

**LOCAL LAW #3 OF 2018
A LOCAL AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH:
SIGN REGULATIONS**

BE IT ENACTED by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh: Sign Regulations"

SECTION 2 - INTENT

The intent of this local law is to implement changes in the Town of Newburgh Zoning Code to better address and regulate signs.

SECTION 3 - AMENDMENT TO CHAPTER 185.

A. Section 185-14 entitled "Sign regulations" is hereby amended to read as follows:

"§185-14 Sign regulations

A. Intent.

- (1) This section regulates signs which are visible from the right-of-way and from beyond the property where erected. These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community and the need for adequate identification, communication and advertising for all land uses. At no time should these provisions be interpreted to regulate any aspect of the content of any sign. The regulations for signs have the following specific objectives:
 - (a) To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised.
 - (b) To allow and promote positive conditions for meeting a sign user's needs, while at the same time avoiding nuisances to nearby properties and promoting an attractive environment.
 - (c) To reflect and support the desired character and development patterns of the various districts.
 - (d) To allow for adequate and effective signs in commercial and industrial districts while preventing signs from dominating the visual appearance of the area.
- (2) These regulations allow for adequate and multiple types of signs for a site. The

provisions do not necessarily assure or provide for a property owner's desired level of visibility for the signs.

B. Applicability and scope. This section regulates the number, size, placement and physical characteristics of signs. The regulations are not intended to and do not restrict, limit or control the content or message of signs. The regulations of this section apply to all districts in the Town. Notwithstanding anything to the contrary herein, "noncommercial" signs, including those expressing some personal, political or religious view, are allowed wherever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Section.

C. Conformance. No sign may be erected unless it conforms to the regulations of this section. Sign permits must be approved prior to erection of the sign.

D.

Exempt signs. The following signs are exempt from the provisions of this section but may be subject to other portions of the Town Code:

- (1) Signs inside a building, not governed by §185-14J(6), pertaining to window signs, except for strobe lights visible from a right-of-way, private or public road or other private property.
- (2) Building numbers.
- (3) Signs carved into or part of materials which are on an integral and permanent part of the building, not to exceed four (4') feet in total area on any one building.
- (4) Painted wall decorations and painted wall highlights that present no message or indication of a use and are meant strictly for artistic, decorative or design use or enhancement, provided such decorations, scenes or highlights have been presented to, reviewed and approved by the ARB .
- (5) Public and/or governmental signs, including traffic or similar regulatory devices and signs required to be posted by governmental regulation.
- (6) Flags and insignia of any government, except when displayed in connection with a commercial promotion.
- (7) Nonilluminated warning, "private drive," "posted" or "no trespassing" signs, not exceeding two square feet per face.
- (8) Temporary non-illuminated signs on premises being offered "for sale" or "for rent" subject to the following regulations:
 - (a) One attached wall or freestanding sign per street frontage will be permitted.
 - (b) Signs shall be no closer than 10 feet from any property line.
 - (c) Area and height.
 - (1) For improved single and two family residential properties, the maximum area per sign shall be 12 square feet with a maximum height of six feet.
 - (2) For improved multifamily residential properties, the maximum area per sign

shall be 15 square feet with a maximum height of eight feet.

(3) For improved nonresidential properties, the maximum area per sign shall be 24 square feet with a maximum height of eight feet.

(4) For unimproved properties not exceeding two acres in size, the maximum area per sign shall be 32 square feet with a maximum height of 10 feet.

(5) For unimproved properties exceeding two acres in size, the maximum area per sign shall be 60 square feet with a maximum height of 10 feet.

(6) Signs shall not be illuminated.

(f) All such signs shall be removed within three days after the ending of the listing period or the sale, lease or rental of the premises, as the case may be.

- (9) Temporary, nonilluminated window signs and posters not exceeding 10% of the window surface.
- (10) One temporary sign at a seasonal roadside stand selling agricultural produce grown on the premises, provided that such sign shall not exceed six feet and shall be set back a minimum of 10 feet from any property line. Any such sign shall only remain on the site for that portion of the year that the stand is active.
- (11) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, nonilluminated, not exceeding four square feet per face and six feet above the ground.
- (12) Temporary, non-illuminated, non-commercial signs with fixed messages displayed for periods not to exceed 120 days in any calendar year, not exceeding 9 square feet in total area and no more than 48 inches above grade. The date the signs are erected shall be legibly labelled on such signs with lettering no less than 2.5 inches in height. A maximum of 4 identical signs shall be placed within 200 feet of each other.

The Building and Code Enforcement Officer shall have the same authority with respect to exempt, temporary signs which do not meet or continue to meet the criteria for exemption as he or she has under Subsection 185-14(11) with respect to signs on lampposts, traffic light poles and utility poles whether or not

E. Prohibited signs. The following signs are prohibited and shall be removed.

- (1) Strobe lights and signs containing strobe lights which are visible from the exterior of the building.
- (2) Signs placed or painted on a vehicle, trailer or truck trailer and parked with the primary purpose of providing a sign for commercial purposes.
- (3) "Animated signs. See Section 185-14P.
- (4) A sign which copies or imitates or in any way approximates an official highway sign or carries the words "STOP," "DANGER," "GO SLOW," "CAUTION," "WARNING," etc.

- (5) Any sign in or projecting into a public right-of-way, except exempt, temporary, non-commercial signs permitted pursuant to Subsection 185-14(D)(10).
- (6) A sign or illumination that causes any direct glare into or upon any building or street, other than the building to which the sign may be accessory.
- (7) "Abandoned signs," defined as those signs which do not pertain to a use for which the premises have been used for at least 360 days or which refer to an off-premises use which has not existed for at least 180 days.
- (8) Any sign which impairs or causes confusion to vehicular or pedestrian traffic in its design, color or placement.
- (9) Any sign mounted or attached to a [tree], lamppost, traffic signal post, utility pole, etc.
- (10) Roof signs.
- (11) Reserved.
- (12) Any sign which is not included under the types of signs permitted in specific district regulations or in this section.

F. Sign measurement.

(1) Sign face area.

- (a) The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. Sign area does not include foundations, supports and other essential structures which are not serving as a backdrop or border to the sign. Only one side of a double-faced sign is counted.
- (b) When a sign is on a base material and attached without a frame, such as a wood or plexiglass panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.
- (c) When signs are constructed of individual pieces or letters attached to a building wall, the sign area is determined by a perimeter drawn around all the pieces or letters.
- (d) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face.
- (e) The maximum surface area visible at one time of a round or three-dimensional sign is counted to determine sign area.

- (2) Height of signs The overall height of a sign or sign structure is measured from the grade directly below the sign to the highest point of the sign or sign structure.

G. Nonconforming signs.

- (1) The lawful use of a sign or signs existing at the time of adoption of this chapter may be continued, even though the sign does not conform to the regulations and limitations of this section, until one or more of the following occurs:
 - (a) The structure, size, location or accessories of any or all signs previously granted approval and permits are altered, modified, changed, reconstructed or moved.
 - (b) The structure, size, location, lettering, color scheme or accessories of any or all signs on the property for which approval and/or permits have not been granted are altered, modified, changed, reconstructed or moved.
 - (c) Buildings, structures or site improvements on the property upon which the sign is placed are altered in such a way as to require approval pursuant to Article of this chapter.
 - (d) Any or all signs on the property are damaged or destroyed by fire, explosion or act of God to the extent of more than 60% of the actual value thereof.
 - (e) Any or all signs on the property are abandoned.
 - (f) Any or all signs on the property fall into a state of disrepair or become unsafe.
- (2) Nonconforming signs are not subject to the provisions of Section __, Nonconforming Buildings, Structures and Uses, of this chapter.
- (3) Ordinary maintenance and repairs may be made to any nonconforming sign, provided that the structure, lettering, color scheme or accessories are not altered, modified, changed, reconstructed or moved, and provided that such ordinary maintenance and repairs do not exceed 20% of the value of the sign in any one-year period.
- (4) Nothing contained in this section shall be deemed to require any change in the plans or construction of any sign upon which actual construction was lawfully initiated prior to the effective date of this section. "Actual construction" is hereby defined as the actual placing of the sign and/or structure materials in their permanent position in compliance with the previously obtained approval and permits.

H. General design criteria.

- (1) Where more than one sign is permitted for the same activity, all signs should be coordinated with respect to color, letter style, illumination and other graphic features.
- (2) In multiple owner/tenant occupancies, the various signs required for identification of different activities should be coordinated with respect to

placement on the building facade, legibility and illumination and should express uniformity of design and create a sense of harmonious appearance.

(3) All signs should be legible and visible for the purpose and circumstances in which they are used.

(4) Sign(s) shall be considered a site plan and architectural feature of the proposed development and, as such, should be coordinated in size, height, color, illumination, location, graphic design and finish detailing with the building(s), landscaping, area lighting and vehicular and pedestrian circulation and shall be shown on and approved with the use where Planning Board or Architectural Review Board approval is required.

(5) Where different uses are permitted side-by-side or on adjoining properties, signs permitted for one property or tenancy should not adversely affect the identification and reasonable use of the neighboring property or tenancy.

(6) In general, changeable copy area of any sign should occupy no more than 1/3 of the area of said sign. See SubSection 185-14P with regard to Electronic Message Displays

(7) All limited access highway-oriented signs and billboards shall not be of changeable copy type and shall conform to applicable NYS Thruway Authority regulations and other State and Federal laws and regulations

(8) Where signs are to be placed near residential uses, sign height, size, location and illumination should be adjusted for minimum impact to the residential uses.

(9) Sign content should be orderly, and graphics should be of simple shapes, such as rectangles, circles or ovals.

(10) No more than two typefaces shall be used on any one sign or group of signs.

(11) The number of colors used should be the minimum consistent with the design.

(12) Illumination. Where illumination of signs is permitted, such illumination may only be between sundown and 11:00 p.m. (or close of business). Illumination shall only be of an even intensity at all times. Illumination may be direct (giving forth light from the interior of the sign through translucent material) or it may be indirect (when the light source is not visible from any adjoining property or street and is directed upon the sign) as specified in § 185-14P.

(a) Illumination should be appropriate to the character of the sign and its surroundings and shall not adversely shine on or impact surrounding properties, uses or streets and roads.

(b) No sign or similar advertisement shall be illuminated in such a manner so as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.

(13) Any tenant or user making an application for a sign permit shall submit with his application evidence that the landlord and owner of the building has approved the particular signage.

I. General construction and placement criteria.

(1) All signs installed after the effective date of this section shall have attached to the sign a nameplate giving the sign permit number and the name and address of the owner, person or corporation responsible for the general requirements and maintenance as outlined herein.

(2) All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (UL 48) of the Underwriters' Laboratories Inc., and bear the seal of the Underwriters' Laboratories label. The sign shall be inspected and certified by an electrical inspection agency approved by the Town.

(3) All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.

(4) All signs, including attached wall, projecting and suspended wall 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 signs shall be painted and/or fabricated in accordance with generally accepted sign industry standards.

(7) All signs and sign structures shall be erected and attached totally within the site.

(8) Vision clearance area. No sign may be located within the triangular area on corner lots determined in accordance with Section 185-17(B). No support structure(s) for a sign may be located in said area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

(9) Vehicle area clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign shall be at least 14 feet above the grade. Vehicle areas include driveways, alleys, parking lots, loading, maneuvering areas, etc.

(10) Pedestrian area clearances. When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign shall be at least 8 1/2 feet above the grade.

(11) Signs may be erected in required yards and setback areas, but not in buffer areas, unless otherwise specified in this chapter.

J. Specific regulations; sign types.

(1) Attached wall sign: any sign posted, painted or constructed, attached and parallel to the plane of the building wall, facade, marquee or porch of any structure.

(a) An attached wall sign shall be flush and flat throughout its length and height to the face of the wall to which it is mounted.

(b) An attached wall sign shall not extend beyond the ends or over the top of the wall to which it is mounted.

(c) In multistory buildings, it shall be located no higher than the first floor.

(d) Its length shall not exceed 70% of the width of the tenancy or building wall to which it is mounted.

(e) Attached wall signs may only be directly illuminated.

(f) Attached wall signs shall not be located on the rear of a building.

(2) Suspended wall sign: any sign which is suspended from a building wall, facade, marquee or porch by means of brackets, hooks, chains, etc., and whose face is parallel to the plane of said building wall, facade, marquee or porch.

(a) A suspended wall sign shall not project more than 12 inches from the face of the wall to which it is mounted.

(b) A suspended wall sign shall not extend beyond the ends or over the top of the wall to which it is mounted.

(c) In multistory buildings, it shall be located no higher than the first floor.

(d) Its length shall not exceed 70% of the width of the tenancy or building wall to which it is mounted.

(e) Suspended wall signs may only be directly illuminated.

(f) Suspended wall signs shall not be located on the rear of a building.

(3) Projecting sign: a sign which is attached to a building wall, facade, marquee or porch and which extends more than 12 inches from the face of such building wall, facade, marquee or porch.

(a) Projecting signs shall not have more than two faces.

(b) The exterior edge of a projecting sign shall not extend more than five feet from the building wall, facade, marquee or porch to which it is mounted.

(c) No part of a projecting sign shall extend into vehicular traffic areas.

(d) Projecting signs may only be directly illuminated.

(4) Under-canopy sign: a projecting sign placed at a ninety-degree angle to the building facade of a retail establishment and attached to the ceiling of a canopy or covered walkway or attached to the storefront or building facade to facilitate identification of the particular retail store or tenant.

- (a) The location of such sign shall be at least nine feet above the finished floor grade.
- (b) The area of under-canopy signs shall not be counted as part of the total allowable sign area for all permanent signs on the site.

(5) Freestanding sign: a sign standing on the ground and usually, but not necessarily, supported from the ground by one or more poles, posts or similar uprights, with or without braces, and advertising products or uses made, sold, used or served on the premises displaying such sign.

- (a) No freestanding sign shall be located less than 15 feet from any front or side property line, or a distance equal to the height of said sign, whichever is greater.
- (b) A freestanding sign shall be located no less than 10 feet from any building, or equal to the height of the sign, whichever is greater.
- (c) A freestanding sign shall be no more than 35 feet in height above finished grade. Signs which exceed 14 feet in height shall be designed and constructed to withstand winds of 100 miles per hour, and such shall be certified to by a professional engineer or registered architect licensed to practice in the State of New York.
- (d) A freestanding sign shall not overhang any property lines.
- (e) Masonry-wall-type signs shall not exceed four feet in height above finished grade and shall not be placed so as to impair the visibility of motorists.
- (f) All freestanding signs must be protected from vehicular damage by a poured-in-place concrete curb or planter.
- (g) Freestanding signs may either be directly or indirectly illuminated.

(6) Window sign: a sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

- (a) The area of a window covered by window signs shall not exceed 25% of the area of said window.
- (b) Window signs may only be directly illuminated.

(7) Awning sign: a sign mounted or painted on or attached to an awning or canopy.

- (a) No sign shall project out from, above, below or beyond the awning or canopy.
- (b) An awning sign shall only indicate the name and/or address of the use or premises.
- (c) Awning signs may not be illuminated.

(8) Fence signs.

- (a) No sign or banner shall be placed on any fence which will impede the vision of pedestrians and/or motorists.
- (b) All signs or banners placed on fences must be attached securely to prevent them from interfering with pedestrians and/or motorists' safety.
- (c) All signs and banners shall be kept and maintained in a clean, legible manner.

K. Signs permitted in all districts. The following signs shall be permitted within any district in the Town:

(1) On lots fronting on roads providing access to an existing residential subdivision. In conjunction with an existing development or neighborhood, signs may be placed, subject to the following conditions:

(a) A maximum of two single-faced freestanding signs shall be permitted per development or neighborhood.

(b) The maximum area per sign shall be 16 square feet. Only one sign shall be placed per intersection.

(c) Such signs shall only be indirectly illuminated.

(d) If such signs are freestanding, the maximum height shall be 48 inches above the finished grade.

(2) On lots containing multiple-family uses. In conjunction with an existing multiple-family development having 20 units or more, on-site signs may be placed subject to the following conditions:

(a) One freestanding, attached wall or suspended wall sign, single- or double-faced, shall be allowed per street frontage from which vehicles gain access to the development.

(b) The maximum area per sign shall be 20 square feet.

(c) If such signs are freestanding, the maximum height shall be 48 inches above the finished grade.

(d) If freestanding, such signs shall only be indirectly illuminated.

(3) Signs and banners generally.

(a) All signs and banners must be legible, clean, orderly and maintained.

(b) Banners shall not exceed 70% of the width of the building wall to which it is mounted.

(c) Banners shall not be illuminated.

(d) Banners shall not extend beyond the side of the wall to which it is mounted.

(4) Long-term temporary signs.

(a) On-site construction signs. In conjunction with a use that has an approved building permit for a project or a development, construction signs may be placed subject to the following regulations:

[1] There shall not be more than one such single-faced, freestanding sign for each project or development.

[3] Such sign shall be no larger than 32 square feet in total area and no more than 10 feet in height.

[4] Construction signs shall not be illuminated.

[5] Construction signs may be erected and maintained for a period not to exceed 14 days prior to the commencement of construction and shall be removed within 14 days of the termination of construction of the project or development.

(5) Short-term temporary signs.

(a) Temporary Non-Commercial signs. Signs for noncommercial purposes may be placed subject to the following regulations:

[1] There shall not be more than one such sign for each tax lot. If the sign is not to be placed on property owned by the applicant for the permit, then the permit applicant shall present written consents from all the property owners on whose property the sign is to be located.

[2] Such signs may be freestanding or attached wall signs.

[3] Such signs shall not be illuminated, shall not exceed 32 square feet in total area and, if freestanding, shall be no more than eight feet in height.

[4] Temporary, non-commercial signs may be erected and maintained for a period not to exceed 30 days.

(b) Temporary On-site commercial signs. Signs, banners, posters and other similar devices pertaining to on-premise commercial uses may be placed subject to the following regulations:

[1] No single sign shall exceed 32 square feet in total area nor exceed an aggregate total area of 64 square feet for the parcel.

[2] If freestanding, no sign shall exceed 10 feet in height.

[3] Permits for such temporary commercial signs shall not be issued more than twice for the same parcel within one calendar year.

[4] All such signs shall be erected and maintained for a period not to exceed 30 days.

(6) Off-premises signs at intersections on State highways. Off-premises signs pertaining to uses on intersecting streets within 0.5 miles of the intersection shall be permitted to be placed within 100 feet of the intersection subject to the following regulations:

(a) The lot on which the sign is placed shall be otherwise vacant when the permit for the sign is issued.

(b) One sign per lot shall be permitted.

(c) No sign shall exceed 24 square feet in total area.

(d) No sign shall exceed 10 feet in height.

(e) No sign shall be placed in the triangular area on corner lots determined in accordance with Section 185-17(B).

(f) The square footage of the sign shall count towards the total sign area allowed for the lot in the event the lot is developed in the future and the sign remains in place.

L. Signs permitted in the RR, AR, R-1, R-2 and R-3 districts.

In addition to signs permitted in all districts, the following signs shall be permitted within any residential district in the Town:

(1) On a lot containing an approved home occupation or professional office, one non-illuminated, attached wall, suspended or freestanding sign may be placed on the premises subject to the following conditions:

(a) Such sign shall not exceed four square feet in total area.

(b) If freestanding, such sign shall not exceed six feet in height.

M. Signs permitted in the B District. The following signs shall be permitted within the B District:

(1) Attached wall, suspended wall, projecting, window and awning signs may be placed on the premises subject to the following conditions:

(a) The total allowable sign area for all permanent signs on the site, except freestanding signs, shall be as follows:

[1] If there is no freestanding sign on the site, then one square foot of sign area per linear foot of building wall that fronts on a street is allowed.

[2] If there is a freestanding sign on the site, then 3/4 square foot of sign area per linear foot of building wall that fronts on a street is allowed.

(b) There is no limit on the number of such signs on a site so long as their aggregate square footage is within the total allowable area limit.

(2) One freestanding sign may be placed on the premises subject to the following:

(a) Such sign shall only be allowed if the building on the site is set back a minimum of 35 feet from the front property line.

(b) On lots with a lot width of 100 feet or less, the maximum sign area shall be 40 square feet. On lots with a lot width of more than 100 feet, the maximum sign area shall be 60 square feet.

(c) The maximum height shall be 14 feet.

N. Signs permitted in IB and I Districts.

The following signs shall be permitted within the IB and I Districts in the Town:

(1) Attached wall, suspended wall, projecting, window, awning signs and billboards may be placed on the premises, subject to the following conditions:

(a) The total allowable sign area for all permanent signs on the site, except freestanding signs, shall be as follows:

[1] If there is no freestanding sign on the site, then 1 1/4 square feet of sign area per linear foot of building wall that fronts on a street is allowed.

[2] If there is a freestanding sign on the site, then one square foot of sign area per linear foot of building wall that fronts on a street is allowed.

[3] For billboards, if the lot has no buildings located on it, then one square foot of sign area per linear foot of lot frontage is allowed.

(b) There is no limit on the number of such signs on a site so long as their aggregate square footage is within the total allowable area limit.

(2) One freestanding sign may be placed on the premises subject to the following conditions:

(a) The maximum aggregate sign area shall be 250 square feet, with no individual sign face exceeding 150 square feet.

(b) The maximum height shall not exceed the maximum permitted building height in the district in which the property is located.

O. Signs permitted for specific uses. Regardless of the district in which it is located, for the uses listed below, the signs permitted on the site shall be governed by the following:

(1) Shopping centers. See Section 185-14A

(2) Mini-malls. Mini-malls shall be subject to the same regulations as shopping centers pursuant to Section 185-14A, except that only one free standing sign shall be permitted.

(3) Convenience stores with gasoline filling stations. Convenience stores with gasoline filling station signs shall be subject to the following:

(a) One attached wall, suspended wall or projecting sign may be placed on the principal building, except that where the building abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted. The maximum allowable sign area for the sign shall be 1/2 square foot of sign area per linear foot of building wall that fronts on a street.

(b) One freestanding sign may be placed on the premises subject to the following:

[1] The maximum sign area shall be 75 square feet.

[2] The maximum height shall not exceed the maximum permitted building height in the district in which the property is located.

(c) Service island identification signs. Service island identification signs indicating the price of gasoline, other relevant information or directions to persons using the facility, but containing no advertising material, shall be allowed subject to the following:

[1] There shall be no more than one such sign for each service island located on the premises.

[2] The maximum allowable sign area for each such sign shall not exceed six square feet.

[3] Such signs may only be located attached directly to the service island structure, if any, or pump.

[4] Such signs shall not project higher than the service island structure, if any, or pump, whichever is higher.

(4) Motor vehicle service stations. Motor vehicle service station signs shall be subject to the following:

(a) One attached wall, suspended wall or projecting sign may be placed on the principal building, except that where the building abuts two or more streets, additional such signs, one oriented to each abutting street, shall be permitted. The maximum allowable sign area for the sign shall be 1/2 square foot of sign area per linear foot of building wall that fronts on a street.

(b) One freestanding sign may be placed on the premises subject to the following:

[1] The maximum sign area shall be 75 square feet.

[2] The maximum height shall not exceed the maximum permitted building height in the district in which the property is located. In the Office and Research District, the maximum height shall not exceed 35 feet.

(c) Service island identification signs. Service island identification signs (for gasoline service stations only) indicating the price of gasoline, type of service offered, other relevant information or directions to persons using the facility, but containing no advertising material, shall be allowed subject to the following:

[1] There shall be no more than one such sign for each service island located on the premises.

[2] The maximum allowable sign area for each such sign shall not exceed six square feet.

[3] Such signs may only be located attached directly to the service island, if any, or pump.

[4] Such signs shall not project higher than the service island structure, if any, or pump, whichever is higher.

(d) Service bay identification signs. Service bay identification signs providing direction or instruction to persons using the facility, but containing no advertising of any kind, shall be subject to the following:

[1] One attached wall or suspended wall sign may be placed on the principal building for each service bay.

[2] The maximum sign area for each such sign shall be 10 square feet.

[3] Such signs shall be located either adjacent to or over a service bay entrance.

P. Electric and Illuminated Signs. Reserved

Q. Permits.

(1) Permit required. Except for the following, no person may erect, alter or relocate within the Town any sign without first obtaining a building permit for the sign:

(a) Exempt signs as specified in Subsection 185-14D.

(b) Routine maintenance or changing of the parts of a sign, provided that the maintenance or change of parts does not alter the surface area, height or otherwise render the sign nonconforming.

1A.

(2) Sign Permit applications. Each sign being applied for shall require the filing of a separate permit application. Applications for sign permits shall be submitted to the Code Compliance Department on forms prescribed and provided by the Town and shall contain or have attached thereto the following information:

- (a) The names, addresses and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed and the person or company to be erecting or affixing the sign.
- (b) The location of the building, structure or lot on which the sign is to be erected or affixed.
- (c) A site plan of the parcel involved, showing all structures and the exact location of the proposed sign.
- (d) Two sets of plans and specifications of the sign to be erected or affixed and its method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color and weight.
- (e) If necessary, a certification from a professional engineer or registered architect licensed to practice in the State of New York indicating that the sign is designed to withstand winds of at least 100 miles per hour.
- (f) The written consent of the owner of the building, structure or property on which the sign is to be erected or affixed.
- (g) 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 connection.
- (h) Such other information as the Code Compliance Department may require to determine full compliance with this and other applicable ordinances and regulations of the Town.

(3) Issuance of permits. Upon the filing of an application for a sign permit, the Code Compliance Department shall examine the plans, specifications and other submitted data and the premises upon which the sign is proposed to be erected or affixed. If it appears that the proposed sign is in compliance with all the requirements of this Zoning Law and other applicable ordinances of the Town and if the application is complete and the appropriate permit fee has been paid, the Code Compliance Department shall, within 30 days, issue a permit for the proposed sign. The issuance of a permit shall not excuse the applicant from conforming to the other laws, ordinances or regulations of the Town. If the work authorized under a sign permit has not been completed within 90 days after the date of issuance, the permit shall become null and void, but may be renewed within 15 days prior to the expiration, for good cause shown, for an additional 90 days, upon payment of 1/2 of the original permit fee.

(4)

Permit fees. At the time of filing a sign permit application, said application shall be accompanied by an appropriate application fee. Said application fees shall be established by Town Board resolution or in Chapter 104 "Fees."

R. Review of existing signs.

(1) Nonrequested inspections. The Code Compliance Department or his authorized representative shall have the authority, without a formal request, to inspect any sign for

the purpose of identifying those signs which are not in compliance with the provisions of this chapter.

(2)Requests for inspections. Any person may file a written request with the Code Compliance Department requesting an inspection of one or more existing signs as identified in the request and accompanied by a fee which the Town Board may establish by resolution from time to time. In each such instance, the Code Compliance Department shall promptly inspect such sign(s) to determine compliance with the provisions of this chapter. Following the inspection, the Code Compliance Department shall make a written report indicating the findings of the inspections to both the owner of the inspected sign and to the person filing the request for inspection.

(3)Notice of violation. The Code Compliance Department shall notify, in writing, each owner of an existing sign found to be in violation of any provision of this chapter pursuant to inspections made under this Subsection. The notice shall specifically refer to each section of this chapter under which a violation has been found to exist and thereupon describe the features of the inspected sign found to be deficient.

(4)Effect of notice. Upon receipt of a notice of violation for an existing sign, except a legal nonconforming sign as specified in §185-14G above, the owner of said sign shall have 15 days to correct the violation(s). If the violation(s) is not corrected after the conclusion of such fifteen-day period, the Code Compliance Department is hereby authorized to cause the sign to be removed or repaired forthwith at the expense of the owner of the building or premises on which such sign is located.

S. Removal of certain signs.

(1) Nonconforming signs. If the Code Compliance Department shall find that any nonconforming sign, except for those legal nonconforming signs as specified in § 185-14G, is displayed, the Code Compliance Supervisor or his designee shall give written notice to the owner of the premises on which such sign is located. Removal of the sign shall be effected within 15 days after receipt of the notice. If such sign is not removed after the conclusion of such fifteen-day period, the Code Compliance Department is hereby authorized to cause the sign to be removed forthwith at the expense of the owner of the building or premises on which such sign is located.

(2) Obsolete signs. Any sign, whether existing on or erected after the effective date of this chapter, which advertises or identifies a commercial use no longer being conducted on the premises on which the sign is located, shall be removed within 30 days upon cessation of such business or sale of such product by the owner of the building or premises on which such sign is located. If the Code Compliance Department shall find that any such obsolete sign has not been removed within 30 days upon the cessation of such business or sale of such product, he shall give written notice to the owner of the building or premises on which such sign is located. Removal of the sign shall be effected within 15 days after receipt of the notice. If such sign is not removed after the conclusion of such fifteen-day period, the Code Compliance Department is hereby authorized to

cause the sign to be removed forthwith at the expense of the owner of the building or premises on which such sign is located.

(3)Unsafe signs. If the Code Compliance Department shall find that any sign is unsafe, insecure or is a menace to the public, it shall give written notice to the owner of the building or premises on which such sign is located. Correction of the condition which caused the Code Compliance Department to give such notice shall be effected within 15 days after receipt of the notice. If such condition is not corrected after the conclusion of such fifteen-day period, the Code Compliance Department is hereby authorized to cause the sign to be removed forthwith at the expense of the owner of the building or premises on which such sign is located. Notwithstanding the foregoing provision, the Code Compliance Department is authorized to cause any sign to be removed summarily and without notice, at the expense of the owner of the building or premises on which such sign is located, whenever it determines that such sign is an immediate peril to persons or property.”

B. The Tables of Use and Bulk Requirements for the RR District - Schedule 1, the AR District – Schedule 2, the R-1 District – Schedule 3, the R-2 District – Schedule 4 and the R-3 District – Schedule 5, each as referenced by Section 185-10 “Utilization of Use Table” are hereby amended to modify item 4 in Column A “Accessory Uses” to read as follows:

A. Accessory Uses

“4. Signs in accordance with §185-14:”

C. The Table of Use and Bulk Requirements for the O District-Schedule 6 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to modify item 2 in Column A “Accessory Uses” to read as follows:

A. Accessory Uses

“2. Signs in accordance with §185.14”

D. The Table of Use and Bulk Requirements for the B District-Schedule 7 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to modify item 6 in Column A “Accessory Uses” to read as follows:

A. Accessory Uses

“6. Signs in accordance with §185.14:”

E. The Table of Use and Bulk Requirements for the LHI District-Schedule 7A as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to add the

following to Column A "Accessory Uses" and Column B "Permitted with":

- | | |
|---------------------------------------|--------------------|
| A. Accessory Uses | B. Permitted with: |
| "4. Signs in accordance with §185-14" | "D1" |

F. The Table of Use and Bulk Requirements for the SC District-Schedule 7B as referenced by Section 185-10 "Utilization of Use Table" is hereby amended to add the following to Column A "Accessory Uses" and Column B "Permitted with":

- | | |
|---------------------------------------|--------------------|
| A. Accessory Uses | B. Permitted with: |
| "3. Signs in accordance with §185-14" | "D1" |

G. The Table of Use and Bulk Requirements for the IB District-Schedule 8 as referenced by Section 185-10 "Utilization of Use Table" is hereby amended to modify item 3 in Column A "Accessory Uses" to read as follows:

- | |
|---|
| B. Accessory Uses |
| "3. Signs in accordance with §185-14:-" |

G. The Table of Use and Bulk Requirements for the I District-Schedule 9 as referenced by Section 185-10 "Utilization of Use Table" is hereby amended to modify item 3 in Column A "Accessory Uses" to read as follows:

- | |
|---|
| C. Accessory Uses |
| "3. Signs in accordance with §185-14:-" |

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

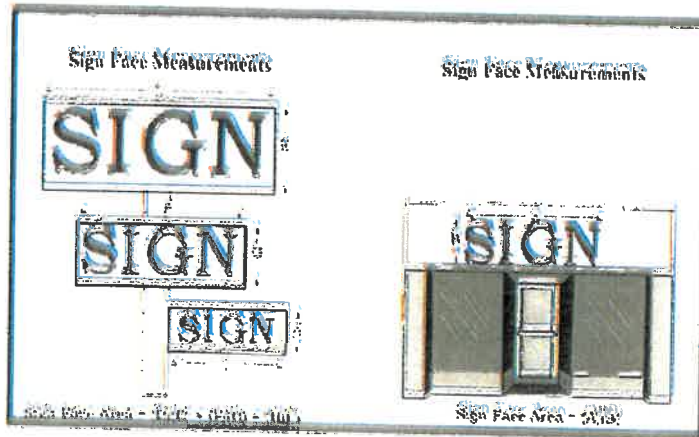
SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Signage illustrations:

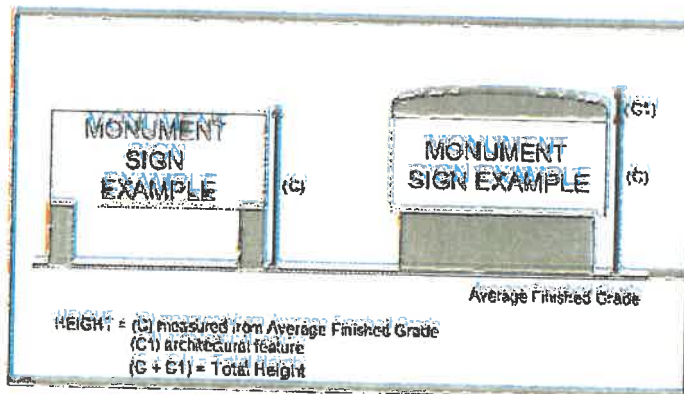
Illustrations of each permitted sign type and maximum allowable area and/or height are as follows:

Sign Face Measurement



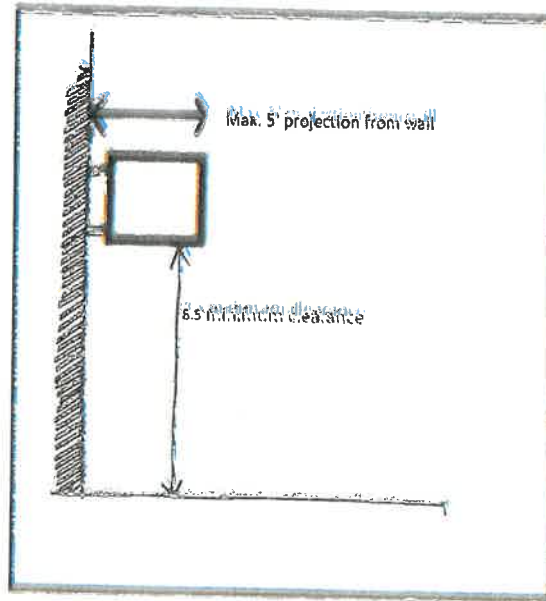
Source: City of Portland, Or. Ordinance

Sign Height Measurement



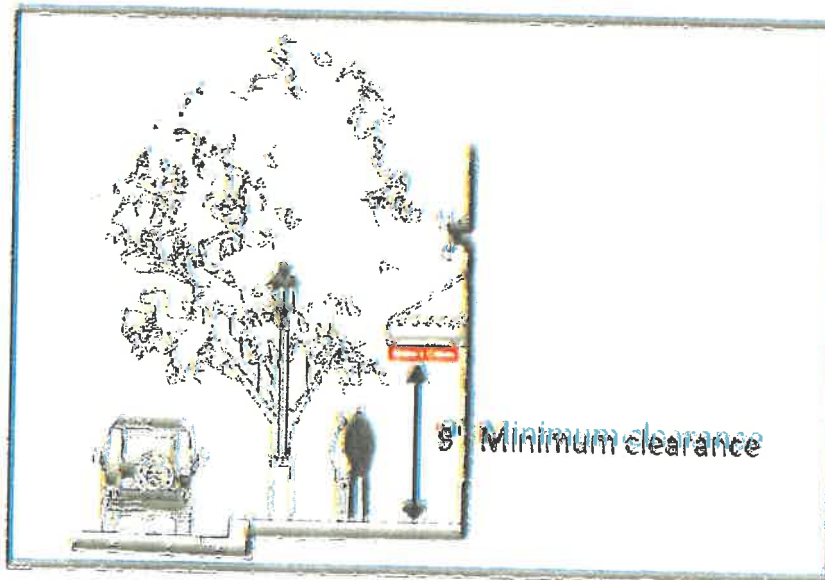
Source: Village of Woodridge, Illinois Code

Projecting Sign Height Measurements



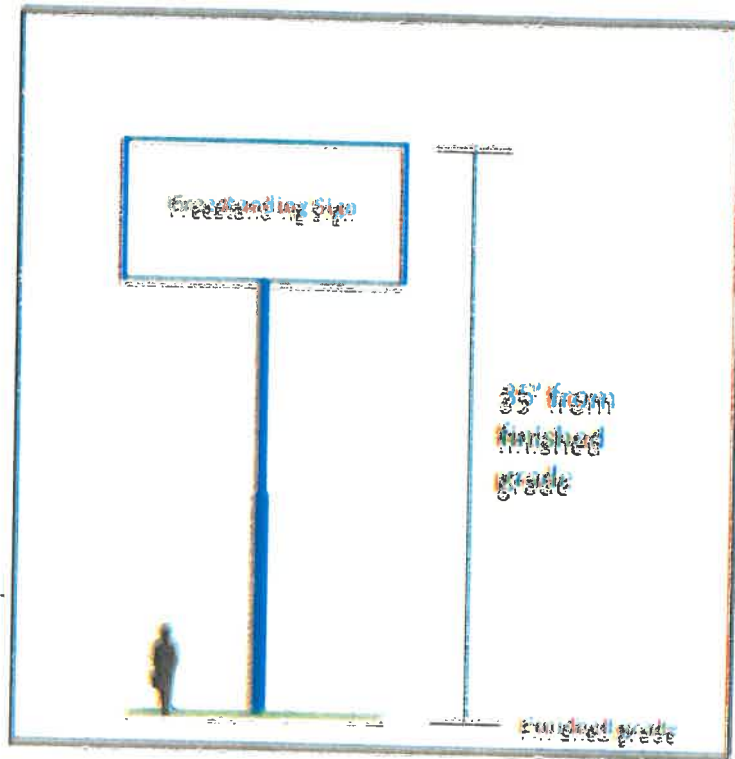
Source: *Street Graphics and the Law, 4th Ed.*, edited by PDA

Under Canopy Sign Height Measurement



Source: *Redwood City, Ca.*, edited by PDA

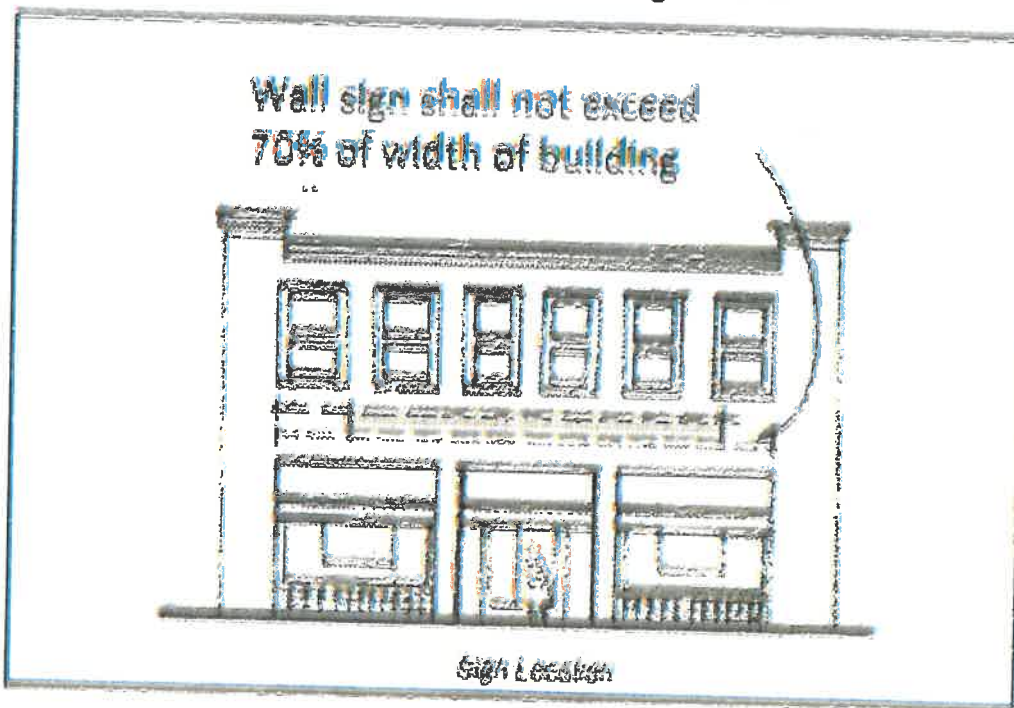
Freestanding Sign Height¹



Source: Done! Property Solutions, edited by BDA

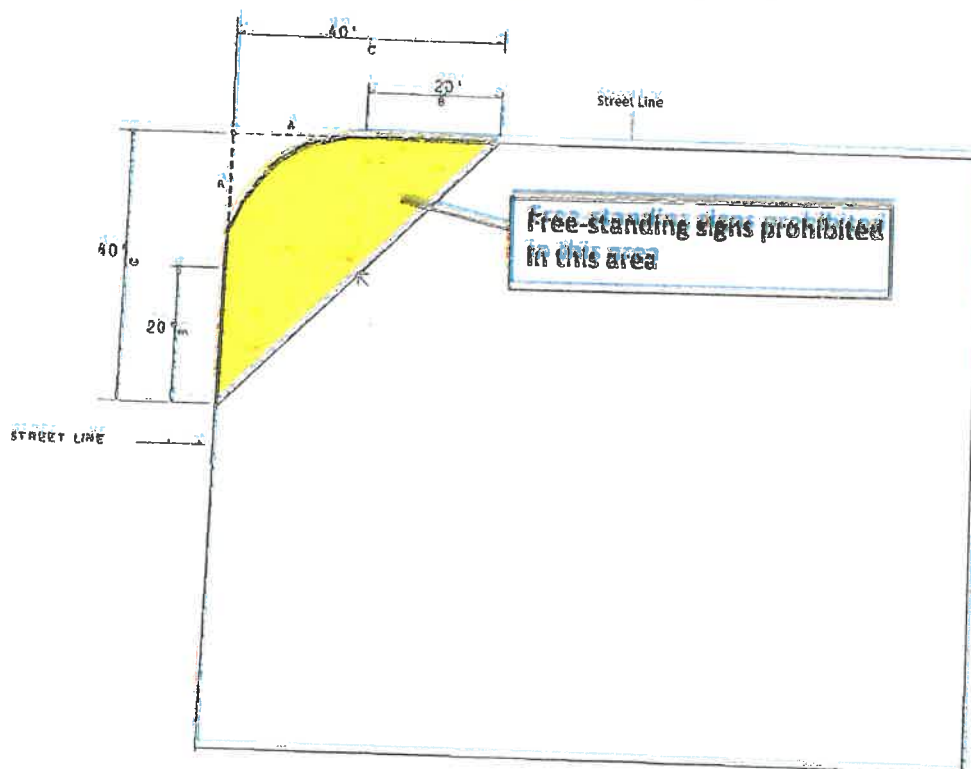
1. Freestanding signs in the IB and I Districts shall not exceed the maximum permitted building height in the district. In the Office and Research District the maximum height shall not exceed 25 feet. Signs in the RR, NR, R-1, R-2 and R-3 Districts shall not exceed 6 feet in height. Maximum height in the B District shall be 14 feet.

Maximum Attached Wall Sign Width



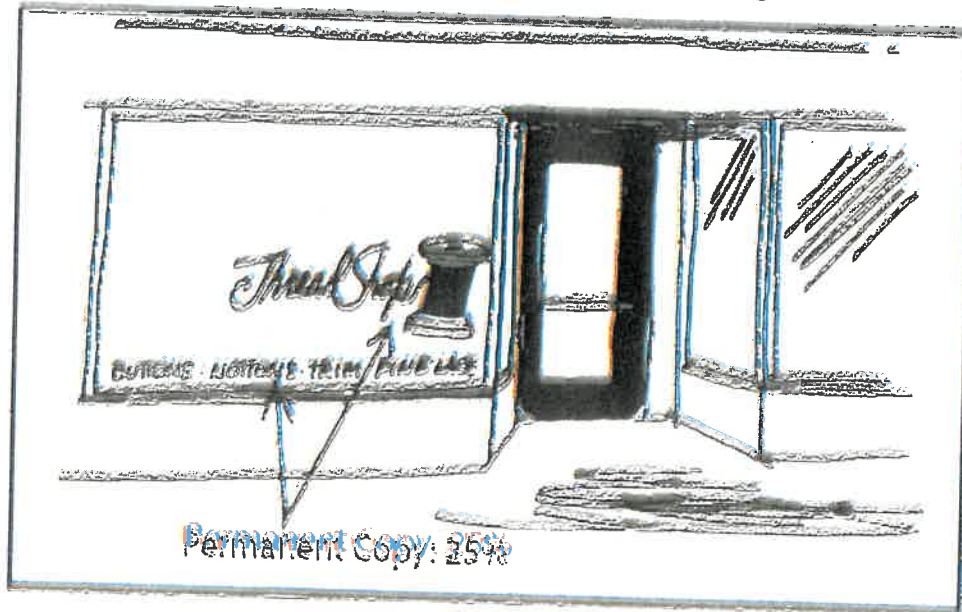
Source: City of Pasadena, Co. Ordinance, edited by PDA

Required Vision Clearance Area



Source: Town of Newburgh Code

Example of Window Sign Maximum Coverage Area



Source: *Street Graphics and the Law, 4th Ed.,* edited by BDA

Awning Sign Example



Source: Silver Leaf Signs