

Town of Wethersfield Sign Regulation Amendments

Planning and Zoning Commission

Public Hearing

November 20, 2018

In Light of Supreme Court Rulings

Are Our Sign Regulations Compliant?

- * Reed v. Town of Gilbert, AZ – 2015 (Temp Signs For Church)
- * City of Ladue, MO. v. Gilleo - 1994 (Political Signs)
- * Metromedia, Inc. v City of San Diego - 1981 (Billboards)

- * Issues – First Amendment, Free Speech and Content Neutrality

Need To Revise Sign Regulations

- * Do our regulations have standards that are based upon what is the written message on sign?
- * Do we regulate based upon the purpose of the sign?
- * Do we regulate based upon who is putting up the sign?

- * If so, we may have an issue.
- * Last Comprehensively Revised November 15, 2004

The Good News

- * Time, Place and Manner Restrictions
- * Commercial vs. Noncommercial Speech
- * **Content Neutrality** – Not Based on the Message
- * Different Standards Based upon Zoning Districts
- * Can still regulate - location, size, materials, off vs. on site, construction, height, sign type, materials, number, duration (timeframe), lighting, changing message, moving parts, public vs. private property, portability.

Some Background

- * PZC Meeting July 6, 2016
- * Staff started research and background information
- * Sign Subcommittee Formed
 - * Committee met eight (8) times
 - * Analyzed ZBA Variances Issued Since 2010 – 28/29 Approved
 - * Existing Sign Issues
 - * Researched Surrounding Metro Hartford Towns,
 - * Towns That Had Recently Updated Regulations,
 - * Model regulations,
 - * Suggested Draft Regulations

Research

- * Montgomery County, Pa Planning Commission – 2014
- * New York State – Municipal Control of Signs – 2015
- * IMLA Model Sign Code - 2016
- * USSC Model Sign Code - 2016
- * Street Graphics and the Law 2015
- * Peoria, Illinois 2017
- * Springville, Utah 2017
- * City of St. Augustine Beach, Florida
- * Kettering, Ohio
- * Eureka, Missouri
- * Stuart, Florida
- * Norfolk, Virginia
- * Flagstaff, Arizona

Committee Recommendations

- * Comprehensive Re-Write of Sign Regulations
- * Revise Definitions
- * Add Some New Sections
- * New Sign Types and Standards
- * Deleted All References to Sign Content
- * New Format
- * Add Some Graphics

Summary of Changes

- * Substantial Revisions to Existing Definitions Needed
- * Substantially Expanded Purpose Statement
- * Revisions To Measurement of Sign Area and Height
- * Deleted Section on Sign Content
- * New Section on Prohibited Signs
- * New Section on Restrictions
- * New Section on General Requirements
- * New Section - Signs Not Requiring a Permit

Summary of Changes

- * Revision Temporary Sign Standards
- * Create Consistency of Standards (Setbacks, size, height etc...)
- * Revisions Permanent Detached Sign Standards
- * Revisions Permanent Wall Sign Standards
- * New Section – Permanent Sign Requiring Special Permit in Business Zones Only
 - * Walls Signs on Upper Stories
 - * Electronic Changeable message signs
- * New Section – Off Premises Signs

Summary of Changes

- * Revised Section – Sign Illumination
- * Significant Revisions - Permit Requirements
- * New Section - Administration, Enforcement and Interpretation
- * Minor Revision - Maintenance Requirements
- * Minor Revisions - Non-Conforming Signs
- * New Section - Master Sign Plan
- * Revised Section - Sign Exceptions
- * New Severability Provision
- * Revised Appendix C. Sign Design Guidelines

2.3 Sign Related Definitions

Substantial Revisions

- Existing Regulations Have Few Sign Definitions (14)
- Several Definitions Were Content Based and Were Deleted (4)
- Many Missing Definitions
- Need To Revise Several (8)
- Need To Add Many (34)
- Define New Sign Types

* New Sign Definitions

- * Abandoned
 - * Balloon
 - * Billboard
 - * Blade
 - * Canopy
 - * Driveway
 - * Electronic Message
 - * Flag
 - * Multi-Tenant
 - * Mural
 - * Non Commercial Message
 - * Off-Premise Parapet
 - * Pole
 - * Projecting
 - * Snipe
 - * Temporary
 - * Vending Machine
 - * Wind Activated
 - * Window
- Awning
Banner
- Cabinet
Directory
- Government
Off Premise
Pole
- Non Conforming
On Premise
Permanent
Portable
Roof
Suspended
Vehicle
- Yard

6.3.A. Findings, Applicability and Purpose – Substantial Revisions

- Existing Purpose Statement Very Limited
- Regulations Need to be Supported by Strong Statements and Findings To Defend Legal Challenges
- * Revised Purpose Statement
 - * Minimum Standards
 - * Governmental Interests
 - * **Traffic Safety**
 - * **Aesthetics**
 - * Community Interests
 - * Zoning Districts
 - * Communication
 - * POCD
 - * Reduce Hazards
 - * Prevent Property Damage
 - * Favoring of Speech

B. Measurement of Sign Area and Height – Substantial Revisions

- * Calculation Based Upon Any Geometric Shape Formula
- * Area Does Not Include Structural or Architectural Supports
- * Sign Area Permitted For Wall Sign Based Upon Ground Level Tenants Frontage
- * Businesses Not Facing Street – Main Entrance
- * Corner Lots – Additional Signage
- * Double Faced Signs Must Be Parallel
- * Measurement of Sign Height - Added

C. Prohibited Signs - New

- * Billboards, Pennants, Roof,
- * Vehicle With Certain Exceptions
- * Inflatable and Wind Activated
- * Pole Signs Over 4 Feet
- * Snipe or Blade Signs
- * Cabinet Signs
- * Carried By Persons
- * Holographic or Projected Images



D. Restrictions - New

- * Moving Parts, Flashing, Color Traffic Safety
- * Block Sight Lines
- * No Revolving Beams, Beacons or Exposed Lights
- * No Sound, Odor, Smoke or Other Matter
- * Shall Not Obscure Features
- * Shall Not Be Outlined By Rope Lighting etc... With Exceptions

E. General Requirements - New

- * Multiple Sign Types Permitted
- * Durable Materials
- * Master Sign Program
- * Signs Not Generally Permitted in R.O.W.
- * Substitution of Message Clause
- * Content Viewpoint

F. No Permit Required - New

- * House Numbers
- * Danger or Warning Signs
- * Public Notices
- * Government
- * Parking Spaces
- * Murals or Works of Art
- * Public Transit
- * Gas Pumps
- * Flags
- * Window Signs
- * Vending Machines
- * Change of Face

G. Temporary Signs

Existing Regulations

- * Content Based Sign Types - Real Estate, Tag/Yard/Garage Sale, Political, Land Use Hearing, Construction/Development, Civic Organization
- * Many Varying Sizes (2, 4, 6, 24, 32 and 60 sf.)
- * Many Varying Timeframes (8 weeks before, 7 days, 14 days, 21 days, 12 months)

Proposed Regulations

- * Simplified Sign Types – Yard Sign or Banner Sign
- * Permitted Sign Areas Consolidated (6/8 sf. or 32 sf.)
- * Based Upon Zoning Districts
- * Consolidated Timeframes

G. 2. Temporary

No Permit - Any Zone

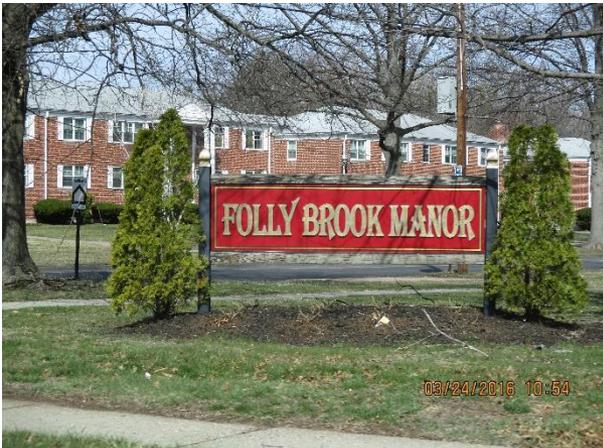
- * During Sales or Construction
- * Open House
- * Personal Events
- * Political
- * Seasonal Decorations



G.3. Temporary

Permit - Res/Cons Zone

- * Athletic Field
- * Development
- * Community Event
- * Portable Sign – Farm Stands



G.4 and G.5. Temporary

Permit – Business Zones

- * Business Openings – 60 sf. and 30 days
- * Portable Signs – Special Event – 30 days twice/year
- * Construction
- * Café Umbrellas

No Permit – Business Zones

- * Property Sale - 32 sf.
- * Window Signs



H.2. Permanent Detached

- * Permit – Res/Cons Zones
- * Principal Uses – B and B, Municipal, Educational, Historic, Religious or Institutional
- * Accessory Use
- * Residential Development



H.3 Permanent Detached Business Zones - Permit

- * Single Tenant Buildings – 24 sf
- * Multi-Tenant Buildings – 32 sf
- * Shopping Centers – 50 sf
- * Changeable Copy - Fuel Station/Financial – 12 sf
- * Electronic Fuel Toppers – 4 sf
- * Manually Changeable - Drive Thru Facilities – 32 sf
- * Corner Lots – Secondary Sign – 18 sf



I. 2. Permanent Wall

- * Permit – Residential/Conservation Zones
- * Principal Use
- * Accessory Use

1.3. Permanent Wall Business Zones - Permit

- * Principal Use - **Revised Standard 2 sf./linear foot** tenant frontage
- * Max 125 sf. All Wall Signs Combined
- * **Directory Sign**
- * **Awning Sign**
- * **Detached Canopy**
- * **Projecting Sign**
- * **Suspended Sign**
- * **Manual Changeable Copy sign**



J. Permanent -Business Zones – Special Permit

- * Wall Signs – **Upper Floors**
- * RC and GB Zones – **Electronic Changeable Message**



K. Off- Premises - New

- * Open Houses – Limited to 6
- * Property Sale
- * Special Event – Private Property – Limited to 2 if 32 sf.
Or 6 if 4 sf.
- * Welcome or Wayfinding
- * Street Banners 60 sf.
- * Bus Shelters

L. Illumination - Revised

- * Dark Sky controls – Full Cut Off
- * Down Lighting
- * No internal illumination in Residential zones
- * No illumination **between 11 pm and 5 am**
- * Shut off timers
- * Electrical conduit concealed
- * Underground electrical
- * Adjacent To Residential

M. Permit Requirements

- * Consult ZEO
- * DRAC or HDC
- * Fee
- * # Copies
- * Electronic Submission
- * Information Requirements
- * 15 day Decision timeframe
- * ZEO Permit
- * Written Decision
- * ZBA Appeal
- * No Changes
- * Denial
- * Building Permit
- * Inspections

N. Administration, Enforcement and Interpretation

- * ZEO Authority
- * More Restrictive
- * ZEO May Order Repairs
- * ZEO Notice
- * Emergency Removal
- * No Active Tenancy – Remove Sign
- * Penalties



O. Maintenance

- * Good Condition
- * Maintenance
- * Sign Removal Repairs
- * Landscaping Maintenance



P. Non-Conforming

- * Intent To Eliminate
- * Non-Conforming
- * Damaged Non-Conforming Signs
- * Removable Faces
- * Repairs or Alterations
- * Moved, Removed or Replaced must conform

Q. Master Sign Plan

- * Incentive
- * Uniformity
- * Special Permit
- * DRAC Advisory Opinion
- * Graphic and Narrative Statement
- * Findings
- * Conditions
- * Agreement
- * Lease Agreement
- * May Be Amended
- * Need Zoning Permits

R. Exceptions

- * Special Permit
- * May Grant Increases
 - * **For Tube Lighting**
 - * **Upper Story Tenants**
 - * **Off-Premises**
- * Superior Design
- * Must Consider
 - * Unusual Site Factors
 - * If Detached Sign Is Not Used
 - * Design Features
 - * Appropriate Scale
 - * Shall Not Adversely Impact the Character
 - * The Intent and Purpose
 - * Minimum Necessary

S. Severability

- * If any section, paragraph, provision, sentence, phrase, clause, word or term of this regulation, or any portion thereof, for any reason shall be determined by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not otherwise affect the validity of the remaining portions of this regulation. All portions of this regulation not declared to be invalid or unconstitutional shall remain in full force and effect.

Appendix C. Design Guidelines

- * High Quality Materials
- * Sign Legibility
- * Lighting
- * Multi-Tenant Wall Signs – Master Sign Program
- * Recommendations
 - * Internally Illuminated – Opaque Background
 - * Raised Lettering
 - * Three Dimensional Texture
 - * Simplified Copy
 - * Native and Natural Materials