VILLAGE OF STOCKBRIDGE ORDINANCE NO 2012-002 TO AMEND THE CODE OF ORDINANCES CHAPTER 6 ZONING AND LAND USE ARTICLE X. SIGNS

THE VILLAGE OF STOCKBRIDGE ORDAINS:

Chapter 6 Zoning and Land Use

Article X. Signs

Sec. 6-229. Intent and purpose.

The intent of this article is to regulate the location, size, construction, and manner of display of signs and outdoor advertising in order to minimize their possible adverse effects on the public health, safety and welfare. While this article recognizes that signs and outdoor advertising are necessary to promote commerce and public information, failure to regulate them may lead to poor identification of individual businesses, deterioration and blight of the business and residential areas of the village, conflicts between different types of land use, reduction in traffic safety to pedestrians and motorists.

To achieve its intended purpose, this article has the following objectives:

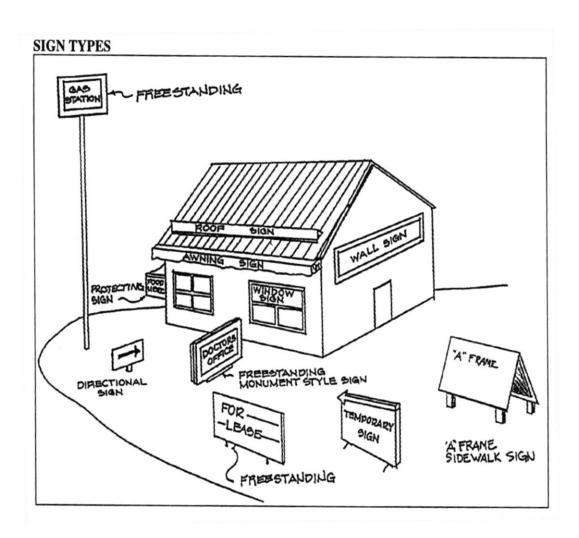
- (a) To prevent the placement of signs in a manner that will conceal or obscure adjacent signs or businesses;
- (b) To keep the number of signs and sign messages at the level reasonably necessary to identify a business and its products;
- (c) To keep signs within a reasonable scale with respect to the buildings they identify;
- (d) To reduce visual distraction and obstructions to motorists traveling along, entering or leaving streets;
- (e) To promote a quality manner of display which enhances the character of the village;
- (f) To prevent the proliferation of temporary signs which might promote visual blight;
- (g) To eliminate the potential for any adverse affects on the neighboring properties. (Ord. No. 05-06-01, § 1, 6-6-2005, § 1, 2012-002)

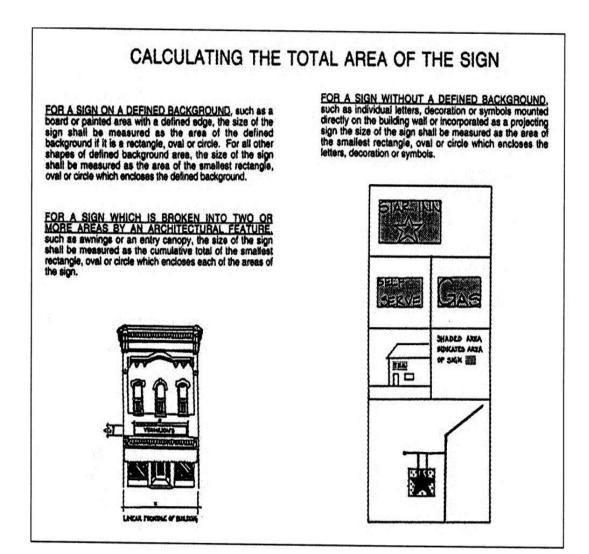
Sec. 6-230. General conditions.

- (a) *Location*. All signs must advertise a business or service on the premises upon which the sign is located and to which the sign is accessory, unless otherwise specified herein.
- (b) Illumination.
- (1) Any sign's illumination shall be directed and shielded in a manner that will not interfere with vehicular traffic or the enjoyment and use of adjacent properties.
- (2) Internal illumination shall be permitted under the following circumstances:
 - a. Individual back-lit letters which are silhouetted against softly illuminated walls.
 - b. Individual letters with translucent faces, containing soft lighting elements inside each letter.
 - c. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.
- (3) Gas-filled light types (fluorescent) shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the roadway or sidewalk.
- (4) Digital signage or bill board may also be used for civic & community announcements.
- (c) Safety.
- (1) All signs shall be erected and maintained in compliance with all applicable building code, and other applicable ordinances governing construction within the village. In the event of conflict between this article and other laws, the most restrictive shall govern.
- (2) All signs shall be so placed as to not interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
- (3) No sign shall be erected, relocated or maintained so as to obstruct fire fighting or prevent free access to any door, window or fire escape.

- (d) Landscape quality and preservation. In the application of this article, it is the intent to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
- (1) Do not interfere with scenic views.
- (2) Do not create a nuisance to persons using the public right-of-way.
- (3) Do not constitute a nuisance to occupancy of other properties by their brightness, size, height, or movement.
- (4) Are not detrimental to land or property values.
- (5) Contribute to the special character of particular areas or districts in the village.
- (e) Signs prohibited in all districts.
- (1) Roof signs.
- (2) Signs affixed to trees, rocks, shrubs or similar natural features, except, signs denoting a site of historic significance.
- (3) Signs which imitate traffic signals, traffic direction signs, or similar traffic control devices, and signs which make use of words such as "stop", "look", "danger", or any other words, phrases, symbols or characters, in such a manner as to interfere with, mislead, confuse traffic, emergency services or the general public.
- (4) Signs other than those erected by a public agency which are located within or overhang the public right-of-way, on public property, or between the sidewalk (if any) and curb or street line, unless otherwise specified herein.
- (5) Any sign or sign structure which constitutes a hazard to public health and safety due to inadequate maintenance.
- (6) Any sign unlawfully installed, erected or maintained.
- (f) Signs permitted in all districts.
- (1) Nameplates not exceeding two square feet in size.
- (2) Political signs for public office or issues to be determined by election may be erected 45 days prior to an election. Such signs shall be erected on private property only and no less than 100 feet from any entrance to a building in which a polling place is located. All such signs shall be removed five days following Election Day.

- (3) Directional signs which indicate the direction of traffic flow on private property. Directional signs shall not exceed two square feet in size, shall contain no advertising, and may be illuminated.
- (4) Street numbers.





Calculating the Total Area of the Sign

Sec. 6-231. Permitted freestanding signs.

- (a) General requirements.
- (1) One freestanding sign shall be permitted per premises for each road frontage.
- (2) A freestanding sign shall have a setback of 15 feet from a public road right-of-way and a setback distance equal to the height of the sign from all other property boundaries.

(b) *Specific requirements*. Freestanding signs shall be permitted by district in accordance with the following requirements.

TABLE INSET:

	District	Height	Area
1.	CBD districts. All permitted and special uses.	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	20 square feet per side, not to exceed a total of 40 square feet.
2.	C-2, C-3 and P-1 districts.	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	50 square feet per side, not to exceed a total of 100 square feet.
3.	I-1 districts. All permitted and special uses	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	30 square feet per side, not to exceed a total of 60 square feet.
4.	R-1 and R-2 districts. All nonresidential permitted and special uses such as schools, churches, parks and municipal buildings.	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	20 square feet per side, not to exceed a total of 40 square feet.
5.	R-1 and R-2 districts. Identification signs for subdivisions or other residential developments.	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	20 square feet per side, not to exceed a total of 40 square feet.
6.	MHP districts. Identification signs for mobile home park developments.	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	20 sq. ft per side, not to exceed a total of 40 square feet.

Sec. 6-232. Permitted wall signs.

The following wall signs shall be permitted in the following districts in accordance with the regulations herein.

- (a) General requirements.
- (1) No wall sign shall be erected to extend above the top of the wall to which it is attached, nor extend beyond the ends of the wall to which it is attached. Signs erected on the vertical portion of the mansard roof are considered to be wall signs.
- (2) All wall signs shall be safely and securely attached to the building by means of metal anchors, bolts, or expansion screws. In no case shall any wall sign be secured with wire, straps of wood or nails.
- (3) There shall be no more than one wall sign permitted for each building. Buildings which have frontages on two public rights-of-way are permitted a wall sign on both building frontages, provided total square foot requirements set forth in subsection 6-231(b) are not exceeded.
- (b) *Specific requirements*. Wall signs shall be permitted by the district in accordance with the following requirements.

TABLE INSET:

	District	Height	Area
1.	CBD districts. All permitted and special uses.	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	One square foot for each lineal [linear] foot of building frontage not to exceed a total of 40 square feet.
2.	C-2, C-3, and P-1 district.	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	One square foot for each lineal [linear] foot of building frontage not to exceed a total of 100 square feet.
3.	I-1 districts. All permitted and special uses.	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	One square foot for each lineal [linear] foot of building frontage not to exceed a total of 40 square feet.
4.	R-1, R-2, MHP [districts]. All nonresidential permitted and special uses such as schools, churches, parks and municipal buildings.	Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way	One square foot for each lineal [linear] foot of building frontage not to exceed a total of 20 square feet.

Sec. 6-233. Permitted projecting signs.

- (a) Projecting and suspended signs shall be permitted in CBD central business districts.
- (b) The bottom of the projecting or suspended sign shall be a minimum of eight feet above the surface of the sidewalk or grade, shall not interfere with pedestrian traffic or extend more than 4 feet from the front of the building unless approved by authority having jurisdiction.

(Ord. No. 05-06-01, § 1, 6-6-2005, § 1, 2012-002)

Sec. 6-234. Permitted temporary signs.

The following temporary signs shall be permitted in accordance with the regulations herein.

- (a) Permitted real estate.
- (1) One non-illuminated sign used for advertising land or buildings for rent, lease, or sale shall be permitted in any district provided such signs are located on the property intended to be rented, leased, or sold. Such signs shall not exceed an area of six square feet and a height of four feet from grade in all single-family residential districts and an area of 20 square feet and a height of 12 feet from grade in all other districts. Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way in all other districts.
- (2) One non-illuminated freestanding sign listing persons or firms connected with construction work being performed. Such signs shall not exceed 32 square feet in area and a height of 12 feet, and shall be removed within 30 days of issuance of the certificate of occupancy.
- (b) *Temporary signs and promotional banners*.
- (1) In all districts, the zoning administrator may allow a new business, as part of its startup phase, to use a temporary sign for up to a 45-day period. All temporary signs permitted under this provision shall otherwise comply with all requirements pertaining to height and area for the zoning district in which the sign is located.
- (2) Permission to display a promotional banner or sign for civic or charitable activity may be authorized by the zoning administrator.
- (3) Within the CBD, C-1, C-2, M-1 and P-1 districts, one promotional banner for up to 45 days is permitted per premises at any given time. Only those businesses with direct pedestrian access from the public right-of-way shall be permitted to have a promotional banner. The temporary promotional banner shall not exceed 20 square feet in area. Neither the height nor the width of a temporary promotional banner shall exceed ten feet. Temporary promotional banners shall not be located in a public right-

- of-way, must be affixed to the principal building of the business and shall be located and designed to avoid interference with or distraction to vehicular and pedestrian traffic.
- (4) All promotional banners which are not properly maintained shall be removed at the order of the zoning administrator.
- (5) All other promotional banners are strictly prohibited.
- (c) Garage sales signs may only be used for garage sales and yard [sales].
- (1) No garage sale sign shall be placed on sidewalks or within the center medians that divide portions of paved or unpaved roadways.
- (2) No garage sale sign shall be located within 300 feet along the same roadway, as measured along the public right-or-way line(s), as another sign bearing the same or substantially the same message.
- (3) There shall not be more than five garage sale signs to any destination.
- (4) Maximum size shall not exceed six square feet.
- (5) No signs advertising such sale shall be posted at any time on any tree or utility poles owned by the village or located on public property or right-of-way.
- (6) Signs shall not be placed more than 24 hours prior to the sale and must be removed upon completion of the sale.

Sec. 6-235. Permitted billboards.

The following regulations shall apply to billboards:

- (a) Where permitted. Billboards shall be permitted only in the M-1 district, subject to the standards contained herein, and the Highway Advertising Act of 1972, as amended.
- (b) *Spacing*.
- (1) Not more than three billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway. The linear-mile measurement shall not be limited to the boundaries of the Village of Stockbridge where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces

- (i.e., two parallel billboard faces facing the same direction and side by side to one another) or stacked billboard faces (i.e., two billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in this subsection.
- (2) No billboard shall be located within 1,000 feet of another billboard abutting either side of the same street or highway.
- (3) No billboard shall be located within 200 feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall instead be 300 feet.
- (4) No billboard shall be located closer than 75 feet from a property line adjoining a public right-of-way or ten feet from any interior boundary lines of the premises on which the billboard is located.
- (c) [Height.] The height of a billboard shall not exceed 30 feet above the level of the street or road upon which the billboard faces or to which the message upon the billboard is directed. In the event that the billboard is situated upon two streets or roads having different levels, the height of the billboard shall be measured from the higher street or road. Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way
- (d) *Surface area*. The surface display area of any side of a billboard may not exceed 300 square feet. In the case of billboard structures with tandem or stacked billboard faces, the combined surface display area of both faces may not exceed 300 square feet.
- (e) *Illumination*. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- (f) Construction and maintenance.
- (1) No billboard shall be on top of, cantilevered or otherwise suspended above the roof any building.
- (2) A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.

Sec. 6-236. Miscellaneous permitted signs.

- (a) *Directory signs*. For offices, office parks, industrial parks, and multitenant buildings in the CBD [district], directory signs which identify only the names and locations of occupants or uses within a building on a lot shall be permitted in addition to other signs permitted under these regulations.
- (1) No more than one directory sign per lot is permitted, except where a lot has frontage on no less than two sides.
- (2) No directory sign shall exceed 24 square feet in area or six feet in height from finished grade.
- (3) No directory sign shall be located closer than 50 feet to any property line in all districts except the CBD.
- (b) *Menu board*. One menu board for a drive-in or drive-through restaurant shall be permitted in addition to other signs permitted under these regulations, provided such sign does not exceed 16 square feet in area or six feet in height from finished grade.
- (c) *Changeable copy signs*. Manual changeable copy signs shall be permitted when incorporated into a permitted wall or ground sign.
- (d) Off-premises directional signs. Off-premises directional signs directing vehicular traffic to a church, governmental building, or educational institution may be permitted in all districts subject to the review of the planning commission and the following standards:
- (1) No more than two signs per use shall be permitted.
- (2) The size of an off-premises directional sign shall not exceed two square feet in size.
- (3) The top of an off-premises directional sign shall not exceed six feet from grade. However, variations in height may be granted by the planning commission to accommodate vehicular visibility to avoid obstruction to visibility.
- (4) Illumination shall not be permitted.
- (5) Permission of the property owner where the proposed sign is to be located must be provided.
- (6) Shall not block view of oncoming traffic, pedestrians or create a health and safety hazard in any way

- (e) *Historic markers*. If a structure within the village has been designated a state historical site or listed in the National Register of Historic Places, then a marker designating that fact, obtained from the appropriate state or federal agency, shall be permitted in addition to any other sign or signs which may lawfully be placed on the structure or the property on which the structure is located.
- (1) Anyone wishing to place a historic marker on a structure or property shall complete and file a sign permit application with the zoning administrator. No fee shall be charged for a historic marker application.
- (2) The village council shall review the proposed placement of the historic marker and no historic marker shall be placed on any structure or property unless a permit has been approved by the village council.
- (f) Window signs.
- (1) Except for signs posting hours of operation and/ or building address, a permit shall be required for any sign painted or hung on window. The purpose/effect of the sign shall be to identify the premises, or its business, from the sidewalk or street. Temporary signs for new business shall not require a permit and shall be considered temporary for no longer than 30 days.
- g) *Mural signs*. When a mural or graphic includes identification of an establishment or specific services, good or products, or a representation of the types of services, good or products provided on the site, the mural area will count towards the total permitted wall sign area.
 - Murals are subject to special land approval based upon a recommendation from the village council and the following standards:
- (1) No mural may be placed on any building or structure that includes nonconforming signs.
- (2) A wall, facade, or surface that is used for a mural pertaining to the business on which it is located shall be counted as one sign. A mural will count towards the total wall signage allowed for the business; however, the village council in its sole discretion may permit murals of larger size. Larger murals shall be permitted when determined to demonstrate at least one of the following:
 - a. Accentuates the historic features of the building.
 - b. Masks an unattractive building facade.
 - c. Creates an aesthetically pleasing amenity.
 - d. Superior in aesthetics to an attached wall sign.

- (3) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placement of said mural on the property, and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit application shall include a statement detailing the applicant's plans for the maintenance of the mural.
- (4) In the review of the special land use the village council shall grant approval only if the following criteria are met:
 - a. The placing of the proposed mural at the location selected by the applicant would not constitute a significant traffic safety hazard.
 - b. Neither the mural, nor the placement of the mural, would endanger the public health, safety, or general welfare.
 - c. Neither the mural, nor the placement of the mural, would be injurious to the use and enjoyment of other property in the immediate vicinity of the proposed location.

Sec. 6-237. Signs for home occupations.

Signs not customarily found in residential areas shall be prohibited, provided however that one non-illuminated name plate, not more than two square feet in area, may be attached to the building. Such nameplate shall contain only the name, occupation, and address of the premises.

(Ord. No. 05-06-01, § 1, 6-6-2005, § 1, 2012-002)

Sec. 6-238. Permits required.

- (a) It shall be unlawful to display, erect, relocate, or alter any sign without obtaining a sign permit, except where otherwise noted within the article.
- (b) A permit shall be issued by the zoning administrator only if the proposed sign meets all requirements of the article. If an alteration of an existing sign is limited to the information communicated on the sign without increasing its size, and if no structural modification is necessary, a sign permit shall not be required.
- (c) When a sign permit has been issued by the village, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the zoning administrator. A written record of such approval shall be entered upon the original permit application and maintained in the files of the village.
- (d) The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor. Such

- applications shall be made in writing on forms furnished by the village and shall be signed by the applicant.
- (e) The application for a sign permit shall be accompanied by the following plans and other information;
- (1) The name, address, and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector.
- (2) The location by street address of the proposed sign structure.
- (3) Complete information as required on application forms including a site plan and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application.
- (4) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
- (5) The application, including all required information, for an electrical permit if the sign will have an electrical connection.
- (6) A statement of valuation.

Sec. 6-239 Digital Signage and Billboards.

- (a) *Digital Signage* is defined as a network of digital displays that is centrally managed and addressable for targeted information, entertainment, merchandising, and advertising. Digital Signage typically has greater 'conspicuity' than that of a billboard and usually involves dimming, scrolling, transition, and travel. Digital Signage is not allowed in any type of residentially zoned districts.
- (b) *Digital Billboard* is defined as a digital display that produces static images (message) typically for 6 8 seconds then fades away. A new static message then appears. Digital Billboards do not involve scrolling, transition, travel, dimming, etc. Digital Signage can function as a Digital Billboard but typically does not. A Digital Billboard is not allowed in any type of residentially zoned districts.
- (c) Application for a permit to erect, modify, or remove a Digital Sign or Digital Billboard shall be accompanied by a site-plan depicting information such as size, location, purpose, dimming, scrolling, transition, travel, pixels, manufacturer, installer, and any other information the Zoning Administrator may feel necessary. Signs such as these typically require Soil erosion (if electrical lines are to be buried) and electrical permits which will be required prior to issuance of a zoning permit. To remove a sign will require a demolition and possibly an electrical permit as determined by the zoning administrator and applicable state codes.
- (d) Section 6-235 Permitted billboards applies to non-digital/electronic signs.

- (e) Digital billboard regulations.
- (1) Digital Billboards shall be wall or freestanding signs only. Sign size shall be determined the same as it is determined for non-electronic wall and free-standing signs (Sections 6-231 & 6-232). The display shall be static and change no more than every six (6) seconds. The saturation (color intensity) shall be lowered at dusk so as to lessen the brightness. Discretion will be that of the Zoning Administrator.
- (f) Digital Signage regulations.
- (1) Digital Billboards shall be wall or freestanding signs only. Sign size shall be determined the same as it is determined for non-electronic wall and free-standing signs (Sections 6-231 & 6-232). The sign can function as a billboard type sign (frames) or can scroll, transition, or travel. The conspicuity of these type signs shall be substantially reduced at dusk to include dimming. Discretion will be that of the Zoning Administrator
- (g) Definitions.
- (1) Conspicuity The capacity of a sign to stand out or be distinguished from its surroundings and thus be readily discovered by the eye. It has a noticeable contrast between the sign and its background.
- (2) Dimming Changing the brightness of a display or the overall intensity.
- (3) Frame A complete, static display screen on a LED display.
- (4) LED Light Emitting Diode- a semiconductor diode that emits light
- (5) Scroll A mode of message transition where the message appears to move vertically across the surface.
- (6) Transition A visual effect to change from one message to another.
- (7) Travel A mode of message transition where the message appears to move horizontally across the surface.

(Ord. No. 2012-002)

Sec. 6-240. Appeals.

An appeal from any ruling of the zoning administrator shall be made as provided in article XIII.

Sec. 6-241. Nonconforming signs.

- (a) Existing signs which do not comply with the provisions of this article shall be deemed nonconforming. Nonconforming signs may be maintained or repaired but shall not be enlarged, rebuilt, altered or remodeled unless;
- (1) They will become conforming by virtue of such enlargement, rebuilding, alteration or remodeling; and
- (2) A permit to do so is obtained from the zoning administrator.

(Ord. No. 05-06-01, § 1, 6-6-2005, § 1, 2012-002)

Sec. 6-242 Sign erector's insurance.

No person shall engage in the business of erecting signs in the village without first registering with the village clerk and, filing proof of liability insurance, which indemnifies and holds the village harmless from any and all costs, damages or expenses resulting from the erection of any sign by such person or resulting from the negligence, failure or refusal of such person to comply with the provisions of the chapter. Proof of the contractor's workers compensation insurance policy shall also be filed with the village clerk, when applicable. (Ord. No. 05-06-01, § 1, 6-6-2005, § 1, 2012-002)

Secs. 6-243-6-257. Reserved.

Publication and Effective Date

This Ordinance shall become effective thirty (30) days after publication.

Adopted: Monday – February 6, 2012 Published: Wednesday – February 15, 2012

Effective: Friday – March 16, 2012

	_ <u>February 6, 2012</u>
Village President	Date
Donald Byrd	
	February 6, 2012
Village Clerk	Date
Timothy Matthew Sadowski	