

§ 99-25 **Signs.**

[Amended 3-11-1980 by L.L. No. 1-1980; 8-24-1982 by L.L. No. 4-1982; 11-22-1983 by L.L. No. 1-1983]

A.

General regulations. The regulations contained in this section shall apply to all signs in all use districts in the Village. No sign shall be erected, maintained or altered in any district except in conformity with the provisions of this section.

(1)

Any illuminated sign shall employ only lights emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign be so placed or directed as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. Strings of lights shall not be used for advertising, outlining buildings or features of buildings, or otherwise attracting attention, except that holiday lights shall be permitted in season.

(2)

Exposed neon tubing in all exterior signage is not permitted.

[Amended 9-14-1999 by L.L. No. 2-1999]

(a)

One exposed neon tubing sign per business establishment at a first-floor, interior location within three feet of a window shall be permitted if it meets the following requirements:

[1]

Two lines with lettering no higher than five inches each or longer than 18 inches or;

[2]

One line with lettering, no higher than 10 inches or longer than 18 inches.

(b)

Neon signs advertising registered trademarks or products are not permitted.

(3)

No sign shall be erected or maintained on the face of a building so that any portion shall extend above the base of the roofline or above the first story of a multistory building, and in no case shall any such sign extend more than 16 feet above ground level measured to the top of the sign, except as hereinafter provided.

(4)

No sign shall be placed, wholly or in part, on, over or above any roof or roof structure.

(5)

No portable or temporary sign shall be erected or maintained in any district, except as hereinafter provided.

(6)

No sign or part thereof containing or consisting of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices shall be permitted.

(7)

Signs shall not be located in such a manner as to restrict vision or impair safety.

(8)

Entrance markers, signs posted on walls, decorative lamps or similar structures designating subdivisions are prohibited on public or Village property.

(9)

No sign shall be erected on or project into the street or public right-of-way, except as hereinafter provided.

(10)

No person shall post or affix any notice, poster or other device to any building, structure or premises, except as may be authorized or required by law.

(11)

All signs, including supporting parts, must be constructed of durable materials and shall be maintained in good condition and appearance. All signs shall comply with applicable provisions of the New York State Building Construction Code.

(12)

For the purpose of this section, the term "sign" does not include any sign erected and maintained pursuant to and in the discharge of any lawful governmental function, or required by any valid law, ordinance or governmental regulation.

(13)

Signs for the purpose of advertising products, services or businesses other than those actually located or available on the premises containing the business are prohibited, except those signs permitted under Subsection B(1)(b) below.

(14)

Except as hereinafter provided, no sign shall be erected or maintained so as to cover or obscure windows, doors, architectural features or other permanent fixtures of a building or structure.

(15)

All permitted freestanding and projecting signs shall be allowed to have two sides, each containing the hereinafter allowed maximum area as defined in this section.

(16)

Notwithstanding anything to the contrary contained in this section, no freestanding sign shall extend more than 16 feet above ground level measured to the top of the sign.

(17)

All three-dimensional, raised lettering shall be of the same color on the front and-sides.

[Added 9-14-1999 by L.L. No. 2-1999]

B.

Signs in all districts.

(1)

The following signs are permitted in any use district without a sign permit:

(a)

One temporary freestanding or attached nonilluminated sign advertising that the property upon which such sign is located is for sale, lease or rental, which sign shall not exceed four square feet in area. Such sign shall be removed within seven days after the property has been sold or rented.

(b)

Two temporary freestanding signs advertising real property for sale, each not exceeding four square feet in area, bearing a legend such as "Open" or "Open for Inspection," at locations other than the premises to which the signs relate, provided that such signs shall not be placed before 7:00 a.m. nor maintained after 7:00 p.m. on the date that such premises are open for inspection.

(c)

One attached nonilluminated nameplate denoting the name and occupation or profession of the occupant, which sign shall not exceed two square feet in area.

(d)

One attached nonilluminated sign denoting the name and/or address of the occupant(s) of the premises, which sign shall not exceed one square foot in area.

(e)

One temporary attached or freestanding, nonilluminated sign denoting the architect, engineer or contractor placed on the premises while construction, repair or renovation is in progress, which sign shall not exceed 12 square feet in area.

Editor's Note: Former Subsection (f) regarding signs incident to places of worship, libraries, museums or schools, which immediately followed this subsection, was repealed 9-14-1999 by L.L. No. 2-1999.

(2)

The following signs are permitted in any use district but require a sign permit as provided in Subsection D below:

[Amended 9-14-1999 by L.L. No. 2-1999]

(a)

No more than two signs per curb cut solely for the purpose of traffic control on private property. Such signs may be illuminated or nonilluminated, shall not exceed 1 1/2 square feet in area and shall be placed so as not to constitute a safety hazard.

(b)

One sign customarily incident to places of worship, libraries, museums or schools, which sign shall be either attached or freestanding, illuminated by indirect light or nonilluminated and shall not exceed 16 square feet in area and, in the case of a freestanding sign, shall be no closer than four feet to any lot line.

C.

Signs in Commercial Districts, Commercial 1 Districts, Commercial Districts: shopping centers, and Industrial Districts. In

Commercial Districts, Commercial 1 Districts, Commercial Districts: shopping centers, and Industrial Districts, no signs shall be erected or maintained except as follows:

(1)
Signs permitted pursuant to Subsections B(1) and B(2) of this section according to the same requirements set forth in those subsections.

(2)
Attached illuminated or nonilluminated signs, which signs shall require a sign permit as provided in Subsection D below. Such signs shall be erected and maintained according to the applicable subsection as follows:

[Amended 9-14-1999 by L.L. No. 2-1999]

(a)
Building containing only one business establishment:

[1]
One attached sign not exceeding one square foot per linear foot of building facade width or 60 square feet in area, whichever is less, subject to the following:

[a]
A horizontal sign format shall not exceed two feet in height and no lettering or symbol on such sign shall exceed 12 inches in height or width;

[b]
In no case shall the length of the sign exceed 75% of the building facade width;

[c]
Vertical format signs shall not exceed eight square feet in area; or

[2]
One projecting sign, externally illuminated only, or nonilluminated, which shall be no more than 12 square feet in area and project no more than three feet from the building or structure at an angle of 90° therefrom, with a minimum clearance above the sidewalk of eight feet. In addition, such sign shall not extend above the first story the building to which it is attached, and in no event more than 12 feet above ground level measured to the top of the sign.

(b)
Multiple-tenant building:

[1]
For a first-floor business establishment, one attached sign not exceeding one square foot per linear foot of store front width or 30 square feet in area, whichever is less, with height and lettering or symbol size limitations the same as for a building containing only one business establishment.

[2]
A business establishment located on an upper floor may utilize only a secondary sign or window sign as provided in Subsection C(4)(a).

(c)
Building located on a corner lot: in addition to the signs permitted in Subsection C(2)(a) and (b) above, one attached sign not exceeding one square foot per linear foot of the building facade width or 30 square feet in area, whichever is less, with a letter or symbol height not in excess of 12 inches and a sign height not in excess of two feet. Such additional sign may not be located on the same building facade as the primary sign.

(d)
A building entrance may have a secondary sign no larger than four square feet. Such secondary sign shall not be included in the total allowable square footage for attached signs on the building. Secondary signs must be located on the building facade at pedestrian level.

(3)
In addition to the signs permitted in Subsection C(2) above, the following signs may be erected and maintained upon issuance of a sign permit as provided in Subsection D:

[Amended 9-14-1999 by L.L. No. 2-1999]

(a)
Building containing one or more business establishment: one freestanding, illuminated or nonilluminated sign not exceeding 12 square feet in area and being either Type 1a, Type 1b or Type 2 as follows, except that individual business establishments in a shopping center shall not be entitled to a freestanding sign:

[1]

Type 1a: freestanding sign with a minimum ground clearance of two feet and a maximum height above ground level of five feet, and set back at least four feet from any lot line or the interior edge of a sidewalk, whichever is greater.

[2]

Type 1b: freestanding monument style sign with a solid base no higher than two feet above ground level and protruding no more than 12 inches on each side from the width and length of the sign. All lettering shall be placed at least 24 inches above ground level. Such signs shall have a maximum height above ground level of five feet and be set back at least four feet from any lot line or interior edge of a sidewalk, whichever is greater.

[3]

Type 2: freestanding sign permitted only in a shopping center with a minimum ground clearance of eight feet and a maximum height above ground level of 16 feet, and set back at least 10 feet from any lot line or the interior edge of a sidewalk, whichever is greater. A Type 2 sign shall identify the shopping center only. No more than one Type 2 sign per shopping center shall be allowed.

(4)

In addition to signs permitted in Subsection C(2) and (3) above, the following signs may be erected and maintained upon issuance of a sign permit as provided in Subsection D below:

(a)

One permanent window sign, provided that there shall be no more than one such sign per window, and a maximum of two per business establishment. The area of a permanent window sign shall not exceed 15% of the area of the window or four square feet, whichever is less. Window signs above the first story of a building or structure are prohibited except for lettering identifying professional or business offices, which shall be a maximum height of five inches maximum height per line, with a maximum of two lines.

[Amended 9-14-1999 by L.L. No. 2-1999]

(b)

One awning sign per business establishment containing only the name and/or address of the business establishment consisting of a single line, of lettering or graphic display, such line not to exceed six inches in height.

(c)

One portable nonilluminated freestanding sign per business establishment, not to exceed 12 square feet or 42 inches in height. Portable freestanding signs shall be consistent in form, coloring, lettering and design with the building signage, shall be permitted only from April 15 to October 15 except on good cause shown and must be removed from public view when the business is closed. Notwithstanding the foregoing, such signs shall not be permitted in shopping centers.

(5)

Temporary signs shall be permitted without a sign permit as follows:

[Amended 9-14-1999 by L.L. No. 2-1999]

(a)

Temporary window signs such as political posters, banners, promotional devices and other signs of a similar nature calling attention to civic activities, promotional sales and similar events, provided that said signs shall not exceed 25% of the total area of the window in which they appear. All such signs shall be removed within seven days following the event or activity advertised.

(b)

One freestanding price sign not to exceed 12 square feet in area for each automotive service station, in which case no window price signs shall be permitted. Such sign may not be illuminated and must be neat and placed in a safe manner that does not interfere with pedestrian or vehicular traffic; or one temporary freestanding sign per business establishment during business hours only calling attention to special promotional sales and similar events; such sign may not exceed 12 square feet in area, may not be illuminated, and must be neatly painted and placed in a safe manner that does not interfere with pedestrian or vehicular traffic. Such temporary freestanding sign may not be displayed more than seven days within a twenty-eight-day period.

(c)

One temporary sign or banner attached to a business establishment for up to 60 days, starting no earlier than the date of issuance of the certificate of occupancy, if the sign is nonilluminated, professionally produced, and does not exceed three feet by eight feet. This temporary sign or banner may be used while the business applies for, designs, and presents for approval its permanent signage as per existing Village code. The Planning Board may extend this temporary sign period for up to an additional 30 days if further design work is needed before the Planning Board approves permanent signage.

[Added 11-12-2008 by L.L. No. 4-2008]

(6)

The following temporary signs shall be permitted upon issuance of a sign permit as provided in Subsection D below: no more than two temporary freestanding signs per applicant calling attention to a civic event, which may be erected 10 days prior to the event and must be removed the day after the event. Such signs shall conform to the current Village Planning Board specifications and may not be illuminated, and must be neatly painted and placed in a specified area in a manner that does not interfere with pedestrian or vehicular traffic.

[Amended 9-14-1999 by L.L. No. 2-1999]

(7)

Sign directories. Four or more business establishments may apply to the Village Planning Board for approval to erect and maintain a sign directory solely for informational or directional purposes. Such directory may be erected and maintained by the applicant on private land only. No such permit shall be issued except upon demonstration by the applicant that there exists a compelling commercial necessity for such directory so as to indicate the location of a group of business establishments; the proposed directory will not be injurious or otherwise detrimental to adjacent properties; and the proposed directory will be in harmony with the character of the area and any official master or development plan adopted by the Village. In addition, sign directories shall comply with the following general standards:

[Amended 9-14-1999 by L.L. No. 2-1999]

(a)

Each sign directory shall be of such character, intensity, size and location that it will be in harmony with the orderly development of the district in which it is located. The Village Planning Board may develop and regulate the type, size and design of the directory which may be uniformly required throughout the Village.

(b)

Sign directories shall be freestanding, illuminated only by indirect light or nonilluminated, and shall contain information relating only to the identification of and direction to several business establishments in the vicinity of the directory.

(c)

The erection and proper maintenance of a sign directory shall be the sole responsibility of the applicant.

(8)

Notwithstanding anything to the contrary contained in this section, internally lighted signs are not permitted, including internally lighted individual letters, except as hereinafter provided:

[Added 9-14-1999 by L.L. No. 2-1999]

(a)

Shopping centers. Internal lighting is permitted in:

[1]

Attached signs of individual letters on a raceway or in a box sign with only the letters or logos luminous against an opaque surround.

[2]

A Type 2 sign in accordance with § 99-25C(3)(a)[3] with only the letters and logos luminous against an opaque surround.

(b)

Commercial and Commercial 1 Districts. Internal lighting is permitted in a Type 1a sign and Type 1b sign in accordance with § 99-25C(3)(a)[1] and [2] with only the letters and logos luminous against an opaque surround.

(c)

Attached signs on buildings not in a shopping center can only be externally illuminated.

D.

Permit. Except as provided in Subsections B(1) and C(5) above, no person shall erect or alter any sign without first obtaining the approval of the Village Planning Board and a permit therefor from the Codes Enforcement Officer.

[Amended 9-14-1999 by L.L. No. 2-1999]

E.

Fees. A fee as provided in Chapter A102 of the Village Code shall be required for each sign requiring a permit under this section. The fee must be paid when an application is submitted.

F.

Application for sign permit. Application for Village Planning Board approval and the sign permit set forth in Subsection D above shall be made in writing upon forms provided by the Codes Enforcement Officer.

[Amended 9-14-1999 by L.L. No. 2-1999]

G.

Issuance of permit. It shall be the duty of the Village Planning Board and Codes Enforcement Officer upon the filing of an application for a permit to erect or alter a sign, to examine such plans, specifications and other data submitted and, if necessary, the building, structure or premises upon which it is proposed to erect the sign. In examining such plans, etc., the Planning Board and Codes Enforcement Officer shall consider all applicable codes, rules and regulations, including the Village's Commercial District Design Guidelines. If it shall appear that the proposed sign is in conformity with all the applicable requirements, the Codes Enforcement Officer shall, within 10 working days from the date on which the Planning Board grants its approval, issue a permit for the erection of the proposed sign. If the sign authorized under any such permit has not been completed with six months from the date of the issuance of such permit, the permit shall expire.

[Amended 9-14-1999 by L.L. No. 2-1999]

H.

Revocation of permit.

(1)

No sign shall hereafter be erected or altered, except in conformity with the provisions of this section. However, notwithstanding any provisions contained herein, the sign must be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring or 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.

(2)

In the event of a violation of any of the foregoing provisions, the Codes Enforcement Officer shall give written notice, specifying the violation, to the owner of the sign if known and the owner of the land upon which the sign is erected as it appears from the latest assessment rolls, to conform or remove such sign. The sign shall thereupon be conformed within 15 days from the date of said notice. In the event that such sign shall not be so conformed within 15 days, the Codes Enforcement Officer shall thereupon revoke the permit, and such sign shall be removed.

I.

Any sign projecting into the public right-of-way shall require a bond and/or insurance policy for the protection of the Village in such amounts deemed to be sufficient by the Village Board at the time of application.

J.

Removal of certain signs.

[Amended 9-14-1999 by L.L. No. 2-1999]

(1)

Any sign existing on or, after the effective date of this section which no longer advertises an existing business conducted or product sold on the premises shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. The Codes Enforcement Officer, upon determining that any such sign exists, shall notify the owner of the premises in writing to remove said sign within 15 days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the Codes Enforcement Officer is hereby authorized to remove or cause removal of such sign and shall assess all costs and expenses incurred in said removal against the land or building on which such sign was located.

(2)

If the Codes Enforcement Officer shall find that any sign regulated by this section is unsafe or is a menace to the public, he shall give written notice to the owner of the sign if known and the owner of the land upon which the sign is erected as it appears from the latest assessment rolls, who shall remove or repair said sign within 15 days from the date of said notice. If said sign is not removed or repaired, the Codes Enforcement Officer shall revoke the permit issued for such sign, if any, as herein provided, and may remove or repair said sign and shall assess all costs and expenses incurred in said removal or repair against the land or building on which such sign was located.

(3)

The Codes Enforcement Officer may cause any sign which is a source of immediate peril to persons or property to be removed summarily and without notice.

K.

Nonconforming signs. The lawful use of any sign existing at the effective date of this section may be continued although such sign does not conform to the provisions of this section; provided, however, that any alteration to such sign after the effective date of this section shall be in conformance with the law in effect at the time of such proposed alteration. A nonconforming sign may be temporarily removed for repainting, repair or other normal maintenance purposes if restored within two months with no changes made to the sign. Such restoration shall not be permitted if this period of time is exceeded. However, all portable freestanding and window signage must be brought into compliance within one year from the effective date of this provision.

[Amended 9-14-1999 by L.L. No. 2-1999]

L.

Signs in residential districts. In residential districts, no signs shall be erected or maintained except as follows:

[Added 1-26-1988 by L.L. No. 1-1988]

(1)

Signs permitted pursuant to Subsection B(1) and (2) of this section according to the same requirements set forth in those subsections.

(2)

Attached illuminated or nonilluminated signs for multiple-dwelling development sites, which signs shall require a sign permit as provided in Subsection D above. One such sign shall be permitted for each multiple dwelling development site according to the same requirements set forth in Subsection C(2)(a) above, except that an attached sign shall not exceed 32 square feet in area. In addition to the signs permitted above in this Subsection L, one freestanding sign shall be permitted for each multiple-dwelling development site according to the same requirements set forth in Subsection C(3)(a) above, except that such freestanding sign may not exceed 32 square feet in area.

(3)

Identification signs for residential subdivisions, which signs shall require a sign permit as provided in Subsection D above and shall be permitted for each public entranceway to a residential subdivision according to the same requirements set forth in Subsection C(3)(a) above.

M.

General sign design guidelines. All signs shall conform to the provisions of the Village Commercial District Design Guidelines pertaining to signs and, in particular, to the following guidelines as interpreted, determined and applied by the Village Planning Board:

[Added 9-14-1999 by L.L. No. 2-1999]

(1)

The purpose of signage is business identification. Signs are not intended to advertise the business, or to list specific products or services. Advertising and marketing should be accomplished utilizing other media. Logos or characters may be included if appropriate to the business name but may not occupy more than 15% of the total sign.

(2)

Signs should help define or enhance particular building elements; they should not cover, obscure, overwhelm or obliterate them.

(3)

Signs should be consolidated to fit into the appropriate available spaces on a building. Such consideration may restrict the number or size of signs to less than that otherwise permitted.

(4)

Lettering that is too bold, too harsh in its simplicity or otherwise inconsistent with the Commercial District Design Guidelines may not be approved.

(5)

The use of subdued colors is encouraged. Colors on signs should be limited and compatible with the building colors. A darker background with lighter lettering and graphics is encouraged as a traditional presentation.

(6)

The use of natural materials such as wood or metal is encouraged. Man-made materials (for example: fiberglass reinforced plastics or high density molded urethane) replicating wood and, maintaining historic proportions and detailing will be considered on a case by case basis.

(7)

Applicants are referred to the Village sign pictorial for examples of appropriate signs.

N.

Appeals.

[Added 9-14-1999 by L.L. No. 2-1999]

(1)

Any person aggrieved by a decision of the Village Planning Board may bring a special proceeding to review that decision under Article 78 of the New York Civil Practice Law and Rules. Any such special proceeding must be commenced within thirty days after the date of the filing of that decision in the office of the Village Planning Board.

(2)

Any person aggrieved by an order, requirement, decision, determination or interpretation by the Codes Enforcement Officer

may file an application for review of that action by the Codes Enforcement Officer with the Village Board of Zoning Appeals, in accordance with § 99-32 of the Village Code.