

Article 303: SIGN ORDINANCE

(Adopted 03/10/2009* ; Amended 03/09/2010)

303.1 PURPOSE

The purpose of regulating signs is to promote and protect the public health, safety and welfare by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types; to serve as a way of appropriately locating businesses; to protect property values; enhance and protect the physical appearance of the community; preserve the scenic and natural beauty and provide a more enjoyable and pleasing community; to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting over public rights of way; provide more open space, and curb the deterioration of natural beauty and community environment.

303.2 DEFINITIONS

- A. Area:** The area of one (1) side of a NOT MORE THAN TWO (2) SIDED SIGN.
- B. Development Project:** Any residential (3 units or more), commercial, industrial or mixed use development plan which is submitted to the Town for approval.
- C. Direct Illumination:** Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.
- D. Directory Board:** A wall sign erected on a building wall at the ground floor level, or free standing and containing name identification for more than one activity or business located on a single building or a group of buildings. Each listing shall be no larger than one (1) square foot. A directory board shall be considered to be one wall sign.
- E. Foot-candle:** A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a

given surface.

F. Free Standing Sign: Unattached to any building. Sandwich boards and similar installations shall be considered free standing signs for purpose of this regulation. Also a sign supported by one or more uprights or braces permanently affixed into the ground is a free-standing sign.

G. Identification Kiosk: A free standing structure erected on a suitable foundation and designed to provide advertising space for a building or a group of buildings containing three or more businesses on a single premises or group of contiguous premises. The Identification kiosk may be an integrated part of a permitted free-standing sign or an additional free-standing sign.

H. Identification Sign: A sign indicating the location of or direction to, a separate function performed within one portion of that building. Examples of identification signs are: "entrance", "exit", "auditorium", etc. Identification signs do not name or advertise the activity conducted within or without the premises.

I. Installed Lighting: Attached, or fixed in place, whether or not connected to a power source.

J. Lumen: The unit used to measure the actual amount of light which is produced by a lamp.

K. Non-Conforming Sign: A sign lawfully existing at the time of adoption of this regulation or any subsequent amendment which does not conform to one (1) or more provisions of this regulation.

L. Opaque: Opaque means that material must not transmit light from an internal illumination source.

M. Outdoor Light Fixtures: Outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, either permanently installed or portable, which are used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights.

N. Portable Sign: A sign not designed or intended to be permanently

affixed into the ground or to a structure. Portable signs are not permitted. Movable directional signs are not considered to be portable signs.

- O. Projecting Sign:** An outdoor sign which is attached to a wall at an angle.
- P. Roof Sign:** A sign located upon or over a roof of a building.
- Q. Sandwich Board Sign:** A moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A.
- R. Sign:** A sign is a name, identification description, display or illustration or any other visual display which is affixed to, painted, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a sign shall not include any display of official court or public office notices or any official traffic control device, nor shall it include the flag, emblem or insignia of a nation, state, county, municipality, or public school.
- S. Sign Area:** The area of one (1) side of a NOT MORE THAN TWO (2) SIDED SIGN. The area of the square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy, insignia, background and borders. The structural supports of a sign are to be excluded in determining the signable area. Where a supporting structure bears more than one sign, all such signs on the structure shall be considered as one sign, and so measured.
- T. Sign, external lighting:** Any sign the facing of which reflects light from a source intentionally directed upon it.
- U. Sign Face:** The surface of a sign visible from the public way. Each sign face counts as one sign. Each sign face counts as one sign except that a sign with two sign faces shall be counted as one sign.
- V. Sign, Internal lighting:** Any sign which has the source of light entirely enclosed within the sign and not directly visible to the eye.

- W. Temporary Sign:** Any sign intended to be displayed for no more than thirty (30) days and without permanent frost resistant anchoring to the ground.
- X. Wall Sign:** An outdoor sign which is attached flat to, painted on, or pinned away from a building wall or part thereof, and does not project more than 18 inches from the wall.
- Y. Wall Sign Area:** The area of the facade of a building up to the roof line. The façade includes the gable areas for pitched roofed buildings.
- Z. Window Sign:** A sign that is affixed to a window or hanging inside a window that is visible from outside of a building. A window sign shall be considered and regulated as a sign that is affixed to a building.
- AA. Visible:** Capable of being seen without visual aid by a person of normal visual acuity.

303.3 SIGN REQUIREMENTS

A. General Provisions

- 1. Sign Approval Required** – Except as otherwise herein provided, no person shall erect, modify or move any signs visible from the public way without first applying for and obtaining a sign approval. In the case of a new commercial or industrial activity, or in the case of a change of or expansion of an existing commercial or industrial activity that falls within the site plan review authority of the Planning Board, sign permits will be included within the site plan review process. In the case where a sign permit is requested for a business not subject to the Planning Board's site plan review authority, the permit will be applied through and granted by the building inspector within the office of the Board of Selectmen. If the sign is located in the Historic Districts Article 102.6 of the Kingston Zoning Ordinance must be followed. Approval shall be required for newly installed signs or expanded signs in all zoning districts which currently include:

- Industrial
- Commercial CI

- Commercial CII
- Commercial CIII
- Rural Residential
- Single family residential
- Single family residential agricultural
- Elderly Housing
- Historic Districts I & II

Changes in sign lighting shall require review. Reductions in sign area shall not require review or approval. Changes in language or fascia shall not require review unless the change also increases the signage, changes the lighting, or represents a new signage area not previously approved.

2. **Maintenance and Conformance of Signs** - No sign shall be erected or altered except in conformity with the provisions herein. The sign must be kept clean, neatly painted and free from all

hazards such as, but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety or constitute a distraction or obstruction that may contribute to traffic accidents.

3. **General Safety Standards for Signs** - No sign, whether new or existing, shall be permitted that causes a sight, traffic, health or welfare hazard or results in a nuisance due to illumination, placement, display, or manner of construction.
4. **Street Numbers** – All signs proposed in the commercial and Industrial zones shall incorporate the businesses street number in the sign design. The street number must be prominent in the design and sized appropriately for the speed of the road upon which the business and sign are located.

5. **Rules for Sign Removal:**

- a. All businesses must remove its sign within ninety (90) days of closing.
- b. All business signs must be “blanked-out” within ninety (90) days of closing by owner of property; standard or post need not be removed.
- c. In a residential setting, sign must be removed at once upon

closing of business.

- d. In a non-conforming setting, a sign must be removed within ninety (90) days of closing, and the standard or platform must be removed within one year of closing of business.
- e. All of the above are based on the sign and stand, platform or standard being in good, safe condition, not posing a safety issue with the public.

- 5. **Exceptions** - For the purpose of this regulation, the term "sign" does not include signs erected and maintained for public safety and welfare or pursuant to and in discharge of any governmental function, or required by law, regulation or governmental regulation.

B. Temporary Signs

The following temporary signs are permitted:

- 1. Temporary Signs Giving Notice. Signs of a temporary nature such as advertisements and other commercial signs of a similar nature are permitted for a period not to exceed thirty (30) days and shall

be removed by the person(s) who posted the signs within forty-eight (48) hours after fulfilling its function. Temporary signs specified in this section shall not be attached or painted to fences, trees, or other natural features, utility poles, or the like and shall not be placed in a position that will obstruct or impair vision or traffic or in any manner create a hazard or disturbance to the health and welfare of the general public.

- 2. Residential Real Estate Developments. Signs located at the entrance for residential developments may be installed until the roadway is accepted by the Town or the last lot is developed, whichever is earlier.
- 3. All temporary signs shall conform to the specific standards in Section D.

C. Provisions.

The following provisions relating to signs are applicable in all districts.

- 1. One sign identifying the name, address and profession of a

permitted home occupation or a lawfully existing nonconforming home occupation is allowed provided such sign does not exceed one (1) sq. ft. in area.

2. A bulletin board or similar sign in connection with any church, museum, library, school or similar public structure not exceeding 12 sq. ft. is allowed. The sign may only be externally lit.
3. No sign shall have visible moving parts, blinking, moving or glaring illumination, or any part consisting of banners, pennants, ribbons, streamers, spinners or other similar devices. No sign shall be of the computer animation type. This regulation does not prohibit a wall name sign consisting solely of a rectangular banner made of a flexible cloth-type material, attached at all corners either perpendicular or flat, and conforming to all of these regulations. In addition, one “Open” flag is permitted per business.
4. A string of lights shall not be used for the purpose of advertising or attracting attention unless as an integral part of a permitted sign.
5. Illuminating signs whose specific purpose is outlining any part of a building, such as a gable, roof, sidewalk or corner, are prohibited.
6. Illumination of building signs shall be permitted from the hours of 7:00 a.m. to 10:00 p.m., except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail, commercial and industrial establishments during such hours as the establishments are lawfully open to the public or work hours are regularly in effect. Free standing signs may be lit twenty-four (24)

hours a day provided they meet the standards of the Town’s lighting ordinance.

7. All businesses shall be limited to one free-standing sign on the lot where the business is located. No signs shall be permitted for any businesses not conducted in Kingston or that are not located on the subject property.

8. In addition to the maximum number and size of signs permitted, directional signs placed at driveway locations, containing no advertising material, having a display area not exceeding five (5) square feet, and not extending higher than seven (7) feet above ground level, are permitted.
9. Legally existing non-conforming signs may continue but may not be altered, or relocated on the same premises unless they are brought into conformance with these regulations. Normal maintenance and repairs are permitted.
10. In addition to the maximum number and size of permitted signs, identification signs may be erected over or by the doorway or entrance to such portion of the building. The sign area shall not exceed ten percent (10%) of the area of such doorway or entrance to such portion of the building.
11. Portable signs are not permitted.

D. Specific Standards

1. The following signs are not regulated by this section:
 - a. Signs displayed internally within the border of a window of a building if the sign or grouping of signs does not occupy more than 30 percent of the surface area of such window and if illuminated shall only be illuminated during hours of operation.
 - b. Directional signs as described in Section C.8.
 - c. Identification signs as described in Section C.10.
2. Free Standing Signs.

Free standing signs shall conform to the following table:

Free Standing Signage			
District	Height	Size	Setback Front/Side property line
Industrial	25 feet	80 sq ft	10 ft / 25 ft

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Commercial (CI, II, III) *	25 feet	80 sq ft	10 ft / 25 ft
Rural Residential	12 feet	24 sq ft	10 ft / 20 ft
Historic I & II	12 feet	24 sq ft	10 ft / 25 ft
Elderly Housing	8 feet	15 sq ft	10 ft/25 ft
Single Family Residential	Not Allowed		
Single Family Residential Agricultural	8 feet	15 sq ft	10 ft / 25 ft

Note: Residential Home Occupations allow a sign not more than two square feet in area.

*** - Including Rural Residential lots abutting Route 125.**

3. Multi-tenant Developments.

- a. The standards of this section for maximum number and maximum square footage of signage are limits which cannot be exceeded, but which do not create any right or entitlement to the maximums.
- b. The standards of this section apply on a per building basis. In calculating allowable signage, each principal building together with its accessory buildings or structures, if any, shall count as one building.
- c. Facilities or developments that have 3 or more separate tenants or businesses may provide for additional signage in accordance with the following table:

Multi-tenant Developments			
District	Identification Kiosk	Height	Size / Sign
Industrial	Yes	12 feet	6 inches X 4 feet per unit
Commercial (CI, II, III)	Yes	12 feet	6 inches X 4 feet per unit
Rural Residential	Yes	12 feet	6 inches X 4 feet per unit
Historic I & II	Yes	12 feet	6 inches X 4 feet per unit
Elderly Housing	Not Allowed	Not allowed	Not Allowed

Single Family Residential	Not Allowed	Not allowed	Not Allowed
Single Family Residential Agricultural	Not Allowed	Not Allowed	Not Allowed

4. Building Signage

Signage on a building is permitted provided that it is placed on a building in conformance with the following table. Signs in windows that exceed 30 % of the individual window area shall be considered building signage.

Building Signage

District	Sign, Area/Sign	% Wall Area	Total Area (not to exceed)
Industrial	N/A	10%	500 sq ft
Commercial (I, II, III) *	N/A	10%	500 sq ft
Rural Residential	24 sq ft	N/A	N/A
Historic I & II	24 sq ft	N/A	N/A
Elderly Housing	2 sq ft	N/A	N/A
Single Family Residential	2 sq ft	N/A	N/A
Single Family Residential Agricultural	2 sq ft	N/A	N/A

N/A means not applicable

* - Including Rural Residential lots abutting Route 125.

5. Sign Lighting.

- a. Building signs that use lighting as text are permitted provided such text is stationary.
- b. Changeable face and text signs are permitted, provided the text changes are limited to one change per 12 hour period.
- c. Sign lighting shall utilize high-efficiency fluorescent, CFL, or

other energy efficient fixtures. LEDs can be utilized for internal lighting or external lighting of the sign face.

- d. External sign lighting shall meet the Town of Kingston lighting ordinance.

Sign Lighting		
District	Internal	External
Industrial	Yes	Yes
Commercial (I, II, III) *	Yes	Yes
Rural Residential	No	Yes
Historic I & II	No	Yes
Elderly Housing	No	Yes
Single Family Residential	No	Yes
Single Family Residential Agricultural	No	Yes

* - Including Rural Residential lots abutting Route 125.

E. Validity and Severability

Should any provision of this regulation be declared by the courts to be invalid, the decision shall not invalidate any other provision of this regulation which can be given effect without the invalid provision, and to this end the provisions of these regulations are severable.

F. Variance Provision

The Board of Adjustment shall have authority to allow slight variances from the specific terms of this Ordinance in accordance with Article 1401.