

Commission to improve safety and circulation. In addition, no parking lot shall locate less than fifteen feet (15') from any adjoining side or rear lot line, unless the parking lot is shared by both properties.

- (4) Phasing. Where a development is to be constructed in phases, the Planning Commission may authorize the construction of the parking areas in corresponding phases. If phasing is to occur, the phasing of the parking shall be illustrated on the site plan and a schedule shall be provided showing when each phase shall be completed. It is the intent that parking associated with each phase be installed prior to occupancy of any buildings in that development phase.
- (I) **Parking Space Modifications.** The Planning Commission may, subject to site plan review under Section 5.6:
- (1) Reduce the number or size of required parking spaces when the Commission is satisfied by the applicant's demonstration that the requirements are unreasonable or unnecessarily stringent, and that the proposed number of parking spaces will adequately serve the proposed development.
 - (a) The Planning Commission, as a condition of site plan approval, may require that designated areas be reserved and maintained as undeveloped green space, to accommodate overflow parking, or additional parking needed to serve existing or future development on the site.
 - (2) Require more or fewer parking spaces than indicated by the above provisions, based on site considerations, use, traffic patterns and other relevant concerns.
- (J) **Off-Street Loading Requirements.** For every building hereafter erected, altered, extended or changed in use for the purpose of business, trade or industry, there shall be provided paved off-street loading space for loading and unloading vehicles as set forth below:
- (1) Retail Businesses and Professional Services-one (1) space of at least 250 square feet for each 3,000 square feet of gross floor area.
 - (2) Wholesale, Manufacturing, Warehousing and Trucking uses-one (1) space of at least 1,000 square feet for each 10,000 square feet of gross floor area.
 - (3) Truck Terminals – spaces of sufficient size and quantity to accommodate the maximum number of vehicles to be stored and/or loading or unloading at any one time.
 - (4) Access-Access to off-street loading areas shall not necessitate backing across a major arterial or collector road.
 - (5) Passenger Zones – If passenger loading zones are provided, then at least one passenger loading zone shall meet ADA design standards.

3.10 Signs:

- (A) **Purpose.** It is the purpose of this Section to establish sign regulations for commercial, industrial and home occupation uses to minimize distractions and obstructions which may contribute to traffic accidents, to protect property values, to create an attractive business climate, to enhance and protect the amenities and visual quality of the Town, and to provide an enjoyable and pleasing community.
- (B) **Applicability.** All signs as defined in Article VIII of these Regulations require a zoning permit except the following which shall be exempt from these Regulations as long as they meet all other applicable provisions included within this section. When referred to throughout these Regulations, sign area dimensions shall be interpreted to describe one side (face) of the sign, unless as may be specifically controlled by another provision of these Regulations. In that case, the specific provision shall apply.
- (1) Official street or highway signs, signs approved by the Selectboard that advertise the Town of Essex in general and service organizations, or signs erected in accordance with state law (10 VSA Chapter 21).
 - (2) Non-advertising signs placed for direction or safety purposes (e.g., "rest rooms", "telephone", "office", "exit", "falling ice", "fire extinguisher", "no trespassing", etc.); each not to exceed three square feet (3 SF) in size.
 - (3) Labeling which is placed on a product by the manufacturer (e.g., "ice" printed on an ice machine).
 - (4) A sign not exceeding three square feet (3 SF) in area which announces the name and address of the occupant of the premises on which said sign is located.
 - (5) A sign/bulletin board, not exceeding twenty-four square feet (24 SF) in connection with any church, school or similar publicly owned structure, providing it is affixed on the building or within ten feet (10') of the primary entrance of the building or is erected as a free standing sign which meets all applicable setback requirements.
 - (6) A temporary real estate development or construction sign, not exceeding twenty-four square feet (24 SF) in area nor ten feet (10') in height from ground level, on the property being the subject of the sign. Such signs shall be removed promptly when the development or construction is completed, or within 24 months of the date that construction commenced, whichever occurs first.
 - (7) A temporary sign not exceeding twenty-four square feet (24 SF) in area, nor ten feet (10') in height from ground level, is permitted for a roadside stand (as allowed under Section 4.7 of these Regulations). Said sign shall be removed during periods or seasons of the year when the stand is not open for business.
 - (8) Signs for dwellings advertised for sale, rent or lease shall not exceed six square feet (6 SF) in area, including the panel and frame. Such signs shall be removed promptly when the property has been sold, rented or leased.

- (9) A sign for a temporary special, sale as provided for in Section 4.15 of these Regulations, shall be allowed on the property on which the sale is to occur. Such sign shall not exceed three square feet (3 SF) in area, nor ten feet (10') in height from ground level, and shall be removed promptly upon completion of the temporary sale.
 - (10) Signs to be maintained for not more than four (4) weeks erected by fairs or expositions or signs announcing an auction, or a campaign drive or event of a civic, political, philanthropic service, or religious organization.
 - (11) Signs on motor vehicles except where determined by the Zoning Administrator to be circumventing the purposes of this Section when the display of such a sign has become the primary purpose of the vehicle.
 - (12) Holiday decorations displayed for recognized federal or state holidays during the applicable holiday period.
 - (13) Temporary sign or banner announcing the grand opening of a new business or housing development on the property of the grand opening. Said sign shall not exceed twenty-four square feet (24 SF) and shall not be maintained for longer than two (2) weeks.
 - (14) Retail businesses shall be allowed to have one (1) on-premises portable sign, not to exceed six square feet (6 SF) in area per side and five feet (5') in height, to be used to advertise special sales events or items. Such signs shall be placed at least five feet (5') from the right-of-way and shall not interfere with motor vehicle circulation or site vision. A business within a shopping center or mall arrangement is allowed to place a sign only near the principal entryway of the business within the width dimensions of the business facade. The sign cannot be placed in the parking lot.
- (C) **General Provisions.** Whether or not a zoning permit is required, all signs must comply with all other provisions of these Regulations, including those listed below.
- (1) Signs shall be limited to advertising only the business or businesses on the premises.
 - (2) All signs shall be located at least five feet (5') from the right-of-way of any public or private road. No sign shall be located within the right-of-way of any public or private road.
 - (3) All signs, except temporary signs allowed under subsections (B)(6), (B)(7) and (B)(9) above must be permanently affixed to a structure or to the ground.
 - (4) The primary purpose of any sign shall be identification and such sign may state only the name of the establishment, trademark/logo of the establishment, and/or the business or activity conducted on the premises upon which the sign is

located. Signs shall be limited to the minimum number of words needed to identify the business. A sign shall not be for the purpose of making advertising claims with respect to products sold on the premises (e.g., "Coca-Cola", "Vermont Lottery Tickets Sold Here", "Budweiser"). Under extraordinary circumstances, the Board of Adjustment may permit a sign which states other than the aforementioned information.

- (5) No sign shall be affixed to any vehicle in such a manner that the display of such a sign is a primary purpose of the vehicle.
 - (6) No sign shall be permitted which advertises a business which no longer exists or a service no longer provided.
 - (7) String lighting, pennants, or similar attention gathering media are prohibited.
- (D) **Illumination.** All signs shall meet the following illumination requirements:
- (1) Signs shall not be illuminated during hours when the premises are not open to business.
 - (2) No sign, or its illuminator, shall, by reason of its location, shape, color or size, interfere with vehicular or pedestrian traffic or be confused with or obstruct the view of any official traffic sign, signal or marking.
 - (3) Indirect lighting may be used to illuminate any sign, provided that the source of light shall concentrate the illumination upon the area of the sign so as to prevent any glare upon the street or adjacent property. No light fixture shall be placed closer than five feet (5') to any property line. Any light fixture directed upwards at a sign shall be shielded in such a manner as to concentrate all illumination on the face of the sign, with no light trespass beyond the principal sign face.
 - (4) Any lights used to illuminate a sign shall be directed solely at the sign, shall be shielded so that the light source is not visible and direct light does not enter public roadways or adjacent properties, shall be steady and stationary and shall not create any glare or driving hazard. Light sources for externally illuminated signs shall be limited as follows:
 - (a) Metal halide, high-pressure sodium, or light emitting diodes (LED) with a Kelvin Temperature of 4500K to 6500K.
 - (b) Fluorescent sources shall be completely shielded, but are not limited in wattage.
 - (c) Incandescent sources shall not exceed 150 watts.
 - (d) Reverse channeling (also known as Halo lighting) is allowed when the sign has individual cutoff letters and/or symbols and the light is located behind them. The light shall not shine through the letters and/or symbols and the light sources shall not be visible.

- (5) All string lighting, except for non-permanent seasonal, shall be subject to a permit issued by the Zoning Administrator.
- (6) Other than as provided in Subsection (D)(6) below, no sign may have any neon, flashing, intermittent, or moving lights, moving parts, internal illumination, or fluorescent paint.
- (7) Window signs, two and one-half square feet (2.5 SF) in size or less, may use integrated neon lettering or internal illumination to convey only the message that the business is open or closed or that a place of lodging does or does not have a vacancy. Notwithstanding Subsection (F), I the MXD-PUD District only, with approval of the Zoning Board of Adjustment commercial window signs may be increased not to exceed fifteen square feet (15 SF) and to convey other forms of messages specifically related to the commercial operation occupying the facility where such sign is proposed. Said sign will use light emitting diodes (LED) or other alternative type of lighting sources that are approvable by the Board of Adjustment. If internal illumination, apart from neon letters, is used it shall meet the following standards:
 - (a) The lettering or symbols shall constitute no more than forty percent (40%) of the surface area of the sign,
 - (b) The luminous transmittance for the lettering or symbols shall not exceed thirty-five percent (35%),
 - (c) The luminous transmittance for the background portion of the sign shall not exceed fifteen percent (15%), and
 - (d) Light sources shall be florescent tubes, spaced at least twelve inches (12") on center, mounted at least three and one-half inches (3.5") from the translucent surface material.
- (8) No advertising or displaying signs using neon or internal illumination shall be placed within a structure such that it is visible from any public roadway through a window of said structure, except as noted in Subsection (D)(6).

(E) General Size, Height and Lettering Limitations Applicable To All Districts.

- (1) Automobile Service Stations shall be allowed not more than one free-standing sign for the purpose of advertising the brand of gasoline sold at such a station, provided such sign has a maximum area of forty square feet (40 SF) and a maximum height of not more than fifteen feet (15') to the top of such sign. Furthermore, automobile service stations shall be allowed to include in their freestanding signage price signs for their gasoline products, provided:
 - (a) The price signs shall be designed as an integral part of the freestanding sign, (i.e., consistent materials and color scheme).
 - (b) The price sign does not include advertising for other retail features such as deli marts.
 - (c) If a business selling gasoline products has an existing freestanding sign, a permit may be issued to attach price signs to the post if they are constructed

of the same type of materials and color scheme as the existing sign. The elevation must be approved by the Zoning Administrator.

- (2) A freestanding sign indicating the name of a housing development or apartment complex may be permitted, provided that it shall not exceed forty square feet (40 SF) in size nor ten feet (10') in height from ground level.
 - (3) A sign is permitted which announces the name and address of the occupant of the premises on which said sign is located, however:
 - (a) Said sign shall not exceed three (3 SF) square feet in area.
 - (b) If in the judgment of the Zoning Administrator there are unique circumstances which make this size inadequate, the Board of Adjustment may approve a waiver of this provision and approve a sign of up to five square feet (5 SF) in area.
 - (c) If a home occupation is conducted on the premises, the sign may also announce said home occupation.
 - (4) A sign for an agricultural operation is permitted provided that it shall not exceed twenty-four square feet (24 SF) or ten feet (10') in height.
 - (5) Lettering on signs, where practicable, shall not be less than six inches (6") in height.
 - (6) A sign advertising a civic organization shall be permitted provided that it does not exceed two and one-half square feet (2.5 SF) in size nor ten feet (10') in height. All such signs shall also meet the requirements of *Vermont Statutes Annotated*.
- (F) **Signs in the B1, RB, CTR, B-DC, I1, MXD-C, MXD-PUD, MXD and RPD-I Districts.**

- (1) Each business lot shall be allowed one (1) freestanding sign, as follows:
 - (a) The maximum sign area and maximum height of the freestanding sign shall not exceed the limits set forth in the following table:

Table 3.5 District Sign Dimensions		
District	Sign Area	Height
B1	40 SF	15 FT
RB, B-DC and CTR	35 SF	8 FT
I1, MXD-C, MXD-PUD, MXD, and RPD-I	40 SF	8 FT

- (b) Freestanding signs which exceed ten square feet (10 SF) in size shall have a planter or appropriately furnished base of a configuration approved by the Zoning Administrator unless it is proposed as part of a development requiring site plan review, in which case it shall be approved by the Planning

Commission. The planter shall be planted and maintained with appropriate shrubs and/or flowers.

- (2) Each business building/unit shall be allowed to have one facade sign, as follows:
 - (a) The area of the facade sign shall not exceed five percent (5%) of the area of the facade to which it is attached or fifteen square feet (15 SF), whichever is greater.
 - (b) The facade sign shall not contain any characters exceeding four feet (4') in height.
 - (c) The highest point of the facade sign shall not extend above the height of the building to which it is attached.
 - (d) In determining the size of facade signs, outside dimensions of the business structure's facade (as defined in Article VIII of these Regulations) shall be used and open spaces included within those dimensions (e.g., windows, archways, etc.) shall be included in the computation of the facade areas.
 - (e) In the B1 District only, up to fifty percent (50%) of the allowable facade sign square footage may be located on the fascia of a gas station canopy. The total area of the facade sign and the canopy sign shall not exceed the total allowed for the facade sign.
 - (f) In the B1 District, up to twenty-five percent (25%) of the allowable facade sign square footage may be located on an awning affixed to the front facade of the structure. The total area of the facade sign and the awning sign shall not exceed the total allowed for the facade sign.
 - (g) In the B1 District, if both a canopy sign and an awning sign are used, the total area of the facade sign, the canopy sign and the awning sign shall not exceed the total allowed for the facade sign.
- (3) In no event may additional signs be attached to or appended from signs as originally approved.
- (4) Window advertising for external display shall be limited to a fixed area of twenty-four square feet (24 SF) in size and shall be neat in appearance. If the window space is not adequate to provide for this, or if the store owner prefers, a bulletin board type unit may be affixed flush with the exterior of the building.
- (5) A bulletin board for posters announcing community affairs, political activities, etc., will be allowed inside the window of a building, visible from outside. If the window space is not adequate to provide for this, or if the store owner prefers, a bulletin board type unit may be affixed flush with the exterior of the building.
- (6) When the location of a new business is not readily apparent, an off – premises directional sign, not to exceed six square feet (6 SF), will be allowed for a period not to exceed sixty (60) days after the new business has opened to the general public.

- (7) Businesses with multiple facades. The Zoning Administrator may approve multiple façade signs for businesses located in areas where more than one façade can be defined according to Section 8.1 (“Façade”).
- (8) Signs for shopping centers:
 - (a) Notwithstanding the requirements of Subsection (F)(1)(a), a shopping center or plaza may erect one (1) freestanding sign, not to exceed eighty-five square feet (85 SF) in area and not to exceed twenty feet (20') in height from ground level. If the shopping center has two major entries separated by at least 1,000 feet, two such freestanding signs may be permitted. Said sign or signs shall have a planter or appropriately furnished base of a configuration approved by the Zoning Administrator unless it is proposed as part of a development requiring site plan review, in which case it shall be approved by the Planning Commission. The planter shall be planted and maintained with appropriate shrubs and/or flowers.
 - (b) A business located in a shopping center may have one facade sign not to exceed five percent (5%) of its portion of the area of the building facade to which it is attached or fifteen square feet (15 SF), whichever is greater. All facade signs shall be compatible with others in the same shopping center as determined by the Zoning Administrator.
 - (c) When all stores in a shopping center do not face a common parking lot, a shopping center or plaza may erect a directory of stores, or a series of small signs not to exceed two square feet (2 SF) each, in a suitable location to be read by pedestrians within the center. In the case of a large center with more than one entrance, additional directories may be allowed at the discretion of the Zoning Administrator.

(G) Signs in the HP-DC and B-DC Districts.

- (1) All signs in these Districts must be approved by the Planning Commission, subject to applicable criteria under site plan review (Section 5.6) and the following:
- (2) Signs shall meet the special provisions of Subsection (F) except that the maximum sign area shall be thirty-five square feet (35 SF) and the maximum sign height shall be fifteen feet (15').
- (3) Signs shall be consistent with all other requirements of this Section (5.9).
- (4) Signs shall be consistent with the purpose and requirements of the HP-DC or B-DC Districts as set forth in Article II.

(H) Nonconforming Signs.

- (1) Signs in districts other than the B1, RB, CTR, B-DC, I1, MXD-C, MXD-PUD, MXD and RPD-I Districts, existing prior to the enactment of these Regulations may be allowed to remain, subject to the following:
 - (a) The sign meets the requirements of Subsections 5.9(C) (General Provisions) and 5.9(D) (Illumination) of these Regulations.
 - (b) The sign is structurally sound and presents no hazard to the public.
 - (2) Permanent signs existing and/or approved prior to the enactment of these Regulations which do not satisfy the provisions of this Section may be repaired and maintained but may not be expanded or replaced.
- (I) **Signs for Nonconforming Uses.** All provisions of this section shall apply to signs for nonconforming uses, regardless of the district in which they are located.
- (J) **Sign Permits and Administration.**
- (1) Any person desiring to erect, install, replace, construct, alter or move a sign shall, prior to doing so, obtain a sign permit from the Zoning Administrator.
 - (a) Application for a sign permit shall be on forms provided by the Zoning Administrator and shall contain detailed plans of the sign, including exact size, wording, illumination, colors and location.
 - (b) Applications for facade sign permits shall also include information regarding the area of the facade on which the sign will be attached.
 - (2) In the event a particular situation is not set forth herein, which in the opinion of the Board of Adjustment is consistent with the philosophy set forth in this Section, the Board of Adjustment, on appeal, may approve the proposed sign, provided that all of the other provisions of this Section are satisfied.

3.11 Surface Waters and Wetlands Protection: These standards are established to provide for and protect buffer areas bordering streams, lakes, ponds and wetlands in the Town of Essex. Buffer requirements under this section are intended to retain, establish, maintain and protect heavily vegetated areas of native species that border surface waters and wetlands, in order to reduce impacts from flooding and stormwater runoff, to prevent soil erosion, to protect wildlife, fish habitat and ecological diversity, and to maintain water quality.

- (A) **Applicability.** The requirements of this section shall apply to all development on existing or proposed lots within designated buffer areas after the effective date of these Regulations (April 14, 2008).
- (1) Buffer requirements under this section apply to all streams, to reservoirs and naturally occurring lakes and ponds with a surface area greater than 21,780 square feet (1/2 acre), and to all naturally occurring Class I and II wetlands, as these features are defined in Section 8.1 (Definitions).
 - (2) For permitted uses the requirements of this section shall be administered by the Zoning Administrator. For all other development, the requirements of this