

## Chapter 86

### SIGNS

[HISTORY: Adopted by the Town Board of the Town of Urbana 6-9-1994 as L.L. No. 1-1994. Amendments noted where applicable.]

#### § 86-1. Purpose.

A. The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.

B. This chapter is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with their surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

#### § 86-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**AWNING SIGN** — Any visual message incorporated into an awning attached to a building.

**COPY-CHANGE SIGN** — A sign on which the visual message may be periodically changed.

**DIRECTIONAL SIGN** — A sign limited to providing information as to the location of a business, activity or event.

**FREESTANDING SIGN** — Any sign not attached to or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs and pylon signs constructed of wood, masonry materials or any other material.

**ILLUMINATED SIGN** — Any sign illuminated by electricity, gas or other artificial light, either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

**NONPROFIT ORGANIZATION** — An organization which has been designated by all appropriate applicable state and federal agencies as a nonprofit agency or organization and has possession of such certification.

**OFF-PREMISE SIGN** — A sign unrelated to a business or a profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

**PORTABLE SIGN** — A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally or permanently attached to the ground, a building, a structure or another sign.

**PROJECTING SIGN** — A sign which is attached to a building, wall or structure and which extends horizontally more than 15 inches from the plane of such wall or structure or a sign which is perpendicular to the face of such wall or structure.

**REPRESENTATIONAL SIGN** — A three-dimensional sign built to physically represent the object advertised.

**RIGHT-OF-WAY** — The area, as designated by the agency responsible for a specific highway or roadway, that is to remain free from any structures or encroachments.

**SET BACK** — The distance from any street, highway, roadway, structure or property line.

**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 structure or indoors, as a window sign, displaying an advertisement, announcement, notice or name, and shall include but not be limited to any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person, business, organization or cause when such is placed in view of the general public.

**SIGN DIRECTORY** — A listing of two or more business enterprises, consisting of a matrix and sign components.

**SIGN STRUCTURE** — The supports, uprights, bracing, framing, mountings and framework for a sign. In the case of a “sign structure” consisting of two or more sides in which the angle formed between any two sides or the projections thereof exceeds 30°, each side will be considered a separate “sign structure.”

**SIGN SURFACE AREA** — The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting the sign shall be excluded unless the structure is designed in such a manner as to form an integral background for the display. One side of a double-faced sign shall be used to calculate the total surface or area of such a sign.

TEMPORARY SIGN — A sign related to a single activity or event having a duration of 30 days or less.

WALL SIGN — A sign which is painted on or attached to the outside wall of a building with the face of the sign parallel to such wall and not extending more than 15 inches from the face of such wall.

WINDOW SIGN — A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside in such a manner to be viewed from outside, but not to include graphics in connection with customary window display of goods or products.

§ 86-3. Permit required.

Except as otherwise provided, no person shall erect, alter or relocate any sign without first obtaining a permit from the Code Enforcement Officer. Within six months following the effective date of this chapter, a permit shall also be obtained for any sign in existence as of the effective date of this chapter unless excluded under § 86-6. Subsequent to this initial application, no permit shall be required for the general repair or maintenance of any permitted sign.

§ 86-4. Application procedure.

Applications shall be made in writing to the Code Enforcement Officer on forms obtained from the Town Clerk and shall contain the following information:

- A. The name, address and telephone number of the applicant.
- B. The name, address and telephone number of the property owner.
- C. The location of the building, structure and/or land upon which the sign now exists or is to be erected.
- D. A plan, drawn to scale, as well as a description of the sign, sign structure and placement and should include the following:
  - (1) Its location on the premises, specifically its position in relation to existing buildings, structures, property lines, roadways, driveways, parking lots and any other existing or proposed signage, and indicating such distances.
  - (2) The method of illumination, if any, and the position of lighting or other extraneous devices.
  - (3) Graphic design, including symbols, letters, materials and colors.
  - (4) The visual message, copy, text or content of the sign.

§ 86-5. Issuance of permit; permit conditions.

A. All signs in the Town of Urbana, other than those mentioned in § 86-6, shall require a sign permit.

B. Upon the filing of a completed application for a sign permit and the payment of the required fee which has been determined by a schedule of fees as established by the Town Board, the Code Enforcement Officer shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the sign is in compliance with the requirements of this chapter, the Code Enforcement Officer shall then, within 30 days, issue a permit for the erection of the proposed sign or for an existing sign. The issuance of this permit shall not excuse the applicant from conforming to any other laws or any local laws or ordinances.

C. If the erection of the sign authorized under any such permit has not commenced within six months from the date of issuance, the permit shall become null and void but may be renewed within 30 days prior to the expiration of said permit, for good cause shown, for an additional six months, upon payment of 1/2 of the original fee.

D. The term of such permit shall extend through the useful life of the sign unless otherwise indicated in this chapter. A new permit shall be required if:

(1) Changes to the design, copy, structure, size or supporting structure is no longer consistent with the original application.

(2) The name of the business or type of business is no longer consistent with the original application.

(3) The business is sold or property leased or in some manner becomes under the management or is represented by a party or parties not consistent with the original application.

(4) The original permit is found to be in violation under the provisions of this or any other chapter.

E. Every sign shall bear the permit number, permanently and visibly displayed. Failure to do so shall constitute cause for the revocation of the permit.

#### § 86-6. Exempt signs.

The following types of signs may be erected and maintained without a permit or fee, provided that such signs comply with the requirements of this chapter and any other law or ordinance imposed by the Town of Urbana or other governing body:

A. Historical markers, tablets and statues, memorial signs and plaques; names and dates of buildings; and nonadvertising on-premises signs installed by religious or nonprofit organizations, not exceeding six square feet.

B. Signs, notices or emblems installed by governmental bodies.

C. Flags or insignias of any government, except when displayed in connection with commercial promotion.

D. On-premises nonadvertising directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits, and similar signs not exceeding six square feet per face. Freestanding signs shall not exceed six feet in height. Business names and personal names shall be allowed, excluding advertising messages.

E. Nonilluminated warning, private drive, posted or no-trespassing signs, not to exceed three square feet per face.

F. One on-premises sign, either freestanding or attached, in connection with any residential building in any zoning district, for permitted professional offices or home occupations, not to exceed three square feet. Such sign shall state name and vocation only. Illumination shall not produce a direct glare beyond the limits of the property line.

G. Number and name plates identifying residents, mounted on a house, apartment or mailbox, not exceeding one square foot in area.

H. Lawn signs identifying residents, not exceeding one square foot, or two square feet if double-faced. Such signs are to be nonilluminated except by a light which is an integral part of a lamppost if used as a support, with no advertising message thereon.

I. Private-owner merchandise sale signs for garage sales and auctions, not exceeding six square feet, for a period not exceeding seven days.

J. Temporary, nonilluminated, "for sale", "for rent", real estate signs and signs of similar nature, concerning the premises upon which the sign is located. In a residential zoning district, one sign not exceeding six square feet per side shall be permitted. In the business, industrial and agricultural zoning districts, one sign shall be permitted, not exceeding 64 square feet. All such signs shall be removed within three days after the sale, lease or rental of the premises.

K. Two temporary signs for a roadside stand selling agricultural produce, in season, provided that such sign shall not exceed 32 square feet and shall not be located within any public right-of-way.

L. Temporary, nonilluminated, window signs and posters.

M. Holiday decorations, including lighting, which may be displayed in any district.

N. At gasoline stations:

(1) Integral graphic or attached price signs on gasoline pumps.

(2) Two auxiliary signs per station, each not exceeding six square feet.

(3) One portable sign per station, not exceeding 12 square feet and four feet in height.

O. Directional signs for meetings, conventions and other assemblies, each not exceeding six square feet, for the period from five days before until two days following the event.

P. One sign, not exceeding six square feet in the residential districts nor 32 square feet in the business, industrial and agricultural districts, listing the architect, engineer, contractor and/or owner, on the premises where construction, renovation or repair is in progress.

Q. Promotional signage, including banners, for special events of limited duration, not exceeding 32 square feet in the residential districts nor 72 square feet in the business, industrial and agricultural districts, provided that:

(1) Placement shall not exceed 30 days before nor five days following the event.

(2) The names and addresses of the sponsors and the persons responsible for removal are identified.

R. Political posters, banners and similar signs, not exceeding six square feet in the residential districts nor 32 square feet in the business, industrial and agricultural districts, provided that:

(1) Placement shall not exceed 30 days before nor five days following the event.

(2) The names and addresses of the sponsor and/or the person responsible for removal are identified on each such sign or poster.

(3) Such signage shall be set back at least 15 feet from all property lines and shall not be located within any public right-of-way.

S. Display of one permanent sign by a permitted business for the purposes of displaying its product, provided that such sign does not exceed 12 square feet.

#### § 86-7. Prohibitions.

A. No sign in any district shall be placed or located within or extend into the right-of-way of any public highway or roadway.

B. No off-premises signs shall be allowed, other than as permitted under the exempt signs provision of § 86-6 or under the off-premises directional signs provisions of § 86-10.

C. No sign shall be illuminated by or contain flashing, intermittent, rotating or revolving lights, except to show time and temperature.

D. No sign shall impair or cause confusion of vehicular or pedestrian traffic in its design, color or placement. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within the right-of-way of the intersection of the street or highway lines.

E. No sign or sign supports that exceed five feet above the roofline shall be placed upon the roof of any building.

F. No sign shall consist of banners, pennants, ribbons, streamers, spinners or similar moving, fluttering or revolving devices.

G. No advertising message shall be extended over more than one sign placed along a street or highway.

#### § 86-8. Regulations by district.

Within all districts, the following provisions for permanent signs shall apply:

A. General regulations.

(1) The total number of permitted signs on any lot in all districts shall not exceed two, of which only one may be freestanding.

(2) The cumulative area of any sign permitted on any lot shall be as follows:

(a) Agricultural districts: 100 square feet.

(b) Business districts: 100 square feet.

(c) Industrial districts: 150 square feet.

(d) Residential districts: 32 square feet.

(3) The cumulative height above road grade of any sign and supporting structure permitted on any lot shall be as follows:

(a) Agricultural districts: 20 feet.

(b) Business districts: 25 feet.

(c) Industrial districts: 25 feet.

(d) Residential districts: six feet.

B. Specific regulations. Specific district regulations shall be as follows:

(1) Residential districts.

(a) Permitted nonresidential uses and legal nonconforming nonresidential uses may display one freestanding and/or one projecting sign pertaining to the use of property upon which the sign is situated. Freestanding signs shall have a total face area not exceeding 16 square feet and shall be set back 15 feet from any adjoining property boundaries. Projecting signs shall have a total face area of not more than six square feet and shall not project more than 40 inches from the principal building to which they are attached.

(b) Internally illuminated signs are not permitted in the residential districts. Externally illuminated permanent signs shall not be illuminated in such a manner that the illumination becomes an infringement to the adjoining residences.

(c) Temporary or portable signs referring to a specific event or activity are permitted for a period of five days prior to and two following the activity or event to which they pertain. In no instance shall this period exceed seven days.

(2) Business districts.

(a) Where groups of four or more contiguous businesses are located together or where a lesser number of stores total not less than 10,000 square feet of gross leasable area, one common freestanding sign denoting the name of the shopping facility shall be permitted, not exceeding 150 square feet [75 square feet per side] and with its bottom panel not more than eight feet above grade. All other signs shall be attached to buildings, of a wall, projecting- or soffit-type, and coordinated in material, shape, lettering, color and/or decorative elements.

(b) Representational signs shall not project in any direction more than five feet beyond the principal structure to which they are attached and shall not exceed 15 square feet. Only one such sign per establishment shall be permitted, with the area of such sign structure included within the total sign area permitted.

(c) Illuminated signs which indicate the time, temperature, date or similar public service information shall not exceed 32 square feet and shall not employ less than 60% of the total sign area on each side for said public service information.

§ 86-9. Regulations by sign type.

The following are descriptions of signs varying in construction and type which may comply with the following additional conditions, unless otherwise specified elsewhere in a local law:

A. Temporary signs and/or portable signs.

(1) All signs of a temporary nature, except as otherwise provided in this chapter, shall be permitted for a period not exceeding 30 days prior to the activity or event nor exceeding five days after the activity or event. Such signs shall not exceed 72

square feet in business, industrial and agricultural districts, nor 32 square feet in residential districts. Such signage shall not be located within any public right-of-way nor be attached to fences, trees, utility poles, rocks or other parts of a natural landscape nor be placed in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public.

(2) A new business or a business in a new location awaiting installation of a permanent sign may utilize a portable sign for a period of not more than 60 days or until installation of a permanent sign, whichever occurs first. Such a portable sign must meet all the construction standards of the municipality. A permit for such a portable sign shall be required. Upon completion and installation of the permanent sign, the permit fee paid for the portable sign shall be applied to the permit fee for the permanent sign.

B. Permanent signs. Within any zoning district, the following permanent signs may be erected; provided, however, that such placement shall not serve to expand the number of signs otherwise allowed, pursuant to the next subsection on business and industrial districts:

(1) A nonilluminated, single-sided real estate development sign, including industrial and commercial development, residential subdivision or construction sign denoting the architect, engineer and/or contractor, not exceeding 32 square feet in business and industrial districts nor 16 square feet in residential districts, may be erected on property being sold, leased or developed. Such sign shall be erected parallel to the fronting highway, set back a minimum of 15 feet from the property line or attached to the building face. Such sign shall be removed upon completion of the project and shall be in place for a period not exceeding two years.

(2) Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies may be erected on the premises of such institutions. One such sign or bulletin board, not exceeding 32 square feet, may be erected for each entrance on a different street or highway.

(3) For multiple dwellings or apartment developments, one sign advertising availability of several dwelling units, not exceeding 32 square feet, may be erected. One such sign shall be permitted for each entrance on a different street or highway.

(4) Signs necessary for the identification, operation or production of a public utility, not exceeding 32 square feet, may be erected on the premises of such public utility.

C. Wall signs.

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

(2) Wall signs shall not extend more than 15 inches from the face of the buildings to which attached.

(3) Any part of a sign extending over pedestrian traffic areas shall have a minimum clearance of seven feet six inches.

D. Projecting signs.

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

(2) The exterior edge of a projecting sign shall extend not more than five feet from the building face or 1/3 the width of the sidewalk, whichever is less.

(3) No part of a projecting sign shall extend into vehicular traffic areas, and any part extending over pedestrian areas shall have a minimum clearance of seven feet six inches.

(4) Projecting signs shall not be higher than 12 feet.

(5) No projecting sign shall be closer than 15 feet from the corner of a building located at a street intersection.

E. Freestanding signs.

(1) No freestanding sign shall be located within the right-of-way, nor less than 15 feet from a side property line, nor be located less than 50 feet from any other freestanding sign.

(2) If for any reason the property line is changed at some future date, any freestanding sign made nonconforming thereby must be relocated within 90 days to conform with the minimum setback requirements.

(3) Except in the case of those situations defined in the general provisions of § 86-8A(2) no freestanding sign shall be more than 100 square feet per side for a double-faced sign.

(4) No freestanding sign shall be more than 20 feet in height above highway grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.

(5) No freestanding sign shall extend over or into the public right-of-way, nor shall it overhang the property lines.

(6) Freestanding signs under which a pedestrian walkway or driveway passes must have a minimum vertical clearance of 10 feet.

(7) Masonry wall-type signs shall not exceed four feet in height and shall not be placed so as to impair visibility for motorists.

F. Other signs.

(1) Permanent window signs.

(a) No more than one sign per window and a maximum of two per business enterprise.

(b) The area of a window sign shall not exceed 25% of the area of the window nor more than four square feet.

(2) Sign directories.

(a) The character and size of the sign matrix and of the individual sign components comprising the directory shall be regulated in accordance with guidelines provided by this chapter.

(b) Sign directories shall contain identification of and direction to several business enterprises but shall contain no promotional advertising.

(3) Awning signs.

(a) No sign shall project from an awning.

(b) Awning graphics may be painted or affixed flat to the surface of the front or sides and shall indicate only the name and/or address of the enterprise or premises.

(c) The surface area of awning graphics shall be debited against the permitted wall sign surface area.

§ 86-10. Nonconforming signs.

In the event a sign lawfully erected prior to the effective date of this chapter does not conform to its provisions and standards, then such signs shall be modified to conform or be removed according to the following regulations:

A. If a nonconforming sign includes such features as included under the section on prohibitions, then such sign shall be modified by its owner to comply or be removed within 30 days after the owner receives written notice from the Code Enforcement Officer to so comply.

B. If an owner has complied, as necessary, with the above provision, yet remains in nonconformity in other respects, he may apply for a permit to maintain the nonconforming sign for a fixed period based on the remaining undepreciated useful life a such sign, as determined by an appropriate depreciation formula (e.g., value standards in

use by the New York State Department of Transportation). Application for such permit shall be filed with the Code Enforcement Officer within six months of the effective date of this chapter and shall include satisfactory proof of the date of erection of said sign. A permit to continue a nonconforming sign shall in no case exceed five years.

C. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign.

§ 86-11. Removal of signs.

A. Any sign existing on or after the effective date of this chapter, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed.

B. If the Code Enforcement Officer shall find that any sign regulated in this chapter is not used, is not in compliance with this or any other chapter, is abandoned, unsafe or insecure or is a menace to the public, the Code Enforcement Officer shall give written notice to the named owner of the land upon which it is located, who shall remove or repair the sign within 30 days from the date of the notice. If the sign is not removed or repaired within said time period, the Code Enforcement Officer shall revoke the permit issued for such sign and may remove the sign and assess the owner for all costs incurred for such service.

C. The Code Enforcement Officer may cause any sign, which is a source of immediate peril to persons or property, to be removed immediately and without notice.

§ 86-12. Construction standards.

A. General.

(1) All signs installed after the effective date of this chapter shall have attached to the sign a name plate 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 in this chapter.

(2) All internally illuminated signs shall be constructed in conformance with the Standards for Electric Signs (UL 48) of Underwriters' Laboratories, Inc., and bear the seal of Underwriters' Laboratories, Inc.

(3) If such sign does not bear the Underwriters' Laboratories label, the sign shall be inspected and certified by the New York Board of Fire Underwriters. All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.

(4) All freestanding signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of surface area.

(5) All signs, including wall-mounted and projecting signs, shall be securely anchored.

(6) All signs, sign finishes, supports and electrical 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.

(7) All projecting, freestanding or wall signs shall employ acceptable safety material.

(8) All signs shall be painted and/or fabricated in accordance with generally accepted standards.

B. Design guidelines.

(1) Signs shall be designed to be compatible with the surroundings and appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics shall be related with, and not cover, architectural features and should be in proportion to them.

(2) Signs shall be appropriate to the types of activities they represent.

(3) Layout shall be orderly and graphics should be of simple shape, such as rectangle, circle or oval.

(4) Illumination shall be appropriate to the character of the sign and surroundings.

(5) Groups of related signs shall express uniformity and create a sense of harmonious appearance.

(6) All signage shall be professional in appearance and construction as not to visually detract from the character of the area or have a negative effect upon the quality and value of surrounding properties.

§ 86-13. Amendments.

A. The Town Board may on its own motion, or on a petition, or on recommendations of the Planning Board, after public notice and public hearing, amend this chapter pursuant to all applicable requirements of law.

B. All proposed amendments originating by petition, or by motion of the Town Board, shall be referred to the Planning Board for a report and recommendation thereon. The Planning Board shall submit its report within 60 days after receiving such referral. Failure of the Planning Board to report within the required time shall be deemed to constitute a recommendation for approval of the proposed amendment.

§ 86-14. Penalties for offenses.

A. Any person, corporation, partnership, association or other legal entity who shall violate any of the provisions of this chapter or any conditions imposed by a permit pursuant hereto shall be guilty of an offense and subject to a fine not to exceed \$250 or imprisonment for a period not to exceed 15 days, and/or both such fine and imprisonment. Every such person or entity shall be deemed guilty of a separate offense for each week such violation, disobedience, omission, neglect or refusal shall continue.

B. Nothing contained in this chapter shall prevent the Town Board from maintaining an action or proceeding in the name of the town in a court of competent jurisdiction to compel strict compliance with the provisions of this chapter or to restrain, by injunction, the violation of any of its provision or any rule or regulation promulgated hereunder.