

## **ARTICLE VIII SIGNS**

Definitions for terms in this article can be found in Article X, Definitions.

### **Section 800: General Provisions**

Statutory Authority: This Article is promulgated under the authority granted to municipalities under 24 V.S.A. §1971 and 2291(7).

### **Section 801: Purpose**

The purpose of this Article is to:

- A. Provide for orderly and appropriate signage.
- B. Protect the economic and scenic values of the Town.
- C. Prevent hazards to users of the walkways and roads in the Town.
- D. Encourage a style and scale of outdoor advertising that is compatible with the Rural Historic New England Town Character.
- E. Promote economic development.

### **Section 802: Application in Districts**

The Town is divided into Districts as defined in Article IV of this Ordinance. All provisions of this Article shall apply to all Districts and Overlay Districts unless otherwise noted.

### **Section 803: Types of Signs**

Signs may be Allowed/Exempt, Permitted, Conditional Waivers, or Not Allowed:

- A. Allowed/Exempt: Not requiring a Zoning Permit.
- B. Permitted: Requiring a Zoning Permit from the Zoning Administrator. A Structure or Use existing prior to the first Sign Zoning Ordinance, March 7, 1972, is deemed Permitted.
- C. Conditional Waivers: Requiring Development Review Board Waiver and requiring a Zoning Permit issued by the Zoning Administrator.
- D. Not Allowed: A prohibited sign.

### **Section 820: Allowed/Exempt Signs (Not Requiring a Permit)**

Allowed signs:

- A. Do not require a Zoning Permit.
- B. Are subject to Sign Standards defined in § 870, 871, 872, 873 and 874 of this Article.
- C. Do not count toward Area and Number Calculation of Signs as defined in § 874.

### **Section 821: Subject to a Maximum of Three (3) Square Feet in Total Area Per Side**

Allowed/Exempt Signs (Not Requiring a Permit):

- A. For Rent: One (1) "for rent" sign displayed on the rental property, only while the property is available for rent. "For rent" signs are subject to Time Limitations as defined in § 872.
- B. Fuel Pumps: Signage on fuel pumps in Automobile Service Stations, provided it is used solely for the purpose of displaying brands, grades and prices of fuel sold on the premises.
- C. Historic Landmark: Two (2) Historic Landmark plaques.
- D. Property Identification: One (1) sign per property with property number, post box numbers, or names of occupants of the premises. State assigned E-911 numbers under § 823(C) are do not count toward the one (1) Allowed/Exempt sign.
- E. Yard Sale: Yard sale and similar personal property sale signs. Yard Sale signs are subject to Time Limitations as defined in § 872.

## **Section 822: Subject to a Maximum of six (6) Square Feet in Total Area per side**

### **Allowed/Exempt Signs (Not Requiring a Permit):**

- A. Agricultural: “Directional signs, subject to regulations adopted by the Federal Highway Administration, providing directions to places of business offering for sale Agricultural products harvested or produced on the premises where the sale is taking place or to farmers' markets that are members of the Vermont Farmers Market Association selling Vermont products”, pursuant to 10 V.S.A. § 494(12). Agricultural products harvested or produced on the premises may be included on the signs.
- B. Banners and Posters: a business is allowed one (1) Exterior Banner or Poster exclusive of window area. Banners and Posters are subject to Time Limitations as defined in § 872.
- C. Contractor: with the express consent of the property owner, one (1) sign displayed by a contractor, displayed on the subject property. Contractor signs are subject to Time Limitations as defined in § 872.
- D. Flags (other than Open/Closed): two (2) other flags are allowed per property. Open/Closed signs; see below. State and Federal flags are allowed without a Permit.
- E. Open/Closed Signs or Flags: one (1) “Open/Closed” sign or one (1) “Open” flag per business indicating whether a business is open. Open/Closed signs are subject to Time Limitations as defined in § 872. See § 832 (B).
- F. Public Convenience Signs: signs without advertising, displayed for the convenience, direction, or instruction of the public, including but not limited to signs identifying rest rooms, entrances, wireless internet access, ATMs, or posted areas, pursuant to 10 V.S.A. § 494(5)(8).
- G. Real Estate: one (1) “Real Estate for Sale” sign for each property side on a Public or Private Road, placed on the subject property. Real estate signs are subject to Time Limitations as defined in § 872. [See 10 V. S.A. § 493(3)]
- H. Sandwich-Board Signs: one (1) A-frame or sandwich-board sign per business. A-frame or sandwich-board signs shall not be displayed when the business is closed, shall be located on or directly in front of the business, and are not subject to normal setback requirements. Signs shall not impair public safety or impede pedestrian traffic and are subject to State Penalties for violations pursuant to 19 V.S.A. § 1105. See § 870 (F).
- I. Short Term Sales, Specials or Rates: one (1) sign indicating short-term sales, special rates, or other short-term advertising. Short Term sales, specials, or rates signs are subject to Time Limitations as defined in § 872.
- J. Vending Machines: internal illumination is allowed on outdoor vending machines.

## **Section 823: Other Signs**

### **Allowed/Exempt Signs (Not Requiring a Permit):**

- A. Awning Signs: one (1) awning with advertising, attached to the front of the building.
  - 1. Awnings not used for advertising purposes are not subject to this Article VIII. Awning sign is type of wall sign that is attached to an awning, canopy, or other structural protective cover over a door, entrance, window or other outdoor service area.
  - 2. Exception: awnings and canopies for Automotive Service Station and Repair Garages do require a Permit and the written decision and approval of the Development Review board as defined in § 732(B) of this Ordinance.
- B. Decorative String Lights: decorative string lights with bulbs of less than 3 inches, regardless of whether incandescent, LED, fluorescent, neon, or otherwise, and regardless of time of year, are not considered a “sign” under this Article and are not subject to this Article, unless the lights are

used for advertising (for example to spell out a word). Decorative string lights used for advertising purposes are subject to permitting pursuant to § 830 of this Article.

- C. E-911 House Numbers: assigned E-911 numbers are Allowed/Exempt and do not count toward number of Allowed signs.
- D. Government Signs: pursuant to 10 V.S.A. § 494(4)(6)(7)(13)(14)(15)(17), signs erected, maintained or administered by the Town of Wilmington or the State of Vermont, whether maintained at private or public expense, regardless of size, are Allowed/Exempt. This includes Welcome signs or other signs erected, maintained, or administered for the downtown designation pursuant to 24 V.S.A. § 76(A).
- E. Memorial Signs or tablets pursuant to 10 V.S.A. § 494(10).
- F. Motor Vehicles and Trailers: signs on trailers or motor vehicles including signs painted on or attached to a registered and inspected vehicle or the rolling stock of a common carrier are Allowed/Exempt pursuant to 10 V.S.A. § 494(1) and (2).
- G. Personal Recognition signs displaying messages of congratulations, condolences, birthday wishes, or displaying a message commemorating a personal milestone or event, pursuant to 10 V.S.A. § 494(16). Personal Recognitions signs are subject to Time Limitations as defined in § 872.
- H. Public Events: two (2) outdoor signs erected for fairs, expositions, entertainment, campaigns, drives, auctions, or events of civic, political, philanthropic, service, or religious organizations. Event signs may be placed on property not owned or rented by the event sponsor with the written consent of the property owner. Maximum size is twenty (20) square feet. Public Event Signs are subject to Time Limitations as defined in § 872
- I. Transportation Stops/Fare Zones: signs identifying stops or fare zone limits of common carriers are Allowed/Exempt pursuant to 10 V.S.A. § 494(4).
- J. Umbrella Signs: one (1) table umbrella sign is Allowed/Exempt for each permitted outdoor customer dining table at a restaurant or food stand which has both:
  - 1. A valid food service license, and
  - 2. An approved zoning plan allowing outdoor seating.

Umbrellas may include business name or advertising for products sold on the premises and must be installed over the table.

- K. Window Signs: any number of signs (as defined in Article X) may be displayed in or on windows, provided that no more than 30% of the total window area per establishment, on the side of the building where such signs are located is covered. 70% of the total open window area per side per establishment, must be free and clear of window signage. The total signage area pertains to both permanent signs (such as stencil and/or lettering affixed to or painted on glass), and indoor non-permanent signs. Sign dimension is determined by the smallest rectangle that can be drawn over the perimeter of the signage. Window signs shall not be internally illuminated or require power. Non-permanent signs are subject to Time Limitations as defined in § 872.

### **Section 830: Permitted Signs (Requiring a Zoning Permit)**

Signs, other than those defined in § 820, 821, 822 and 823 must receive a permit before any construction, erection, alteration, or enlargement. A Sign Permit shall be secured from the Zoning Administrator. See Article VIII § 840, 841, 842, 843 and 844 for permitting information.

### **Section 831: Types of Signs**

Permitted Signs (Requiring a Zoning Permit)

Permitted signs will be one of the following two types, (see Article X for definitions):

- A. Freestanding (of all types including poles, pedestals, posts, and plaza signs).
- B. Structure Mounted (of all types).

Flags, whether freestanding or structure mounted are not counted as a Freestanding or Structure Mounted sign under this Section of the Ordinance.

### **Section 832: Number of Signs**

#### **Permitted Signs (Requiring a Zoning Permit)**

Each Commercial Business other than Home Occupations and Home Businesses may have:

- A. One (1) Freestanding sign – allowed only when setback requirements of § 873 can be met.
- B. One (1) Overhanging Sign: One (1) sign overhanging or perpendicular to a public walkway is encouraged, allowing them to be visible to pedestrians and drivers from a distance. Signs overhanging a right-of-way or property not owned by the sign applicant require the written approval of the owner of the land or right-of-way. Pursuant to § 873 (E), hanging sign (including flags), in all Districts, shall provide at least seven (7) feet of unobstructed area down vertically to any pedestrian walkway.
- C. One (1) Structure Mounted per Customer Entry (other than an overhanging sign): One sign is permitted for each building entrance operating primarily as a customer entrance to a commercial business.
- D. One (1) Structure Mounted – No Customer Entry but Facing a Public Area: identification sign on each side or rear of the structure that has no customer entry door but faces a public area.
- E. Home Business and Home Industry are allowed one (1) Structure Mounted or one (1) Freestanding sign, but not both.
- F. Menu boards in the Village District are restricted to a quantity of one (1) with a maximum size of four (4) square feet and must be permanently mounted to a structure. Menu boards outside the Village District are restricted to a quantity of five (5) with a maximum total size of twenty-five (25) square feet and must be permanently mounted to a structure.

Properties with Multiple Commercial Businesses: Structures or properties with more than one business, plazas, or business complexes are allowed only one Structure Mounted – Customer Entry sign per individual customer entry door. Only individual businesses that have their own customer entry door may have an individual structure mounted sign. For shared customer entry doors, property owners will allocate space on the single permitted sign for individual businesses.

Individual businesses doing business on properties with multiple commercial businesses shall not have a separate freestanding sign for each business. Each property is allowed just one freestanding sign with the exception of properties with multiple buildings accessed by separate driveways, in which case each driveway is allowed one (1) freestanding sign.

Signs for Multi-Business structures, business complexes and plazas may have a Header Sign representing the name of the business group, complex, or plaza. A Header Sign will be counted in the overall size of the permitted sign (See §§ 833 and 874) and will not be counted as a separate sign.

### **Section 833: Size of Signs**

#### **Permitted Signs (Requiring a Zoning Permit)**

The following are sign maximums. It is recommended that discretion be applied. Sign size should be determined by aesthetics and the space available on the structure.

For Freestanding and Hanging signs, size limits are per sign side. Each side of a sign is allowed the maximum square feet (sq. ft.) defined below.

The following maximums apply to all except Home Businesses. Home Businesses are allowed a total of 4 sq. ft. per side of signage.

	Village District Maximum sq. ft. Per Side	Other Districts Maximum sq. ft. Per Side
A. Freestanding Signs		
• 1 - 2 Businesses	24	32
• 3 or more Businesses	32	32
All Freestanding Signs shall be fully contained within the structure of the sign. No appendages or extensions outside of the sign structure are allowed.		
B. Structure Mounted Signs - per Customer Entry Hanging Signs		
• Fully on premises – not overhanging a public area		
- Structures less than two stories*	12	16
- Structures two stories* or greater	24	32
• Overhanging a public area		
- Structures less than two stories*	6	12
- Structures two stories* or greater	12	24
* Number of stories above street level		
Flush Mounted - one (1) sided Sign		
• 1 - 2 Businesses	24	32
• 3 or more Businesses	32	32
C. Structure Mounted Signs - No Customer Entry and Facing a Public Area Flush Mounted - one (1) sided Sign		
• 1 – 2 Businesses	12	16
• 3 or more Businesses	16	24

#### **Section 840: Obtaining a Permit**

For all Permitted Signs a Zoning Permit shall be obtained from the Zoning Administrator prior to the erection or change of any sign.

#### **Section 841: Zoning Ordinance Administration**

For more information on administration of this Zoning Ordinance refer to Article II, Administrative Procedures.

#### **Section 842: When is a Zoning Permit Required**

A Sign Permit shall be secured from the Zoning Administrator:

- A. For all signs described in § 831, 832, and 833.
- B. Prior to the placement, erection, reconstruction, relocation or modification of any permanent or temporary sign, except signs as described in § 820, 821, 822 and 823.

- C. For alteration or change of any existing permitted sign resulting in a different sized sign or a substantially changed sign. Rewording of a sign for an existing Use while maintaining uniformity of background shall not be deemed to constitute sign alteration.

### **Section 843: Administrative Amendments to Zoning Permits**

Permits for minor changes to previously issued Sign Permits may be administratively amended. The Zoning Administrator may make the decision as to whether an amended Permit will be approved. If the Zoning Administrator believes that the change to the sign is not consistent with the intent of this Article VIII, the Zoning Administrator may require that an application for a new Sign Permit be submitted to the Development Review Board for review.

Prior to making any changes to existing signs, the property owner / business owner should confirm with the Zoning Administrator that the required Permits or Amendments have been approved. Upon completion of the Permitted work, the Zoning Administrator shall be notified of the completion. No Permit is required to refresh or repair existing graphics and/or text.

### **Section 844: Obtaining a Zoning Permit for a Sign**

Completed Zoning Permit applications should be submitted to the Zoning Administrator for review.

The Permit application for a Sign shall include a drawing of the sign, including all colors and description of materials. If, in the judgment of the Zoning Administrator, the proposed sign does not satisfy the intent of this Article VIII, the Zoning Administrator may require the sign be reviewed and a determination made by the Development Review Board.

### **Section 850: Conditional Sign Waivers Requiring Written Decision and Approval from the Development Review Board**

A Waiver may be requested from the Development Review Board for signs not meeting all of the requirements of this Article VIII. The Development Review Board may approve the sign if:

- A. It meets the requirements found in Article II, Administrative Procedures, § 232, Criteria for Obtaining a Sign Waiver from the Development Review Board, or
- B. If the sign is found to be in the public interest and will contribute to the character of the area and the community.

### **Section 860: Signs Not Allowed**

- A. Signs erected, drawn, painted or attached to or on trees, rocks, other natural features, as expressly prohibited in 10 V.S.A. § 495(5).
- B. Billboards as defined and regulated in Title 10 V.S.A. § 488, 494 are not allowed in the state of Vermont.
- C. Off-premises signs regulated in Title 10 V.S.A. § 488, 494 are not allowed in the state of Vermont.
- D. Any sign not meeting the standards and requirements of this Article, including sign standards as defined in § 870 below.
- E. Advertising flags or pennants on premises, also known as feather flags or feather banners, are expressly prohibited in Wilmington.

## **Section 870: Sign Standards – Applying to ALL signs**

Allowed (not requiring a Permit) and Permitted (requiring a Permit)

With the exception of those signs receiving a Conditional Sign Waiver from the Development Review Board as defined in § 850, all signs, both Allowed and Permitted, must satisfy the following standards:

- A. Signs shall not prevent a clear and unobstructed view of existing Allowed or Permitted signs.
- B. All signs must be maintained in good repair, with clear, easily readable lettering, without significant rotting, rusting, peeling, fading, or deteriorating parts, and must be in stable, safe and durable condition, safely secured to a stable structure as determined by the Zoning Administrator.
- C. When a business or organization closes, moves or otherwise terminates, or an advertised product ceases to be offered, all graphics and text signs pertaining to that Use, service, product or event must be removed from the location within ninety (90) days unless an extension of time is approved by the Development Review Board. The need to maintain a visible sense of business activity in retail areas will be considered in the granting of Waivers to this provision.
- D. Any Nonconforming Sign that is destroyed or damaged may be restored to its original state, but not altered unless in conformance with this Bylaw.
- E. Signs shall not be placed without permission from the owner or tenant of a property or his/her authorized agent.
- F. Signs shall not impair public safety or impede pedestrian traffic. Violations are subject to State Penalties pursuant to 19 V.S.A. § 1105.
- G. Signs shall not prevent a clear and unobstructed view of official signs and approaching or merging traffic.
- H. Signs shall not impede access to any door, window, or fire escape.
- I. With the exception of entrance and exit signs, signs shall not be erected which appear to direct the movement of traffic or interfere with, imitate, or resemble any official traffic, directional or route sign, signal or device.
- J. External illumination of signs shall be downcast and effectively shielded to prevent beams or rays of light from being directed at any portion of the traveled way of a Public Road or adjacent properties. Businesses in the Village District are encouraged to keep externally illuminated signs and soft internal window displays illuminated until midnight to maintain an active appearance. Bright lighting is discouraged.
- K. Signs with internal illumination, including but not limited to incandescent, fluorescent, neon, and LED, are not allowed. Previously permitted internally illuminated signs existing on November 20, 2014, the date of adoption of this provision in the Sign Article of the Zoning Ordinance, have “Legacy” status and are considered “Permitted” under § 803 (2) of this Article VIII and may remain “as-is.” Sign changes require full compliance with this Article VIII, (see § 842).
- L. Signs shall not be illuminated, internally or externally, by any flashing, moving or intermittent light.
- M. Signs shall not contain any moving parts.
- N. Signs shall not emit noise or have audible systems to the extent that they can be heard on adjacent properties, public ways, parking areas, streets, or highways.
- O. External signs shall be sufficiently secured and of a material able to withstand sustained winds.
- P. Signs may not be placed internally so as to be visible through a window or door, with the intention of circumventing this article.

## **Section 871: Sign Design Guidelines**

Compliance with the following guidelines is required in the Historic Design Review District.

Compliance with these guidelines is recommended in all other Districts.

All signs, both Permitted and Allowed, regardless of District, shall be of a simple look and/or style consistent with our Post-Colonial working-class mill town (1800-1900).

Colonial signs with curved tops, broken pediments, and ornate design elements are not consistent with the history of Wilmington.

The following design elements consistent with the history of Wilmington shall be followed:

- A. Simple flush mounted, often rectangular signs, attached to the front or side of the building.
- B. Simple rectangles or ovals, hung over the sidewalk or edge of the street with simple metal or wooden hangers.
- C. Sign illustration demonstrating the nature of the service or product provided (for instance a shoe for shoemaker, a book for a bookseller).
- D. The use of neon colors is not consistent with the Town's history. Use of other historically appropriate colors may add interest to a sign while maintaining a historically appropriate look. Simple color schemes, such as black/dark colors on white, or white on black/dark colors were characteristic of original signs in the Town.

Examples of the type of signs common to historic Wilmington can be seen in the brochure "A Historic Walking Tour of Wilmington, Vermont".

Commercial operations are encouraged to have hanging signs that project out from the structure so as to be visible to people walking or driving up the street. Signs overhanging a state highway right-of-way must obtain a Permit from the State pursuant to 19 V.S.A. § 1111(a). Signs overhanging property not owned by the sign applicant must obtain the written permission of the property owner whose property is being overshadowed.

## **Section 872: Time Limitations**

Signs subject to Time Limitations shall be removed promptly after the conclusion of the event advertised, and in no case may be displayed more than the Time Limitations defined below:

- A. A maximum of six (6) weeks:  
Fairs and expositions, pursuant to 10 V.S.A. § 494(11)
- B. A maximum of two (2) weeks:
  - 1. Auctions, campaigns, drives, civic, philanthropic, or religious events, pursuant to 10 V.S.A. § 494(9)
  - 2. Personal Recognition Signs, pursuant to 10 V.S.A. § 494(16)
- C. A maximum of twenty-three (23) consecutive days and not more than twice in a calendar year.
  - 1. Banners and Posters
  - 2. Short Term Sales, Specials or Rates
  - 3. Yard Sales
  - 4. Public Events other than those addressed elsewhere in this Section
- D. For Rent, For Sale, Real Estate, and Contractor signs may only be displayed for the time the property is for rent, sale, or under development.



- E. Appropriate use of open/closed signs is encouraged. Open signs should be displayed only when the business is open. Closed signs should be displayed only when the business is closed.

### **Section 873: Setback and Height Limitations - Applying to All Signs**

Allowed (not requiring a Permit) and Permitted (requiring a Permit)

- A. Signs may overhang an adjacent property with the written permission of the property owner whose property the sign is overhanging. Signs shall not be within the right-of-way of a Public Road, with the exception of Awnings and Hanging Signs which may overhang a public way in the Historic Design Review District which has a zero (0) setback. Signs overhanging a state right-of-way require a Permit from the state, pursuant to 19 V.S.A. § 1111(a). Further information regarding on-premises signs may be found in 10 V.S.A. § 493.
- B. Freestanding signs shall be no more than sixteen (16) feet to the top of the sign from the average normal grade of the ground.
- C. Freestanding signs shall be set back ten (10) feet from the right-of-way of any Public or Private Road, except in the Historic Design Review District that has a zero (0) setback. In no case shall a sign impede traffic visibility or public safety.
- D. Freestanding signs shall be set back ten (10) feet from a side or back property line in all Districts except the Historic Design Review District that has a zero (0) setback.
- E. All hanging signs (including flags) in all Districts, shall provide at least seven (7) feet of unobstructed area down vertically to any pedestrian walk way. Any sign providing less than seven (7) feet vertical clearance to the average normal grade of an area accessible to the public must make the area under the sign inaccessible to pedestrians so as not impair public safety.

### **Section 874: Calculation of Area and Number of Signs Allowed (not requiring a Permit) and Permitted (Requiring a Permit)**

- A. Area: The area of a sign includes all of the sign surface area on a single side, regardless of whether the entire surface area is used for advertising content. Any Header on a Multi-Business, business complex, or plaza sign is included in the total sign area. Structural support members, poles, and hardware not bearing advertising shall not be included in total area unless they are incorporated as an integral part of the sign.  
Where the sign is painted directly on a structure and where the background color of the sign is not different than the color of the building, the area of the sign will be measured as the smallest rectangle that encompasses all of the elements of the sign.
- B. Two-Sided Signs: For two-sided signs each side is allowed the same Area for advertising Allowed or Permitted for that Type of sign, (see § 833).
- C. Number of signs:  
All of the components or panels shall count as a single sign, including Multi-Business signs with separate attached panels for each business within the structure, plaza, or complex.

### **Section 880: Enforcement and Penalties**

The Zoning Administrator shall enforce the provisions and penalties under this section. In carrying out this enforcement, the Zoning Administrator shall follow the enforcement requirements of the Zoning Ordinance found in Article II.

The Zoning Administrator shall follow the enforcement procedures of this Ordinance to ensure that any sign endangering public safety or violating any provision of this Article comes into conformity or Penalties shall be applied, (see § 215 and 216).

Pursuant to 24 V.S.A. § 4451(a) no such action will be taken until seven (7) days after the violator has received written notice of violation by certified mail stating the nature of the violation and the

opportunity to correct the violation without penalty. No seven (7) day advance notice is required for repeat offenses or violations or for signs that endanger public safety.

Refer to Article II, Administration, § 215 and 216 for additional information on enforcement and Penalties of the provisions of this Article VIII, Signs.

### **Section 881: Appeals and Waivers**

Any person may appeal any decision, act, or failure to act by the Zoning Administrator or Development Review Board. Refer to Article II, Administrative Procedures, § 240, 241, 242, 243, 244, 245, 246 and 247 for appeal provisions. Prior to filing an Appeal the applicant may apply for a Waiver as defined in § 850 of this Article, (see also Article II, § 214, 229 thru 324).

### **Section 890: Signs for Which Provision Is Not Made**

Signs not prohibited or provided for elsewhere in this Article may be Permitted upon written decision and approval from the Development Review Board after a public hearing if the Development Review Board finds that such a sign is in the public interest and is not detrimental to surrounding properties.