

**TOWN OF NEWBURGH
LOCAL LAW NO. 5 OF 2018**

Sign Regulations for Shopping Centers

BE IT ENACTED by the Town Board of the Town of Newburgh, County of Orange, State of New York, as follows:

SECTION 1. 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 for Shopping Centers.”

SECTION 2. Chapter 185 of the Town of Newburgh Code, entitled “Zoning,” is hereby amended by adding the following new section 185-14A entitled “Sign Regulations for Shopping Centers”:

185-14A Sign Regulations for Shopping Centers

A. Intent:

It is the intent of these regulations to address signage in Shopping Centers located in the Town of Newburgh. Because Shopping Centers contain multiple commercial users operating as a unit under single ownership in both individual and adjoining structures and because commercial users of Shopping Centers have varied signage needs and requirements, it is important to establish comprehensive signage regulations to ensure that there is there is a balanced and appropriate quantity and quality of signage and that such signage presents a uniformity of design and pleasant appearance. These regulations are the exclusive regulations governing signage for Shopping Centers in the Town of Newburgh. In the event of a conflict between these regulations and any other regulations governing signage, these regulations shall control.

B. Shopping Center Signage Regulation.

Attached Wall, Suspended Wall, Freestanding Ground, Awning, Under Canopy and Directory Signs may be placed within a Shopping Center subject to the following conditions:

1. Attached Wall or Suspended Wall Signage (Permanent Wall Signage): Attached Wall or Suspended Wall signage are signs attached to or erected on the exterior wall of the building or structure or on a canopy marquee or similar overhang with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall. Wall Signs (attached or suspended).

[a] Sign area for Attached Wall or Suspended Wall signs shall be the area contained within sign panel signboard (the flat surface of material upon which letters or other graphic content of a sign are displayed or, if no signboard or panel is present, the area contained entirely within the smallest rectangle or geometric shape which completely encloses the outer extremities of all graphic material of the sign. Where more than one sign is to be placed on a wall, the total sign area shall be calculated by applying the method outlined in paragraph [d] below, to each sign.

[b] There shall be no limit on the number of the above signs on a site provided that their aggregate square footage is within the total allowable area.

[c] Permanent Wall Signage may be internally or externally illuminated. If externally illuminated, light shall be shielded to prevent direct view of the light source.

[d] The maximum allowable sign area for, permanent Wall signs (Attached or Suspended) within the Shopping Center, site, (which does not include, Freestanding Ground signs, Vehicular and Pedestrian Directory signs, Awning signs and Under-Canopy signs), shall be two (2.0) square feet of sign area per linear foot of building façade or "front" building wall (i.e. wall facing the designated primary access drive or parking area) for each specific business/store except that any business/store over 20,000 SF may exceed this ratio up to an additional 0.5 square feet of signage for each lineal foot of building façade or front building wall so long as additional square footage is deducted from the allowable sign area for Wall Signs on sides and rear building walls.

In addition, permanent Wall Signs on sides and rear building walls, shall be allowed up to (one) 1.0 square foot of sign area for each lineal foot of building wall width (1:1 ratio) measured along those building walls. See Illustration Figure 1.

The methodology for calculation of total allowable sign areas as follows and illustrated in Figures 1a, 1b, 1c and 1d:

(1) Front Wall/ Facades:

2.0 sq. ft. multiplied by front wall/façade length (lin. ft.) of the business/store = maximum allowable signage area for the front façade of that business/store.

For business/stores 20,000 sf of floor area or greater, additional sign area for the front wall/façade is permitted as follows:

2.5 sq. ft. multiplied by front wall/façade length (lin. ft.) = maximum allowable sign area for the front wall/façade. The additional sign area shall be deducted from the maximum allowable sign area from the side and/or rear walls.

(2) Side and Rear Walls:

1.0 sq. ft. multiplied by side and/or rear wall length (lin. ft.) = maximum allowable sign area for the side and/or rear walls for each business/store.

2. Blade Signs and Under-Canopy Signs: Blade Signs are projecting signs mounted on a building façade/wall or an armature with the surface perpendicular to the normal flow of traffic (pedestrian or vehicular). Under-Canopy Signs are signs attached to building canopy or awning. See Illustration Figures 2 and 3.

[a] The maximum sign area per side of a Blade or Under-Canopy sign shall not exceed four square feet. The overall area of Blade or Under-Canopy signs shall not be included in the maximum allowable sign area for permanent signage as noted in 1[d].

[b] One Blade or Under-Canopy sign shall be allowed for each public entrance into an individual business.

[c] Blade or Under-Canopy signs may identify the business and may include logos.

[d] Blade or Under-Canopy signs shall provide a minimum clearance of 7'-4" between the sidewalk surface and the bottom of the sign.

[e] Blade signs may extend a maximum of 42 inches from the building.

[f] Blade or Under-Canopy signs may be non-illuminated or internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

3. Awning Signs: Awning signs are signs mounted or painted on or attached to an awning or canopy. Awning signage shall not be included in the maximum allowable sign area for permanent wall sign signage as noted in 1[d] above.

[a] Awning signs may be non-illuminated or internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

4. Freestanding Ground Signage: A Freestanding Ground sign is a sign erected on or permanently affixed directly to the land.

[a] Freestanding Ground Signage Area. The area of a Free-Standing Ground sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for the purpose of this law shall not be considered part of the sign area unless used for lettering, wording, or symbols. Only one side of the Freestanding Ground sign is used for the

calculation of sign area. The area of Freestanding Ground signage shall not be included in the sign area calculations for any other type of signage.

[b] There are two (2) types of Freestanding Ground Signage:

(1) Pylon Signs: Pylon Signs are high profile Freestanding Ground Signage. The sign is supported by uprights, columns or braces placed upon or into the ground and detached from any building. Pylon signs shall include identification panels for individual tenants and shall identify the Project as a whole as illustrated on Figure 4a. Pylon signs shall meet the following criteria:

(a) The maximum allowable sign area for each Pylon sign shall be 450 square feet per side.

(b) The maximum allowable height of a Pylon sign shall not exceed the maximum permitted building height for any building [?] in the district in which the property is located except no sign shall exceed forty (40) feet in height.

(c) Up to two Pylon signs may be placed on the property. One Pylon sign shall be located at the main entrance drive for the Shopping Center. If a second Pylon sign is installed, it must be located within the property and shall not be installed at a secondary entrance drive if any. However, the second pylon sign may be visible from surrounding streets or highways. Locations of Pylon signs shall be as shown on the Master Signage Plan.

(2) Monument Signs: Monument Signs are lower profile Freestanding Ground Signage as compared to Pylon signs and are permanently affixed to the ground at its base and not mounted on a pole or exposed columns. Monument signs may identify the Shopping Center as a whole and/or individual tenants as illustrated on Figure 4b. Monument signs shall meet the following criteria:

(a) The maximum allowable sign area for each monument sign shall be 200 square feet (per side).

(b) The maximum allowable height for a monument sign shall be 13'

(c) Monument signs shall not include exposed columns for the support of the sign face. The base of such sign shall be at least fifty (50) percent of the dimension of the width of the sign face.

(d) One Monument Sign per each Shopping Center entrance driveway is permitted except that when there is more than one driveway on the same street, no monument sign shall be permitted on a secondary driveway if located less than 200 feet from the primary driveway on that street unless Planning Board deems a monument sign is acceptable due to site specific conditions. Additionally, no

monument sign shall be located at a main entrance driveway where a Pylon sign is located. Locations shall be as shown on the Master Signage Plan.

5. Vehicular Directory Signage: Vehicular Directory Signage are signs which list the names, use, and/or location of the businesses or activities conducted within the Shopping Center buildings and which are intended to provide directional information for customers in vehicles as Vehicular Directory signage shall not be included in the maximum allowable sign area for permanent wall sign signage as noted in 1[d] above.

[a] Maximum height: 8 feet.

[b] Maximum sign area shall not to exceed 30 square feet (excluding architectural or structural features) per side.

[c] Signs may be internally or externally illuminated subject to the illumination standards of this Chapter. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

[d] Vehicular Directory Sign locations shall be shown on the Master Signage Plan.

[e] Vehicular Directory Signs shall be located so as not to impede traffic on public rights of way and the driveways and entrances serving the Shopping Center.

6. Pedestrian Directory Signage: Pedestrian Directory Signage are signs which list the names, use and/or location of the businesses or activities conducted within the shopping center buildings and which are intended to provide directional information for customers on foot. Pedestrian Directory Signage shall not be included in the maximum allowable sign area for permanent wall signage as noted in 1[a] above.

[a] Maximum height: 8 feet

[b] Maximum sign area shall not to exceed 20 square feet (excluding architectural or structural features) per side.

[c] Signs may be internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

[d] Pedestrian Directory Sign locations shall be shown on the Master Signage Plan.

7. Motor Vehicle Service Stations Signage within Shopping Centers. Motor Vehicle Service station signs shall be subject to the following:

(a) One attached wall, suspended wall or projecting sign may be placed on each building wall or canopy wall. The maximum allowable sign area for the sign shall be 1 square foot of sign area per linear foot of building wall or canopy face.

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

[1] The maximum sign area shall be 100 square feet per side.

[2] The maximum height shall not exceed the maximum permitted building height in the district in which the property is located but shall not exceed forty (40) feet.

[3] The freestanding sign for the Motor Vehicle Service station shall be in addition to the quantity of freestanding ground signs permitted under these regulations.

(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 eight (8) 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.

8. Temporary non-illuminated banners, signs for promotional or special events, temporary decorative signs, and banners and pennant signs which do not include tenant names, products, services or advertisement, subject to the following conditions:

[1] A maximum of one such temporary banner, sign or pennant per customer entrance to the building shall be permitted.

[2] Each such temporary sign shall be erected for a maximum total time period of twenty (20) days [in any one calendar year] and shall thereafter be immediately removed.

[3] Such temporary signs are in addition to the other signs permitted pursuant to these regulations.

[4] Such temporary signs need not be included in the comprehensive sign plan submitted to the Planning Board and will not require Planning Board or Architectural Review Board approval. A building permit is, however, required for such signs.

C. Master Signage Plan.

1. A comprehensive sign plan shall be submitted to the Planning Board as part of its site plan and/or special permit approval process for any Shopping Center and shall be reviewed and conceptually approved in conjunction with the Architectural Review Board process. The comprehensive sign plan shall include sign area boxes representing the wall sign area for each business or tenant, the design and location of freestanding signage and directory signage (except specific copy on panels is not required to be shown). Specific wall sign designs may be included in the comprehensive sign plan but is not required.

2. Any retail store or tenant making an application for a sign permit shall submit with such application evidence that the landlord or owner of the shopping center has approved the particular signage.

D. Exempt Signage:

The following signs are exempt from the provisions of this section:

(1) Signs inside a building, 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, noting the name of the building and its date of erection.

(4) Painted wall decorations, painted scenes 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 control or similar regulatory devices.

(6) Flags and insignia of any government, except when displayed in connection with a commercial promotion.

(7) Non-illuminated warning signs, not exceeding two square feet per face.

(8) Temporary non-illuminated "for sale" or "for rent" real estate signs concerning the premises upon which the sign is located:

(a) One such sign will be permitted for each street frontage per property, not exceeding six square feet per side; the top of the sign shall be no higher than six feet above the ground, and it shall be no closer than 10 feet to any property line.

(b) All such signs shall be removed within three days after the sale, lease or rental of the premises.

(9) Holiday decorations, displayed for a period of not more than 7 consecutive weeks and not more than 10 weeks in total during any calendar year..

(10) Temporary, non-illuminated window signs and posters not exceeding 30% of the window surface.

(11) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, handicap parking, special parking zones, one-way, truck routes, etc., entrances and exits and similar signs, non-illuminated, not exceeding four square feet per face and six feet above the ground except in cases where such sign is regulated by local, county, state or federal regulation such regulation shall govern.

Section 2. Chapter 185 of the Town of Newburgh Code, entitled “Zoning” is hereby additionally amended as follows:

A. 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 ‘Permitted with’ associated with Item 6 of Column A “Signs in accordance with Section 185-14 for each respective row to read as follows:

B.

Permitted With

- | | | |
|----|----|--------------------|
| 6. | a. | ‘C1 and 2, D2, D17 |
| | b. | C5, D1 -7, D9-12 |
| | c. | C3 and 4, D10 |
| | d. | C3-5, D1-7, D9-12” |

B. A. 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 add a new item 6A to Column A “Accessory Uses” and a new associated use category to Column B “Permitted with” to read as follows:

A.

B.

Accessory Uses

Permitted With

“6A Signs in accordance with Section 185-14A

D8”

C. 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 B ‘Permitted with” associated with Item 3 of Column A “Signs in accordance with Section 185-14” for each respective row to read as follows:

B.

Permitted With

- | | | |
|----|----|--------------------|
| 3. | a. | “D5 |
| | b. | D1-2, D4-13 and 18 |
| | c. | C14, D1-2, D4-18” |

D. The Table of Use and Bulk Requirements for IB District-Schedule 8 as referenced by Section 185-10 “Utilization of Use Table” is hereby amended to add a new item 3A to Column A “Accessory Uses” and a anew associated use category to Column B “Permitted with” to read as follows:

A.

B.

Accessory Uses

Permitted With

“3A Signs in accordance with Section 185-14A

D3”

SECTION 3. 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 of this local law or the application 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. The Town Board of the Town of Newburgh hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 4. This local law shall take effect immediately.

Signage Illustrations:

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

FIGURE 1a: MAX. ALLOWABLE SIGN AREA

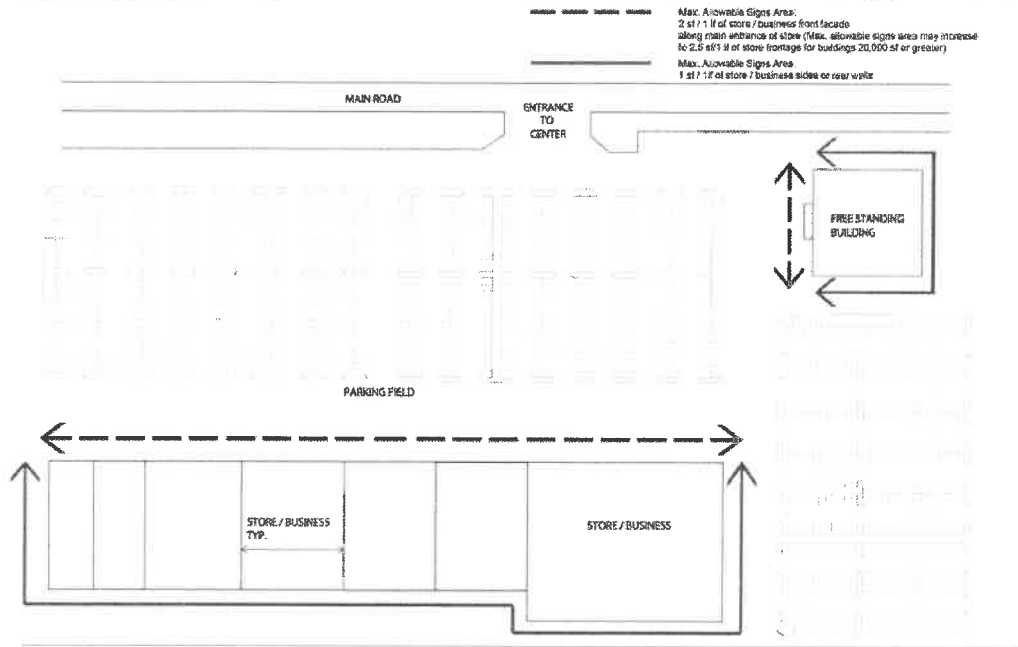


FIGURE 1b: WALL SIGNS MAX. ALLOWABLE SIGNS AREA

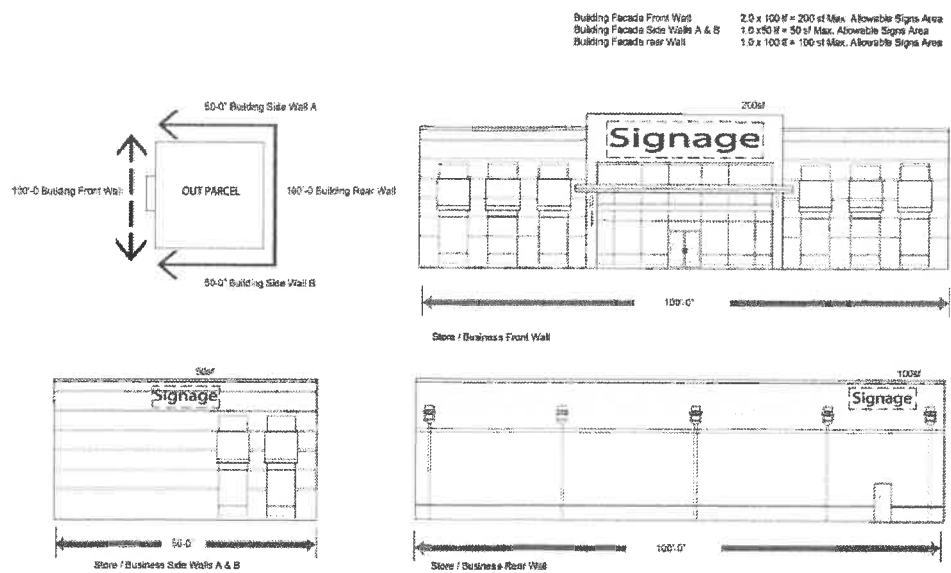


FIGURE 1c: IN-LINE STORE / BUSINESS

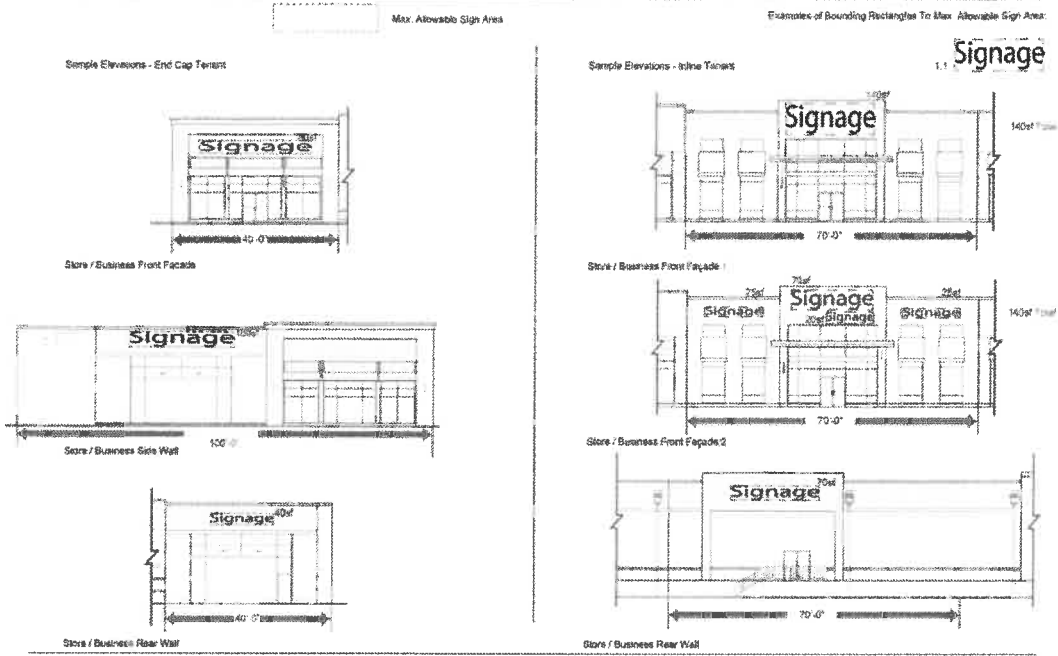


FIGURE 1d: OPTIONAL METHODOLOGY FOR STORES / BUSINESSES GREATER THAN 20,000 SF. OF GLA

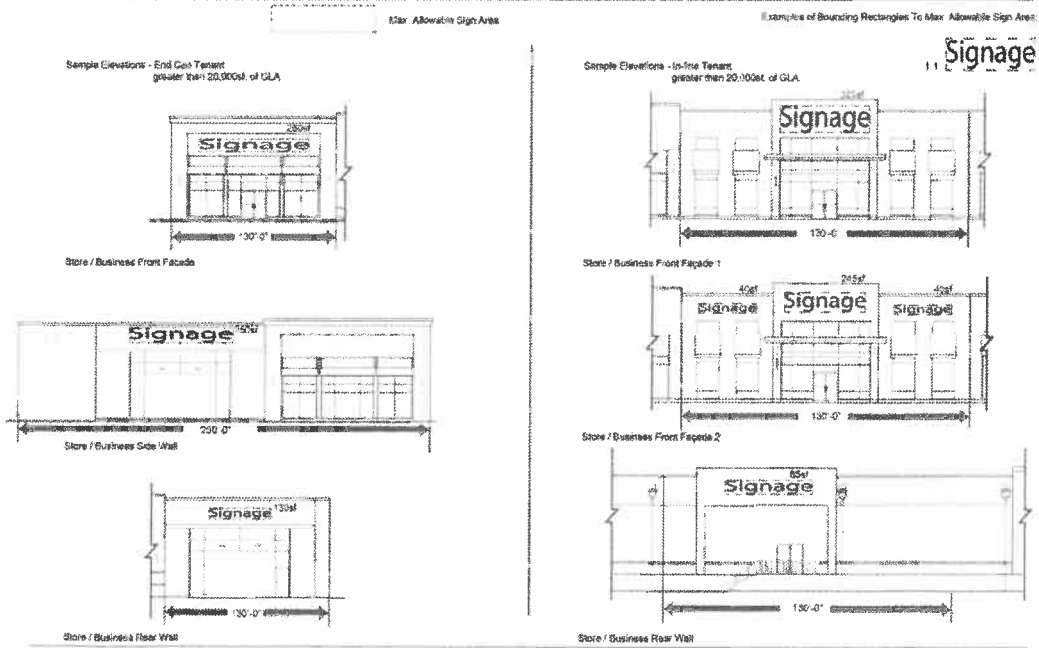


Figure 2: Blade Signs

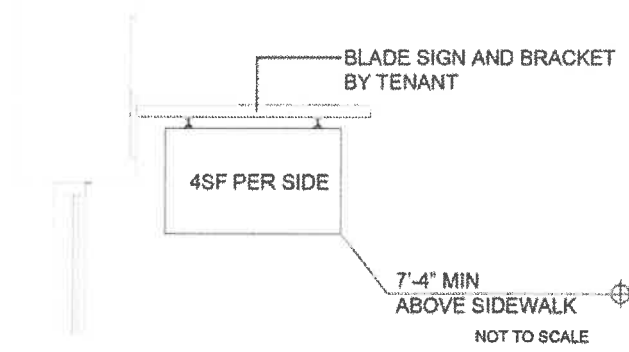


Figure 3: Awnings

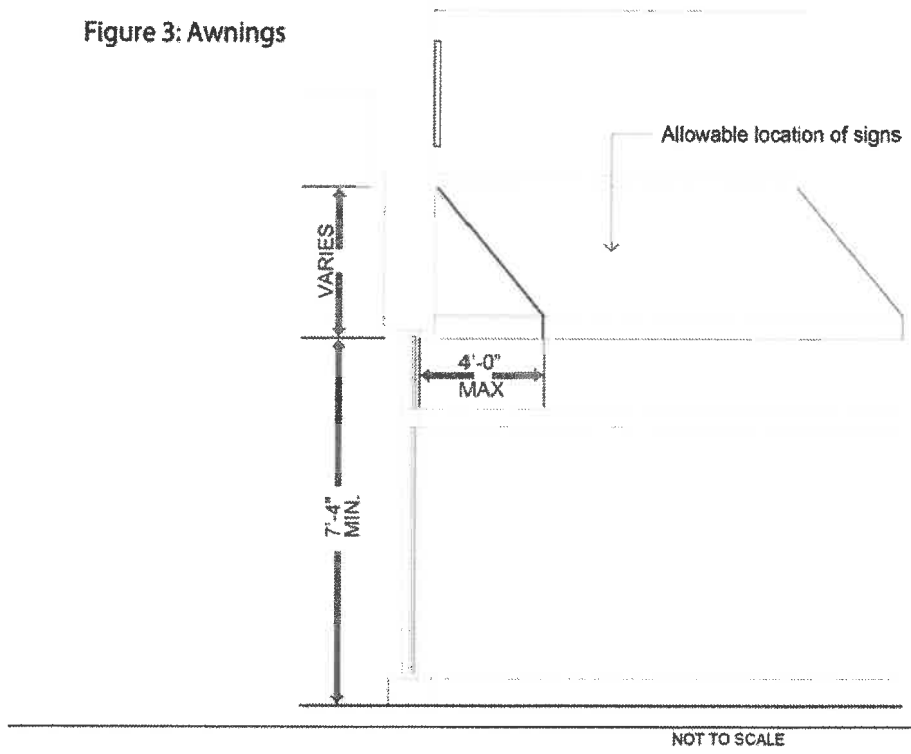
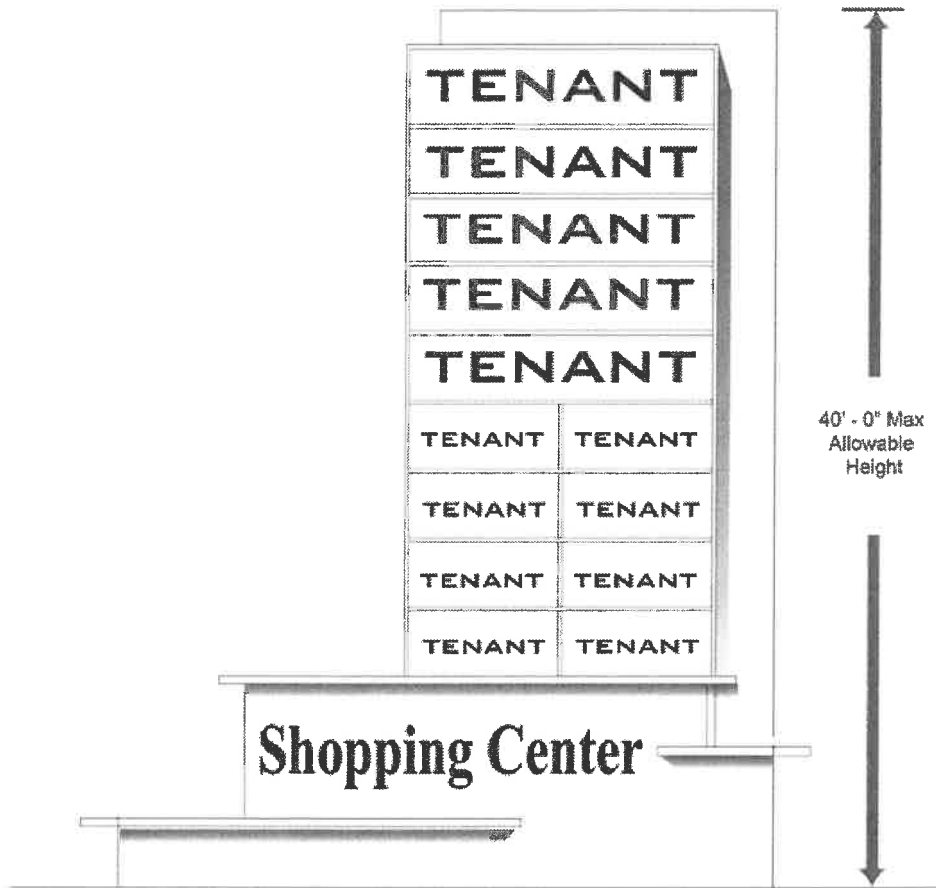


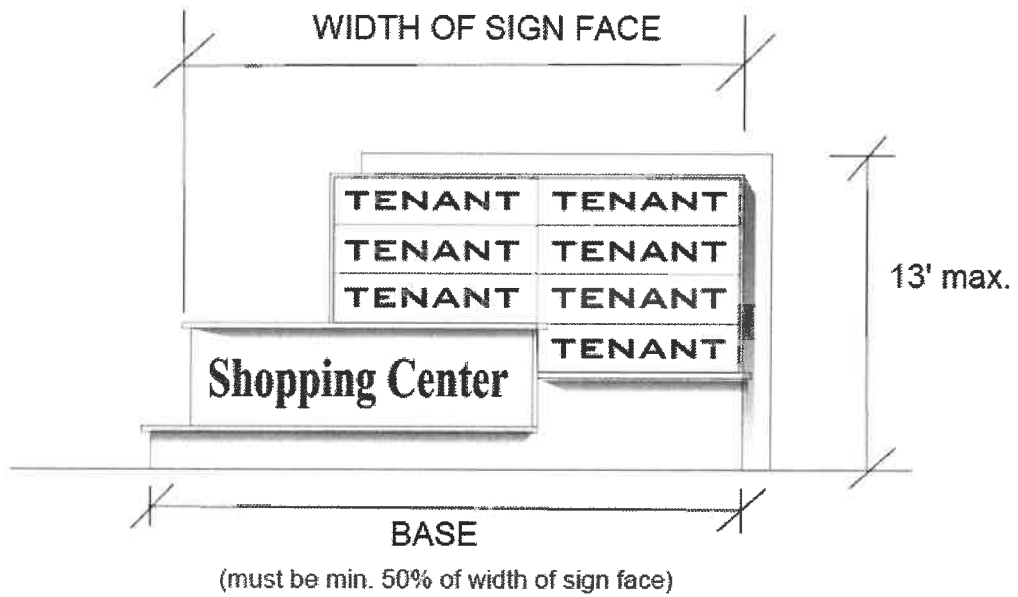
FIGURE 4a: FREESTANDING SIGNS
PYLON SIGNS



450 sf Max. Allowable Signage Area

NOT TO SCALE

FIGURE 4b: FREESTANDING SIGNS
MONUMENT SIGNS



200 sf Max. Allowable Signage Area

NOT TO SCALE

FIGURE 16. MAX. ALLOWABLE SIGN AREA

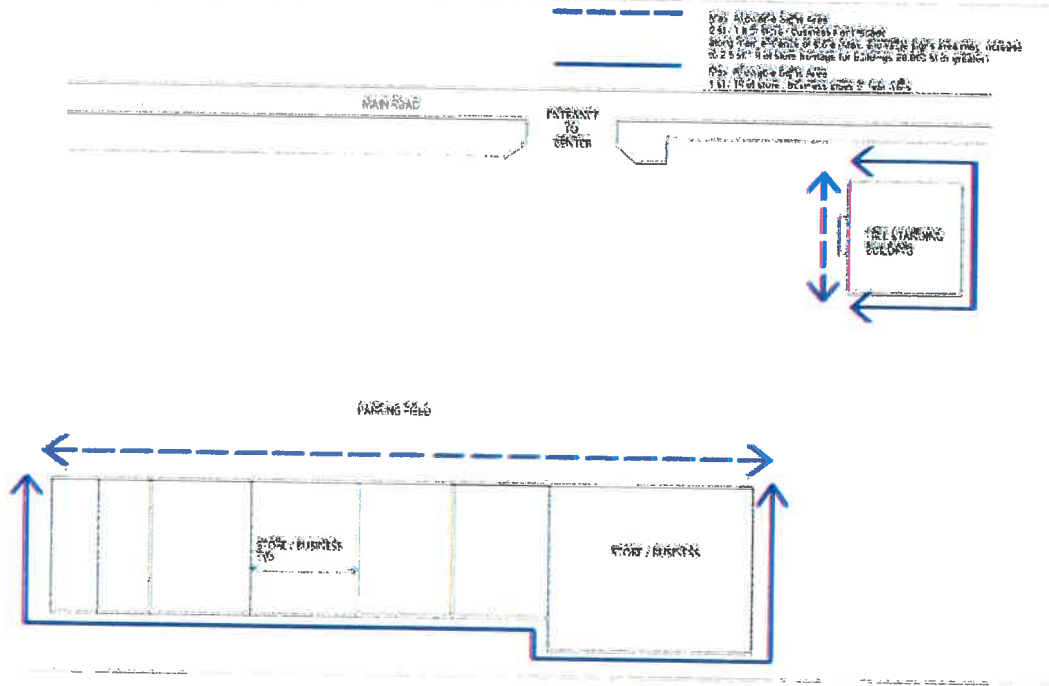


FIGURE 16. WALL SIGNAGE MAX. ALLOWABLE SIGN AREA

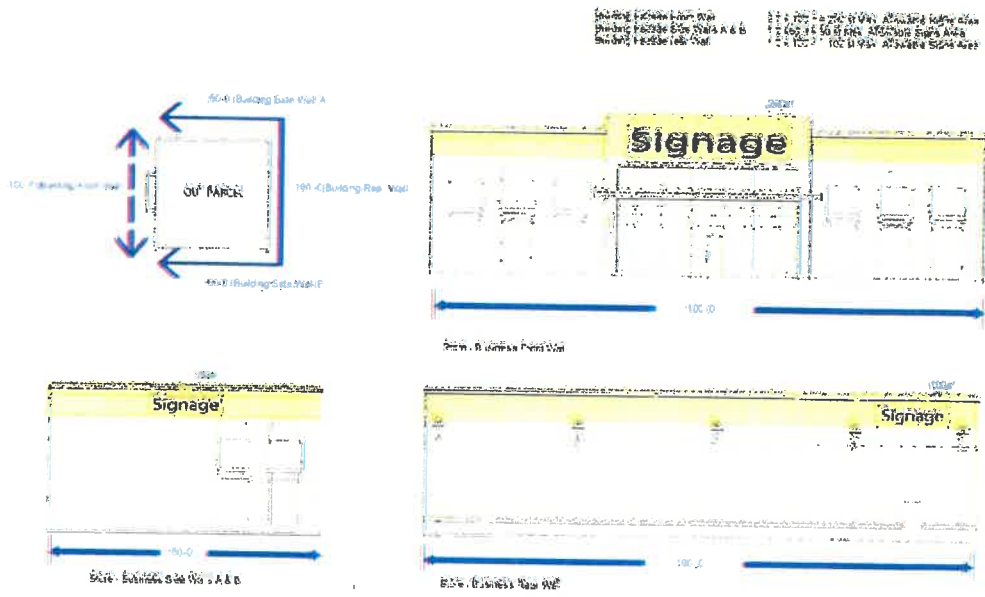
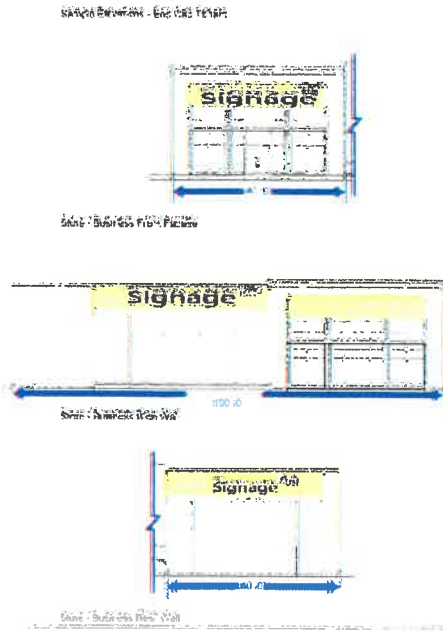


FIGURE 1E. IN-LINE STORE / BUSINESS

View: Alternative Sign Area



Examples of Building Arrangements To Allow Alternative Sign Area

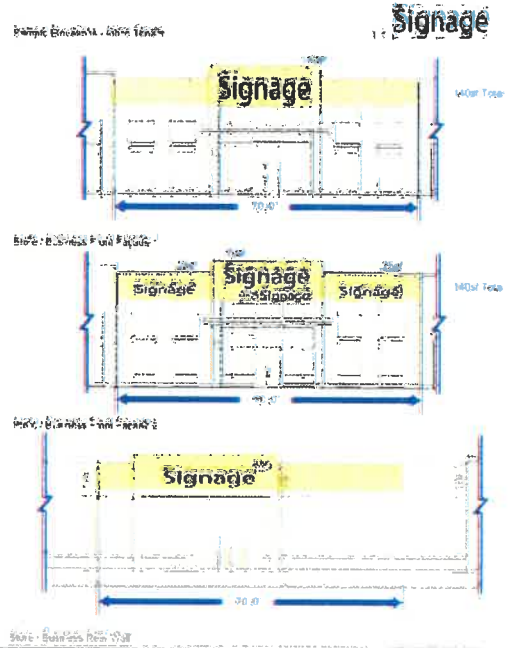
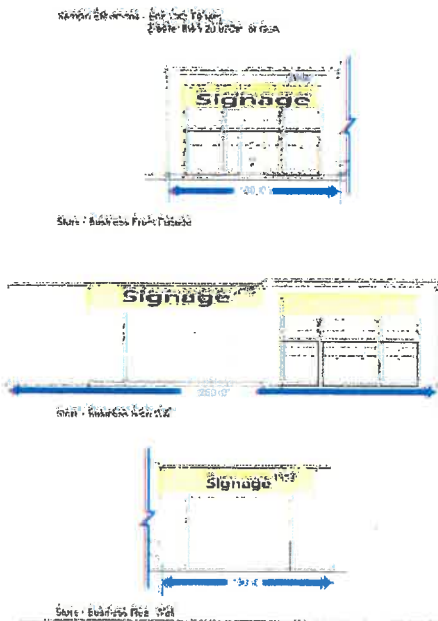


FIGURE 1F. OPTIONAL METHODOLOGY FOR STORES / BUSINESSES GREATER THAN 20,000 SF OF GFA

View: Alternative Sign Area



Examples of Building Arrangements To Allow Alternative Sign Area

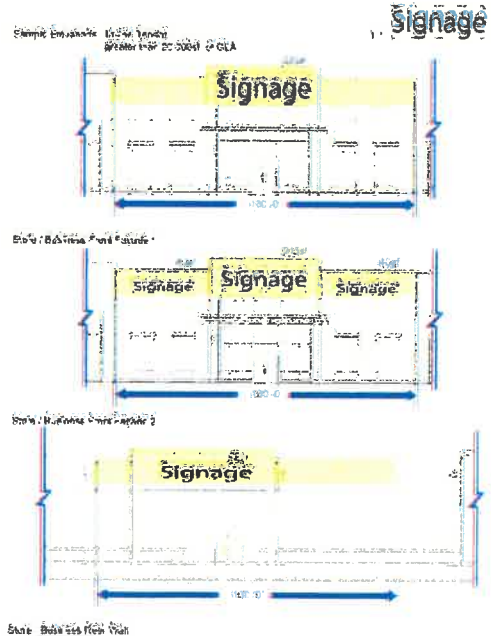


Figure 2: Blade Signs

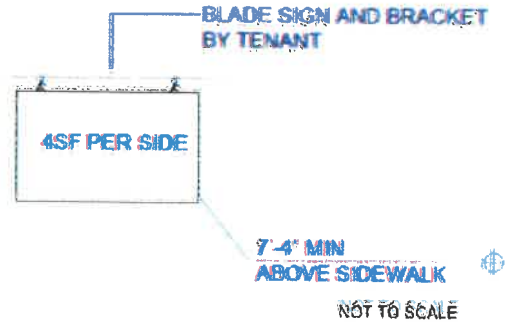
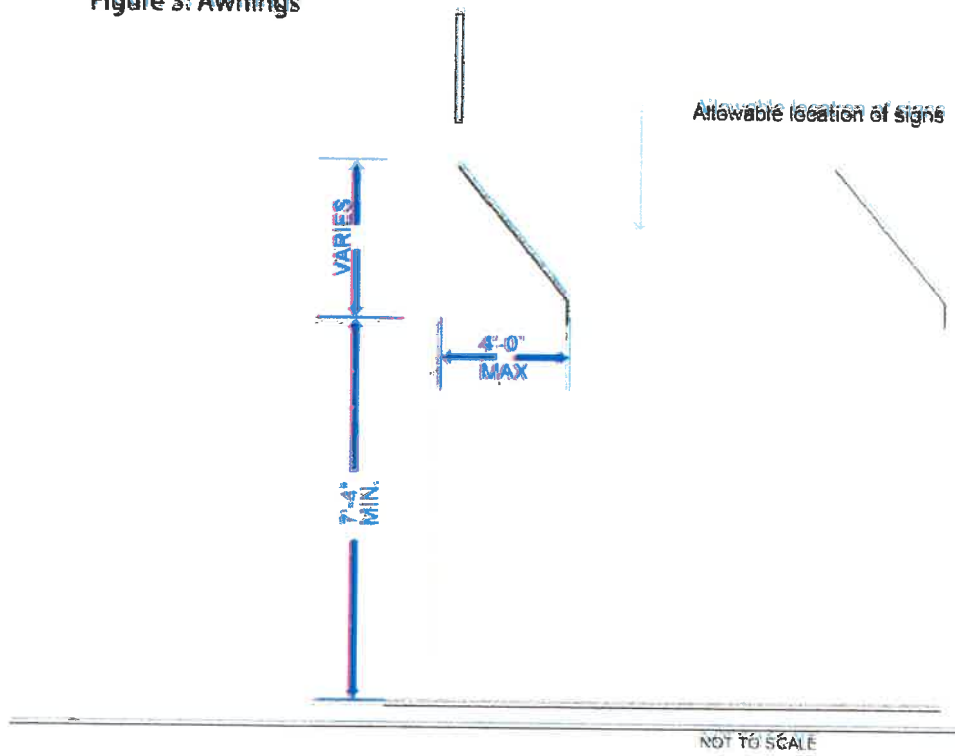
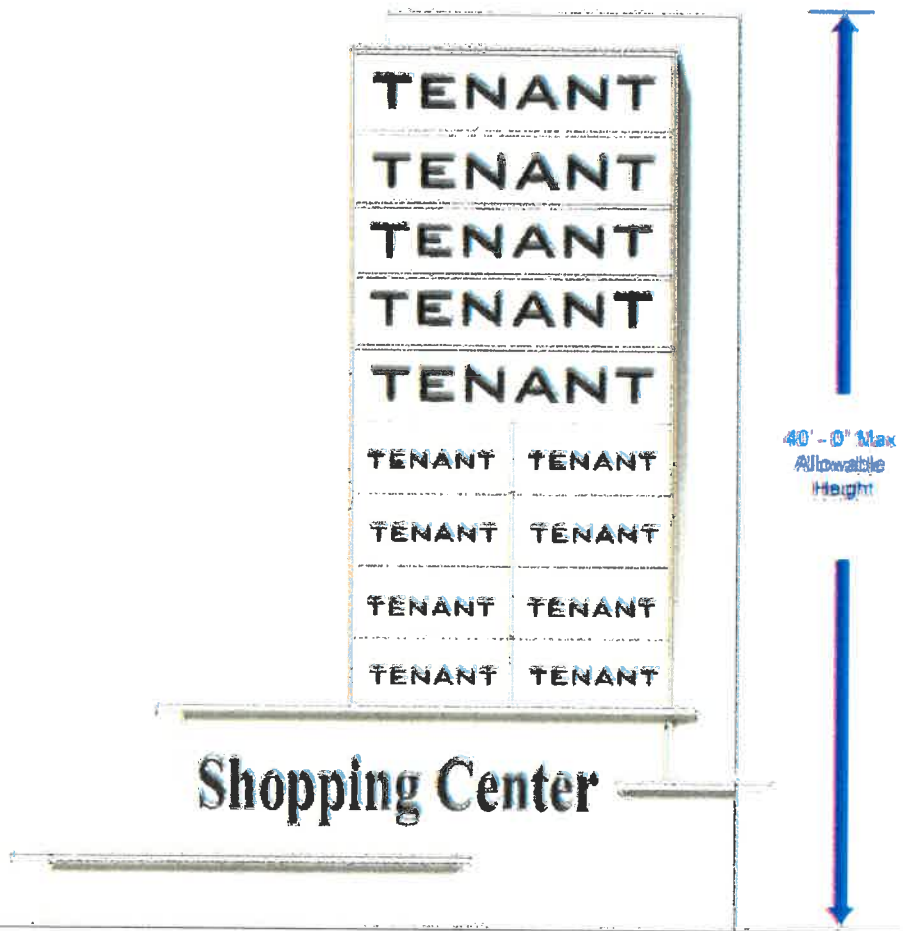


Figure 3: Awnings



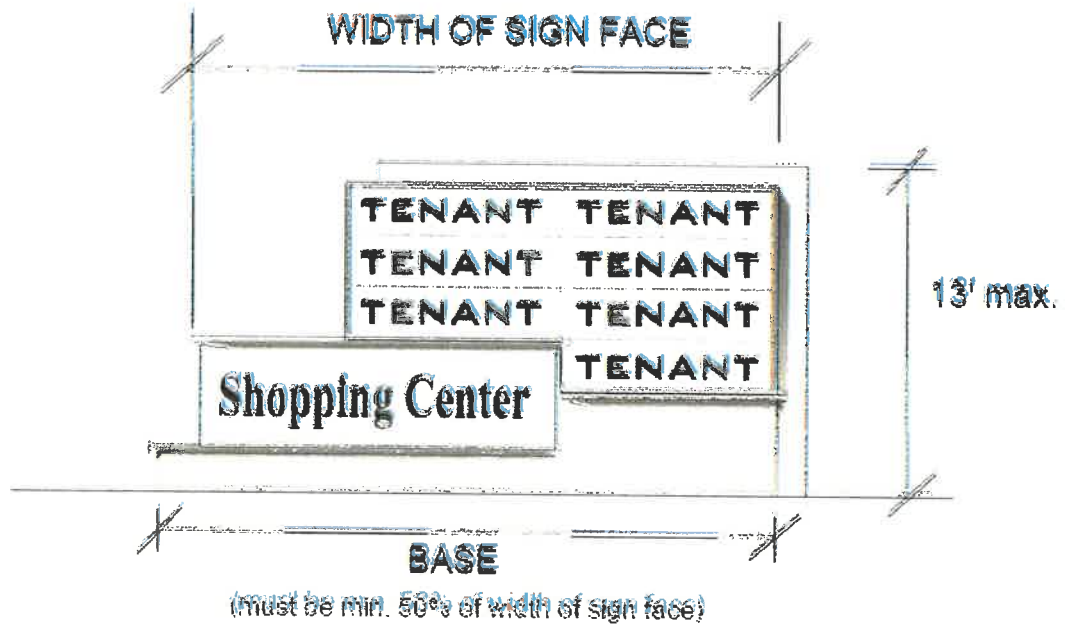
**FIGURE 4a: FREESTANDING SIGNS
PYLON SIGNS**



450 sf Max. Allowable Signage Area

NOT TO SCALE

FIGURE 4b: FREESTANDING SIGNS
MONUMENT SIGNS



200 sf Max. Allowable Signage Area

NOT TO SCALE