

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~  
~~City~~ of RIVERHEAD  
Town  
~~Village~~

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
OCT 27 2005

Local Law No. 51 of the year 2005.

A local law ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED,  
(Insert Title)

MISCELLANEOUS  
& STATE RECORDS

"ZONING" OF THE TOWN OF RIVERHEAD (108-56 SIGNS).

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of RIVERHEAD as follows:  
Town  
~~Village~~

SEE ATTACHED:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. **Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. #51 of 2005 of the ~~(County)(City)(Town)(Village)~~ of RIVERHEAD was duly passed by the TOWN BOARD on OCTOBER 18 2005, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

2. **Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

3. **Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

4. **(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

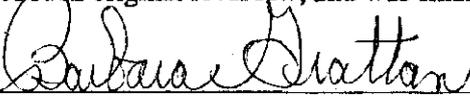
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

  
\_\_\_\_\_  
Town Clerk  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

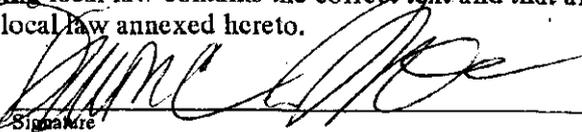
(Seal)

Date: October 20, 2005

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Suffolk

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Town Attorney  
Title

COUNTY  
~~CITY~~ of Riverhead  
Town  
~~VILLAGE~~

Date: October 20, 2005

Chapter 108  
Zoning

**§ 108-56. Signs.**

A. Definitions

As used in this Section, the following terms shall have the meanings set forth herewith:

**ANIMATED OR MOVING SIGN** - any sign or part of a sign which changes physical position by movement or rotation occasioned by natural, manual, mechanical, electrical, or other means, or which gives the visual impression of such movement or rotation;

**ANNOUNCEMENT SIGN** – A sign announcing the activities conducted or to be conducted at the public or semi-public building to which it refers.

**AWNING** – Any retractable or fixed shade-producing device made of flexible fabric or similar material covering a rigid skeleton structure attached to a building;

**BANNER OR PENNANT** – A sign that is painted or displayed on a sheet composed of fabric, pliable plastic, paper or other non-rigid material, fastened to the exterior of a building or exterior structure other than a flagpole, but excluding any flag representing any federal, state or other governmental entity;

**BILLBOARD** – A sign relating, in whole or in part, to a business, commodity, service, entertainment or attraction sold, offered or existing at a location other than the location where such sign is displayed;

**BUILDING WALL FACE** – the area of the building wall including area occupied by any doors or windows in that wall;

**CANOPY** – An architectural projection comprised of a rigid structure over which a covering is attached that provides weather protection, identity or decoration and is supported at one end by the building to which is attached and at the outer end by not less than one stanchion;

**DIRECTORY SIGN** - an aggregate sign containing a list of the names of the establishments located within a commercial or industrial complex;

**ELECTRONIC TIME/TEMPERATURE SIGN** – an electronic programmed display of time and temperature information only;

**FARM MARKET** – a direct marketing operation which may be seasonal in nature and features on-farm produce as well as locally grown agricultural produce, enhanced agricultural products, and handmade crafts;

**FREESTANDING SIGN** – A sign detached from any supporting element of a building and consisting of a double or single sided sign face attached to a single or double pole structure embedded in the ground or mounted on its own self-supporting permanent structure or base;

**GRADE** - the uppermost surface of the ground directly below the sign or immediately adjacent to the support where the uppermost surface has been artificially raised for landscaping or other purpose, grade shall be measured from the level of the nearest curb of a public street;

**ILLUMINATED SIGN** – A sign illuminated either internally, where the source of illumination is inside the sign or from light bulbs or light tubes affixed or incorporated into the structure thereof, or externally where the source of illumination is separate from the sign and reflected off the surface thereof;

**INCIDENTAL SIGN** – a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business;

**MANSARD ROOF** – A roof whose pitch has a twelve (12) inch or greater vertical projection for each six (6) inch horizontal projection.

**MARQUEE, ATTACHED** - a fixed, constructed permanent canopy or roof like structure of rigid materials which may contain a means for changeable lettering thereon, supported by and extending more than twelve (12) inches from the facade of a theater, hotel, banquet facility, or sports arena;

**MOBILE SIGN** – mobile signs standing on the ground or attached to vehicles or trailers shall be prohibited, except signs painted on registered vehicles identifying the owner and utilized in the conduct of such business. Vehicles or trailers may not be used primarily for on or off premises advertising;

**MONUMENT SIGN** – A sign with a base entirely in contact with the ground;

**NAME PLATE SIGN** – A non-electric identification sign which bears only the name and profession or occupation of the occupant or group of occupants, or bears only the name of a residential occupant;

**NEON SIGN** – an illuminated sign consisting, in part, of a glass tube filled with neon, argon, mercury or other gasses caused to emit light by the passage of an electric current and commonly bent into various forms.

**NONCONFORMING SIGN** - a sign which was legally installed under laws or ordinances in effect prior to the effective date of the ordinance codified in this title or

subsequent revisions, but which is in conflict with the design and sign type provisions of this Chapter;

**OFF-PREMISES SIGN** - a sign that identifies or communicates a message related to an activity conducted, a service rendered, entertainment, or a commodity sold, which is not the primary activity, service, or commodity provided on the premises where the sign is located (e.g., billboards or outdoor advertising);

**POLE SIGN** - A freestanding sign wholly supported by a single vertical pole or similar structure embedded in the ground.

**POLITICAL SIGN** - a temporary sign indicating the name and/or picture of an individual seeking election or appointment to a public office, or relating to a proposition or change of law in a public election or referendum, or pertaining to the advocacy by persons, groups, or parties of political views or policies;

**PROJECTING SIGN** - a sign not exceeding four (4) inches in thickness, which is attached at a right angle from a wall or other essentially vertical plane of a building or structure, which is wholly or partly dependent upon the building for support, and which projects more than (twelve) 12 inches from said building not more than thirty-six (36) inches; said signs shall not exceed a two (2) foot height dimension; the bottom of the sign shall be a minimum of seven (7) feet above the average grade of the ground surrounding the sign.

**REAL ESTATE SIGN** - A sign advertising the sale, exchange, lease or rental of the real property on which it is located.

**ROOF SIGN** - A sign erected upon or above a roof or parapet of a building or structure.

**SANDWICH BOARD** - A portable sign capable of standing without support or attachment.

**SIGN** - any object, device, display, or structure, including a flag, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images, together with a framework, background, material structure, component parts, and bracing materials;

**SIGN AREA** - the area of a sign shall be the entire face of a sign including the advertising surface and any framing, trim, or molding. The area of any sign lacking clear and distinct borders shall be determined by the smallest rectangle that encompasses all of the letters and/or symbols that make up the sign, together with the area outside that rectangle of a different color or material than the general finish of the building or window, whether painted or applied.

**SOFFIT SIGN** - a sign affixed to the underside of a roof overhang, and perpendicular to the wall, adjacent to a store or a commercial premise;

**WALL SIGN** - a sign fastened to or painted on an exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign. A wall sign shall not project above the height of the

building wall face. Said height shall be the vertical distance from the average grade of the ground surrounding the building to the lowest point of the roof. Such a sign may not project more than twelve (12) inches beyond the building wall face, nor shall it contain copy on the sides or the edges, or it shall be considered as a projecting sign;

WINDOW AREA – The area of the window shall be the largest uninterrupted expanse of glass. Such interruptions shall include but not be limited to the mullions, minions, and structural or applied support columns.

WINDOW SIGN - a sign, which is painted in, applied, or attached to, the interior side of a window or glass doors, or which is inside an individual window or door and mounted within three (3) feet of a window. Such signage shall occupy no more than twenty-five percent (25%) of the area of each window or door.

## B. Purpose and Intent

### Purpose

It is the express purpose of this Section to regulate existing and proposed signs in order to: perpetuate the open character and rural appearance of the Town; promote good community planning and a positive aesthetic environment; protect property values; recognize the economic importance and attractiveness of properly-sited and well-designed signs; preserve the historic character and architectural heritage of the Town; provide a more enjoyable and pleasing community; and to promote and accomplish the goals, policies and objectives of the 2003 Riverhead Comprehensive Master Plan.

### Intent

It is the intent of this Section to coordinate the type, placement and scale of signs within the various zoning use districts to recognize the commercial communication requirements of all sectors of the business community; reduce distraction and obstructions which may cause motorists confusion, impair visibility, and lead to accidents; reduce hazards that may be caused by signs overhanging, projecting into, or otherwise obstructing public rights-of-way; avoid detracting from the legitimate identification of businesses, street names, or street numbers. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs.

## C. Signs Allowed With Permit.

The following signs are allowed in appropriate Zoning Use Districts upon the issue of a permit by the Town of Riverhead Building Department:

### 1. Wall Signs.

(a) The aggregate area of any and all wall signs shall not exceed twenty five percent (25%) of the building or wall face on which they are mounted. The aggregate width of any and all signs shall not exceed seventy five percent (75%) of the width of the building or wall face on which they are mounted.

(b) Signs shall not project more than one foot perpendicular to the walls on which they are mounted nor extend in any manner above the façade or roofline of the building or structure containing such wall.

(c) All signage shall pertain to businesses operating within the building or structure and no more than one sign per business shall be permitted.

## 2. Roof Signs.

(a) Where no walls of a building or structure facing a public street frontage exist to reasonably accommodate a wall sign, a sign painted on, incorporated into, or affixed to a mansard roof or parapet of such building shall be permitted, provided it complies with the following:

(1) The vertical midpoint of the sign shall be no higher than the vertical midpoint of the mansard roof or parapet so that the sign does not project above the roof line or break the silhouette of the building.

(2) No part of such sign shall project from such mansard roof or parapet a distance greater than twenty four (24) inches, and all structural supports, including any angle irons, guy wires, or braces, shall appear to be an integral part of the roof or roof sign and enclosed or otherwise hidden from view.

(3) The area of any such sign shall not exceed seventy five percent (75%) of the width of such roof or parapet.

## 3. Freestanding Signs, Including Pole, Monument, and Directory Signs.

### (a) Freestanding Signs

(1) No freestanding sign shall be permitted on premises where buildings or structures are set back less than twenty (20) feet from the front property line.

(2) One freestanding, non-flashing, nonmoving, on-premises sign shall be permitted per business provided that the aggregate area of signage does not exceed thirty two (32) square feet.

(3) Said sign may not exceed ten (10) feet in vertical height from the grade of the ground surrounding the sign except as otherwise provided in this chapter.

(4) Said sign(s) shall be at least twenty five (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines.

Where more than one sign occupies a property, no sign shall be closer than twenty five (25) feet from any other sign.

(b) Pole Signs.

One pole sign shall be permitted per business, with no more than three pole signs total per property, provided it complies with the following:

(1) The sign shall consist of a vertical upright, a horizontal sign support, and a suspended sign.

(2) Total area of sign shall not exceed sixteen (16) square feet.

(3) Said sign shall not exceed a height of ten (10) feet from the grade of the surrounding ground to the top of the vertical support except as otherwise permitted in this chapter

(4) Said sign shall be located at least twenty five (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines, measured from the back edge of the vertical support

(5) Where more than one sign occupies a property, no sign shall be closer than twenty five (25) feet from any other sign.

(c) Monument Signs.

One monument sign shall be permitted per premises provided it complies with the following:

(1) Such sign shall be constructed with its base entirely in contact with the ground.

(2) Total area of said sign shall not exceed thirty two (32) square feet.

(3) Said sign shall not exceed ten (10) feet in vertical height from the grade of the ground surrounding the sign except as otherwise provided in this chapter. Except for sign height, any embellishments thereon extending up to twelve (12) inches on any side shall not be considered in determining compliance with such size limitations.

(4) Said sign shall be at least twenty five (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines.

(5) Where more than one sign occupies a property, no sign shall be closer than twenty five (25) feet from any other sign.

(d) Directory Signs.

Each commercial or industrial complex which contains more than one legal use shall, as a whole, be permitted one (1) freestanding directory sign on the premises to be used for the purpose of notifying the public of the names of the businesses located within the complex provided that:

(1) No advertising of any sort shall be allowed on said sign other than to identify the complex itself.

(2) The aggregate height of said sign shall not exceed fifteen (15) feet measured from the grade of the ground surrounding the sign.

(3) Each business name shall occupy no more than eight (8) square feet in area.

(4) Each business shall advertise with coordinated size, color, lettering, and sign shape such that no single sign is more prominent than another sign.

(5) A portion of the sign may be dedicated to the identification of the commercial or industrial complex provided that this area does not exceed thirty two (32) square feet.

(6) The aggregate area of the sign shall not exceed sixty (60) square feet.

(7) A directory sign shall be allowed in conjunction with wall, window, or façade signs, but such sign shall not be permitted with any freestanding sign(s).

(8) The nearest point of the front of any building of the complex is set back a minimum of fifty (50) feet.

4. Permanent Window Signs.

(a) Permanent Window signs may occupy no more than twenty-five percent (25%) of the window area as defined herein.

(b) Permanent window signs are permitted in addition to any wall signs displayed on the same building or structure, provided the aggregate coverage area for both signs does not exceed twenty five percent (25%) of the building or structure wall face.

(c) Such signs shall include neon signs limited to an intensity of 60 watts.

(d) Window signs shall be stationary in nature and shall not flash or rotate

5. Parking Signs.

With the exception of any sign erected by or with the consent of Town, County, State, or any other government authority, all signs pertaining to traffic regulations, parking regulations, and fire zones which are subject to the rules and regulations of the New

York State Vehicle and Traffic law, no sign shall be located within or upon the right-of-way of any Town, County, or State or other publicly-owned land.

#### 6. Commercial Property Real Estate Signs.

Sign advertisement of the sale, rental, or lease of commercial property is permitted provided that:

- (a) Only one (1) real estate sign per commercial parcel shall be permitted.
- (b) Freestanding signs, signs affixed to a building or structure, or a sign displayed within any window therein shall not exceed nine (9) square feet in area.
- (c) No freestanding sign shall be permitted within a parking lot, roadway, or sidewalk area.
- (d) Said sign(s) shall be removed no later than fifteen (15) days after the property to which they relate is no longer for sale, rent, lease, or exchange.
- (e) Said sign shall not be illuminated.
- (f) Real estate signs in all use districts shall be set back not less than twenty five (25) feet from any side line and five (5) feet from the front and rear property lines. No real estate sign shall be placed in a public right of way.

#### 7. Residential Property Real Estate signs

Real estate signs advertising the sale, rental, or lease of residential real estate is permitted provided that:

- (a) No more than two (2) such signs shall be erected on the property to be sold, rented, or leased. No signs erected for the sale of real estate may be erected off-site of the subject property.
- (b) Said sign(s) may not be illuminated nor exceed four (4) square feet in area.
- (c) No sign shall be permitted in any public right-of-way.
- (d) Said sign(s) shall be removed no later than fifteen (15) days after the property to which they relate is no longer for sale, rent, lease, or exchange.
- (e) Said sign(s) may be erected only by a licensed real estate broker who has paid a one-time permit fee of two hundred dollars (\$200) to the Town of Riverhead. Such fee shall be forfeited by an applicant found to be in violation of this section and said real estate broker may not erect any signs in the town for a period of six (6) months. Payment of a permit fee of two hundred dollars (\$200) shall be required for renewal of permit to erect signs

(f) Erection of a single sign by the owner of the property shall require a deposit of one hundred dollars (\$100) to be refunded upon removal of the sign by the applicant.

#### 8. Construction and Subdivision Signs.

(a) No more than one sign shall be permitted at any construction or subdivision site.

(b) Said sign shall not be erected prior to project approval by the Riverhead Building Department.

(c) Such sign shall not be illuminated nor exceed sixteen (16) square feet in area.

(d) Said sign may display the name(s) of the contractor(s), architect(s), and financing institution(s) connected to development of the site.

(e) Said sign shall be at least twenty (25) feet from each side line of the property and at least fifteen (15) feet from the front and rear property lines.

(f) Any such sign shall not interfere with any public right of way and shall be removed no later than fifteen (15) days after completion of the project to which it relates or one (1) year from the date of installation of said sign, whichever occurs first.

(g) Any other signs on such property shall conform to all other applicable provisions of this Article.

#### 9. Awnings/Canopies.

(a) Signs painted on or in the form of an awning or canopy shall be permitted for business use only, provided that:

(1) Awnings are not located above the first floor of the buildings to which they are attached.

(2) Canopies are located at the street or parking lot entrance of the building to which they are attached and do not interfere with pedestrian traffic.

(b) Any identification or lettering on such awnings or canopies shall be limited to the edge of the awning or canopy bib and shall not exceed six (6) inches in height.

(c) The vertical clearance from the public right of way to the lowest part of the awning or canopy, including the valance, shall be a minimum of seven (7) feet.

#### 10. Off Premises Directional Signs.

(a) Two (2) standardized off-premises directional signs, in accordance with the further provisions of this subsection, shall be permitted per applicant, based upon the

necessity for said signs as shown by the applicant. Under no circumstances shall more than two (2) such signs be allowed, nor shall any two (2) such signs bearing the same information face the same lane of traffic.

(b) Such signs shall not exceed four (4) square feet in area, nor exceed six (6) feet in vertical height from the grade of the ground surrounding the sign.

(c) Such signs may display commercial logos in the customary colors.

(d) Signs constructed with direct or indirect illumination must obtain an electrical permit and inspection pursuant to Chapter 52 of the Town Code and must comply with provisions for outdoor lighting pursuant to Article XLV of the Town Code of Riverhead.

(e) There shall be no exclusive right to any location. An advertiser shall not prohibit subsequent advertisers which have obtained necessary approvals.

(f) No off-premises directional sign shall be permitted within one hundred (100) feet of any other permitted sign

(g) Such signs shall be located as follows and shall be subject to the prior approval, in writing, of the New York State Department of Transportation, the Suffolk County Department of Public Works, the Riverhead Superintendent of Highways or the owner of private property, as applicable:

(1) Said sign shall be set back at least fifteen (15) feet from the public right-of-way or five (5) feet from the sidewalk, whichever is greater. Under no circumstances shall such sign be placed in the public right of way.

(2) Said sign shall face the flow of traffic nearest it.

(3) Said sign shall not be permitted less than one hundred (100) feet approaching nor one hundred (100) feet beyond a traffic control or device, railroad grade crossing, or public highway intersection with a federal, state or county route.

(4) In its deliberation of the permit, public safety, including but not limited to visibility of and by motorists as well as pedestrians relative to the proposed sign location, shall be a primary consideration of the Board.

#### 11. Electronic Time/Temperature Signs.

A computerized time/temperature display or electronic message center shall be permitted subject to the following conditions:

(a) Shall be located on-premises only;

(b) Shall be accessory to, and incorporated within the main structure of a freestanding sign. Such sign shall be no more

than twenty four (24) square feet in total area, and an aggregate square footage of all signs on the sign structure shall not exceed thirty two (32) square feet;

(c) Said sign shall be located a minimum of four hundred (400) linear feet from any other time/temperature display;

(d) Shall display a minimum time interval of five (5) seconds between flashed readings of time and temperature;

(e) Shall exhibit the minimum display necessary to convey the intended message. No horizontal traveling or vertical scrolling moving messages, animation, or graphics shall be permitted.

(f) Shall be extinguished by 11 P.M.

#### 12. Menu Board

Restaurants may display one (1) menu board in conjunction with a drive-through window provided that:

(a) The sign is one-sided, freestanding, or attached to a wall.

(b) Said sign shall be non-flashing and non-moving.

(c) Said sign shall not exceed thirty two (32) square feet in area nor exceed a height of five (5) feet above the grade surrounding the sign.

(d) Said sign shall be located at least twenty five (25) feet from the front of the property line and from each side line, and a minimum of fifteen (15) feet from the rear property line.

(e) Said sign shall not be located in a front yard or in a side yard adjacent to a street nor shall the sign be readable from a street.

#### 13. Marquee, Attached

A marquee attached to a theater, hotel, or sports arena shall be permitted provided that such sign:

(a) Does not extend beyond the curb line in front of the building.

(b) Shall be placed no less than ten (10) feet above the grade or curb surrounding the sign.

(c) Shall not display any temporary sign or information attachment(s).

(d) Shall be constructed of noncombustible materials, shall be securely supported from the façade of the building, and shall provide proper drainage.

#### 14. Gasoline Station Signs

(a) One (1) sign per business location shall be permitted to advertise the sale of gasoline with the provision that said sign:

(1) Shall be freestanding, non-flashing, and non-moving.

(2) Shall be located on the premises of the business and not located in any public right-of-way.

(3) Shall only advertise the identification of the gasoline retailer and the price(s) of gasoline.

(4) Shall not exceed an area of forty eight (48) square feet, nor exceed a height of fifteen (15) feet above the grade surrounding the sign.

(5) Shall be located not less than fifteen (15) feet from the front or rear property lines and not less than twenty five (25) feet from each side property line.

(b) One sign may be permitted for the advertisement of services in addition to the sale of gasoline provided that such sign:

(1) Shall be freestanding, non-flashing, non-moving, and not illuminated.

(2) Shall not exceed sixteen (16) in area.

(3) Shall not exceed a height of six (6) feet above the grade of the area surrounding the sign.

(4) May be double-sided.

(5) Shall be located on the premises of the business and not located in any public right-of-way.

Incidental signs which exceed two (2) square feet in area.

#### D. Signs Not Requiring Permits.

The following types of signs are exempted from permit requirements but must conform with all other requirements of this ordinance:

##### 1. Temporary Window Signs.

Signs attached to, or incorporated on a window or door which are of a temporary nature not exceeding a display period of two (2) weeks.

(a) Such signs shall occupy no more than twenty five percent (25%) of the window area and may be displayed only in a window or door facing toward the front property line.

(b) Said signs shall not be illuminated, flash, rotate, oscillate, or be animated.

2. Parking Signs and Traffic Regulation Signs Erected by Government Authority.

3. Farm Market Temporary Ground Identification Signs.

Temporary farm market ground identification signs shall be allowed in all zoned districts in the Town without a permit from the Building Department with the following provisions:

(a) A farm market may have up to ten (10) temporary ground identification signs provided that:

(1) No more than two (2) signs between twelve (12) square feet twenty (20) square feet in area shall be permitted.

(2) Each of the additional eight (8) signs shall not exceed twelve (12) square feet in area.

(3) Two (2) additional temporary off-premises signs advertising specific seasonal crop production may be allowed without a permit provided that the farm market selling such crop is not located on a major east-west major thoroughfare (specifically Peconic Bay Boulevard, Route 25, or Sound Avenue). Such sign(s) may not exceed thirty two (32) square feet in area and must be removed at the end of the specific crop season.

(4) No sign shall exceed six (6) feet in vertical height from the grade of the ground surrounding the sign.

(5) Such signs may be single-faced or double-faced, and square footage will be calculated based on 1 side.

(6) With the exception of off-premises signs described above, all signs shall be located on the premises of the farm property and shall not be placed more than one hundred fifty (150) feet from the perpendicular intersection of a line bisecting the farm market or farm stand and the front property line.

(7) All signs shall be set back at least fifteen (15) feet from any vehicular public right of way or five (5) feet from a public sidewalk, whichever is greater. Under no circumstances shall a sign be placed in any public right-of-way or create a potential danger to vehicular traffic.

(8) No such sign(s) shall be illuminated.

4. Theater outer lobby posters, provided they are enclosed.

5. Incidental signs, such as information, emergency, and public service signs that identify such services as rest rooms, telephones, credit cards accepted, hours of operation, vacancies, and emergency information provided that:

(a) Such signs shall not exceed two (2) square feet in area.

(b) There shall be a limit of one (1) such sign or group of signs per building entrance.

6. Nameplates attached to a building wall bearing only the name and profession or occupation of the resident provided that:

(a) Only one (1) nameplate shall be permitted per professional office or per resident.

(b) Such sign shall not exceed two (2) square feet in area.

7. Political Signs.

(a) All political signs shall conform in terms of size, location, setback and all other conditions as may be set forth in the further provisions of this chapter.

(b) Written permission of the owner of any land used for political signs must be obtained prior to the erection of the sign.

(c) No political sign may be erected or maintained on or in a public right-of-way or upon utility poles.

(d) All such signs shall be removed within two weeks subsequent to the date of election;

(e) Prior to displaying any political sign, a bond in the sum of two hundred dollars (\$200.) per candidate must be posted with the Town Clerk. Said bond shall guarantee compliance with the provisions of this subsection.

(f) The existence of political signs in violation of any of these provisions shall act to forfeit the aforementioned bond and to allow the town to remove said sign(s).

8. Historic Signs.

Pursuant to the provisions of a special permit or site plan review, the town Board may determine that a particular sign is of significant historic quality in terms of age, design, or relationship to an historic restoration project in order to be designated an historic sign. The Town Board may allow the restoration, repair, and maintenance of such signs upon such terms as may be just and proper in addition to, or to the exclusion of, any other signs

permitted by this Code. Any such sign must be structurally safe or capable of being made so without substantially altering its historic significance.

#### 9. Dedicatory Signs.

One dedicatory sign indicating the name and date of erection of a building, or serving as a memorial or historical plaque may be allowed pursuant to review by the Town Board provided that such sign:

(a) Is cut into a masonry surface or fabricated of bronze or other noncombustible material.

(b) Does not exceed four (4) square feet in area.

#### 10. Public Information Sign.

The Town Board may allow the erection of a special public information sign in any district. Under no circumstances shall such a sign be placed in a public right-of-way or create a hazard to traffic.

#### E. Prohibited Signs.

The following types of signs are prohibited in every use district in the Town of Riverhead unless otherwise specified in this Chapter:

1. Off-premises commercial advertising signs, including but not limited to billboards or signs affixed to utility poles.

2. Animated, flashing, moving, rotating, revolving, chasing, oscillating, or blinking signs or devices, other than a time and temperature display.

3. Banners, ribbons, pennants, spinners, streamers, balloons or other such devices.

4. Any sign visible from a public right-of-way that is mounted on a vehicle or trailer, designed to be transported by wheels, or is mounted on a chassis with or without wheels.

5. Temporary Menu, sandwich board, banners, posters and other such "temporary" signs within 50 feet of the public right-of-way, with the exception of farm market ground identification signs.

6. Any sign, including handbills and stickers, affixed to a traffic sign, signal, controller cabinet or supporting structure, fire hydrant, utility pole, bridge, tree, rock, statue, or sculpture.

#### F. Zoning Use Districts.

The following limitations shall apply to signs in the zoning use districts indicated below:

1. In all zoning use districts the following signs are allowed with a permit from the Riverhead Building Department:

- (a) Real estate signs
- (b) Construction signs
- (c) Subdivision signs
- (d) Political signs

2. The following signs are allowed in all Zoning Use Districts without a permit from the Town of Riverhead:

- (a) Farm market temporary ground identification and off-premises signs for specific seasonal crop production as specifically provided in this chapter.
- (b) Incidental (less than two(2) square feet in area.
- (c) Announcement, less than two (2) square feet in area
- (d) Nameplate

3. RA-80, RB-80, RA-40, RB-40, RC, and HR

All signs shall be permitted in all residential zones RA-80, RB-80, RA-40, RB-40, Retirement Community (RC), and Hamlet Residential (HR) with the exception of:

- (a) Wall signs
- (b) Roof signs
- (c) Freestanding (including pole, monument, and directory) signs
- (d) Permanent window signs
- (e) Awning and canopy signs
- (f) Electronic Time/temperature signs
- (g) Menu board signs
- (h) Illuminated (including neon) signs
- (i) Projecting signs
- (j) Sandwich board signs
- (k) Soffit signs

4. APZ

In the Agricultural Protection Zones (APZ) all signs shall be permitted with the exception of:

- (a) Window signs
- (b) Illuminated (including neon) signs
- (c) Electronic time/temperature Display
- (d) Roof signs

(e) Directory

5. DRC, SC, BC, and Business F

In the Destination Retail Center (DRC), Shopping Center (SC), and Business Center (BC), and Business F Districts all signs permitted by this chapter shall be allowed.

(a) Freestanding signs, including pole, monument, and directory signs shall not exceed fifteen (15) feet in vertical height from the grade of the ground surrounding the sign.

6. VC, HC, RLC, CR, and CRC

In the Village Center (VC), Hamlet Center (HC), Rural Corridor (RCL), Rural Neighborhood Business (CR), and Commercial/Residential Campus (CRC) Districts all signs are permitted with the exception of:

(a) Internally illuminated (including neon) signs, except in windows

(b) Time/Temperature Display

(c) Roof signs. TRC, RFC, DC-2, DC-4, DC-5 and PB

In the Tourism/Resort Campus (TRC), Riverfront Corridor (RFC), Downtown Center – 2 (DC-2), Downtown Center – 4 (DC-4), Downtown Center (DC-5), and Professional Business (PB) Districts all signs are permitted with the exception of:

(a) Wall signs

(b) Window signs

(c) Internally illuminated (including neon) signs

(d) Electronic time/temperature display

(e) Roof signs

8. IA, IB, and IC

In the Industrial A (IA), Industrial B (IB) and Industrial C (IC) Use Districts all signs are permitted with the exception of:

(a) Internally illuminated (including neon) signs except in windows

(b) Electronic Time/Temperature Display

(c) Roof signs (except on mansard roof)

10. DC-1 and DC-3

In the Downtown Center -1 (DC-1) and Downtown Center – 3 (DC-3) Districts all signs are permitted with the exception of:

(a) Roof (except on mansard roof)

(b) Internally illuminated (including neon) signs, except in windows

#### 108-56.1 Sign Permits.

##### A. Permitting procedure.

###### 1. Sign maker registration

Any sign maker licensed to do business in Suffolk County may, upon submitting proof of such licensure, register his or her company name with the Building Department on a form to be designated by the Building Inspector. Registered sign makers shall be entitled to inspect the installation of signs they install in accordance with the provisions of this Article. Upon a determination by the Building Inspector that a registered sign maker has failed to comply with the terms of this Article, the Building Inspector may elect to discontinue the registration of that sign maker.

##### B. Application for a sign permit

1. Unless otherwise stated herein, all signs permitted in this chapter, shall have a sign permit issued by the Town of Riverhead Building Department. Sign permits may be applied for through the site plan application process or directly to the Building Department. The procedure for obtaining a sign permit is as follows:

(a) Submission of a sign permit application form to the building department, or in the case of a site plan application, to the Town Board, together with the three copies of each of the following:

(1) the certificate(s) of occupancy, certificate(s) of compliance or letter(s) of pre-existing use for all structures located upon the premises where the sign(s) is/are proposed to be installed.

(2) a color rendering (drawn at a 1 inch equals 1 foot scale) of each sign for which a permit is sought indicating the exact dimensions of the sign, sign area, sign depth or thickness, font type(s) and size(s) of all lettering to be used on the sign. The rendering shall also include a drawing and the dimensions of all structures to be used to support the sign. If the sign is to be attached to a wall, a scaled drawing of the sign and its proposed location on the wall shall be submitted with the application.

(3) samples of the actual colors to be used on the sign.

(4) a list of all materials to be used in constructing the major components of the sign including any supporting structures and illumination. Any illumination proposed shall comply with Article XLV (Outdoor Lighting) of the Town Code of the Town of Riverhead.

(5) a color photograph of the all exteriors walls of the building upon which the sign is to be placed or a color photograph of the location where the sign is to be constructed showing its relationship to the structures on the property.

(b) Submission of the permit fee at time of application. Such fee shall be set from time to time by resolution of the Town Board.

### C. Issuance of Sign Permit

#### 1. Architectural Review Board Referral

(a) Upon receipt of a complete application for a sign permit, the building department administrator shall refer the application to the Architectural Review Board for its recommendation. The applicant may request to appear before the Architectural Review Board in order to review the sign design and facilitate the process.

(b) The Architectural Review Board shall provide a recommendation to the Building Department within 30 days of its receipt of the Building Department referral. Applications not acted upon by the Architectural Review Board within thirty (30) days of the receipt of the application shall be deemed approved.

#### 2. Building Department Approval

(a) Upon receipt of the approval of the Architectural Review Board, the Building Inspector shall issue a sign permit to the applicant. Each sign permit shall be numbered in accordance with a numbering system to be designated by the Building Inspector. In the case of an application for a sign permit made in connection with an application for site plan approval, the sign permit shall be issued by the Building Inspector upon issuance of a building permit following approval of the site plan including proposed signs.

(b) Upon completion of the construction of the sign authorized in the sign permit, the applicant shall request an inspection to ensure that the sign was constructed in accordance with the terms of the sign permit. Alternatively, the applicant may submit the affidavit of a sign maker registered with the Town of Riverhead Building Department in a form to be designated by the Building Inspector indicating that the sign construction is complete and that the sign was constructed in accordance with the terms of the permit.

(c) All signs must be installed within six months of the issuance of the sign permit. Failure to complete the installation of a permitted sign within six month of the date of the issuance of the permit will result in the automatic expiration of the sign permit. The Building Inspector, at his discretion, may extend the duration of a sign permit one time for a period of six months.

(d) Upon completion of the inspection of the sign by the Building Department or the submission of the affidavit of a registered sign maker as described herein, the Building Department shall issue a placard to the applicant which placard shall be attached to the lower right hand corner or portion of the sign. The placard shall bear the seal of the

Town of Riverhead and indicate the permit number for the sign as well as the date of approval of the sign permit application or site plan.

#### D. Sign Maintenance

1. The owners of a permitted sign must maintain the sign and its supporting structures in good condition. Failure to replace sign components for general compliance with the conditions of the original approval, including but not limited to non operative lighting, sign structures, landscaping, color, materials, lettering and or other sign components shall be considered a failure to maintain a sign in good condition.

2. Each sign having received a sign permit placard from the Building Department may be inspected periodically for adequate maintenance.

3. Upon a determination that a sign is not being maintained in good condition, the Code Enforcement Division shall serve a notice upon the individual or entity to which the permit was issued by certified mail, return receipt requested to the address shown on the sign permit application.

#### E. Nonconforming signs.

1. Any sign legally existing on the date of adoption of this chapter of the Town Code may be continued, although such sign may not thereafter conform to the regulations of the district in which it is located.

2. No nonconforming sign may be reestablished where such nonconforming use has been discontinued for a period of six months.

3. Nothing in this chapter shall prevent the complete restoration within six months of a legally existing sign destroyed by an accidental cause such as fire, flood, explosion, riot, act of God or act of the public enemy. Such restored sign shall not exceed the dimensions of the sign destroyed.

4. All signs must comply with the provisions of this chapter within two (2) years of the adoption of this code.

#### 108-56.2 Penalties for violations of the provisions of this article.

Any sign installed without benefit of a sign permit or which does not conform to an issued permit pursuant to §108-56(C) of the Riverhead Town Code shall be guilty of an unclassified misdemeanor and shall be subject to a fine of \$100 for each day that the illegal sign shall remain in place.