

Town of Manchester, Vermont

Sign Ordinance



Adopted by the Selectboard on February 11, 1986

Includes all subsequent amendments effective
as of November 30, 2004

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SECTION I: TITLE

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

SECTION II: PURPOSE

The economy of the Town of Manchester historically has been tourist oriented. The central business district has prospered because it offers shopping opportunities that are unique or otherwise attractive. The multiplicity of small specialty shops providing a wide array of merchandise in a physically attractive business district has developed an ever increasing and devoted clientele.

This ordinance recognizes the necessity of signs to inform the travelling public and as an aid to local businesses in attracting customers. It also recognizes that neither the travelling public nor local businesses are well served by unlimited sign. The purpose of this ordinance is to help preserve and improve the existing attractive aspects of the Manchester environment, to promote the welfare, convenience and safety of its inhabitants and visitors, to conserve the value of property, and to encourage a style and scale of outdoor advertising that is compatible with a tourist-oriented economy and the more attractive features of the Manchester townscape. This ordinance is therefore adopted, pursuant to the provisions of 24 V.S.A. 117 (as well as 24 V.S.A. §1974a and §1977 as amended, et seq. for enforcement purposes). *Amended 1997*

SECTION III: DEFINITIONS

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. *New definition 11/2000*

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. *New definition 11/2000*

LOT: A parcel or group of contiguous parcels of land under the same or affiliated ownership which is occupied or may become occupied by one or more principal buildings and the accessory buildings or customarily incidental uses. *Amended 1997*

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. Posters as defined below, and special signs defined in Section VIII(F), are not considered off-premises signs for the purposes of this Ordinance. *Amended 1997*

POSTER: A temporary, off-premises sign, exhibited no more than 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 or charitable events, or to place directional signs for special events; not to allow commercial entities to post additional signs not otherwise permitted in this Ordinance. *Amended 1997*

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. *Amended 1997*

SIGN: Any structure, wall display, device or representation which is designed 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. *Amended 1997*

SIGN, FLUSH-MOUNTED: A sign attached to and mounted parallel to the face of a building or structure, or where architectural features (covered entryways, awnings, or other building elements except where otherwise prohibited) are clearly designed to accommodate a sign mounted parallel to the building face. *Amended 1997*

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. *Amended 1997*

SIGN, PROJECTING: A sign attached to and projecting away from the face of a building or structure. *Amended 1997*

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. *Amended 1997*

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 display of merchandise and measuring no more than 100 square inches shall not be considered window signs. *Amended 1997 & 11/2000*

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. *New definition 11/2000*

YARD, FRONT: An open space between the buildings and the street, extending the full width of the lot, or in the case of a corner lot, extending along all streets. *Added 7/1991*

YARD, REAR: An open space between the building and the rear lot line, extending the full width of the lot. *Added 7/1991*

SECTION IV: ADMINISTRATION AND INTERPRETATION

A. Sign Permits *Amended 1997*

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

Before the alteration, construction, enlargement or installation of any sign within the duly established Design Review District Overlay, 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 8.10 of the Manchester Zoning Ordinance.

Through the design review process, the Town may review and regulate size, location, design, color, texture, lighting, and materials of all exterior signs within its purview.

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 the payment of fees. Action on the application shall be taken by the Administrative Officer within thirty days of filing.

B. Violations and Penalties *Amended 1997 & 11/2000*

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions 24 V.S.A. §1974a and §1977 as amended, et seq. and as described below:

A penalty of \$100 shall be imposed for the initial violation of any provision of this Ordinance. The penalty for the 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 not 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 a 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 pursuant to 24 V.S.A. §§4444 and/or 4445, as they exist or are hereafter amended or revised. 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 Manchester Zoning Administrator and Planning Director.

SECTION V: APPEALS AND VARIANCES *Amended 1997 & 2003*

Applications for appeals and variances shall follow the appropriate procedures outlined in 24 V.S.A. §§4464, 4468, 4471, and/or 4475 et. seq. as amended.

When a variance from the provisions of this Ordinance is the relief requested the Development Review Board may render a decision in favor of the appellant, if all of the 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 in 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 Development Review Board, or the Town Clerk if a secretary has not been elected. This notice of appeal must be filed within 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 Development Review Board decisions (i.e., signs subject to design review, administrative appeals, or variances) may be filed pursuant to 24 V.S.A. §§4464, 4471, and/or 4475 et. seq. as amended.

SECTION VI: NUMBER AND TYPE OF ALLOWABLE SIGNS

Amended 1997 & 2001

A. Free-standing Signs

1. Number

One free-standing, pedestal, or post-supported sign is allowed per lot. The only exceptions are that an additional free-standing sign may be placed on a lot, if:

- a. The lot has at least 650 feet of frontage on a Town or State road, and the two signs will be at least 350 feet apart; or
- b. The lot is located within the C-1 zone, and has at least 300' of frontage along a single major street from which vehicular access is gained; if so, then an additional free-standing sign may be permitted for each additional 300' of road frontage or partial increment thereof on that single major street, under the following conditions:
 1. The additional sign(s) must be placed at separate, existing entrance driveway(s) accessing the lot from that single major street;
 2. No business name, nor aspect of any business or establishment, may be listed or advertised on more than one free-standing sign on a lot;
 3. Notwithstanding §VI of this Ordinance, if a landowner chooses to have additional free-standing signs as described herein, then EACH free-standing sign on that lot shall be limited to the standard maximum size of 16 square feet.
- c. Where real estate or contractor's signs are allowed, as described elsewhere in this Ordinance.

3. Height

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

4. Setback *Amended 1997*

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

5. Businesses Without Frontage on a Public Road *Added 1997*

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

6. Shared signs, Recreation Overlay District *New section 11/2000*

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

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

This provision is limited to those lots which do not have frontage on a public road; i.e., those uses on "rear lots" where the otherwise allowed sign would not be visible to the traveling public. This provision shall not be interpreted to interfere with the rights of the underlying landowner (over whose land the ROW traverses) to have their own separate sign under this Ordinance.

B. Flush-Mounted Signs

1. Number

If there is no free-standing sign on the lot, then two flush-mounted signs per establishment are allowed on of the building where the advertised activity exists. If there is a free-standing sign on the lot, then each establishment is allowed one flush-mounted sign on the building where the advertised activity exists. *Amended 1997*

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. This rear entrance is a direct access from a rear parking lot which is located in the rear yard as defined in this Ordinance;
- b. This rear entrance is in addition to a front or side entrance;
- c. The sign is not illuminated in any manner; and
- 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 Commercial, Industrial, and Recreation Overlay districts is sixteen square feet. Unless otherwise regulated in this Ordinance, flush-mounted signs in the General Residential, Single Residential, and Farming and Rural Residential districts shall be no larger than eight square feet. The size shall be determined by the extreme limits of the writing, representation, emblems, or physical structure of the sign, whichever is largest. Where mounted on a wall, these signs shall protrude no more than six inches from the wall.

Amended 1997 & 11/2000

C. Projecting Signs

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

Amended 1997

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, hung in front of the entrance to the business which it advertises, and hung in a direction perpendicular to the walkway so that it is legible to pedestrians on the walkway. Soffit signs are permitted in addition to any other sign allowed in this Ordinance.

E. Safety

The Zoning Administrator may require the adjustment or relocation of any sign to help ensure vehicular and pedestrian safety. *Amended 1997*

F. Location *Amended 1997*

No sign may 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 *Amended 1997 & 2000*

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 will satisfy these standards, and are appropriate for site-specific needs and circumstances.

Amended 11/2000

Internally-illuminated signs existing on the date of adoption of this ordinance (1/6/97) 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 *Amended 1997*

A. Subdivision or Housing Projects

Subdivisions 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. *Amended 1997*

B. Gas Station Signs *Amended 1997*

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 four consecutive days.

Amended 1997

D. 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. *Amended 7/91 & 11/2000*

E. Contractor's Signs and Real Estate Signs *Added 1997*

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 construction, or the sale or lease 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 feet (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.

F. Signs for civic, religious, fraternal, political, non-profit, or charitable groups: *Amended 1997 & 11/2000*

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.

Bona fide civic organizations may each be permitted a single sign up to three square feet in size at the Town line at each entrance to Town along state highways (Routes 7A, 30, & 11/30), signifying the existence of a local chapter of that organization and its regular meeting time and place. These signs shall all be placed upon a single signboard, no more than 32 square feet in size, and approved through the design review process.

G. Vending Machines *Added 1997*

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 unilluminated sign(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 (1/6/97) shall comply within 90 days of that date.

H. Temporary Signs: *New section 11/2000*

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 Certificate 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; and
4. The Administrative Officer finds that the temporary sign conforms with this Ordinance, with generally accepted practices, and/or any adopted design guidelines; otherwise, this sign may be reviewed through the Design Review process.

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. *Amended 1997*
- E. Political signs may be erected not more than three weeks before an election and must be removed the day after the election is held. Any person erecting a political sign is responsible for its removal.
- F. Signs erected by the Town of Manchester or its School District.
- G. Signs erected by the State of Vermont or any of its Boards, Agencies or Depts.
- H. 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. Up to two such signs per lot are exempt under this provision; the Zoning Administrator may issue permits for additional signs, upon filing of a sign application and a demonstration of the necessity for those signs.

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. *Amended 1997 & 2001*
- I. Residential signs as defined in this Ordinance.
- J. Indoor window signs conforming to the requirements of this Ordinance. *Amended 11/2000*
- K. Informational signs up to 16 square feet in size, on lands which have been conserved by easement or other permanent, protective measures. *Added 11/2000*

SECTION X: PROHIBITED SIGNS *Amended 1997*

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 or displays are specifically excluded from this restriction from one week before Thanksgiving until January 31. Seasonal lights employing customary strings of white lights are specifically excluded from this restriction during the "dark season" as defined by Eastern Standard Time (from the last Sunday in October to the first Sunday in April) *Amended 1997 & 2004*
- 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. *Amended 1997*
- 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 or any subdivision thereof. *Amended 1997*
- 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 or which is lit by neon.
- J. Is an off-premises sign.

SECTION XI: NON-OPERATIONAL BUSINESSES *Amended 1997*

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. *Amended 1997*

SECTION XII: PROJECTION OF SOUND

No premises shall incorporate a public address system or other audible system in such a manner that sound is audible on adjacent property or on any street or highway.

SECTION XIII: VALIDITY AND SEVERABILITY *Amended 1997*

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 the this bylaw as a whole, nor of any part thereof other than the part so adjudicated.

SECTION XIV: EXEMPTIONS

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

SECTION XV: AMENDMENTS *Amended 1997*

This Ordinance may be amended from time to time after public hearings as provided by 24 V.S.A. 117 §§4403 and/or 4404 and Chapter 59.

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December 2004