

DO NOT
REMOVE

DO NOT
REMOVE

DO NOT
REMOVE

TOWN OF WEST WARWICK

ORDINANCE

OF THE

TOWN COUNCIL

ORDINANCE NO. 2006 - 5

AN ORDINANCE DELETING CHAPTER 20 – SIGN ORDINANCE FROM THE WEST WARWICK CODE AND ADDING THE INFORMATION TO APPENDIX A – ZONING

WHEREAS: Information related to sign standards should be located within the zoning section of the Town Code;

NOW, THEREFORE, IT IS HEREBY ORDAINED that the Town Council of the Town of West Warwick that Chapter 20 – SIGNS be deleted and replaced as follows:

5.10 Signs

5.10.1

(a) Authority for this chapter is granted under the Rhode Island Zoning Enabling Act, Chapter 45-24. Additional authority for this article is granted by G.L. 1956, tit. 24, Ch. 7, § 24-7-1 (Power of towns to establish and regulate sidewalks).

(b) The purpose of this sign ordinance is to: encourage the effective use of signs as a means of communications in the town; to maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of this sign ordinance.
(Ord. No. 2000-21, 12-5-00)

5.10.2 Definitions.

Sign definitions are provided to clarify and distinguish the range of possible structures and formats associated with signage. Defined signs are permitted in all zones as provided herein, unless restricted geographically by zone in the sign table. Words and phrases used in this chapter shall have the meanings set forth in this chapter. Words and phrases not defined in this chapter, but defined in other ordinances of the town shall be given the

meanings set forth in such ordinance. Principles for computing sign areas and sign heights are contained in section 20-3. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Chapter and section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

Animated sign. Any sign that uses movement or change or lighting to depict action or create a special effect and/or scene. Electronic message display devices are considered animated signs unless the message is fixed and does not flash, move, or change message text on an intermittent basis.

Awning. Any temporary or retractable covering or shelter which is supported entirely by the exterior wall of a building (see also "canopy sign").

Awning sign. See "canopy sign."

Balloon/Inflatable Object. Any object and/or sign filled with helium or other gas or air used to expand its shape and/or form. Such objects are considered advertising devices and are prohibited.

Banner. Any sign or fabric or similar material that is mounted to a pole, building, or other structural support. Street banners are those banners installed so as to hang across a public road or thoroughfare for governmental sponsored and nonprofit purposes, and may be installed for a period not to exceed 30 days within a six-month period per organization. Such installation may only be made following written notification to the building official. Storefront banners are any kind of banner installed on private property.

Billboards. Any off-premises sign exceeding 15 square feet in area.

Bracket. The device used to attach and support a sign face to a building or freestanding structure.

Building marker. Any sign indicating the name of a building and/or date and/or incidental information about its history or construction, which sign is incombustible material and is attached parallel to the surface of the building. Building markers may not exceed four square feet in height.

Bulletin board. A board or wall area on which bulletins, notices, or displays are temporarily posted. Such signs may not exceed five square feet in area for public, charitable or religious institutions when located upon the premises of said institutions.

Canopy. A roof-like projection, or portico, over a door, entrance, window or outdoor service area, including, but not limited to, industry standard gas station roofs independent of an enclosed structure.

Canopy sign. Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. (A marquee is not a canopy sign). Where canopy signs are permitted, they shall be allowed in lieu of wall signs. The maximum width of the area of a sign display shall be 70 percent of the linear frontage associated with the business. The maximum height of the sign display shall be 36 inches.

Commercial message. Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

Construction sign. Any sign whose purpose is to display the name of the contractor and/or subcontractors employed on a work site, and/or the consultants and/or financial institutions participating in the project, such signs shall be either freestanding or attached to the structure and shall not exceed 12 square feet in residential zones or 30 square feet in all other zones. Such signs shall be temporary in nature and shall be removed upon completion of construction. This definition does not include signs located on the premises of the general offices of a contractor.

Directional sign. Any sign whose purpose is to direct vehicles and/or pedestrians onto, around, and off of premises.

Directory sign. A wall sign which provides dedicated space for listings of two or more professional, service, business and/or commercial activities and is designed and constructed with provision to allow changes of occupancy to be reflected on the sign. One such sign shall be permitted per building, either as a wall directory sign or as a freestanding directory sign. Wall sign directories are permitted in lieu of individual wall signs, but such sign areas shall be no greater than 40 square feet. Freestanding directory signs are permitted in lieu of freestanding signs or monument signs and shall not exceed 15 feet in height or 60 square feet in sign area.

Electronic message display device. An electronic device that utilizes LED (light emitting diodes), or other similar technology to display scripted messages or displays on a display panel. Such signs are allowed by special permit, except for "menu" system signs, and are limited as a component of freestanding signs and

wall signs, and cannot exceed twenty five percent (25%) of the total allowed area of each type of sign.

Externally illuminated sign. Any sign whose light source is located outside of the sign. This includes, but is not limited to, spotlights.

Financing sign. See "construction sign."

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, words and/or symbols. Up to three flags shall be permitted per business or residence. Flags attached to a building shall be displayed at a height where the lowest portion of flag material is a minimum of seven feet off the ground if hanging over a public right-of-way. Standing flags shall be allowed in existing flag holes in the sidewalk within the village commercial (VC) district without a minimum clearance restriction.

Flashing sign. See "animated sign."

Freestanding sign. Any sign supported by a structural device or devices that is placed on, or anchored into, the ground and that is independent from any building. One freestanding sign shall be permitted per lot (as provided for in the sign table), with a maximum visible sign area of 40 square feet (see also section 20-3, Computations) and a minimum sign clearance of eight feet between the grade and the base of the lowest part of the sign to ensure adequate site clearance for pedestrians and vehicles. Maximum sign height shall be 15 feet. Freestanding signs may contain an electronic message display device that is limited to twenty five percent (25%) of the total allowed sign area, by Special Permit.

Gas filled sign. Any sign internally colored by gases not specifically prohibited in section 20-5(9) of this chapter.

Gas station signs. Signs necessary to the operation of filling and service stations limited to the following:

- (1) Lettering on buildings displayed over individual entrance doors consisting of the words "washing," "lubrication", "repairing," and/or words of similar relevance, provided that there shall not be more than one such sign centered over each entrance, and that the sign area shall not exceed 12 inches in height.
- (2) Lettering or other insignia which are part of a gasoline pump, consisting only of a brand name, lead warning sign, price and other signs required by law.

(3) A credit card sign not exceeding one square foot in area, affixed to the building or window.

(4) Other signs as permitted by this chapter.

Government signs. Signs erected by or on behalf of the United States of America, the State of Rhode Island and the Town of West Warwick, traffic controls, legal notices, or other signs required by law including all signs erected under the authority of the town on town owned or controlled land. The town shall have the ability to erect such signs without sign approval.

Internally illuminated sign. Any sign, exclusive of gas filled signs, whose light source is located behind and/or within the sign itself or behind and/or within any individual element(s) of a sign.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "loading zone," "telephone," and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Legal nonconforming sign.

(1) A sign which was erected legally prior to the enactment of this chapter;

(2) A sign which does not conform to the sign code requirement, for which zoning relief has been granted through the zoning board of review.

Lot frontage. Roadway frontage on a local access road.

Marquee. Any permanent roof-like structure projecting beyond a building which is used as a theater.

Marquee sign. Any sign attached to, in any manner, or made part of a marquee.

Monument sign. Any freestanding sign whose base is in contact with or within one foot of the ground. Where permitted, only one monument sign shall be allowed per lot in lieu of a freestanding sign and shall have a maximum sign area of 50 square feet and shall be set back a minimum of ten feet from all property lines. Maximum sign height shall be eight feet.

Moving sign. Any sign moved by mechanical or natural means, such as wind.

Murals. A picture or painting applied directly to a wall or roof of a structure containing no written copy or text.

Nameplate. Material on which a name and/or professional designation is inscribed or painted. Professional nameplates shall indicate a name and/or professional designation and/or affiliation and shall not exceed one square foot per professional occupant. Residential nameplates shall display the name and address or resident and shall not exceed one square foot in area. All such nameplates shall be affixed either to a door, adjacent wall of the premises or a lamp post/mail box.

Neon. See "gas filled sign."

Nonconforming sign. Any sign that does not conform to the requirements of this chapter. Off-premises sign, any sign advertising or calling attention to an activity, product or service not available within a building or upon the parcel of land where it is located. Temporary off-premises signs for nonprofit events are permitted for a period of seven days prior to the scheduled event and shall be removed within two days following the event. Such signs are prohibited from public property including right-of-ways and may not exceed six square feet in total sign area. Written notification shall be made to the building official and planning department prior to installation of the signs. Such notification shall include, but not be limited to, written permission or private property owner(s), location of signs, size of signs, dates of display and removal.

Peddler's signs. Any wall sign or perpendicular sign which is a part of and affixed to a permitted peddler's vehicle.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or line usually in series, designed to move in the wind.

Political sign. Any sign displayed so as to advise voters of a candidate or position in a forthcoming election. Each lot shall be allowed without permit one sign per candidate or issue, each sign not to exceed eight square feet. Off-premises political signs are prohibited. All political signs must be removed within seven days of the political election or event.

Portable sign. Any mobile sign not permanently attached to the ground or permanent structure, or a sign which may be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-

day operations of the business. Sandwich board signs as described and regulated elsewhere in this chapter shall not be considered portable.

Principal building. The building in which the principal use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting sign. Any sign affixed to a building or wall in such a manner that it extends more than ten inches beyond the surface of such building or wall. Such signs shall be permitted in lieu of freestanding signs or monument signs. Only one projecting sign shall be permitted per business and shall be perpendicular to the wall to which it is attached, its nearest edge being no less than three inches and its furthest edge projecting no greater than 48 inches from the wall. The projecting sign shall have a maximum sign area of ten square feet and its lowest edge shall be a minimum of eight feet from the ground. Refer to section 20-8 for indemnification provisions.

Real estate sign. Any temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale. Residential real estate signs shall be permitted for individual residential properties and shall not exceed six square feet in area. Only one residential real estate sign per lot shall be permitted. Commercial and industrial real estate signs shall be permitted for industrial and commercial properties and shall not exceed 32 square feet in area. All residential, commercial and industrial signs shall be removed within two weeks of the sale or lease of the property or unit. Subdivision real estate signs shall be permitted for subdivisions of five or more lots. One common sign with a maximum sign area of 32 square feet shall be permitted.

Residential sign. Any single faced wall sign or freestanding sign in a residential zone including, but not limited to, preservation plaques, bed and breakfast signs, and political signs. Freestanding signs of this nature shall have an area not exceeding four square feet, shall be no greater than four feet in height overall and shall be located a minimum of five feet from all property lines.

Residential zone use sign. A wall sign or freestanding sign whose sign display is not to exceed 12 square feet and is used on premises for church, hospital, library, museum, art gallery or charitable purposes.

Roof sign. Any sign erected over or on the roof of a building and which is supported by the roof structure.

Sandwich board sign. Any double-sided portable sign designed as an "A" or "T" frame, typically hinged or joined at one or more points. One such sign shall be permitted in the village commercial zone only, and shall be located so as to provide a public passage of a minimum of three feet on any public right-of-way. Each face of the double-sided sign shall not exceed six square feet in area. No driveways, doorways, walkways or handicap ramps may be blocked by the sign. Sandwich board signs shall not be attached to any public structure or street furniture.

Searchlight. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Sign. Any device, fixture, display, placard or structure that uses any color, form, graphic, illumination, symbol, and/or writing to advertise, announce the purposes of, or identify the purpose of a person or entity, or to communicate the information of any kind to the public. A wall sign shall consist of both a sign face and bracket.

Subdivision identification sign. One freestanding permanent sign may be installed at all exclusive entrances to a development. Each sign shall have a maximum sign area of 16 square feet. These signs shall not be located within the public right-of-way or on town owned or controlled land.

Temporary sign. Any sign that is used for a limited time and is not permanently installed or erected.

Town. All governmental entities of the Town of West Warwick, including, but not limited to, town municipal offices and the school department.

Wall sign. Any sign attached parallel to, but within ten inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface, and is attached flush with such wall or building. One such sign shall be permitted per business per building face. The maximum width of the sign display shall not exceed 70 percent of the linear frontage associated with the business unit and may either be a total of 30 square feet in area or a maximum of 36 inches in height and no greater than six inches from the wall in the village commercial zone, or a maximum of 48 inches in height and not greater than ten inches from the wall in the business, commercial-industrial and business park zones.

Window sign. Any sign that is placed inside a window, upon the window panes or glass, or within 12 inches of the window (exclusive of merchandise display). Permanent

Nonprofit	N	N	N	N	Y	Y	Y	N
Pennants	N	N	N	N	Y	N	N	Y
Political signs	Y	Y	Y	Y	Y	Y	Y	Y
Portable signs	N	N	N	N	N	N	N	N
Private parking lot sign	Y	Y	Y	Y	Y	Y	Y	Y
Real estate:								
Residential	Y	Y	Y	Y	Y	Y	Y	Y
Commercial	Y	Y	Y	Y	Y	Y	Y	Y
Industrial	Y	Y	Y	Y	Y	Y	Y	Y
Roof signs	N	N	N	N	N	N	N	N
Sandwich board signs	N	N	N	N	N	N	N	Y
Wall Sign	N	N	N	N	Y/S	Y/S	Y/S	Y/S

(Ord. No. 2000-21, 12-5-00)

Sec. 5.10.4. General provisions.

- (a) Permitted signs. The installation, enlargement, reduction or relocation of (permitted) signs in all zones are allowed as indicated in the sign table following approval by the building official.
- (b) Changes to nonconforming signs. Enlargement or relocation of legal nonconforming signs require additional approval from the zoning board of review as described elsewhere in the zoning ordinance.
- (c) State building code. Within all zones and districts, all signs shall comply with applicable provisions of the state building code and the National Electric Code.
- (d) Sign maintenance. Within all zones, all signs shall be maintained in good structural condition, in compliance with section 20-4(c) and in conformance with this chapter (unless otherwise allowed through the zoning board of review) at all times.

(e) Illumination. Within all zones, all signs may be illuminated under the following criteria:

(1) Internal illumination or back lighting of signs is permitted in all zones, except that in the village commercial zone restrictions are (a) the background is darker than the letters placed against it; (b) the background is opaqued; (c) the background is ivory or similar shade to give the impression of opaquing.

(2) Signs may be illuminated by a stationary white or off-white steady light only. These lights shall not provide glare, nor shall they direct lights or shine off the premises.

(f) Alteration of sign faces. Any legally existing sign faces (including legal nonconforming sign faces) may be altered either to update the sign content or to reflect new information provided the alteration does not result in any change in the sign's size, extent, location or illumination.

(g) Criteria for review. All sign proposals shall be evaluated under the following guidelines:

(1) Compliance with ordinances;

(2) Clarity of design and message;

(3) In addition to the criteria listed in subsections (1) and (2), all proposals will be subject to any design district guidelines adopted subsequent to this chapter.

(h) Brackets. All sign brackets which have been abandoned for a period of one year shall be removed. (See also section 20-5 regarding sign abandonment). (Ord. No. 2000-21, 12-5-00)

Sec. 5.10.5. Prohibitions.

In addition to the signs described as prohibited under the sign table in section 20-4, the following signs and sign materials are also expressly prohibited by this chapter.

(a) Off-premises signs unless otherwise permitted under provisions of this chapter.

(b) Signs which advertise an activity, business, product or service no longer produced or conducted on the premises upon which the sign is located. No such sign shall remain in place or on vacated premises for more than one year from the date the vacancy commenced.

- (c) Signs which are attached to natural features, stone walls, utility poles, utility boxes, traffic signs, fences or highway structures.
 - (d) Signs placed on or against trailers or vehicles, whether registered or unregistered.
 - (e) Signs in the public right-of-way, except as provided for elsewhere in this chapter and except for those installed by the government.
 - (f) Signs which imitate, and may be confused with, an official traffic control sign or signal, or an emergency or road equipment vehicle.
 - (g) All other signs which have not been expressly permitted within this article.
 - (h) All existing signs erected without the necessary approvals and/or permits.
 - (i) Sign materials identified as pennants, streamers, spinners and other moving devices are prohibited in all zones with the exception of village commercial.
 - (j) Sign material identified as exposed polycarbonate, fluorescent and phosphorescent signs are prohibited in all zones, except that traditional "neon" signs shall be permitted in all zones and districts.
- (Ord. No. 2000-21, 12-5-00)

Sec. 5.10.6. Nonconforming signs.

- (a) A sign shall immediately lose its legal nonconforming status when:
 - (1) The sign is enlarged or reduced without approvals (see also section 20-8 of this chapter).
 - (2) The sign is relocated without approvals (see section 2-8).
 - (3) The sign advertises or calls attention to any products, businesses or activities which have not been carried on or sold at the premises for the past one year.
 - (4) The sign shall not have been repaired or properly maintained within 30 days after written notice to that effect has been given by the building official.
 - (5) The sign is removed and replaced with another nonconforming sign, regardless of its size.

(b) A sign shall not lose its legal nonconforming status when:

(1) A wall sign is removed for construction, painting and/or restoration of the building provided that the sign is returned to its location within 30 days of completion of the building work.

(2) The sign is removed to facilitate repair, maintenance and/or repainting and replaced immediately upon completion of such work.

(c) No sign that had been erected in violation of any previously existing sign provisions of the town zoning ordinance shall, by virtue of adoption of the ordinance from which this chapter derives, become legal nonconforming.

(d) The town reserves the right to remove any signs located in a public right-of-way that are in violation of: (1) zoning provisions preceding the ordinance from which this chapter derives; (2) provisions of this chapter. Such removal cost will be charged to the business or party responsible for placement of the nonconforming sign.

(Ord. No. 2000-21, 12-5-00)

Sec. 5.10.7. Exempt signs.

The following signs are exempt from the provisions of this chapter, and may be installed without a permit from the building official:

(a) Residence signs, not exceeding a total of two square feet, displaying the name and address of the occupant or resident of the premises.

(b) Real estate signs advertising sale or rent, or signs naming the builder, architect, developer, or engineer of a project in progress, placed on the premises and in conformance with dimensions under section 20-2, Definitions.

(c) Notices of tag, yard or garage sales may be erected. A maximum of four signs per sale, not to exceed a total of two square feet per sign, may be erected on their own post, provided the sale is licensed by the Town Clerk. All signs must be removed within 48 hours of the sale.

(d) Signs prohibiting trespass, hunting and the like, signs warning of danger, such as "high voltage," and necessary public utility signs, not to exceed a total area of two square feet.

(b) The application for a sign permit shall be accompanied by a sketch plan of site and elevation drawings of the proposed sign, caption of the proposed sign, and such other data as are pertinent to the application and consistent with this chapter as determined by the building official.

Sec. 5.10.10. Appeals

The Zoning Board of Review may hear and grant relief from the provisions of this Section 5.10 by way of Special Use Permit as provided in Section 10. In addition, any person who has been denied a sign permit for any reason may appeal the decision of the Building Official to the Zoning Board of Review as provided in Section 32 hereof.

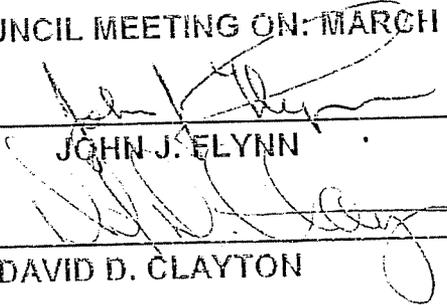
AN ORDINANCE DELETING CHAPTER 20 – SIGN ORDINANCE FROM THE WEST WARWICK CODE AND ADDING THE INFORMATION TO APPENDIX A – ZONING

POSTED: MARCH 1, 2006

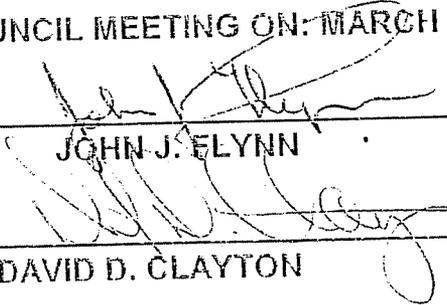
FIRST READING AT COUNCIL MEETING ON: MARCH 7, 2006

SECOND READING AT COUNCIL MEETING ON: MARCH 21, 2006

COUNCIL PRESIDENT: _____


JOHN J. ELYNN

TOWN CLERK: _____


DAVID D. CLAYTON

ADVERTISED IN: KENT COUNTY TIMES ON MARCH 24, 2006

THIS ORDINANCE WILL TAKE EFFECT ON: APRIL 12, 2006