

Local Law Filing

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 24 2006

MISCELLANEOUS
& STATE RECORDS

- County
- City of Catskill
- Town
- Village

Local Law No. 3 of the year 20 ~~04~~ 05

A local law Sign Law
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

- County
- City of Catskill as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

(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. 3 of 20 05 of the (County)(City)(Town)(Village) of Catskill was duly passed by the Board of Trustees on 9.12 20 05, 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 (Elective Chief Executive Officer*) on _____ 20 _____, in accordance with the applicable provisions of law.

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 _____ (Elective Chief Executive Officer*) 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.

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 _____ (Elective Chief Executive Officer*) 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.

* 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 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.

Carolyn Pandy

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

(Seal)

Date: 5/1/06

(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 Greene

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]

Signature

Village Attorney

Title

County
City of Catskill
Town
Village

Date: 5/1/06

VILLAGE OF CATSKILL LOCL LAW NO. 3 OF 2005

Be it enacted by the Village Board of Trustees of the Village of Catskill, as follows:

ARTICLE IV - SIGNS

Section 1: Repeal the existing Section 4.7 Signs of Article IV – Supplementary Regulations and replace in its entirety the following:

4.7.1 Purpose

The Board of Trustees of the Village of Catskill finds that signs are a necessary means of communication that can benefit and detract from the community and neighborhood and should conform with the following provisions. The purpose of this Article is to promote and protect the public health, welfare and safety of the people of the Village of Catskill by regulating existing and proposed outdoor advertising signs and signs of all types. This Article is intended to protect property values, create a more attractive business and tourist climate, enhance and protect the physical appearance and historic character of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended to reduce distractions and obstructions that may adversely affect traffic safety, reduce hazards that may be caused by signs overhanging or projecting into public rights-of-way, provide more visual open space, protect green space, and trees, and to maintain and restore the generally high level of the community's appearance and attractiveness.

4.7.2 GENERAL CONSIDERATIONS

- A. All signs shall be erected and constructed in a fashion so as not to obstruct traffic, cause visual blight, nor detract from the value of property adjacent to that property upon which said sign is erected. The review of signs associated with historic properties shall be subject to Article V, Review of Historic Properties and Article IV, Section 4.3, Site Plan Review by the Planning Board(s) shall comply with the Guidelines for the Preservation of the Catskill Historic District. All signs shall be compatible within the context of its visual and physical environment. In making such determination, consideration shall be given but need not be limited to the following elements:
- (1) Size, bulk, and mass.
 - (2) Texture and materials.
 - (3) Colors.
 - (4) Lighting and illumination.
 - (5) Orientation and elevation.

- (6) General and specific location.
- (7) Proximity to streets, highways and transit routes.
- (8) Design, including size and character of lettering, logos, and related contents.
- (9) Background or field, including the skyline.
- (10) Character of structural members.
- (11) Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision.

4.7.3 GENERAL SIGN REGULATIONS

- A. Applicability. No person, firm or corporation shall hereafter erect, re-erect, construct or structurally alter a sign or sign structure without a permit first having been issued by the Code Enforcement Officer, and as may be further specified in this Article, approval from the Village of Catskill Planning Board.
- B. Application Procedure. Application shall be made in writing to the Code Enforcement Officer on forms prescribed and provided by the Village of Catskill, and shall contain the following:
 - (1) Name, address and telephone number of:
 - (a) Applicant.
 - (b) Owner of the property.
 - (2) Location of the building, structure or land upon which the sign now exists or is to be erected.
 - (3) If a new sign is to be erected, elevation and plan drawings to scale shall be included. In addition, a full description of the placement and appearance of the proposed sign shall be included and shall cover the following:
 - (a) Location on the premises; specifically, its position in relation to adjacent buildings, structures and property lines.
 - (b) The method of illumination, if any, and the position of lighting or other extraneous devices, and a copy of the electrical permit related to the electrical connections.

- (c) Graphic design, including symbols, letters, materials and colors.
- (d) The visual message, text, copy or content of the sign.
- (4) Written consent, or a copy of the contract made with the owner of the property upon which the sign to be erected, if the applicant is not the owner.
- (5) Written consent of the owner of the property upon which the sign is to be erected for the Village of Catskill, by way of its agents, to enter the property to effectuate and enforce this Article.

C. Permit and Planning Board Approval Required.

- (1) Upon filing of a completed application for a sign permit and the payment of the fee, the Code Enforcement Officer shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the sign is in compliance with all the requirements of this Article, the Code Enforcement Officer, within fifteen (15) days shall issue the sign permit. If the sign permit requires the review and approval of the Village of Catskill Planning Board, the Code Enforcement Officer, shall refer the completed application to the Planning Board and the Code Enforcement Officer is then prohibited from the issuance of the sign permit until such time as the Planning Board authorizes the Code Enforcement Officer to issue the permit.
- (2) If the erection of the sign authorized under any such permit has not commenced within six (6) months from the date of the issuance, the permit shall become null and void, but may be renewed once by the Code Enforcement Officer within thirty (30) days prior to the expiration, for good cause shown, for an additional six (6) months.

D. Permit exemptions. Signs identified in Section 4.7.4 A are exempt from a permit.

E. Unsafe and unlawful signs. If the Code Enforcement Officer shall find that any sign or other advertising structure regulated herein is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this section, written notice shall be given to the permittee thereof. If the permittee fails to remove or alter the structure so as to comply with the standards herein set forth within ten (10) days after such notice, such sign or other advertising structure shall be removed or altered to comply with the Code Enforcement Officer at the expense of the permittee or owner of the property upon which it is located. The Code Enforcement Officer shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Code

Enforcement Officer, in addition to exercising any and all other remedies provided for in this Article for a violation hereof, may, in addition, cause any sign or other advertising structure which is an immediate peril to the health or safety of persons or property to be removed summarily and without notice by Village employees. Any expense incident thereto shall be paid by the owner of the building, structure or lot to which such sign is attached.

F. Nonconforming Signs. In the event a sign lawfully erected prior to the effective date of this Article does not conform to the provisions and standards of this Article, then such signs shall lawfully remain except according to the following regulations:

(1) Signs for a Legal Nonconforming Use.

(a) New or additional signs for a nonconforming use of land shall be permitted in accordance with the provisions and standards of this Article.

(b) A nonconforming sign for a nonconforming use of land, which is discontinued for a period exceeding twelve (12) months, or is superseded by a conforming use of land, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use. A nonconforming use shall be deemed discontinued when such use is suspended as evidenced by the cessation of activities or conditions, which constitute the nonconforming status of the use.

(2) Signs Rendered Nonconforming.

(a) If at the time of the adoption of this Article, or amendments thereto, any sign which is being used in a manner or for a purpose which was otherwise lawful, but does not conform to the provisions of this Article, shall be deemed nonconforming. Such sign may continue only in the manner and to the extent that it existed at the time of such adoption, amendment, or extension.

(b) Any sign, which becomes nonconforming subsequent to the effective date of this Article so as to render such sign nonconforming, shall be subject to the provisions and standards of this Article.

(c) Notwithstanding any other provision of this Article, legal nonconforming signs that are located on a parcel of property may continue provided that the nonconforming sign:

[1] Is not enlarged in area or height or replaced;

- [2] Remains structurally unchanged except for reasonable repairs or alterations; and
- [3] Remains in the same position on the property.

(3) Signs Rendered Discontinued.

- (a) The use of any sign which is located on property, which becomes vacant and unoccupied for a period exceeding six (6) months shall be deemed to have been discontinued. Any sign whose use has been discontinued is prohibited and shall be removed by the owner of the sign or owner of the premises. Sign structures shall be deemed discontinued if left vacant and unoccupied for a period exceeding six (6) months.
- (b) Any sign now or hereafter existing which no longer conveys a current message to the public, or intends to advertise, direct, invite, announce or draw attention to, directly or indirectly, a use conducted, events, goods, products, services or facilities no longer available shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign may be found within thirty (30) days after written notification from the Code Enforcement Officer.

(4) Alteration or Removal of Nonconforming Signs.

- (a) A nonconforming sign structure shall not be re-erected, relocated, or replaced unless it is brought into compliance with the requirements of this Article, except as provided in Article 4.7.3 F (4)(c).
- (b) Any change of use, sale of property, change of occupancy or tenancy of a nonresidential use, or construction permit which invokes Certificate of Occupancy requirements, shall specify and require that any nonconforming sign located within the boundaries of the development site authorized by said permit shall be brought into conformance with the provisions and standards of this Article, provided that if the nonconforming sign is a type of sign that is prohibited under 4.7.4 B of this Article, it shall be removed.
- (c) Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this Article if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty percent (50%) or more of the cost of reconstruction of such sign.

- (5) Billboards (Adopted by Local Law No. 1 of 2003).
- (a) All billboards existing within the boundaries of the Village of Catskill at the time of the adoption of this section shall be removed within a period of three (3) years from the date of adoption of this section.
 - (b) Any owner of a billboard subject to removal under this section may apply to the Planning Board for an extension of up to an additional three (3) years of the period within which the structure must be removed, or other such period as is necessary to comply with the laws of New York. A determination on such application shall be within the discretion of the Planning Board. In making such determination, the Planning Board shall consider the owner's initial investment, the term of ownership, the depreciated value of the structure, and any other relevant evidence supplied by the applicant. The Planning Board may also unilaterally extend the period within which the structure may be removed in order to comply with the laws of New York.
 - (c) Prior to issuance of any extension the Planning Board shall require the applicant to provide the Village of Catskill with adequate security to ensure prompt and continuous compliance with the requirements of this law, such security being in the form of a letter of credit or client fund account, to be held by the Village during the period of time that the billboard shall be permitted. The amount of such security in whatever form shall be equal to the full estimate cost of the removal of the structure and sign. The amount of such security shall be determined by the Planning Board prior to the issuance of the special use extension.
 - (d) No billboard shall contain obscene material as determined by the Village Code Enforcement Officer.
 - (e) All posts, stanchions or structures on which a billboard is mounted or affixed shall be removed at the same time as the removal of the billboard.
- G. Penalty for failure to apply for sign permit. Any person who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, shall be considered in violation of a section or sections to this Article pertaining thereto, and shall be subject to prosecution according to Article XII – Enforcement, Violations, and Penalties. Further, the owner shall be required upon receipt of a written notice from the Code Enforcement Officer, to file application for the necessary permit or permits, and shall be required to pay the requisite fees.

4.7.4 SPECIFIC SIGN REGULATIONS

- A. Exempt signs (require no permits). The following types of signs may be erected and maintained without permits or fees, providing such signs comply with the general requirements of this Article and other conditions specifically imposed by the regulations:
- (1) Historical markers, tablets, statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel, or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.
 - (2) Flags and insignia of any government, except when displayed in connection with commercial promotion.
 - (3) Safety, directional, gateway or entranceway signs, or other types of signs of any government.
 - (4) On premise directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding four (4) square feet and six (6) feet tall. Business names and business logos shall not be allowed, except pursuant to (c)(1)(a). No directional signs shall extend more than six (6) feet in height above finished grade.
 - (5) Non-illuminated warning, private drive, posted or no trespassing signs not exceeding two (2) square feet.
 - (6) One on premise wall sign or freestanding sign, in connection with any residential building in any zoning district, for permitted professional offices or home occupations, not exceeding four (4) square feet. Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.
 - (7) House/building numbers: For structures in residential districts, the street address number and/or name plate identifying residents, mounted on house, apartment or mailbox, not exceeding two (2) square feet in area. For structures in non-residential districts, a sign identifying only the street name and address number, not exceeding four (4) square feet when placed on a building, or not exceeding two (2) square feet when placed on a sign or mailbox.

- (8) Lawn signs identifying residents, not exceeding two (2) square feet. Such signs are to be non-illuminated except by a light which is an integral part of a lamppost if used as a support, with no advertising message thereon.
- (9) Private owner merchandise sale signs for garage sales and auctions, not exceeding four (4) square feet for a period not exceeding seven (7) days.
- (10) Temporary non-illuminated "For Sale," "For Rent," real estate signs and signs of similar nature, concerning the premises upon which the sign is located.
 - (a) In a residential zoning district, one sign not exceeding four (4) square feet per side. In a business or institutional zoning district, one sign not exceeding twenty (20) square feet. In an industrial zoning district, one sign not exceeding thirty two (32) square feet. All such signs shall be removed within thirty (30) days after the sale, lease or rental of the premises.
 - (b) Temporary non-illuminated directional signs for real estate open houses shall be permitted within the Village right-of-way. Such signs shall not exceed four (4) square feet per side.
- (11) One temporary sign for a roadside stand selling agricultural produce grown on the premises in season, providing that such sign not exceed twenty-four (24) square feet.
- (12) All non-residential temporary window signs and posters, not exceeding a cumulative total of twenty five (25) percent or twenty (20) square feet, whichever is less of the window surface.
- (13) All non-residential temporary on premise signs and posters, not exceeding one additional sign not to exceed twenty (20) square feet.
- (14) Holiday decorations, including lighting, are exempt from the provisions of this Article and may be displayed in any district without a permit for a period not to exceed twelve (12) weeks.
- (15) At gasoline stations, a sign attached on gasoline pumps displaying the price of fuel, not exceeding two (2) square feet per side per pump, inclusive of price, logo and any other signage.
- (16) Temporary on premise directional signs for meetings, conventions, and other assemblies, not exceeding four (4) square feet per side.
- (17) One sign, not exceeding ten (10) square feet in all zoning districts, listing the architect, engineer, contractor and/or owner, on premises where construction, renovation, or repair is in progress.

- (18) All signs advertising a candidate for public office or any other ballot initiative. The Village encourages but does not require that such signs be displayed no sooner than thirty (30) days prior to the relevant election and no later than fifteen (15) days after said election.
- (19) Historic analog clocks, which do not exceed twenty-four (24) square feet. Digital time and temperature signs are prohibited in all zoning districts except the C-1 commercial district.
- (20) Building identification signs, which are incorporated within the facade of a structure, not exceeding four (4) square feet. Building identifications shall not identify any tenant or occupant of the structure. Only one building identification sign shall be allowed on the facade and only on a facade that has street frontage. No illumination of these signs is permitted.

B. Prohibitions. The following types of signs are prohibited:

- (1) No permanent or temporary sign shall be erected or placed within 150 feet of a signalized intersection or fifty (50) feet of an unsignalized intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words, "Stop," "Look," "Drive in," "Left," or any other words, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.
- (2) No sign shall project into the public right-of-way, except as permitted by this Article and receiving prior approval on forms provided by the Commissioner of Public Works and filed with the Building Department.
- (3) No luminous sign, indirectly illuminated sign, or lighting device shall be placed or directed so as to cause glaring or nondiffuse beams of light to be cast upon any public street, highway, sidewalk, or adjacent premises, or otherwise to cause glare or reflection that may constitute a traffic hazard or public nuisance. No sign shall in its construction employ any mirror or mirror like surface, nor any day glowing or other fluorescent paint or pigment.
- (4) No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights. All luminous signs, indirectly illuminated signs, and lighting devices shall employ only lights emitting light of constant intensity. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. Lighting shall be directed downward across the face of the sign.

- (5) No sign or part thereof shall contain or consist of any banner, pennant, ribbon, streamer, balloons, spinner or other similar moving, fluttering, or revolving device. Such devices shall be prohibited even if they have no message or logo on them. The said devices, as well as strings of lights, shall not be used for advertising or attracting attention whether or not they are part of the sign. No sign or part thereof may rotate or move back and forth.
- (6) No signs shall be placed, painted or drawn upon trees, manmade or natural features, excluding buildings which shall come before the planning board, on the site, or on utility poles, bridges, culverts, towers or similar structures.
- (7) Off premise signs or billboards shall not be permitted in any district. All signs shall be located on the same site as they identify or advertise. Off premise directional signs for temporary community activities and major attractions shall be permitted within the public right-of-way as permitted by this Article and receiving prior approval on forms provided by the Commissioner of Public Works.
- (8) No permanent free standing sign, except those exempted in Article 4.7.4.A and those identified in Article 4.7.4.C-1- (b), (c), (d), (e) and (f), shall be permitted in any residential zoning district. All other permanent signs permitted in residential zoning districts shall be attached to the principal structure.
- (9) Sandwich board signs, except those exempt in Section 4.7.4 shall not be permitted in any district.
- (10) Portable signs shall not be permitted in any district.
- (11) Signs are prohibited on all roof surfaces, or any other similar surfaces, that have a slope of less than 3:12 and they are prohibited on that portion of the surface that is higher than twenty (20) feet from the ground level.
- (12) On premise copy change or bulletin board signs shall not be permitted in any district.
- (13) Whenever possible, a box sign shall be built directly flush with the building facade.
- (14) Exposed neon tube in any form is prohibited in the CC Central Commercial District, the Waterfront District, and the Waterfront Overlay District.

- (15) Channel Letter signs (internally lighted individual letters) are prohibited in all districts, however, solid back lighted letters are permitted (those lighted by a light source concealed by the letter, reflecting off the surface of the letter).
- (16) In addition to the regulations contained in this Article, signs in the CC Central Commercial District, the Waterfront District and the Waterfront Overlay District shall have no symbol, logo or lettering exceeding twelve (12) inches in height.
- (17) Representational signs shall not be permitted in any district. An applicant may request the Planning Board waive this requirement for a 30 day or less period.

C. Signs Permitted with Permit.

- (1) Permanent Signs. Within any zoning district, the following permanent signs may be erected upon the issuance of a permit, provided however that such subsection shall not serve to expand the number of signs otherwise allowed, pursuant to the next subsection on commercial, business, institutional or industrial uses:
 - (a) Off premise directional signs for the convenience of the general public and for the purpose of directing persons to a not-for-profit activity, service or community facility may be erected, providing such signs do not exceed four (4) square feet per sign face. The message shall be limited to name or identification, arrow or direction, and distance. Advertising messages shall be prohibited. Such signs must be located within the public right-of-way and have prior approval from the Commissioner of Public Works.
 - (b) Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies, may be erected on the premises of such institutions. One (1) such freestanding sign or bulletin board may be erected. The size and height of such sign or bulletin board shall be determined by the standard set forth in Section 4.7.4.C (3)(a)
 - (c) For multiple residences or apartment developments, one (1) sign advertising availability of several residence units, not exceeding four (4) square feet. One (1) such sign shall be permitted for each parcel.
 - (d) Recreational areas, golf clubs, ski areas, and other similar facilities permitted by the zoning ordinance shall in all zones be permitted one (1) freestanding sign. The size and height of such sign shall be determined by the standard set forth in Section 4.7.4.C (3)(a).

- (c) A freestanding sign necessary for the identification, operation or production of a public utility may be erected on the premises of such public utility. The size and height of such sign shall be determined by the standard set forth in Section 4.7.4.C (3)(a).
 - (f) For residential subdivisions or projects one (1) sign, which identifies the project by name and address may be erected near the principal entrance. The one (1) sign shall not exceed sixteen (16) square feet. Such sign shall not be placed within the public right-of-way and provision for its permanent maintenance must be made.
- (2) For any commercial, business, institutional or industrial use the following permanent signs may be erected upon the issuance of a permit and require review and approval by the Village of Catskill Planning Board:
- (a) Only one (1) wall sign per establishment shall be permitted unless that establishment has street frontage on more than one side.
 - [1] If a business establishment is located in a structure that is located on a lot that has no street frontage, one (1) wall sign shall be permitted on any single facade for that business establishment in the structure, whether that facade faces the street or not. If a business establishment is located in a structure that is located on a lot that has street frontage, but the portion of the structure where the business establishment is located does not have frontage, the business establishment is entitled to one (1) wall sign on the business establishment's facade. If a business establishment is located in a structure that is located on a lot that has more than one street frontage, one (1) wall sign on each facade of the business establishment, which has street frontage for the facade of the business establishment, is permitted. A publicly owned alley shall be considered a street.

[2] The total area for wall signage shall not exceed two (2) square feet for each linear foot of building frontage attributable to the particular business or businesses which the sign will identify, or fifteen (15) percent of the total area of the one building facade upon which the signage is placed or forty (40) square feet, whichever is less. A single wall sign may be used to identify more than one on premise establishment. A sign directory is a wall sign. For buildings with multiple tenants having storefronts only, the facade rented by the tenant shall be considered as wall area for a sign. An establishment may have both a wall sign and/or a freestanding sign.

(b) One awning sign shall be permitted for each window or door of the facade covered by the awning.

[1] Awning signs are only permitted on awnings, which are constructed over doors or windows, which are at any level of the facade. Awnings to which signs may be attached must be fastened to the facade of the building and not supported from the ground; shall extend at least five (5) feet but no more than seven (7) feet from the facade; and no portion of the awning shall be nearer than seven (7) feet from the ground. Lettering up to six (6) inches in height only on the valance. The extent of the lettering may cover a maximum of eight (8) feet in width or fifty percent (50%) of the valance width, whichever is less.

[2] In the CC, WD, WOD District awnings and awning signs shall be permitted on any facade of the building (not just those that have street frontage).

[3] All awning signs shall only identify the business establishment occupied by the facade on which the awning is placed.

[4] Awnings shall be made of high quality commercial canvas material or other material approved by the Planning Board upon a showing by the applicant of quality, ascetics and durability of the other material. Awnings must be of the fabric retractable or rollback variety. Awnings constructed of vinyl and extruded aluminum shall be prohibited.

(c) An establishment may have both wall signage and awning signage.

- (d) An establishment may have a sign on a roof, provided that the roof has a slope greater than 3:12. The total area for a roof sign shall not exceed fifteen percent (15%) of the total area of the building silhouette on which it is placed or one hundred (100) square feet, whichever is less. Only one (1) roof sign per establishment shall be permitted unless that establishment has street frontage on more than one (1) side. No portion of any roof sign shall extend more than twenty (20) feet or less than ten (10) feet above the ground level.
 - (e) An establishment may have either a roof sign or a wall sign on a building frontage, but not both. In the CC Central Commercial District, an establishment may have a projecting sign instead of the roof or wall sign.
- (3) Freestanding Sign.
- (a) Only one freestanding sign shall be permitted on any parcel except as follows: Freestanding signs are prohibited in the CC Central Commercial District. Freestanding signs are permitted in the Waterfront District and the Waterfront Overlay District where a building is set back at least fifteen (15) feet from the street. The size of freestanding signs shall be limited in size according to the posted speed limit of the road on which the sign has frontage, or according to the district in which the sign is located, as follows.

<u>District or Posted Speed Limit</u>	<u>Height</u>	<u>Size (Total)</u>
CC, WD, WOD	12 feet	12 square feet
All other districts 0-44 mph	12 feet	24 square feet
All other districts 45 mph or greater	18 feet	40 square feet

- (b) An exception to the above shall be that a single owner automotive dealership with multiple national franchises operating on an individual parcel of land may have additional freestanding product identification signs. One additional freestanding product identification sign per each three hundred (300) lineal feet of frontage along only the principal facade of the automotive dealership may be erected provided

that the frontage on which the sign is located includes direct access from the dealership to the street. Each additional freestanding sign shall not exceed the size of such sign as allowed in Section 4.7.4.C (3)(a), and shall not be located any closer than two hundred (200) feet from the side yard line of the property. Each additional freestanding sign shall only contain product identification sign, or signs, for a single national franchise. In areas where such additional signs are subject to Historic Review the Planning Board may impose any further restrictions on the size, height, location and spacing of such additional signs.

- (c) One freestanding, non-backlit (if lighted, externally lighted) sign of up to four (4) square feet in area for any Bed and Breakfast in a residential zoning district.
- (d) One freestanding, non-backlit (if lighted, externally lighted) sign of up to four (4) square feet in area for any legally established commercial use variance within a residential zoning district.

D. Shopping Centers, Professional Office Complexes and Other Multiple Use Facilities. Where two (2) or more business establishments are planned as an integrated center, mall, complex or other multiple use facility, the following criteria shall apply:

- (1) One common freestanding sign identifying the development is permitted. The size and height of such sign shall be determined by the standard set forth in Section 4.7.4.C (3)(a).
- (2) Freestanding signs may not be displayed by individual establishments located within the development. Individual establishment signs shall not be posted on the freestanding sign. The freestanding signs shall display the name of the development.
- (3) Shopping centers, professional office complexes and other multiple use facilities require the submission of a Master Sign Plan.

E. Master Sign Plan.

- (1) A master sign plan is a sign system to create visual unity among the signs within the development and insures compatibility with surrounding establishments and structures. It shall include specifications to which all signs within the development shall conform, including, but not limited to the elements of 4.7.2 A and the design criteria of 4.7.5 C.

- (2) Before any individual sign permits requiring a Master Sign Plan are approved, the Plan shall be reviewed and approved by the Village Planning Board.
- F. Murals. Murals, not exceeding fifty (50 percent or two hundred (200) square feet, whichever is less, of the total area of the building façade are permitted, provided it contains no advertising message.

4.7.5 DESIGN AND CONSTRUCTION STANDARDS

A. General Provisions.

- (1) All signs shall comply with applicable regulations of the New York State Building Code.
- (2) All electrical signs shall be constructed in accordance with the standards of the National Electric Code.
- (3) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than twenty (20) pounds per square foot or surface area.
- (4) All signs, including wall mounted signs, shall be securely anchored and shall not swing or move in any manner.
- (5) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted, and free from all hazards, such as, but not limited to, faulty wiring, and loose supports, braces, guys and anchors.
- (6) All freestanding or wall signs shall employ acceptable safety material.
- (7) All signs shall be painted and/or fabricated in a professional, workmanlike manner.

B. Specific Regulations to Sign Types.

- (1) Wall Signs.
 - (a) Wall signs shall not extend beyond the ends or over the top of the walls to which attached and shall not extend above the first floor level of the building.

(b) Wall signs except for certain electric signs shall not extend more than six (6) inches from the face of the buildings to which attached. Electric signs may extend a distance of up to fourteen (14) inches to accommodate a sign and a code-required transformer box, but in no case shall this box extend more than eight (8) inches from the face of the building to which it is attached. Whenever possible the transformer box shall be concealed inside the building. In the CC, WOD, WD Districts exterior mounted transformer boxes are prohibited.

(2) Free Standing Signs.

- (a) No freestanding sign may be located less than fifty (50) feet from any other freestanding sign.
- (b) No freestanding sign shall be more than twenty (20) square feet per side for a double-faced sign.
- (c) No freestanding sign shall be more than twenty (20) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures. Signs shall be minimized in height consistent with the standards set forth in section 4.7.5.C.
- (d) No freestanding sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.
- (e) Freestanding signs under which a pedestrian walkway or driveway passes must have a ten (10) foot vertical clearance.

(3) Other Signs.

(a) Window Signs.

- (i) No window sign shall be affixed to the exterior of the window. All exterior signs shall be classified as wall signs.
- (ii) The area of a window sign (including neon signs, which size shall be calculated using a rectangle surrounding the outermost dimensions) shall not exceed five percent (5%) or twenty (20) square feet, whichever is less, of the area of the window.

(4) Roof Signs

- (a) A roof sign must be installed in a plane parallel to the wall of the facade of the building, which the roof covers. In no case shall a roof sign extend above the peak of the roof or above the parapet wall of the building facade. The bottom portion of the roof sign, except for certain electric signs, shall not extend more than six (6) inches from the roof surface. Electric signs may extend a distance of up to fourteen (14) inches to accommodate a sign and a code-required transformer box, but in no case shall the bottom of this box extend more than eight (8) inches from the roof surface to which it is attached. Whenever possible, the transformer box shall be enclosed inside the building. All bracing for a roof sign shall be enclosed in a structure.

(5) Backlit Signs

- (a) All backlit signs shall have a dark background. Only the letters and/or message area of the sign shall be illuminated. Whenever possible they shall be constructed flush with the building facade.

C. Design Criteria. All signs shall be reviewed relative to the appropriateness and compatibility of their design, shape, materials, colors, illumination, legibility, location and size. The Planning Board may approve, approve with conditions, or disapprove signs. Approval is based on consistency with the design criteria herein. With respect to conditioned approval, the Planning Board may require modifications in sign features permitted by this Article that are more restrictive in order to insure compatibility.

- (1) Signs should be a subordinate part of the streetscape.
- (2) Signs in a particular area or district should create a unifying element and exhibit visual continuity.
- (3) Whenever feasible, multiple signs should be combined into one to avoid clutter.
- (4) A sign should not impair the visual effectiveness of neighboring signs.
- (5) Signs should be as close to the ground as possible, consistent with legibility considerations.
- (6) A sign's design should be consistent with the architectural character of the building on which it is placed and not cover any architectural features on the building.

- (7) Signs should have dark background colors and light letters as these minimize the apparent size of signs within the streetscape.
- (8) Signs should have a minimum of information in order to avoid clutter and confusion.
- (9) Garish colors and materials should be avoided.
- (10) The Planning Board may require that landscaping be used at the base of a freestanding sign if such landscaping will make the sign more compatible with the surrounding area.

4.7.2 APPEAL TO ZONING BOARD OF APPEALS

Any person aggrieved by a decision of the Building Inspector relative to the provisions of this Article may appeal such decision in writing to the Board of Appeals as provided in the Zoning Regulations and State Law and shall comply with all procedural requirements prescribed by such Board.

Section 2. Repeal the existing definitions of Section 11.1 Definitions of Article XI – Definitions as related to signs (Billboard, Sign, Sign Area) and replace in its entirety the following:

Sign – Any display of lettering, numbering, logos, designs, trademark shapes, colors, lights, or illumination visible to the public from outside of a building or from a public right-of-way, which either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to, directly or indirectly, a use conducted, events, goods, products, services or facilities available.

Awning Sign – Any visual message incorporated into an awning attached to a building.

Box Sign – A wall sign, attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than fifteen (15) inches from the face of the wall, and capable of being illuminated from the interior of the sign.

Copy-Change Sign – A sign on which the visual message may be periodically changed.

Directional Sign – A sign limited to providing information on the location of an activity, business, or event.

Freestanding Sign – Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs, masonry wall-type signs, and signs of similar design and construction.

Illuminated Sign – Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

Off-Premises Sign – A sign, including billboards, unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Portable Sign – A sign, whether on its own trailer, truck body or similar conveyance, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, as structure or another sign.

Projection Sign – A sign which is attached to the building or wall or structure and which extends horizontally more than 15 inches from the plane of such wall, or a sign which is perpendicular to the face of such wall or structure.

Representational Sign – A three-dimensional sign built so as to physically represent the object advertised. Representational signs are also defined herein and may be applied to building features and architectural treatments.

Temporary Sign – A sign related to a single activity or event having a duration of no more than thirty (30) days.

Wall Sign – A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than 15 inches from the face of the wall.

Window Sign – A sign visible from a sidewalk, street, or other public place, painted or affixed on glass or other window material, or located within four feet of the window, but not including graphics in connection with customary window display of products.

Sign Directory – A listing of two or more business enterprises, consisting of matrix and sign components.

Sign Structure – The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more sides where the angle formed between any two of the sides or the projections thereof exceeds thirty (30) degrees, each side shall be considered a separate sign structure.

Sign Surface Area – The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. Both faces of a double-faced sign shall be included as surface or area of such sign.

Section 3. Effective Date

This Local Law shall take effect immediately.