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Town Offices

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Posted: September 13, 2010

TOWN OF DORSET

Sign Ordinance Adoption

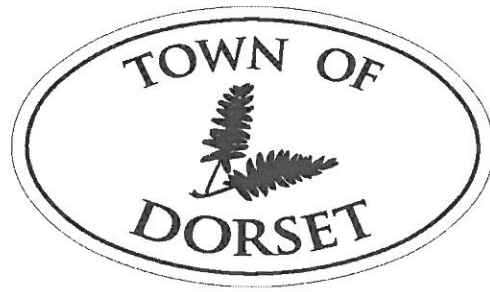
This ordinance was approved & adopted by the Selectboard at their regular meeting on August 17, 2010. The ordinance shall become effective sixty days after its adoption unless a petition signed by five percent of the qualified voters in the Town of Dorset asking for a vote on the question of disapproving the amendment is filed with the Town Clerk or the Selectboard within forty five days after the adoption of the ordinance. A copy of the ordinance is available at the Town Manager's Office at 112 Mad Tom Road East Dorset, VT 05253

Respectfully submitted,

Rob Gaiotti
Town Manager

POSTED IN THE SELECTMEN'S CONFERENCE ROOM, TOWN CLERK'S OFFICE, JIFFY MART, PELTIER'S, DORSET POST OFFICE AND EAST DORSET POST OFFICE. COPY FAXED TO THE MANCHESTER JOURNAL, VERMONT NEWS GUIDE, BENNINGTON BANNER, RUTLAND HERALD AND DORSET SCHOOL BOARD.

CC/SELECTBOARD/LISTERS/TOWN CLERK/ROAD FOREMAN



Town of Dorset, Vermont

Sign Ordinance

SECTION I: TITLE

This ordinance shall be known and cited as the Town of Dorset, Vermont Sign Ordinance.

SECTION II: PURPOSE

This ordinance recognizes the necessity of signs to inform the traveling public and as an aid to local business in attracting customers. The purpose of this ordinance is to help preserve and improve the existing attractive aspects of the Dorset environment, to promote convenience and safety for visitors and residents alike. This ordinance is therefore adopted pursuant to the provisions of 24 V.S.A. 117 & 24 V.S.A. 1974a & 1977.

SECTION III: DEFINITIONS

ABANDONED SIGN: A sign associated with the use of a property which use ceases for a period of at least 6 months.

ALTER: any change to a sign with the exception of color changes, and maintenance of an existing sign.

BANNER: sign made of non-rigid material as to allow movement in the wind.

BUSINESS: A legally permitted occupant of land or premises, which is found or located within its own separate physical space, and with its own separate entrance.

CHARITABLE ORGANIZATION: a group or foundation whose chief goal is to make donations of time or goods to benefit those in need.

ESTABLISHMENT: A legally permitted occupant of land or premises, which is found or located within its own separate physical space, and with its own separate entrance.

LOT: A parcel or group of contiguous parcels of land under the same affiliated ownership which is occupied or may become occupied by one or more principal buildings and the accessory buildings or customarily incidental uses.

ON PREMISES SIGN: A sign which directs attention to a business, profession, commodity, service or entertainment carried on, sold or offered on the same premises.

OFF PREMISES SIGN: A sign which directs attention to a business, profession, commodity, service or entertainment that is not carried on, sold or offered on the same premises.

POSTER: A temporary off premises sign that is exhibited no more than (4) four days, and not exceeding three square feet in area, printed, lettered, or drawn on non-permanent cardboard or paper, advertising a specific event or occurrence at a particular time and place. The general intent is to allow individuals reasonable opportunity to advertise events such as yard sales, charitable events, or to place directional signs for special events.

PREMISES: The lot, building or set of related buildings comprising the location of one or more businesses or other ventures.

RESIDENTIAL SIGN: A sign, not more than one and one half square feet in area for identification purposes.

SIGN: Any structure, wall display, device or representation which is designated or used to advertise or call attention to or directs a person to a business, association, profession, commodity product, institution, service, entertainment, person place or thing, or activity of any kind, and is visible or audible from a highway or other public right-of-way. It does not include the flag of any nation or state on a single pole.

SIGN, FLUSH MOUNTED: A sign attached to and mounted parallel to the face of a building or structure, or where architectural features (awnings, entryways) are clearly designed to a sign mounted parallel to the building face.

SIGN, FREE STANDING: A sign supported by one or more poles, columns, or supports placed in or on the ground and not attached to any building or structure.

SIGN, PROJECTING: A sign attached to and projecting away from the face of a building.

SIGN, SOFFIT: A sign hung from and within an overhang, which is attached to a building or structure, and which covers a walkway serving that building or structure.

SIGN, WINDOW: Any sign affixed to the inside of a window or door, or a sign placed within a building so as to be plainly visible and legible through a window or door. Small signs incorporated into a window of merchandise and measuring no more than 100 square inches shall not be considered a window sign.

TENANT: A legally permitted occupant of land or premises, which is found or located within its own separate, physical space and with its own separate entrance.

YARD, FRONT: An open space between the building and the street, extending the full width of the lot, or in the case of a corner lot, extending to all streets.

YARD, REAR: An open space between the building and the rear lot line, extending the full width of the lot.

SECTION IV: ADMINISTRATION

A. SIGN PERMITS:

Before the alteration, construction, or installation of any sign, a sign permit shall be secured from the Administrative Officer.

Before the alteration, construction, or installation of any sign within the duly established Design Review Districts, approval through the design review process shall be secured prior to the issuance of a permit by the Administrative Officer. Review of such signs shall be consistent with Section 9 of the Dorset Zoning Bylaws.

Applications for sign permits shall be made on a form prescribed by the Selectboard, and a standard fee, as determined by the Selectboard, shall be charged for processing the application. Charitable Organizations are exempt from payment of fees. The Application shall include a reminder for applicants to contact the Vermont Agency of Transportation for jurisdictional sign requirements. Action on the application shall be taken by the Administrative Officer within (30) thirty days of filing.

Special Exemptions/ Variances: The Selectboard reserves the right to review applications and hold public hearings to grant special exemptions or variances from these regulations, if decided to be in the best interest of the town.

B. NON-CONFORMING SIGNS:

All signs which were existing signs on the date of adoption of this regulation may remain until such time as the sign is altered or replaced by a new sign. Any new sign including an identical reproduction of existing sign must conform to these regulations.

C. VIOLATIONS & ENFORCEMENT:

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions 24 V.S.A. 1947a & 1977, and as described below:

A penalty of \$100 shall be imposed for the initial violation of any provision of this Ordinance. The penalty for a second offense within a one year period shall be \$250, and the penalty for each subsequent violation within a one year period shall be \$500. As per statute, in cases where a violation is “non-contested”, a waiver fee shall be paid in the amounts of \$50 for the first offense, \$125 for the second offense within a one year period, and \$250 for each subsequent offense within a one year period. Each day that the violation continues will constitute a separate violation of this Ordinance.

If the above enforcement strategy is not sufficient to deter violations, enforcement proceedings may also be initiated under 24 V.S.A. 4444/ 4445. These additional penalties may be up to \$100 per day (with each day constituting a separate violation), and issuance of injunctions.

Issuing officials authorized to enforce this Ordinance include the Town of Dorset Zoning Administrator.

SECTION V: APPEALS & VARIANCES

Applications for appeals and variances shall follow the appropriate procedures as outlined in 24 V.S.A. 4464, 4468, 4471 & 4475.

When a variance from the provisions of this Ordinance is the relief requested the Zoning Board of Adjustment may render a decision in favor of the appellant, if all criteria of 24 V.S.A. 4468 (a) (1-5) are found to have been met, and such findings are specified in a written decision.

An interested person (as defined by 24 V.S.A. 4464) may appeal any decision or action taken by the Administrative Officer by filing a notice of appeal with the secretary of the Zoning Board of Adjustment, or the Town Clerk if a secretary has not been elected. This notice of appeal must be filed within (15) fifteen days of the date of such decision or action, and a copy of the notice of appeal shall be filed with the Administrative Officer.

Appeals of Zoning Board of Adjustment decisions may be filed under 24 V.S.A. 4464, 4471 & 4475.

SECTION VI: NUMBER & TYPE OF ALLOWABLE SIGNS

A. Free-standing Signs

1. Number:

One free standing, pedestal, or post supported sign is allowed per lot.

2. Size:

Free standing signs shall only have two sides, which are parallel to each other, and no more than six inches apart.

Maximum allowable size of free standing signs:

<u>Zoning District</u>	<u>Maximum Size</u>
A & RR	15 square feet
VR	15 square feet
VC	15 square feet
C-1	35 square feet
C-2	35 square feet

3. Height:

The bottom of a free standing sign shall not restrict the visibility of any vehicles entering or leaving any intersection or driveway, Town of State highway, or private road. Maximum allowable height is (10) ten feet, measured from grade level to the top of any sign or any part of its structure.

4. Setback:

Free standing signs and their associate support structures shall be setback at least (3) three feet from the inner edge of sidewalks; where sidewalks do not exist, the setback shall be at least (10) ten feet from the traveled way or edge of pavement of the street or highway. Applicants with premises residing on State Highways are responsible for contacting the Vermont Agency of Transportation with regard to setback requirements for State Highways.

5. Businesses without frontage on a public road:

In rare cases where a business is located on a parcel that does not have frontage on a public road, and is served by a legally deeded right-of-way through a parcel that does have such frontage, said right-of-way shall be considered as part of the business’ lot for purposes of an allowable free standing sign. However, any such sign must be shared with the front parcel.

6. Shared Signs:

In cases where there are multiple tenants on one lot that share a free standing sign, all signs shall be sized as to appropriately fit the square footage requirements for the zoning district (i.e. A&RR 15 square feet).

B. Flush Mounted Signs:

1. Number

In VC, VR & A&RR zones; if there is no free standing signs on the lot, then two flush mounted signs per establishment on the building of where the advertised activity exists. In C1 & C2 zones, three flush mounted signs are allowed, if there is no free standing signs on the lot. In VC, VR & A&RR zones; If there is a free standing sign on the lot, then each establishment is allowed one flush mounted sign on the building where the advertised activity exists. In C1 & C2 zones, if there is a free standing sign on the lot, then each establishment is allowed two flush mounted sign on the building where the advertised activity exists.

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

- a. The rear entrance is a direct access from a rear parking lot which is located in the rear yard as defined by this Ordinance;
- b. This rear entrance is in addition to a front or side entrance;
- c. The sign is not illuminated in any manner;
- d. The sign is mounted directly above the rear door to the establishment which it advertises.

2. Size: The maximum allowable size of flush mounted signs in the VC, VR, A &RR zones is (15) fifteen square feet. The maximum allowable size of flush mounted signs in the C-1, C-2 zones is (25) twenty-five square feet.

C. Projecting Signs:

Projecting signs may be substituted for an allowable flush mounted sign on a one-for-one basis. These signs shall not exceed (15) square feet in size, and shall not extend further than three feet away from the building. For safety reasons, the lowest part of the sign or its support structures shall be at least eight feet above the grade directly below the sign.

D. Soffit Signs:

Where a covered walkway exists on a building with more than four tenants in separate and unaffiliated ownership, each tenant may have one two square foot sign which is hung from the soffit. This sign shall be unlighted and hung above the entrance to the business which it advertises, and hung in a direction perpendicular to the walkway, so that it is legible to pedestrians on the walkway. Soffit signs are permitted in addition to any other sign allowed in this Ordinance.

E. Banners:

a. Temporary: Establishments in VC, VR, A&RR zones shall be permitted one temporary banner up to (15) fifteen square feet in size, announcing events, sales, rental space etc. C-1, C-2 establishments shall be permitted two temporary banners up to (35) thirty-five square feet in size, announcing events, sales, rental space etc. Temporary banners shall only be permitted during the time frame that said events or sales are occurring; temporary banners shall be permitted during the time frame the rental space is vacant of tenants.

b. Permanent: Establishments in VC, VR, A&RR, C-1, C-2 zones shall be permitted to have up to two permanent banners depicting a company logo. Permanent banners shall be no more than (8) eight square feet in size.

F. Safety:

The Zoning Administrator may require the adjustment or relocation of any sign to help ensure vehicular and pedestrian safety.

G. Location:

No sign may be attached to, placed upon, nor painted upon utility poles, rocks or other natural features.

Flush mounted signs shall be mounted in traditional locations which “fit” with the architectural design of buildings, such as over entrance doors. No sign may be placed on the roof of any building or structure.

SECTION VII: LIGHTING

Lighting on any sign shall be directed and shielded so that the light shines only on the subject sign, and to prevent glare offsite, into the sky, or onto adjoining properties or roads and highways. All bulbs shall be shielded or hooded. All ground-mounted fixtures shall be screened by bushes or

other appropriate means; all fixtures mounted on the sign itself shall blend in with the background color of the sign or its surroundings, as deemed appropriate for the site. Lighting on any sign shall be limited to a total of 150 watts of incandescent light or its equivalent, unless otherwise authorized for unique site or sign specific reasons. No sign may be internally illuminated. Where a sign or its lighting fixtures are being replaced or substantially altered, then lighting shall be brought up to these standards. Applicants must demonstrate that lighting fixtures satisfy these standards, and are appropriate for site specific needs and circumstances.

Internally illuminated signs existing on the date of adoption of this ordinance, may remain “as is”, even if minor changes to such signs (such as changing business names or sign faceplates) are proposed. However, more significant changes to these signs (such as changes in location, or to the physical size or structure) will require complete compliance with the Ordinance in effect at that time.

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.

SECTION VIII: SPECIAL CATEGORIES OF SIGNS

A. Subdivision or Housing Projects:

Subdivision or housing projects are permitted one free-standing sign for identification purposes, and not exceeding eight square feet. The intent is that these signs not be illuminated. However, illumination may be permitted (at less intensity than normally allowed) in certain limited circumstances, where clear safety concerns are demonstrated that warrant illumination.

B. Gas Station Signs:

Either of two options may be permitted:

1. Gasoline price signs shall be confined to the pump island. The signs shall be limited to one square foot in area and one per pump,

Or

2. Gasoline prices may be incorporated into the single free-standing sign allowed on the lot, provided that this free-standing sign is located in the pump island, and that no pump top or other pricing signs are displayed.

C. Signs announcing an auction, sale, or special entertainment event may be allowed up to four times per calendar year per business establishment.

These signs shall:

1. Be located on the premises where the event is taking place;
2. Not exceed six square feet in area; and
3. Not be displayed for more than (7) seven consecutive days.

D. Sandwich Boards:

In Village Commercial & Commercial Industrial 1 & 2 zones, each parcel is allowed (1) one transportable sandwich board sign not to exceed (8) eight square feet. The sign shall be displayed only during the operating hours of the event it is advertising.

E. Window Signs:

Window signs may be displayed, and may cover up to twenty-five percent of the total window area per business establishment on the side of the building where such signs are located. Window stenciling or lettering, placed on the inside of a window, is allowed as a part of an establishment's

total window coverage. This shall be measured in the same way as other signs: by drawing an imaginary polygon around the outside edge of all letters or emblems as if they were a single sign, and then measuring the size of that polygon.

F. Contractor's Signs and Real Estate Signs:

One contractor's sign, or sign advertising the sale or lease of real estate, may be displayed on the premises, subject to the following:

1. Such signs may be placed only in windows, as described below, or installed as a single, separate, free-standing sign in addition to any other signs lawfully permitted on a lot. Otherwise, all requirements of this Ordinance shall be satisfied (permits, design review, number and type of signs allowed, prohibitions, etc);
2. The physical structure of such signs shall be no larger than three square feet, not including support posts, which shall be proportional with the size of the sign; and
3. Signs are removed immediately upon completion of the construction, or the sale of the advertised real estate.
4. Notwithstanding other sections of this bylaw related to window signs, signs placed in windows advertising the sale or lease of real estate are limited in size to a maximum of three square (but not in addition to or in excess of "the twenty-five percent coverage rule" governing window signs).

Except as expressly described herein, in no case shall this section be interpreted or used to allow a greater number of signs on any lot than are permitted in Section VI of this Ordinance.

G. Signs for civic, religious, fraternal, political, non-profit, or charitable groups:

The Administrative Officer shall have the authority to issue a permit for display of signs, banners, or other advertising displays of any nature, on a temporary basis, to any civic, religious, fraternal, political, non-profit, or charitable group. Proof of such status may be required. Applications and permits shall specify the location or locations of such signs and devices, the starting and expiration dates of such use, and the responsibility for removal.

H. Vending Machines:

Vending machines which are traditionally located outside of commercial buildings, such as those which house or dispense soda , ice, windshield wipers, propane gas cylinders and the like, may incorporate un-illuminated signs(s) advertising the product being sold. No vending machine may be internally illuminated. All vending machines shall comply with this requirement; vending machines existing on the date of adoption of this Ordinance shall comply within 90 days of that date.

I. Temporary Signs:

One temporary sign, made of rigid material and up to eight square feet in size, may be permitted by the Administrative Officer, and may be displayed for no more than 30 days, under the following circumstances:

1. A permit has been issued for a new land use or business establishment;
2. A Certificated of Occupancy has been approved for that use or business;
3. A complete sign application has been submitted for a permanent sign for that use or business;
4. The Administrative Officer finds that the temporary sign conforms with this Ordinance, with generally accepted practices, and/or any adopted design guidelines.

SECTION IX: EXEMPT SIGNS

The following signs are exempt from the provisions of this ordinance except Section X, Prohibited Signs:

- A. Signs located on or in a rolling stock of common carriers, provided that such rolling stock is not regularly parked near a highway in such a way that the rolling stock becomes the functional equivalent of a prohibited or non-conforming sign.
- B. Signs on registered and inspected motor vehicles except those which are determined by the Administrative Officer to be circumventing the intent of this Ordinance.
- C. Signs with an area not more than 260 square inches, identifying stops or fare zone limits of common carriers by motor bus.
- D. Posters as defined in the Ordinance. Any person erecting a poster is responsible for its removal immediately upon the conclusion of the advertised event, or after four days, whichever is sooner.
- E. Signs erected by the Town of Dorset or its School District
- F. Signs erected by the State of Vermont or any of its Board, Agencies or Depts.
- G. Small on-premises signs, no more than two square feet in size, which are necessary for and displayed for the direction, instruction, or convenience of the public, including signs which identify rest rooms, freight entrances, posted areas, or the like.

The clear intent of this provision is to allow for small signs providing information. Lettering shall be generic and advertising or logos (including business names) are prohibited on directional signs placed in the front yard of a lot.

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

- H. Residential signs as defined in this Ordinance.
- I. Indoor window signs conforming to the requirements of this Ordinance.
- J. Informational signs up to 16 square feet in size, on lands which have been conserved by easement or other permanent, protective measures.

SECTION X: PROHIBITED SIGNS

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

- A. 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.
- B. Prevents the driver of a motor vehicle from having clear and unobstructed view of official traffic control signs and approaching or merging traffic.

C. Contains, includes or is illuminated by any flashing, intermittent or moving lights, or contains or consists of pennants, decorative or "open" flags, ribbons, balloons, streamers or spinners, or other moving devices, or has any animated or moving parts, except traffic control signs. Commercial holiday decorations, seasonal lights or displays are specifically excluded from this restriction from one week before Thanksgiving until January 31.

D. Has any lighting that is not shielded to prevent light from being directed off-site, or at any portion of the traveled highway or street, or is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or otherwise to interfere with the operation thereof.

E. Is fraudulent or misleading, or is in violation of, or at variance with any Federal law or regulation, including one containing or providing for conditions to or affecting the allocation of Federal highway or other funds to the benefit of the State of any subdivision thereof.

F. Advertises activities which are illegal under State or Federal law.

G. Is not clean and in good repair.

H. Is not securely affixed to a substantial structure.

I. Contains any fluorescent paint or material which is lit by neon.

J. Is an off-premises sign.

SECTION XI: NON-OPERATIONAL BUSINESSES

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

SECTION XII: VALIDITY AND SEVERABILITY

This Ordinance shall supersede all previous sign ordinances.

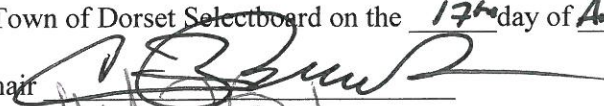
If any section or provision of this bylaw or application thereof is adjudged to be unconstitutional or otherwise invalid, it shall not affect the validity of this bylaw as a whole, nor any part thereof other than the part so adjudicated.

SECTION XIII: EXEMPTIONS

Nothing in this Ordinance shall exempt any applicant for a sign permit from full compliance with all other applicable State or local laws.

Adopted by the Town of Dorset Selectboard on the 17th day of August in the year 2010.

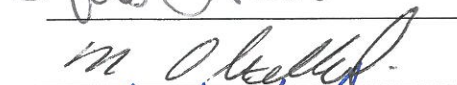
Chris Brooks, Chair



Marge Freed



Michael Oltedal



Michael Connors



Brad Tyler



ADOPTION HISTORY:

1. Agenda Item at a regular Selectboard Meeting on 8/17/10.
2. Read and Approved at a regular Selectboard Meeting on 8/17/10 and entered into the minutes of that meeting which were approved on 9/21/10.
3. Posted in public places on 9/13/10.
4. Notice of adoption published in the Journal on 9/12/10 with a notice of the right to petition.
5. Other actions [petitions etc.]