

## SECTION 63 - SIGNS

### **63.1           Permits:**

Unless otherwise provided in this Section no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until an APPLICATION FOR CERTIFICATE of ZONING COMPLIANCE therefore has been approved by the Commission.

All signs shall conform to the provisions hereinafter specified and to any additional conditions or limitations that may be imposed by the Zoning Commission in connection with the approval of a SITE PLAN or SPECIAL EXCEPTION.

### **63.2           Purpose:**

It is the purpose and intent of this Section to accommodate the establishment of signs necessary for identification, direction and reasonable commercial promotion while avoiding signs of a character, as well as a proliferation and extension of signs, that would be detrimental to the public health and safety, property value and the physical appearance and aesthetic qualities of the community.

### **63.3           Definition:**

The term “sign” shall include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity or notice, when visible from any street or from any lot other than the lot on which the sign is located and either (1) located out-of-doors or (2) located indoors and intended to be viewed from outside the building. The term “sign”, however, shall not include any flag, pennant, or insignia of any governmental unit, or any traffic or directional sign located within the right-of-way of a street when authorized by the Town of Middlebury or State of Connecticut.

### **63.4           General Standards – All Districts:**

Signs in all Districts shall conform to the following standards:

#### **63.4.1           Application:**

In addition to the provisions of Section 72, all applications for a Certificate of Zoning Compliance shall be accompanied by a plot plan showing the location of the sign and a building elevation, or a sketch, drawn to scale with dimensions, showing the height, design, materials, colors and illumination of the sign.

63.4.2

Discontinuance:

Any sign which is abandoned or the use of which is discontinued shall be removed within 60 days.

63.4.3

Illumination:

Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and shall be designed, located, erected and maintained to confine or direct all illumination to the surface of the sign with the source of illumination not visible from any street or from any lot other than a lot on which the site is located. Self-illuminated signs shall be such that all direct light sources are completely covered.

63.4.4

Maintenance:

All signs together with their supports, braces, guys and anchors, shall be kept in good repair and safe condition. The owner of the premises on which a sign is erected shall be directly responsible for keeping such sign and the premises around it in a clean, neat, sanitary and a safe condition.

63.4.5

Non-Conforming Signs:

Currently existing signs of a size or type not permitted in the district in which they are located, or which are situated or eliminated contrary to these regulations, or which do not conform to all provisions of these regulations, will be considered non-conforming structures under this Section and Section 10 if a Certificate of Zoning Compliance has been duly obtained. No non-conforming sign shall be altered or changed unless such sign is made to conform with these regulations. A change shall include a change in name but shall not include normal maintenance activities. Any change of such signs or increase in size shall be deemed to be an enlargement or extension producing an increase in non-conformity. Any sign described above shall not be relocated to any other location unless such relocation results in reducing or eliminating in the degree of non-conformity.

63.4.6

Measurement of Area:

The area of a sign shall include all exposed faces of a sign measured as follows:

A. When such sign is on a plate or framed or outlined, all of the area of such plate, frame or outline shall be included. Only one face of a double facing sign shall be counted in determining conformity to sign area limitations.

B. When such sign is comprised only of letters, designs or figures affixed on a

wall, the total area of such sign shall be considered to be the areas of the smallest rectangle or triangle which comes within not less than six (6) inches of all letters, symbols and designs which constitute such a sign.

63.4.7 Location:

- A. No sign shall be located closer than 10 feet from a property line in any district, except names and addresses attached to mailboxes.
- B. No sign shall be located within or shall hang over the right-of-way of any street, sidewalk, driveway, walkway or access-way.
- C. No sign shall be located so close to a street line as to obstruct lines of sight. The required lines of sight are:
  - 1. Local residential streets and unclassified streets - 350 feet;
  - 2. Town collector streets - 475 feet;
  - 3. Town and State arterial streets - 575 feet.
- D. A wall sign supported by a wall shall not be set out more than 20 inches from said wall, and shall not project above the roof line nor beyond the side of such wall.
- E. No sign shall project above the fascia/soffit line of the building nor beyond the side of such wall.
- F. All permitted signs must be located on the same lot as the building or use to which said signs apply.

63.4.8 Height:

If a sign is supported independently of the building or other structure on the premises, the top of said sign or its support shall not be higher than 10 feet from the average ground level in the area of the lot where the sign is located.

63.4.9 Construction of Signs:

All sides shall be constructed of strong material, which will not warp or distort with weather or age, shall be firmly supported so as to withstand wind conditions normally expected throughout the year in the Town.

- 63.4.10      Directory Signs:  
Where directory type signs are permitted, the spaces for individual listing shall be located beneath the part of the sign, if any, generally describing the building, shopping center, etc., and such spaces shall be uniform as to size, shape, color and materials used.
- 63.4.11      Mailboxes:  
Names and addresses required to be placed on mailboxes by the United States Post Office may be in addition to the signs permitted hereinafter.
- 63.4.12      Design Compatibility:  
All signs shall conform to the architecture of the buildings and the character of the environment of the area.
- 63.4.13      Other Codes:  
All signs shall be designed and constructed in conformance with all applicable codes and regulations.

**63.5            Sign Prohibitions:**

Any use not specified in Section 63 as permitted is prohibited. To assist in the interpretation of this Section, the following uses, the listing of which is not intended to be exhaustive, are specifically prohibited.

- 63.5.1            No sign shall interfere in any way with vehicular or pedestrian traffic, traffic signals or signs or visibility of motorists by virtue of the location, color or size of such signs.
- 63.5.2            No sign shall obstruct access to or from any door, exit, window or fire escape, or cause any hazard to the public safety.
- 63.5.3            No artificial light or reflecting device shall be used, located or displayed where such light distracts the attention of users of the street and competes for attention with, or be mistaken for, a traffic signal.
- 63.5.4            No sign shall be animated or flashing, except for the time/temperature device employed as part of an otherwise non-flashing, non-animated display.
- 63.5.5            No signs which flash, move or give the impression of movement in any fashion shall be permitted.

- 63.5.6 The stringing of lights is prohibited, except holiday lighting from November 15 to January 15
- 63.5.7 No sign shall be permitted to be painted or posted directly upon the exposed surface of any wall except for individual raised, mounted letters. All other painted or posted signs shall be on a window or plate or backing made of a durable material properly treated which is affixed to the wall.
- 63.5.8 No sign shall be mounted or posted on any tree or utility pole.
- 63.5.9 Illuminated, neon or similar signs shall be prohibited.
- 63.5.10 Free-standing, portable signs shall be prohibited.
- 63.5.11 Paper or fabric signs shall not be attached to any building or structure.
- 63.5.12 Roof signs shall be prohibited.
- 63.5.13 Audio signs shall be prohibited.

**63.6 Signs Permitted in All Districts:**

Subject to the standards specified in Subsection 63.4, the following signs are permitted in all Districts:

- 63.6.1 Governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.
- 63.6.2 Signs that warn of danger, prohibit trespass or direct traffic on the lot. Such signs shall not exceed a total of three (3) square feet.
- 63.6.3 Signs of public utility or service companies to warn of danger.
- 63.6.4 Temporary signs for public, political and charitable purposes, provided they are removed within seven (7) days after the publicized event.
- 63.6.5 Temporary signs for advertising the sale or lease of the premises on which such sign is displayed. Such sign shall not exceed a total of four (4) square feet in residential districts and shall not exceed nine (9) square feet in commercial and industrial districts and must be set back from any property line at least ten (10) feet.

63.6.6 Temporary sign or signs not over thirty-two (32) square feet in aggregate area advertising the sale or lease of lots and/or buildings within an approved subdivision for a period of not more than one year. The Commission may extend the period of time for not more than one additional year.

63.6.7 Temporary contractor's sign on the lot on which a building is under construction or reconstruction. Such sign shall not exceed a total of twenty-four (24) square feet.

**63.7 Signs Permitted in Residence Districts:**

Subject to the standards specified in Subsection 63.4, the following signs are permitted in all Residence Districts.

63.7.1 One sign not to exceed two (2) square feet in area, nor five (5) feet in height, identifying the name and address of the occupant, including customary home occupations and professional offices.

63.7.2 A marker not to exceed four (4) square feet identifying an historical building or use.

63.7.3 One free-standing or wall sign not to exceed twelve (12) square feet in area, nor six (6) feet in height, identifying the name and address of a farm or related agricultural activity.

63.7.4 Signs are permitted for any special exception in any Residence District subject to the same approvals required for the principle use. Such signs shall not exceed 16 square feet in aggregate area. Other signs shall be limited to directional signs necessary for public safety or convenience and shall be designed as an integral part of a Special Exception use.

**63.8 Signs Permitted in Non-Residence Districts:**

Subject to the standards specified in Subsection 63.4, the following signs are permitted in all Non-Residence Districts:

63.8.1 Wall Signs:

The aggregate area for all lettering, graphics and background shall not exceed five (5) percent of the gross area of the wall or façade, of which the lettering or graphics shall be a part. A single line of lettering shall not exceed fourteen (14)

inches in height and a double line of lettering shall not exceed eight (8) inches in height for one line and shall not exceed six (6) inches in height for the other line.

63.8.2

Free-standing Signs:

All free-standing signs shall be subject to Site Plan approval, as provided by Section 51 of these Regulations, and shall comply with the following:

- A. No free-standing sign shall exceed a total surface area of twelve (12) square feet, except for a directory sign which shall not exceed the total surface area of twenty-five (25) square feet. No free-standing sign shall exceed twelve (12) feet in height.
- B. Only one (1) free-standing sign shall be permitted on a lot provided that it has at least one hundred (100) feet of street frontage on one street.
- C. The free-standing sign and directory signs shall be limited to identifying the name and address of the business or businesses occupying the lot. Each business listed on a directory sign shall be limited to a single line of lettering which shall not exceed four (4) inches in height and thirty-six (36) inches in width.
- D. No sign shall be within twenty (20) feet of the boundary of a Residence District.

63.8.3

Other Requirements:

All wall and free-standing signs shall comply with the following:

- A. In mixed use or multi-tenant buildings, the total sign area for said building shall be pro-rated on an equitable basis; such as the amount of gross floor area of each rental unit, the number of rental units, or the amount of façade area.
- B. No one business use or tenant shall have more than two (2) signs on the premises.

63.8.4

Window Signs:

Window signs advertising products or goods sold on or within any premises not larger than one and one half (1 ½) square feet each are permitted, but not more than three (3) per business.

63.8.5

Temporary Signs:

Signs temporarily attached to, or temporarily painted on a window and/or door announcing sales or special features are permitted, provided they do not exceed ten (10) percent of the area of said window and/or door, and provided that the temporary signs are removed within seven (7) days after the publicized event.