

§98-2042 Signs

Comment [HL21]:
This matches the sign section in the current zoning code.

A. Purpose.

The purpose of this section is to promote and protect the public health, safety, and welfare by regulating signs of all types. The appearance, character, and quality of a community are affected by the location, size, and construction of its signs. This section is intended to encourage the use of legible, uncluttered signs as a means of business identification, to reduce hazards and distractions to motorists and pedestrians traveling on the public way, to protect property values, to protect and enhance the desired aesthetic environment, to enhance the Town of Pleasant Valley's ability to attract and retain sources of economic growth, and to promote the public health, safety and welfare of the community.

B. Definitions.

A-FRAME SIGN — An A-frame easel or sandwich-board-style sign.

AWNING — Any non-rigid material such as fabric or flexible plastic that is supported by a frame that is attached to an exterior wall.

AWNING SIGN — Any visual message on an awning.

BACKLIT SIGN — A sign consisting of opaque lettering with the light source hidden behind the letters, creating a glow or halo effect around the letters.

BANNER — Any temporary sign made from fabric or any nonrigid material and supported at two or more points.

BENCH SIGN — Any sign painted on or otherwise attached to a bench or other seat meant to be seen by the public, ~~except a plaque no larger than one square foot commemorating a contribution made by or to a religious or civic organization.~~

Comment [HL22]:
Moved to 98-20(F), Prohibited Signs, and listed as an exception.

BILLBOARD — An off-premises sign which is leased or rented for profit.

CHANGEABLE SIGN — A sign with the capability of content change by means of manual or electronic input.

CORNICE – Any horizontal member, structural or nonstructural, of any building, projecting outward from the exterior walls at the roof line, including eaves and other roof overhang. (Typically, where the top of the wall meets the roof.)

DIRECTIONAL SIGN – Any on-premise sign providing directions or instructions for the convenience of the general public, identifying public parking areas, fire zones, entrances, exits and other similar signs.

~~**DIRECTORY SIGN** — A sign listing the names of the business enterprises located in a shopping plaza.~~

Comment [HL23]:
Unnecessary – not utilized in code.

EXTERNALLY ILLUMINATED SIGN – A sign lighted by external ~~white~~ light, preferably down-lit from above.

Comment [HL24]:
Newer type of Backlit signs
may use colored light, not just
white.

FLAG — Any fluttering device made from fabric or any nonrigid material and supported by at least one point.

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 monument signs, pole signs, and ~~pole and arm~~post-and-arm signs.

HEIGHT, SIGN — The height of a freestanding sign shall be measured vertically from the established average grade directly below the sign to the highest point of the sign, including support structures.

INFLATABLE SIGN — Any display capable of being expanded by air or other gas and used on a permanent or temporary basis.

INTERNALLY ILLUMINATED SIGN — A sign lighted by or exposed to artificial lighting that shines through a plastic or other translucent or transparent covering. Neon signs are considered internally illuminated.

MONUMENT SIGN — A freestanding sign with a base affixed to the ground.

NON-COMMERCIAL SIGN — A sign containing copy which does not promote a business, commodity, service, or entertainment.

OBSOLETE SIGN — Any sign that no longer advertises a bona fide business or products available for purchase or that advertises a dated event the date of which has passed. Obsolete signs are subject to removal pursuant to §98-~~2042~~(K).

OFF-PREMISES SIGN — A sign which promotes products, services, or activities conducted, sold, or offered somewhere other than upon the same premises where the sign is located.

POLE SIGN — A sign that is mounted on a freestanding pole or poles.

POST-AND-ARM ~~POLE-AND-ARM~~ SIGN — A freestanding sign comprised of a vertical post to which a perpendicular arm is attached and from which the sign hangs.

PORTABLE SIGN — A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not permanently affixed to the ground, a building, structure, or another sign. Included are signs displayed on a parked or moving vehicle or trailer or other vehicle where the primary purpose of the vehicle is to promote a product, service, business, or other activity. This definition includes a vehicle hanging or displaying a banner sign whose primary purpose is for

advertising. This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.

PRIMARY SIGN — An establishment's principal sign, i.e. the sign which identifies the business to passersby.

PRINCIPAL FAÇADE —The face of a building that contains the primary entrance to the establishment.

PROJECTING SIGN — A sign attached to a building wall or structure that projects horizontally or at a right angle more than four inches from the face of the building.

ROOF SIGN — Any sign mounted above the cornice line, or over or on the roof or parapet of a building.

SECONDARY SIGN — A sign which communicates accessory information such as hours of operation, "open/closed", etc.

SHOPPING PLAZA — Five or more establishments sharing a single lot.

SIGN — Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors, or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, when such is in view of the general public. This definition includes anything designed to attract attention to the site where the sign is located, including but not limited to ~~striping, lighting, corporate color schemes,~~ pennants, streamers, and balloons. This definition does not include flags and insignia of any government or of any political, civic, military, professional or religious organization.

SIGN AREA — Includes all faces of a sign measured as follows:

- When any sign is framed or outlined, all of the area of the frame or outline shall be included;
- Sign measurement shall be based upon the entire area of the sign with a single continuous perimeter enclosing the extreme limits of the actual sign surface, not including structural supports if they are not used for advertising purposes;
- The area of a sign consisting of an insignia or other device, but without background, shall be calculated as the smallest polygon or circle possible enclosing all of the letters and symbols;
- The area of a window sign consisting only of letters and symbols affixed or painted on glass shall be calculated as the smallest polygon or circle possible enclosing all of the letters and symbols.

TEMPORARY SIGN — Any sign that is displayed only for a specified period of time as per §98-~~2042~~(G) and is not permanently mounted.

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 so that only one side is visible to the public, and not extending more than nine (9) inches from the face of such wall.

WINDOW SIGN — A sign visible from a sidewalk, street, or other public place, affixed or painted on glass or other window material, or located inside within three feet of the window and directed at outside passersby.

~~YARD SALE SIGN — A temporary sign advertising private sales of personal property.~~

Comment [HL25]:
Unnecessary.

C. Permit Required.

- (1) A sign, as defined herein, may be placed, erected, constructed, painted, altered, relocated, enlarged, reconstructed, displayed, lit, or maintained only as expressly permitted in this section and upon issuance of a sign permit by the Zoning Administrator or any duly appointed deputy administrator.
- (2) Unless specified otherwise herein, all permanent signs require review and approval of the Planning Board.

D. Permit Procedures.

- (1) Applications shall be made in writing to the Zoning Administrator on forms prescribed and provided by the Town and shall be accompanied by an application fee, payable to the Town of Pleasant Valley, in accordance with the current fee schedule. The application shall contain:
 - (a) Name, address, ~~and~~ telephone number, and email address of the applicant and property owner.
 - (b) Location of the building, structure, or land upon which the sign now exists or is to be erected, and the location of the property where the sign is to be erected.
 - (c) The lineal frontage of the storefront or building for which a sign is to be placed.
 - ~~(e)~~(d) For permanent signs, a scaled drawing of the sign showing:
 - (i) Type of sign, shape, size, and materials.
 - (ii) Graphic design, including pictorial matter, letters, materials, and colors.
 - (iii) The visual message, text, copy, or content of the sign.
 - (iv) The method of illumination, if any, including type of lamp and wattage, and the position of lighting.
 - (v) Landscaping, if any, including number and types of vegetation, location of plantings, and planting and maintenance schedule.
 - ~~(d)~~(e) If a new permanent sign is to be erected, or an existing permanent sign is to be altered in size or elevation, a plan, drawn to scale, shall be submitted showing the following:
 - (i) If a freestanding sign, a full description of the placement of the proposed sign, specifying its location on the premises, its orientation, any proposed landscaping, and its position in relation to adjacent buildings, structures, roads, driveways, property lines, other signs, lighting fixtures, walls, and

fences. The location of the sign as shown on the plan must demonstrate that the sign is not located in any town, county or state right-of-way.

- (ii) If an awning, window, wall, or projecting sign, a full description of the placement of the proposed sign, which shall include location on the awning, window, wall or building; the size of the awning, total window area of the principal façade of the building, projection from the building face (if relevant), and the proposed sign's position in relation to adjacent signs and lighting fixtures.
- (2) For all signs, if the applicant is not the owner of the property on which the sign is to be located, the applicant must provide to the Town either written permission from the property owner to place the sign on the property, or a copy of a contract or lease showing that the applicant has care, custody and control of the property on which the sign is to be located.
 - (3) Within a reasonable time after the filing of a completed application for a sign permit and the payment of the required fee, but not longer than 10 days, the Zoning Administrator shall review the application to determine if the proposed sign is in compliance with all the requirements of this section, §98-2042, and if it is in compliance shall refer it to the Planning Board, if required. If referral to the Planning Board is not required and all other requirements are satisfied, the Zoning Administrator shall issue the sign permit.
 - (a) The Planning Board, within a reasonable time of its receipt of a complete application for a sign permit, but not longer than 90 days if not in conjunction with a site plan and/or special use permit application, shall consider the application and shall approve, approve with modifications, or deny the application and notify the Zoning Administrator of its decision on this matter. If the sign permit is approved, the Zoning Administrator shall issue a sign permit.
 - (4) Once a permit has been issued, no permit shall be required for a sign to be repainted or repaired in accordance with the approved design, graphics, and messaging of the sign.
 - (5) Any sign requiring a permit which is removed for a period of more than thirty (30) days cannot be re-erected unless a new sign permit application is submitted and a new permit is issued in accordance with §98-2042(D) above. This subsection shall apply regardless of when the sign which was removed was originally erected and regardless of whether said removed sign was the subject of a validly issued sign permit.
 - (6) Time Limit. If a sign is not erected within six (6) months following the issuance of a sign permit for said sign, the sign permit will automatically become void.

E. Exempt Signs.

The following signs are exempt from the permit and approval requirements of this section. All Exempt signs shall be removed within seven (7) days of obsolescence.

(1) Historical markers, tablets and statues, memorial signs and plaques indicating names of buildings and dates of erection, not exceeding six (6) square feet.

~~(2)Flags and insignia of any government or of any political, educational, charitable, philanthropic, civic, military, professional or religious organization, not exceeding twenty four (24)two (2) square feet.~~

Comment [HL26]:
Moved to the definition of a Sign -- listed as something that is not considered a sign.

(2) On-premise directional or traffic control signs painted on the road surface, identifying parking areas, fire zones, entrances and exits, and similar signs painted on the road surface. Business names and personal names shall not be allowed. The Planning Board ~~shall reserves the right to~~ limit the number of signs of this type to the minimum necessary in order to avoid duplicative or extraneous signs of this type.

(3) Non-illuminated warning, private drive, posted, or no trespassing signs, not exceeding one (1) square foot.

(4) Number and name plates identifying residents, mounted on a house, apartment, or mailbox, not exceeding one (1) square foot total.

(5) Temporary nonilluminated "For Sale" or "For Rent" real estate signs, and signs of a similar nature, not exceeding two (2) square feet, concerning the premises upon which the sign is located. All such signs shall be limited to one per premises ~~and shall be removed immediately upon sale or lease of the premises.~~

Comment [HL27]:
Handled in opening statement of Exempt section.

(6) One temporary sign, not exceeding four (4) square feet, listing the architect, engineer, ~~and/or contractor and/or owner~~, on the premises while construction, renovation, or repair is in progress.

(7) A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election may be posted on private property. Such signs ~~shall be no larger than any other Exempt sign permitted in this section. shall not exceed two (2) square feet and must be removed within one (1) week after the election or primary.~~

Comment [HL28]:
Handled in opening statement of Exempt section.

(8) Any sign mandated by a governmental unit.

(9) Lettering or signage on commercial motor vehicles used primarily for related business transportation. Motor vehicles must be registered and insured.

(10) Decorative or seasonal flags ~~or displays~~ which do not contain any advertising messages except the word "open" may be displayed only during business hours. Limit of one per ~~establishment, property or storefront.~~

(11) Temporary indoor window signs, affixed to or visible through the glass. Indoor window signs shall be restricted to a maximum of ~~10%-25%~~ of the total square footage of all windows on the ~~principal façade side of the building that faces the street~~ or six (6) square feet, whichever is greater.

(12) ~~One~~ On-premises sign(s), not to exceed a total of twenty-four (24) square feet in sign area, for a farm stand, u-pick, or other similar agricultural operation.

(13) Non-commercial signs. Such sign shall be no larger than any other Exempt sign permitted in this section.

(14) Non-illuminated secondary signs totaling not more than one (1) square foot in size per establishment.

~~Temporary "For Sale" sign for the sale of a personal motor vehicle on private residential property. Motor vehicle for sale must be registered and insured.~~

F. Prohibited Signs

All signs not specifically permitted are prohibited. Prohibited signs include but are not limited to:

(1) Bench signs, except commemorative plaques.

(2) Billboards.

(3) Electronic Changeable signs.

(4) Fluttering devices such as streamers, ribbons, balloons, spinners, pennants and groupings of flags, except as permitted under ~~§98-42(E)(2), §98-2042(E)(1011), §98-2042(G)(2)(a) and §98-2042(G)(2)(b).~~

(5) Handwritten signs promoting a business, commodity, service, or entertainment, ~~except as permitted under §98-42(E)(12), §98-42(E)(13), §98-42(G)(2)(a) and §98-42(G)(2)(b).~~

(6) Inflatable signs.

(7) Internally illuminated signs, including neon signs, except as permitted in §98-20(I)(1)(f).

(8) Off-premises signs, except other than as permitted under the Exempt Sign provisions of §98-~~2042(E)(89).~~

(9) Pole signs.

(10) Portable signs.

- (11) Posters temporarily affixed to buildings, telephone poles, etc.
- (12) Roof signs.
- (13) Rotating or otherwise moving signs.
- (14) ~~Televisions used outdoors in conjunction with a non-residential use for advertising purposes.~~
- (15) No sign shall be illuminated by or contain flashing, intermittent, changing, rotating, or moving lights.
- (16) No sign which may be confused with or obstruct the view of any authorized traffic sign or signal, or which obstructs the sight distance triangle of any street intersection.
- (17) No sign shall be placed in or extend into any town, county, or state highway right-of-way.
- (18) In no event shall any illuminated sign or lighting device be placed in a way permitting light to be directed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or other nuisance.
- (19) No sign may be attached to a building wall or structure that projects horizontally or at a right angle more than ~~nine (9) eight (8)~~ inches from the face of the building, except for Projecting signs as outlined in §98-~~2042~~(I)(1)(a)(i), §98-20(I)(1)(a)(iii), and §98-~~20(I)(2)(a)(iii)~~.
- (20) No advertising message shall be extended over a succession of signs placed along a street or highway.
- (21) No temporary sign may be painted directly on a window surface. ~~except for decorative or seasonal displays that do not include an advertising message.~~

Comment [HL29]:
Consistent with definition.

G. Temporary Signs

All signs of a temporary nature must receive permits before being displayed, except those specified under §98-~~2042~~(E) Exempt Signs. Planning Board approval is not required for temporary signs, ~~except where fluttering devices are also proposed~~ as outlined below, and the Zoning Administrator or any duly appointed deputy administrator shall issue or deny a ~~temporary~~ sign permit within a reasonable length of time. Both the permit and the sign shall note the date of the first day the sign may be displayed and the date it must be removed.

(1) Removal of temporary signs:

Upon issuance of a sign permit, a cash security deposit, in accordance with the current fee schedule, shall be deposited with the Zoning Administrator or any duly appointed deputy administrator to ensure removal of the sign(s) upon expiration of the permit

period. If any temporary sign is not removed by the expiration of the time limit noted on the application, the Zoning Administrator or any duly appointed deputy administrator, after seven (7) days written notice to the permit holder to remove such sign(s) as computed from the mailing date, and after failure of the permit holder to do so, will cause said sign(s) to be removed, and the cash security deposit shall be forfeited to the Town.

(2) Temporary signs are allowed for:

(a) Promotions/Events: Temporary signs for promotions, sales, or other events may be granted a temporary sign permit. Each ~~establishment place of business~~ may be granted temporary sign permits for no more than ~~ninety (90)~~ ninety (90) days total during the calendar year. Each temporary sign permit is valid for no more than two (2) temporary signs. The maximum aggregate total square footage allowed by the temporary sign permit is ~~eighteen (18) twelve (12)~~ eighteen (18) square feet. Temporary signs for Grand Openings are considered separately under §98-2042(G)(2)(b). ~~At the discretion of the Planning Board and with due consideration to safety concerns, The Zoning Administrator may allow~~ fluttering devices such as balloons or groupings of flags ~~may to~~ be used in addition to, and at the same time as, the temporary signs, for no more than ten (10) days total during the calendar year, so long as such fluttering devices do not interfere with public safety.

(b) Grand Opening: One temporary sign, which is displayed for not more than thirty (30) days, relating to a Grand Opening may be granted a temporary sign permit. Such sign shall be limited to six (6) square feet in residential districts and twenty-four (24) square feet in all other districts. No ~~establishment business~~ shall display more than one (1) such temporary sign, ~~and no business shall be granted more than one temporary sign permit for a Grand Opening event. At the discretion of the Planning Board and with due consideration to safety concerns, The Zoning Administrator may allow~~ fluttering devices such as balloons or groupings of flags ~~may to~~ be used in addition to, and at the same time as, the temporary Grand Opening sign, for no more than ten (10) days total during the permitted 30-day time period, so long as such fluttering devices do not interfere with public safety.

(c) Subdivision Real Estate Sales: Temporary real estate signs are permitted for each subdivision receiving final plat approval by the Planning Board.

(i) One such sign may be located on each side of the property which has frontage on a town, county, or state highway or street on which the subdivision fronts, or at the intersection of a newly created road for the subdivision and a town, county or state highway or street. Said sign(s) shall be located at least ten (10) feet from the property line and shall be permitted up to a maximum of one year from the date of signature of the map by the Planning Board Chair ~~final approval~~. Upon written application from the subdivider, the Planning Board may extend this period for one (1) additional year, when the Planning Board deems that the circumstances warrant such extension. The subdivider shall post a cash security deposit,

payable to the Town of Pleasant Valley, in accordance with the current fee schedule, as a reasonable condition of removal.

- (ii) Each such sign shall be single-sided only, shall not exceed four (4) feet in height, and the total sign area of each sign shall not exceed eighteen (18) ~~sixteen (16)~~ square feet.

- (d) Nonilluminated ~~“Garage Sale,” “Yard Sale,” “Tag Sale”~~ or similarly descriptive signs. Said signs are allowed up to two (2) square feet, located fully on the property on which such sale is being conducted, but shall not be affixed to utility poles. Such sign shall not exceed one (1) per premises ~~and may be displayed up to two (2) days in advance of the sale~~ and shall be removed within one (1) day after the sale. Not more than three (3) such temporary sign permits may be issued for one property within any one calendar year. Off-premises yard sale signs are prohibited.

H. Permanent Signs within Residential Districts

Within residential districts, the following signs are permitted:

- (1) For each dwelling unit, one non-illuminated nameplate, professional sign, or sign indicating a permitted home occupation on the property upon which the sign is located, with an area of not more than six (6) ~~four (4)~~ square feet per face.
- (2) For subdivisions, mobile home parks, or condominium, townhouse, or apartment complexes, one non-illuminated Monument sign containing an area of not more than eight (8) square feet and located not more than five (5) feet above ground level at its highest point, identifying the subdivision, mobile home park, or complex, may be displayed. Such sign shall be set back at least ten (10) feet from the edge of the pavement of any public road and shall not obstruct safe sight lines. ~~The same restrictions shall apply if such signs are located in a nonresidential district.~~

- (3) For pre-existing, nonconforming, non-residential uses in a residential district, the sign regulations of §98-20(I)(1) shall be applied.

Comment [HL210]:
Added to section “I” below.

I. Permanent Signs within all other Districts:

- (1) Neighborhood Commercial district (C-1), Central Commercial district (C-2), and Highway Development district (H-2) Hamlet (H-PV, H-SP, H-WH) and Mixed Use Commercial (MUC) districts.
 - (a) Where a property contains one (1) establishment, Not more than one (1) primary sign shall be permitted ~~per establishment~~, except as permitted in §98-~~2042~~(I)(~~b~~), ~~(e)~~, and (d) and §98-20(f). Such sign shall be one of the following sign types:
 - (i) Projecting sign, located on the establishment’s principal façade, no larger than four (4) square feet on each of two sides with a maximum projection of four (4) feet from the building face, and a minimum ground clearance of eight (8) feet and maximum ground clearance of ten (10) feet.

Comment [HL211]:
These districts don’t exist.

- (ii) Window sign, located on the establishment's principal façade, not larger than as large as 20% of the total window area of the principal façade or a maximum of twenty (20) square feet, whichever is less.
- (iii) Awning sign, located on the establishment's principal façade, projecting at least four (4) feet into the sidewalk but not more than seven (7) feet, with lettering up to six (6) inches in height and on the valance only. The sign area may cover a maximum of 50% of the valance, or a maximum of eight (8) square feet, whichever is less.
- (iv) ~~Pole and Arm~~Post-and-arm sign, no larger than four (4) square feet on each of two sides, with a maximum pole height of six (6) feet if no stone planter base is included, or a maximum pole height of seven (7) feet if a stone planter base is included.
- (v) Wall sign, located on the establishment's principal façade, as large as one (1) square foot for every three (3) lineal feet of an establishment's principal ~~building~~ façade or a maximum of twenty-four (24)5 square feet, whichever is less.
- (vi) Monument sign, no larger than sixteen (16) square feet on each of two sides. The Monument sign shall be no higher than six (6) feet from the ground. This applies to all components of the sign including support posts/columns, decorative millwork, and other similar features.
- (b) Where a property contains two (2) to four (4) establishments:
 - (i) One (1) primary sign is permitted for each establishment, as permitted in §98-20(I)(1)(a)(i,ii,iii,iv,v), OR
 - (ii) One (1) Monument sign is permitted for the property, as permitted in §98-20(I)(1)(a)(vi), that is for the identification of all establishments located on the property.
- (c) Where a property is defined as a shopping plaza, having ~~has~~ five or more establishments:businesses:
 - (i) Each establishment is permitted one (1) primary sign as permitted in §98-20(I)(1)(a)(i,ii,iii,v). Freestanding signs may not be displayed by individual establishments located within a shopping plaza.
 - (ii) One (1) additional sign in the form of a Monument Sign shall be permitted for identifying the namedesignating the identity of the plaza itself, and shall conform to the following standards:
 - [a] The Monument sign shall be no larger than forty (40) square feet. At the discretion of the Planning Board, this maximum size may be increased to no more than 60 square feet to accommodate additional tenant panels.
 - [b] Essential supporting framework shall not be included in determining the overall square footage of a sign. However, all other components such as decorative millwork, embellishments, and other similar features shall be included in the calculation.

Comment [HL212]:
See "e" below.

- [c] The Monument Sign shall be no higher than eight (8) feet from the ground. This applies to all components of the sign including support posts/columns, decorative millwork, and other similar features.
 - [d] The Monument sign may also contain individual tenant panels to identify businesses located within the plaza. Each tenant panel shall be no larger than two (2) square feet.
 - [e] If the number of tenant panels greatly exceeds what can be accommodated while still maintaining legibility, this maximum size may be increased by the Planning Board to no more than sixty (60) square feet to accommodate the additional tenant panels.
- (iii) One or more Directional signs, for internal direction, shall be permitted, provided that the individual signs are no more than two (2) square feet and are limited to generic text such as “entrance,” “exit,” and “parking.” Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning Board based on motorist safety.

~~(c) Where a Motor Vehicle Fueling Facility is located in a C-1, C-2 or H-2 Hamlet district and the primary sign is a Monument Sign, an additional forty (40) square feet is permitted for displaying the cost of fuel. Where the primary sign is any permitted type other than a Monument Sign, one (1) additional sign no larger than forty (40) square feet and in the form of a Monument Sign shall be permitted for displaying the cost of fuel.~~

(d) Where a sign on the principal façade of ~~an~~ the establishment cannot be seen from a public street and where the business is not located in a shopping plaza ~~with other businesses~~, the Planning Board may, applying the standards of §98-2042(NP) Relief, consider approval of an additional sign of one of the types listed in §98-2042(I)(1)(a) above, ~~attached to a nonprincipal façade~~ which is visible to a public street.

(e) Each establishment is also permitted one accessory A-frame easel or sandwich-board-style sign. These signs are determined to be seen as an appropriate type of signage for sidewalk areas in pedestrian-friendly districts. They are intended to address pedestrians in close proximity to the establishment, and are not appropriate for communicating with drivers on nearby roadways. ~~which~~ These signs shall conform to the following standards:

- (i) The sign ~~shall~~ may only be displayed during business hours.
- (ii) The sign shall not block the sidewalk or create a safety hazard of any type.
- (iii) The sign shall be temporarily attached to the front of the building during use, and the base of the sign shall be located no farther than twenty-four (24) inches from the face of the building it is attached to.
- (iv) The sign shall not be located in the right-of-way of any town, county, or state road.

- (v) The sign shall have no more than two (2) faces, and each face shall have a sign area no larger than six (6) square feet.
- (vi) The sign shall conform to the design standards listed in §98-~~2042~~(J)(3)(f).

(f) The following additional sign(s) shall be permitted for a drive-through establishment:

- (i) One or more Directional signs, for internal direction, shall be permitted, provided that the individual signs are no more than two (2) square feet and are limited to generic text such as “entrance,” “exit,” “parking,” “drive-through,” “teller,” and “ATM.” The Planning Board shall limit the number of signs of this type to the minimum necessary in order to avoid duplicative or extraneous signs of this type.
- (ii) For a drive-through food service establishment, one (1) menu board sign, not to exceed twenty-four (24) square feet. Internal illumination is permitted only if the background is a dark color as per §98-20(J)(2)(d).

(g) For subdivisions, mobile home parks, or condominium, townhouse, or apartment complexes, one non-illuminated Monument sign containing an area of not more than eight (8) square feet and located not more than five (5) feet above ground level at its highest point, identifying the subdivision, mobile home park, or complex, may be displayed. Such sign shall be set back at least ten (10) feet from the edge of the pavement of any public road and shall not obstruct safe sight lines.

Comment [HL213]:
Moved from section “H” – no change to actual language.

(2) Light Industry (LI)Office Industrial (OI), Quarry (Q), and Special Flood Hazard (SFH) Districts:

Comment [HL214]:
This district doesn't exist.

(a) Not more than one (1) primary sign shall be permitted. Such sign shall be one of the following sign types: The total area of all signs on a lot shall not exceed one (1) square foot for each linear foot of building frontage along the principal façade, up to a maximum of forty (40) square feet (not including internal Directional signs as outlined in §98-42(I)(2)(e), below), and shall be one of the following sign types:

Comment [HL215]:
Measurement and size language moved to Wall sign (i) below.

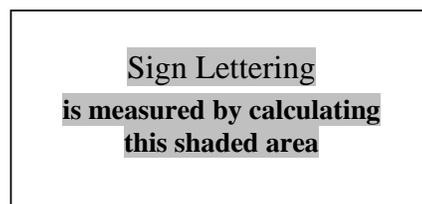
- (i) Wall sign no larger than one (1) square foot for each linear foot of building frontage along the principal façade, up to a maximum of twenty-four (24) square feet;
- (ii) Window sign no larger than 20% of the total window area of the principal façade or a maximum of twenty (20) square feet, whichever is less;
- (iii) Projecting sign no larger than four (4) square feet on each of two sides with a maximum projection of four (4) feet from the building face, and a minimum ground clearance of eight (8) feet and maximum ground clearance of ten (10) feet.
- (iv) Monument sign no larger than sixteen (16) square feet on each of two sides. The Monument sign shall be no higher than six (6) feet from the ground. This applies to all components of the sign including support posts/columns, decorative millwork, and other similar features.

- (b) Where a building lot is divided into several units of occupancy, the total sign area shall be distributed among the units in accordance with their proportions of the total building area.
- (c) There shall be no more than one (1) sign per unit of occupancy.
- (d) The greatest dimension of any sign shall not exceed 15 linear feet.
- (e) One or more Directional signs, for internal direction, shall be permitted, provided that the individual signs are no more than two (2) square feet and are limited to generic text such as “entrance,” “exit,” and “parking.” Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning Board based on motorist safety.

J. Design Principles and Criteria

In reviewing sign applications, the Planning Board shall determine that the sign will uphold and meet the following design principles and criteria:

- (1) General Design Principles: The following principles shall apply to all signs in all districts:
 - (a) Signs should be a subordinate part of the streetscape.
 - (b) Signs should convey their messages clearly and simply.
 - (c) Signs in a particular area or district should act as a unifying element and exhibit visual continuity.
 - (d) Signs should be as close to the ground as practicable, consistent with legibility considerations.
 - (e) A sign’s design should be compatible with the architectural character of the building to which it relates, and if placed on the building should not cover any distinctive architectural features of the building.
 - (f) To the extent possible, adjacent signs on the same or adjoining buildings should be placed within the same horizontal band and be of reasonably harmonious materials and colors.
- (2) General Design Criteria: The following criteria shall apply to all signs in all districts:
 - (a) All signs, with the exception of window signs, shall be constructed of wood, metal, or other durable man-made materials that closely resemble wood or metal~~traditional materials~~, as approved by the Planning Board.
 - (b) Coverage of sign area: The lettering on any sign may not exceed 60% of the sign area of any one side of the sign, with the exception of signs with no background. The area for lettering shall be computed in accordance with the following illustration:



- (c) To ensure legibility, a primary sign shall contain no more than ~~five (5)~~ seven (7) words. Any symbol, logo, phone number, website, or street number is counted as a word.
- (d) The color contrast on all signs is recommended to consist of light lettering on a dark background. Each sign should contain no more than three (3) colors; black and white are each considered a color. Fluorescent colors are prohibited. Artwork that is an integral part of a business logo is exempted from this color restriction.
- (e) Illumination of signs.
 - (i) Signs shall not be internally illuminated.
 - (ii) Signs that are externally illuminated ~~should shall~~ be downlit to reduce glare and light pollution.
 - (iii) Signs that are backlit:
 - [a] Shall use a color of light that reduces glare and light pollution;
 - [b] Shall maintain a low level of light intensity to reduce glare and light pollution;
 - [c] Shall only use non-reflective materials for the background portion of the sign that the backlighting shines on, to reduce glare and light pollution.
 - (iv) All bare light sources and immediately adjacent reflective surfaces, including solar panels, shall be shielded from normal view.
 - (v) No illuminated sign or lighting device shall be so placed as to cause glare or reflection that may constitute a traffic hazard or other nuisance.

(3) Specific Design Criteria by Sign Type:

- (a) Awning Signs:
Awning graphics may be painted or affixed flat to the surface of the front and/or side panels of the valance, but not on the slope, ~~and shall indicate only the name and/or street number of the enterprise or premises.~~
- (b) Freestanding/Monument Signs:
 - (i) Freestanding signs shall not be placed so as to impair visibility for motorists.
 - (ii) Monument signs shall include a decorative rock or stone base. The Planning Board shall require that landscaping be used in and/or around the base of a monument sign in addition to the decorative rock or stone base. Required landscaping may include low seasonal or perennial plantings.
- (c) Projecting Signs:
Projecting signs shall not extend above the height of the roofline, shall have no more than two faces, and shall be securely anchored and shall not swing or move in any manner.
- (d) Wall Signs:

(i) No part of any wall sign shall extend more than nine (9) ~~eight (8)~~ inches from the face of the wall to which it is attached, and shall not extend beyond or above the building in any direction.

Comment [HL216]:
Consistent with definition.

(ii) Where possible, ~~T~~the placement of all wall signs should ~~must~~ be above the display window and below the cornice in a single-story building, or between the shop window and the second story windowsill in a multistory building.

(iii) Wall signs shall be securely attached to or mounted on the building wall.

(e) Window Signs

Permanent window signs must be painted on or attached directly and permanently to the window.

(f) A-Frame Signs

(i) The sign background shall be black (e.g. chalkboard, black dry-erase).

(ii) Lettering shall be a contrasting white or light color.

K. Removal of signs

(1) Obsolete Signs:

Any sign which advertises a business or product or service no longer available for purchase on the premises shall be deemed obsolete and must be removed within thirty (30) days after cessation of the business or sale of the products and services from the premises. A billboard that is abandoned and discontinued as per §98-20(L) shall be considered an obsolete sign. Any obsolete sign shall be removed in accordance with this §98-2042(K).

(2) Existing Signs:

Signs in existence prior to the adoption of this ~~code~~ Local Law # _____ of 2009 may remain, provided that they are not obsolete and that they were legal prior to the adoption of Local Law # _____ of 2009, or illegal and that they are properly maintained. However, any change to the sign copy, sign structure, or to the business use, such as a new type of business or new business name, requires conformance with this code.

(3) The Zoning Administrator or any duly appointed deputy zoning administrator shall give written notice by uncertified mail and certified mail (return receipt requested) simultaneously, ~~return receipt requested,~~ to the last owner of record of the real property on which the sign is located and the permit holder, if any, at the permit holder's last known address of record, specifying that the sign is an abandoned or obsolete sign, or that the sign has been erected in violation of this Chapter, and that the sign must be removed within five (5) days of receipt of notice. If the sign is not removed within the allotted five (5) days, or within thirty (30) days of the date of mailing, whichever is shorter, the Zoning Administrator is hereby authorized to remove or cause removal of such sign.

(4) Safety Hazard. If the Zoning Administrator or any duly appointed deputy zoning administrator deems any sign a source of immediate peril to persons or property, said administrator can remove or cause the removal of such sign summarily and without prior

notice. The Zoning Administrator shall provide written notice that the sign was removed because it was source of immediate peril to persons or property. Such notice shall be provided by certified mail, return receipt requested, to the last owner of record of the real property on which the signs is located and the permit holder, if any, at the permit holder's last known address of record~~the sign at the last known address of record and the owner of the land upon which the sign was erected at the last known address of record.~~

(5) Recovery of Cost of Removal:

At the sole discretion of the Town, the reasonable and necessary costs incurred for removal of any sign by the Town pursuant to this §98-2042(K) shall be charged against the real property from which the sign was removed by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Such charges shall be levied and collected at the same time and in the same manner as Town-assessed taxes and shall be paid to the Town Clerk, to be applied to ~~in~~ reimbursing the fund from which the costs of sign removal were paid. Prior to charging such assessments, the owner of the real property shall be provided written notice by certified mail, return receipt requested, to the last known address of record, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than thirty (30) days after its mailing.

(6) Penalties for Offenses:

~~Upon the initial notification of a violation, no fine will be levied against the property owner.~~ Upon written second~~for the initial of a~~ notification for the initial of a violation or similar repeated violations, a fine as set by the Town Board shall be incurred. Each week that such violation is not remedied, or is repeated, shall constitute a separate violation.

L. Non-Conforming Billboards

Billboards predating this Chapter shall be permitted to continue as a non-conforming use unless said use ceases for a continuous period of one (1) year for any reason, in which event, said non-conforming Billboard shall be deemed to have been abandoned and discontinued and such use may not thereafter be reinstated. The property owner shall then be responsible for the removal of the abandoned and discontinued billboard as per §98-20(K)(1).

For the purposes of this Chapter, a billboard use is considered to have ceased if it meets the criteria for "blank signs" in 17 NYCRR 150.1 of New York State law. A blank sign is "an outdoor advertising sign void of advertising or informative content. An 'available for lease' or similar message that concerns the availability of the sign itself shall not constitute advertising matter. A sign whose message has been partially obliterated by the owner so as not to identify a particular product, service or facility, or a sign which advertises an event which is outdated by more than 30 days, shall be treated as a blank sign. An outdoor advertising sign containing a public service message may be recognized as advertising matter provided the following criteria are met:

- a bona fide public service is referred to;
- the entire sign face is covered with the message; and
- the sign is professionally prepared or established.

Comment [HL217]:
Clarification of what constitutes cessation of use.

M. Maintenance

All signs and components thereof shall be kept in good repair and in safe, neat, and clean condition. Any sign that has been determined by the Zoning Administrator to be in non-compliance with this §98-~~2042(OM)~~ must be repaired within thirty (30) days of receipt of the notice of violation. For any sign determined to remain in non-compliance with §98-~~2042(OM)~~ beyond thirty (30) days after receipt of the notice of violation, the Zoning Administrator may cause the removal of the sign as per §98-~~2042(K)~~.

N. Relief

An applicant may seek relief from the requirement that any permanent sign located in a non-residential district must be placed on the establishment's principal façade. As per §98-~~2042(I)(1)(d)~~, the Planning Board may consider approval of an additional sign of one of the types listed in §98-~~2042(I)(1)(a)~~ and ~~attached to a nonprincipal façade~~ which is visible to a public street. Such relief shall be considered by the Planning Board only where the applicant provides sufficient documentation of the reasons for requesting relief. Where such relief is granted, the primary sign ~~placed on the nonprincipal façade~~ must comply with the standards listed in §98-~~2042(I)(1)(a)~~. In addition, the sign located on the principal façade shall not be larger than 50% of the maximum square footage as allowed for in §98-~~2042(I)(1)(a)~~.

O. Substitution Clause

Any sign authorized pursuant to this Chapter may contain a non-commercial message in lieu of other copy.

OP. Severability, conflicts with other provisions

- (1) The provisions of this section are severable. The invalidity of any word, subsection, clause, phrase, paragraph, sentence, part or provision of this article shall not affect the validity of any other part of this section which can be given effect without such invalid part or parts.
- (2) If any portion of this section is found to be in conflict with any other provision of any other local law or ordinance of the Code of the Town of Pleasant Valley, the provision which establishes the more restrictive standard shall prevail.