



## Legislation Text

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ZONING AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS CREATING A NEW SECTION 60.3 TO THE ZONING ORDINANCE, AMENDING AND RESTATING SECTIONS 27 AND 44 PERTAINING TO ON-PREMISES SIGNS IN ALL ZONING DISTRICTS, INCLUDING MINOR EDITS TO SECTION 44.1 OFF PREMISES SIGNS.

WHEREAS: The City of New Haven has experienced the emergence of new signage that warrants new categorization and regulation; and

WHEREAS: the unique nature of this signage, has created quality of life concerns for residents and businesses in New Haven neighborhoods.

NOW, THEREFORE, BE IT ORDAINED that the New Haven Zoning Ordinance is amended as follows:

**ADD NEW SECTION:**

The following proposed Section 60.3 will amend and restate the following provisions:

- Section 27. - Signs. This Section is proposed to be marked "Reserved."
- Section 44. On Premises Signs. This Section is proposed to be marked "Reserved."
- Section 44.1. - Off Premises Signs. This Section is proposed to be deleted.

**RENAME AND REORGANIZE ARTICLES:**

Create new ARTICLE VII. - SITE REQUIREMENTS Move the Article on ADMINISTRATION to Article VIII.

**SECTION 60.3 SIGNS**

60.3.1 *Purpose.* To promote appropriate and attractive signage that protects public health, safety and welfare; reduces traffic and pedestrian hazards; promotes economic development; protects property values; provides adequate wayfinding for multimodal transportation; preserves neighborhood aesthetics; and furthers the general purpose of the zoning ordinance.

60.3.2 *Applicability.* The standards herein apply to all signs in the following situations:

- A. New and renovated signage. Renovations include, without limitation, changes to mounting height, location, size, and quantity and conversion to digital or lit displays. Renovations do not include routine maintenance such as cleaning, substantially similar replacement, or changing or replacing of like-kind lighting components that do not result in a greater lumen output.
- B. A change of use.
- C. Signage associated with applications otherwise subject to site plan approval under Section 64(f) of the zoning ordinance.
- D. No vested right is ever created in existing electronic signage such that if the ordinance governing operational aspects of such signage (e.g. dwell time, transitions, illumination, brightness) are modified, then sign owners and operators are required to bring signs into compliance.
- E. Any sign authorized in this ordinance can contain non-commercial copy in lieu of other copy.

60.3.3 *Illumination.* A sign may be illuminated if illumination is confined to or directed toward the surface of the signs. There will be no flashing, shimmering or glittering lights located on or adjacent to such sign. Signs may be directly lit or indirectly lit. In no event, will Glare can be visible on adjacent properties or public areas. The illumination of any sign, Directly-Illuminated

Sign or Indirectly-Illuminated Sign, cannot exceed 250 nits at the sign face during the day and 125 nits between dusk and dawn, with no greater than .1 footcandles of light trespass onto adjacent property. For Directly-Illuminated Signs, including back-lit signs, to reduce light trespass from the translucent sign surface, the sign must consist of a dark colored background with light-colored lettering, logos, or symbols. Illumination of Dynamic Displays must comply with the provisions of Section

60.3.9. Indirectly-Illuminated Signs must comply with the provisions of Section 60.1.

60.3.4 *Reserved.*

#### 60.3.5 *Permitted Sign Types by Zoning District*

Table 60.3.5 Summary of Permitted Sign Types by Zoning District

| KEY: R - Permitted As-of-Right; SP - Special Permit; SE - Special Exception X - Not Permitted |                |                       |                |             |    |    |             |    |                   |
|---|----------------|-----------------------|----------------|-------------|----|----|-------------|----|-------------------|
|   | RS-1 &<br>RS-2 | RM-1,<br>RM-2 &<br>RO | RH-1 &<br>RH-2 | BA<br>Zones | BB | BC | BD<br>Zones | BE | Industry<br>Zones |
| Wall Sign   | X              | R                     | R              | R           | R  | R  | R           | R  | R                 |
| Awning S  | X              | R                     | R              | R           | R  | R  | R           | R  | R                 |
| Canopy-<br>Mounted<br>Signs   | X              | X                     | SP             | R           | R  | R  | SP          | X  | R                 |
| Marquee<br>Signs  | X              | X                     | X              | SP          | SP | X  | R           | SP | X                 |
| Pole Sign   | X              | X                     | R              | R           | R  | R  | R           | R  | R                 |
| Roof Sign   | X              | X                     | X              | X           | X  | X  | X           | X  | X                 |
| Window S  | X              | X                     | X              | R           | R  | R  | R           | R  | R                 |
| Blade Sig   | X              | R                     | R              | R           | R  | R  | R           | R  | X                 |
| Monument<br>Sign  | X              | X                     | SP             | SP          | X  | X  | SP          | X  | SP                |
| Painted<br>Signs  | X              | X                     | SP             | SP          | SP | SP | SP          | SP | SP                |
| Dynamic<br>Display  | X              | X                     | X              | SP          | X  | X  | SP          | SP | SP                |
| Temporary<br>Sign   | R              | R                     | R              | R           | R  | R  | R           | R  | R                 |
| Mini-Panor<br>Signs   | X              | X                     | X              | X           | X  | X  | X           | X  | X                 |

Note: Off-Premises Signs are permitted in accordance with Section 60.3.8.

#### 60.3.6 *On-Premises Signs in Residential Zoning Districts.*

- A. Size. On-Premises Signs in Residential Zoning Districts cannot exceed six (6) square feet except for those signs associated with establishments providing goods or services under Section 31 of this ordinance or providing accessory retail goods or services in an RH-2 District, which signs are not to exceed six (6) square feet or ten percent(10%) of the area of the ground floor wall surface on which such sign is located, including window and door area, whichever is greater.

- B. Number. One sign is permitted per lot, except if it is a one- 2- or 3- dwelling unit lot, then no sign is permitted. Two signs are permitted for corner lots.
- C. Illumination. Signs may be non-illuminated signs, Indirectly-Illuminated Signs, or Directly-Illuminated Signs, except in the RS-1 and RS-2 zoning districts where Directly-Illuminated Signs are not permitted. Indirectly-Illuminated Signs must comply with Section 60.1 of the ordinance.
- D. Additional Requirements. Signs in Residential Districts must meet the following design and location requirements:
  - i. No sign can be located above the ground floor of any building or more than 20 feet high, whichever is less. The maximum height of Signs will be measured from grade below the sign, except for pole-mounted signs, which will be calculated from the grade of the curb at the closest point to the pole-mounted sign to the top of the sign.
  - ii. No Pole Sign can be located closer to the street than one-half of the front yard required in that zoning district. Where the front yard is non- conforming, this calculation is based off the required front yard. Where it is infeasible to comply with this provision, a special exception may be requested at the Board of Zoning Appeals to request a feasible, appropriate alternative distance from the street.
  - iii. Where the public entrance is not on the front façade, the Staff, the Commission, or the Board of Zoning Appeals, as applicable, may permit a secondary entrance sign of a permitted type, no more than three (3) square feet in area.
- E. Notwithstanding the other provisions of this Section, signs for churches, schools, or other public or semi-public institutions and civic bodies must be located at least 10 feet inside any lot line and not to exceed 20 square feet in area. These uses fronting on two or more streets are entitled to a sign on each street.
- F. Directional signage required by building code or the Department of Transportation, Traffic and Parking is exempt.

#### 60.3.7 On-Premises Signs in Business, Downtown, and Industrial Districts.

##### A. Size.

- i. The total area for all on-premise Signs cannot exceed:

|                                  |  |
|----------------------------------|--|
| BB, BC, BE, and Industrial Zones | 2 square feet per linear foot of front building wall (or length of the portion of the building that is devoted to such establishment). |
| BA Districts                     | 3 square feet per linear foot of front building wall (or length of the portion of the building that is devoted to such establishment). |
| BD Districts                     | 4 square feet per linear foot of front building wall (or length of the portion of the building that is devoted to such establishment). |

- ii. If such establishment is operating without a building, or in a building covering less than 100 square feet of lot area, the maximum total area of on-premise signs is 1 square foot per linear foot of street frontage.
- iii. If such building fronts on two or more streets, the sign area is calculated based on the linear length one the longest building wall fronting on a street.
- iv. If such establishment does not occupy any floor area on the ground level of the building (other than an entryway), the maximum area of On-Premise Signs is 1 square foot per linear foot of the front building wall.
- v. Window Signs on the inside or outside of windows are excluded from the computation, unless the area of the Window Sign is equal to or greater than 50% of the area of the window it occupies. De minimus signage displaying the hours of operation, and whether open or closed, does not count toward the computation. Window signs may be Directly-Illuminated Signs. No more than

20% of continuous windows may be covered with signs.

- vi. Wall Signs must be mounted against the building wall or within 5 feet of the building wall, and notwithstanding the other provisions of this Section, may not exceed one-third the area of the wall (including windows and doors) on which it is located. Wall signs may not extend past the edge of any wall.
- B. Number. Each lot may have up to 3 signs, or one sign per business on the lot, whichever is greater. The area of all signs on the lot must not exceed the total area permitted in Section 60.3.7.A above. Lots may have a mix of sign types as permitted in Section 60.3.5. However, a lot may never have more than one Pole Sign or electronic sign and never both. The Board of Zoning Appeals may grant a Special Exception for more than one Pole Sign or electronic sign or both on a single lot in its discretion if the proposed signs do not conflict with the purpose of this Section.
- C. Illumination. Signs may be non-illuminated signs, Indirectly-Illuminated Signs, or Directly-Illuminated Signs. Illuminated Signs must comply with the relevant provisions of this section. Indirectly Illuminated Signs must comply with Section 60.1 of the ordinance.
- D. Additional Requirements.
  - i. The maximum height of signs will be measured from average grade directly below the sign, except for pole-mounted signs, which will be calculated from the grade of the curb at the closest point to the pole-mounted sign to the top of the sign.
  - ii. Where the public entrance is not on the front façade, the Staff, the Commission, or the Board of Zoning Appeals, as applicable, may permit a secondary entrance sign of a permitted type, no more than three (3) square feet in area.
  - iii. Directional signage required by building code of the Department of Transportation, Traffic and Parking is exempt.

#### 60.3.8 Off-Premises Signs.

##### A. Off-Premises Sign Development Standards

|                              |                                 |
|------------------------------|---------------------------------|
| Maximum Sign Area (Sq. Ft.)  | 900                             |
| Typical Height x Width (Ft.) | 18 x 48                         |
| Maximum Height (Ft.)         | 30                              |
| Minimum Spacing              | 1,500 feet <sup>1</sup>         |
| Permitted Locations          | BA, BB, BE, IL, IH <sup>2</sup> |

<sup>1</sup> Minimum Linear Spacing in feet between Off-Premises Signs on the same side of a limited access highway within the Bulletin and Spectacular Sign Zoning Map Overlay District only.

<sup>2</sup> Within the Bulletin and Spectacular Sign Zoning Map Overlay District.

##### B. Locations Prohibited for Off-Premises Signs.

- i. Within any Residence District (RS-1, RS-2, RM-1, RM-2, RH-1, RH-2, RO) or the BA-1, BC, BD, BD-1, or BD-3 Business Districts.
- ii. On the roof of any building more than two stories in height, whether the building is in use or not;
- iii. Directly painted on a wall of any building unless otherwise approved by Special Permit;
- iv. On or over a public right-of-way or public property;
- v. In or within 250 feet of any PARK district;
- vi. In or within 250 feet of any National Register Historic District or local historic district;
- vii. Within 1,500 feet of another off-premises sign, measured from the closest points between such signs on the same side of a limited access highway oriented to the same travel direction;
- viii. State Route 15 (SR-15);
- ix. Interstate 95 (I-95) from Howard Avenue easterly to Water Street; or x. Interstate 91 (I-91)

northbound side from Quinnipiac River to Foxon  
Boulevard (SR-80).

- C. Height Restrictions. The maximum height of a sign is 30 feet. The permitted maximum height is calculated from the closest curb of the local street or limited access highway to which the Off-Premises Sign is oriented, to the top of the sign.
- D. Design Restrictions. Off-Premises Signs cannot contain any of the following:
  - i. Moving parts; or
  - ii. Appendages, cut-out letters of figures that exceed 20 percent of the permitted off premises sign area or that protrude more than 12 inches beyond the flat surface of the sign face; or
  - iii. Lights that flash, shimmer, glitter or lights that give the appearance of flashing, shimmering or glittering. Exceptions to this restriction include time, temperature and smog index units, provided the frequency of change is more than a five-second interval; or
  - iv. Walls or screens at the base of the off premises sign which create a hazard to public safety or provide an attractive nuisance; or
  - v. Devices which emit audible sound, odor or particulate matter.
- E. Performance Standards.
  - i. Maintenance. All Off-Premises Signs and components thereof must be maintained in good repair and in a safe, neat and clean condition.
  - ii. Unsafe Off-Premises Signs. The Building Official may cause to have removed or repaired immediately without written notice any off premises sign which, in his or her opinion, has become insecure, in danger of falling, or otherwise unsafe, and as such, presents an immediate threat to public safety. If such action is necessary to render an Off-Premises Sign safe, the owner or lessee bears the cost of emergency removal or repair.
  - iii. Abandoned Off-Premises Signs. Any Off-Premises Sign located on property which becomes vacant and is unoccupied for a period of two years or more is deemed abandoned. Owner or lessee of the property on which the Off- Premises Sign is located must remove it. If the owner or lessee fails to remove the Off-Premises Sign, the Zoning Enforcement Officer will give the property owner or lessee written notice to remove it within 15 days. Upon failure to comply with this notice, the zoning enforcement officer may initiate such action as may be necessary to gain compliance with the provisions herein.
  - iv. Lighting. All external lighting must be directed onto the display surface only.  
Glare may not shine onto adjacent properties or public areas. All service wiring in excess of 250 feet length for Off-Premises Signs must be underground.
  - v. Clearance. Off-Premises Signs projecting over a driveway or driving aisle must have a minimum clearance of 16 feet between the lowest point of the off premises sign and driveway grade and over a pedestrian walkway a minimum clearance of eight feet six inches (8' 6") between the lowest point of the off premises sign and the walkway grade.