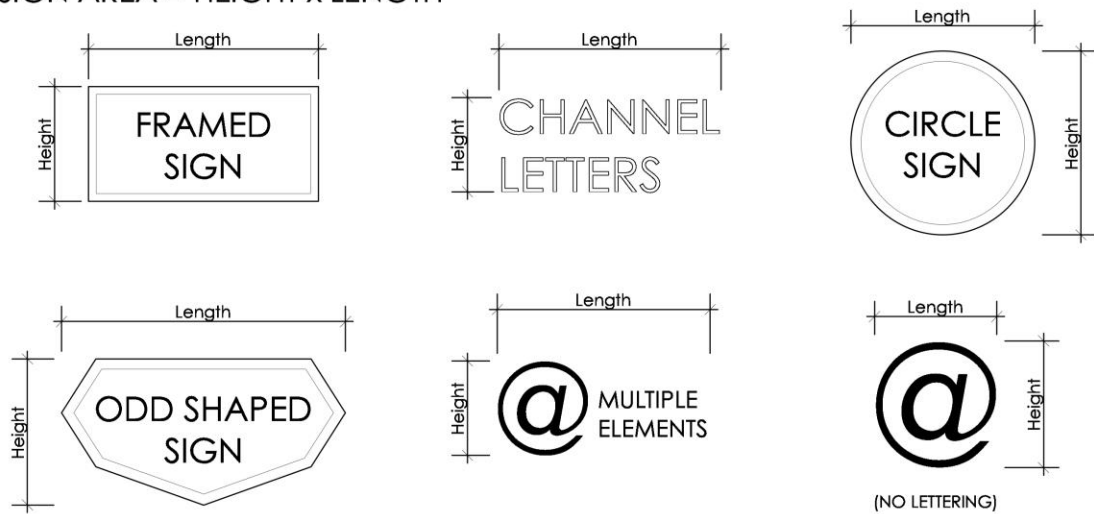


Figure 10-2: Sign Measuring Standards

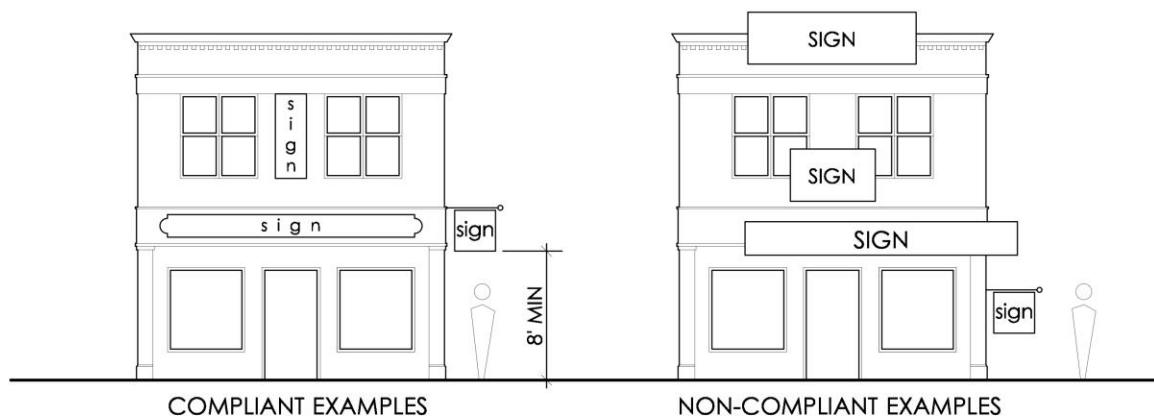


Figure 10-3: Sign Examples

10.13 Exempt Signs

The following signs are exempt from the sign provisions of this ordinance:

- (1) Signs erected by a government entity compliant with the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD).
- (2) Signs located on or in a rolling stock of common carriers, provided such rolling stock is not regularly parked near a public right-of-way such that the rolling stock becomes the functional equivalent of a permanent sign.
- (3) Signs on registered and inspected motor vehicles, provided such vehicle is not regularly parked near a public right-of-way such that it becomes the functional equivalent of a permanent sign.
- (4) Signs erected by the Town of Manchester.
- (5) Signs erected by the State of Vermont.
- (6) Signs erected as part of an event that has received an event permit from the Town of Manchester.
- (7) Flags of a nation or state.

10.14 Prohibited Signs

Unless specifically exempted under Section 10.13, no sign may be installed or maintained along and intelligible from any town or state maintained traveled way 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) Encroaches on a public right-of-way, path of pedestrian or vehicular travel, parking space, building entry or exit, or causes an unsafe condition.
- (4) Contains, includes or is illuminated by any flashing, intermittent or moving lights, or contains or consists of pennants, flags, ribbons, balloons, streamers or spinners, or has any animated or moving parts.
- (5) Has any lighting that 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.
- (6) Contains any fluorescent paint or material or which is lit by neon.
- (7) Is not stable or securely affixed to the ground or a substantial structure.
- (8) Is affixed to a utility pole, official traffic control device, guard rail, or bridge structure, or a tree, rock or other natural feature.
- (9) Is placed on or mounted from the roof of any building or structure.
- (10) Any other sign that is not otherwise permitted or allowed under this ordinance.

Table 10-1. Permanent Sign Number Limits

Sign Type	Zoning District											
	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
Freestanding	Not allowed	1 per lot or 120' frontage	1 per lot or 90' frontage	1 per lot or 90' frontage	1 per lot or 150' frontage	1 per lot or 120' frontage	1 per lot	1 per lot	1 per lot	1 per lot	1 per lot	1 per lot
Wall	1 per 12' façade length	1 per 12' façade length	1 per 12' façade length	1 per 12' façade length	1 per 12' façade length	1 per 12' façade length	1 per façade	1 per façade	1 per façade	1 per façade	1 per 12' façade length	1 per façade
Projecting or Blade	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall
Hanging or soffit	1 per 12'	1 per 12'	1 per 12'	1 per 12'	1 per 12'	1 per 12'	Not allowed	Not allowed	Not allowed	Not allowed	1 per 12'	1 per 12'
Awning, Canopy or Marquee	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Same as Wall	Not allowed	Not allowed	Not allowed	Not allowed	Same as Wall	Same as Wall

Table 10-2. Permanent Sign Size Limits (Area limits in square feet, unless otherwise indicated.)

Sign Type	Zoning District											
	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
Freestanding	Not allowed	32	16	16	32	32	8	8	8	8	8	8
Wall *	20	40	20	20	40	40	8	8	8	8	20	8
Sculptural, Freestanding or Wall	16	16	16	16	16	16	8	8	8	8	16	16
Projecting or blade	8	8	8	8	8	8	4	4	4	4	4	4
Hanging or soffit	6	6	6	6	6	6	4	4	4	4	4	4
Awning, Canopy, or Marquee	16	20	16	16	20	20	8	8	8	8	8	8
Window (includes temporary)	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area

* Total area of all wall signage per unit must not exceed a number equivalent to 30% of the linear street frontage of the building on which it is mounted. For the purpose of determining allowable wall signage on a building, unit shall mean any distinct tenant, use, or defined space within the building.

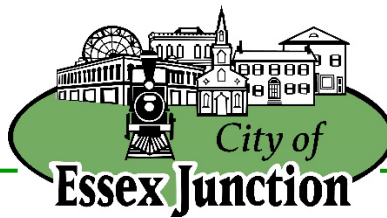
Table 10-3. Temporary Sign Number Limits

Sign Type	Zoning District											
	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
Wall	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit
A-frame, T-frame or X-frame	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit	1 per unit
Yard (per frontage)	1 per 10'	1 per 10'	1 per 10'	1 per 25'	1 per 25'	1 per 25'	1 per 10'	1 per 10'	1 per 25'	1 per 25'	1 per 25'	1 per 25'
Banner	Not allowed	1 per lot	Not allowed	1 per lot	1 per lot	1 per lot	Not allowed	Not allowed	Not allowed	Not allowed	1 per lot	1 per lot
Teardrop	Not allowed	1 per lot	Not allowed	1 per lot	1 per lot	1 per lot	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

For the purpose of determining allowable signage, unit shall mean any distinct tenant, use, or defined space on a property.

Table 10-4. Temporary Sign Size Limits (Area limits in square feet, unless otherwise indicated.)

Sign Type	Zoning District											
	DN	TC	MU1	MU2	MU3	OI	R10	R4	R1	RR	RA	FC
A-frame, T-frame, or X-frame	6	6	6	6	8	8	6	6	6	6	6	6
Yard	4	4	4	4	4	4	3	3	3	3	4	4
Banner	20	25	20	25	25	25	10	10	10	10	20	10
Teardrop (Height)	Not allowed	8'	Not allowed	8'	8'	8'	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Window (includes permanent)	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area



MEMORANDUM

To: Planning Commission

From: Christopher Yuen, Community Development Director

Meeting Date: December 6, 2023

Subject: 2024 Land Development Code (LDC) amendments – Potential Schedule and Priorities

Issue: Since the sign regulations in Land Development Code must be amended, there is an opportunity to include additional changes at the same time.

Discussion:

As noted in the Sign Content Neutrality memo, the City Manager has identified the modernization of the city's sign regulations as a priority. Since this will require an LDC amendment, there is an opportunity to add additional changes to the amendments.

In determining the scope of the amendments, two concurrent or upcoming projects should be considered:

- **The Vision and Strategic Action Plan project** is ongoing, and is scheduled for completion in early 2024. This project is intended to reveal new policy and program priorities, and may be useful input into the LDC amendment process.
- **The Transit Oriented Development (TOD) study** is scheduled to begin in early 2024, but will run through 2025, in two phases. This project is intended to provide policy recommendations for maximizing the impact and usefulness of transit service of the city. It will provide zoning policy recommendations around density, height, street network, and built form along Pearl St corridor and the city center. The results of the TOD study will likely not be available in time to serve as input into the LDC amendments currently being developed.

City staff has prepared a few potential topics to consider for inclusion in this round of LDC amendments. The Planning Commission may add other topics of interest to the list. However, unlike 2021-2023 LDC amendments, which were made with help by CCRPC, the current project is being done in-house among many other ongoing priorities. Consequently, the scope of the LDC amendments needs to be limited to be feasible within a reasonable timeframe.

Topics should be prioritized based on factors such as:

- Feasibility within intended timeframe
- Criticality
- Complexity
- Impact
- Public engagement needs
- Consistency with Comprehensive Plan

A conceptual project schedule is attached.

Cost:

A Land Development Code Amendment does not have direct costs, but complex changes will require significant investment of staff time.

Recommendation:

Staff recommends that the Planning Commission consider and rank the priorities for additional topics to include in the upcoming Land Development Code amendments, with the understanding that only the top two are likely to be included at this time.

Attachments:

1. Potential LDC Amendment Topics for 2024
2. Conceptual Project Schedule

Potential LDC Amendment Topics for 2024

The following topics should be included in the upcoming LDC amendments.

Topic	Criticality	Complexity	Impact	
Sign Content Neutrality	Medium	Medium	High	
	The LDC's sign regulations need to be amended as some parts of it are unconstitutional.			
State Statute Consistency and Technical Fixes	High	Low	Medium	
	Any additional minor changes to the LDC for consistency with state statute should be included in this round of amendments. Additionally, there are some potential small, non-controversial "Technical fixes" to fix obvious shortcomings of the previous version of the LDC.			

The following are potential, additional topics that could be included. These should be prioritized, with the understanding that the Community Development Department likely only has capacity to include the top two with the scope of the LDC amendments at this time.

Topic	Criticality	Complexity	Impact	
Renaming or Rezoning the Highway Arterial (HA) District	Low	Medium	High	
	It is now apparent that the name of the zoning district is an impediment to the expansion of the Neighborhood Development Area along the Pearl Street Corridor. The setback regulations, have also been shown to be an impediment to the development of a diversity of housing types.			
	While the upcoming TOD study is likely to revamp zoning along this corridor, and potentially include form-based code, it will take at least two years, and interim changes may be helpful.			
EV Charging	Medium	Medium	Medium	
	The White House has set a goal of having 50% of all new vehicles be electric by 2030, and modeling shows that Vermont needs to have 27,000 plug-in electric vehicles operating by 2025, and 126,000 by 2030, to meet the goals laid out in the Vermont Climate Action Plan. The lack of charging infrastructure is likely to become an increasing impediment to EV adoption in multi-family residential buildings, particularly as the new housing supply in the City is almost exclusively within multi-family buildings. Neighboring municipalities have developed standards that we can adopt and adapt.			
LEED or Other Municipal Green Building Incentives	Low	High	High	
	LEED (leadership in energy and environmental design) is an international certificate program to encourage architects and developers to create less wasteful buildings. Many municipalities have their own energy certification program or use LEED as a metric while granting other benefits to projects that go the extra mile to achieve this standard. Conversely, this can be used to set minimum building efficiency standards. Building efficiency is a complex issue, as there are statewide Residential and Commercial Building Energy Standards in place already. Additional municipal regulations would have to be carefully crafted not to conflict or duplicate existing state regulations. Additionally, the potential impacts on housing supply and housing costs would have to be considered.			
Planned Unit Development Open Space Requirement	High	Medium	Medium	
	PUDs allow for flexibility in the application of land development regulations to encourage compact, pedestrian-oriented development, but one PUD requirement currently makes it impossible to apply towards multi-story residential buildings.			

	<p><i>“Each residential unit shall include a private outdoor open space (yard, deck or similar), of not less than seven hundred and fifty (750) square feet.”</i></p> <p>This policy may be reconsidered and adjusted to be more applicable towards multi-story apartments and condos.</p>			
<p>Revisiting Commercial Minimum Parking Requirements</p>	<p>Low</p>	<p>Medium</p>	<p>Medium</p>	
	<p>Minimum parking requirements have been already substantially reduced for residential uses, to reduce the barriers to housing creation; however, the requirements for commercial uses have not been revisited in recent years, despite a trend towards policy reform in throughout the country.</p> <p>Excessive commercial parking requirements may stifle opportunities for creative reuse of existing buildings and perpetuate auto dependency. Changes to commercial parking policy may be technically simple, but they tend to be controversial as people tend to have strong opinions on this topic.</p>			
<p>Other topics</p>	<p>The Planning Commission may suggest other topics for investigation.</p>			

Tentative Schedule	Due
Tasks	First Draft
1. Kickoff meeting- Sign Content Neutrality discussion and policy priority setting	December
2. Sign Content Neutrality Amendments	January
3. Additional Topic 1 discussion with PC	February
4. Additional Topic 1 Amendments	March
5. State Statute Consistency and Technical Fixes Amendments (from Staff & PC)	April
6. Additional Topic 2 Discussion with PC	May
7. Additional Topic 2 Discussion Amendments	June
8. Review all amendments in one draft	July
9. Planning Commission warn Public Hearing	July
10. Planning Commission Public Hearing & Send to Council	August
11. Council Receive & Warn Public Hearing	September
12. Council Hold Public Hearing & Adopt	November

NOTES: This schedule assumes no changes are made during the public hearing process; throughout this process it could easily take another three months.

