

11/17

**INTRODUCTORY LOCAL LAW # OF 2017
A LOCAL AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH:
SIGN REGULATIONS**

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

SECTION 1 - TITLE

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

SECTION 2 - INTENT

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

SECTION 3 - AMENDMENT TO CHAPTER 185.

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

"§185-14 Sign regulations

A. Intent.

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

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

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

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

D.

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

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

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

- (3) For improved nonresidential properties, the maximum area per sign shall be 24 square feet with a maximum height of eight feet.
 - (4) For unimproved properties not exceeding two acres in size, the maximum area per sign shall be 32 square feet with a maximum height of 10 feet.
 - (5) For unimproved properties exceeding two acres in size, the maximum area per sign shall be 60 square feet with a maximum height of 10 feet.
 - (6) Signs shall not be illuminated.
 - (f) All such signs shall be removed within three days after the ending of the listing period or the sale, lease or rental of the premises, as the case may be.
- (9) Temporary, nonilluminated window signs and posters not exceeding 10% of the window surface.
 - (10) One temporary sign at a seasonal roadside stand selling agricultural produce grown on the premises, provided that such sign shall not exceed six feet and shall be set back a minimum of 10 feet from any property line. Any such sign shall only remain on the site for that portion of the year that the stand is active.
 - (11) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, nonilluminated, not exceeding four square feet per face and six feet above the ground.
 - (12) Temporary, non-illuminated, non-commercial signs with fixed messages displayed for periods not to exceed 120 days in any calendar year, not exceeding 9 square feet in total area and no more than 48 inches above grade. The date the signs are erected shall be legibly labelled on such signs with lettering no less than 2.5 inches in height. A maximum of 4 identical signs shall be placed within 200 feet of each other.

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

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

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

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

F. Sign measurement.

(1) Sign face area.

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

G. Nonconforming signs.

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

H. General design criteria.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. General construction and placement criteria.

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

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

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

(4) All signs, including attached wall, projecting and suspended wall signs, shall be securely anchored and shall not swing or move in any manner.

(5) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.

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

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

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

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

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

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

J. Specific regulations; sign types.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Projecting signs may only be directly illuminated.

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

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

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

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

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

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

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

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

(8) Fence signs.

(a) No sign or banner shall be placed on any fence which will impede the vision of pedestrians and/or motorists.

(b) All signs or banners placed on fences must be attached securely to prevent them from interfering with pedestrians and/or motorists' safety.

(c) All signs and banners shall be kept and maintained in a clean, legible manner.

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

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

- (a) A maximum of two single-faced freestanding signs shall be permitted per development or neighborhood.
- (b) The maximum area per sign shall be 16 square feet. Only one sign shall be placed per intersection.
- (c) Such signs shall only be indirectly illuminated.
- (d) If such signs are freestanding, the maximum height shall be 48 inches above the finished grade.

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

- (a) One freestanding, attached wall or suspended wall sign, single- or double-faced, shall be allowed per street frontage from which vehicles gain access to the development.
- (b) The maximum area per sign shall be 20 square feet.
- (c) If such signs are freestanding, the maximum height shall be 48 inches above the finished grade.
- (d) If freestanding, such signs shall only be indirectly illuminated.

(3) Signs and banners generally.

- (a) All signs and banners must be legible, clean, orderly and maintained.
- (b) Banners shall not exceed 70% of the width of the building wall to which it is mounted.
- (c) Banners shall not be illuminated.
- (d) Banners shall not extend beyond the side of the wall to which it is mounted.

(4) Long-term temporary signs.

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

- [1] There shall not be more than one such single-faced, freestanding sign for each project or development.
- [3] Such sign shall be no larger than 32 square feet in total area and no more than 10 feet in height.
- [4] Construction signs shall not be illuminated.
- [5] Construction signs may be erected and maintained for a period not to exceed 14 days prior to the commencement of construction and shall be removed within 14 days of the termination of construction of the project or development.

(5) Short-term temporary signs.

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

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

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

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

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

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

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

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

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

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

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

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

(b) One sign per lot shall be permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The maximum height shall be 14 feet.

N. Signs permitted in IB and I Districts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

P. Electric and Illuminated Signs. Reserved

Q. Permits.

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

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

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

1A.

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

(a) The names, addresses and telephone numbers of the applicant, the owner of the property on which the sign is to be erected or affixed and the person or company to be erecting or affixing the sign.

(b) The location of the building, structure or lot on which the sign is to be erected or affixed.

(c) A site plan of the parcel involved, showing all structures and the exact location of the proposed sign.

(d) Two sets of plans and specifications of the sign to be erected or affixed and its method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color and weight.

(e) If necessary, a certification from a professional engineer or registered architect licensed to practice in the State of New York indicating that the sign is designed to withstand winds of at least 100 miles per hour.

(f) The written consent of the owner of the building, structure or property on which the sign is to be erected or affixed.

(g) The method of illumination, if any, and the position of lighting or other extraneous devices and a copy of the electrical permit related to the electrical connection.

(h) Such other information as the Code Compliance Department may require to determine full compliance with this and other applicable ordinances and regulations of the Town.

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

(4)

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

R. Review of existing signs.

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

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

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

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

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

S. Removal of certain signs.

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

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

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

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

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

A. Accessory Uses

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

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

A. Accessory Uses

“2. Signs in accordance with §185.14”

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

A. Accessory Uses

“6. Signs in accordance with §185.14:”

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

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

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

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

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

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

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

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

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

SECTION 4 - VALIDITY

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

SECTION 5 - EFFECTIVE DATE

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

11/17

**INTRODUCTORY LOCAL LAW #__ OF 2017
A LOCAL AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH:
ELECTRONIC AND ILLUMINATED SIGNS**

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh: Electronic and Illuminated Signs."

SECTION 2 - INTENT

The intent of this local law is to implement a change in the Town of Newburgh Zoning Code to address changes in the technology of sign illumination and certain design guidelines and to fulfill the objectives of Section 185-14 of the Municipal Code.

SECTION 3 - AMENDMENT TO CHAPTER 185.

Subsection 185-14P entitled "Electronic and illuminated signs" is hereby added to Section 185-14 entitled "Sign regulations" to read as follows:

"P. Electronic and illuminated signs

1. Definitions: As used in this Section, the following terms shall have the following meanings:

ANIMATED SIGN — Any sign that uses movement or change of lighting or color to depict action or give the sense of motion, including animated graphics and video. "Electronic Message Displays" and "Time, Temperature or Price signs" are not Animated Signs for purposes of this Chapter. Animated signs are not permitted in any zoning district.

ELECTRONIC MESSAGE DISPLAY – a sign or portion of a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. A sign on which the message changes more than one time per one half hour shall be considered an animated sign and not an Electronic Message Display for purposes of this chapter. A “Time, Temperature or Price Sign” shall not be considered an Electronic Message Display for purposes of this Chapter

ELECTRONIC SIGN - any sign, video display, projected image, or similar device or portions thereof with text, images, or graphics generated by solid state electronic components. Electronic signs include, but are not limited to, signs that use light emitting diodes (LED), liquid crystal displays (LCD), plasma displays, fiber optics, or other technology that results in bright, high-resolution text, images, and graphics.

DISSOLVE – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

FADE – a mode of message transition on an Electronic Message Display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

FLASHING - a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated for the purpose of drawing attention to the sign. Flashing is not permitted in any zoning district.

FRAME – a complete, static display screen on an Electronic Message Display.

FRAME EFFECT – a visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.

ILLUMINATED SIGN — Any sign illuminated by electricity, gas or other artificial light, including reflective or phosphorescent light.

NITS - a unit of measure of brightness or luminance. One nit is equal to one candela per square meter.

e. Brightness.

Brightness levels of Electronic signs cannot exceed the following foot candles (fc) by zone: measured within 100 feet of the sign.

Zoning district	Foot candles
B, RR, AR, R-2, R-2 and R-3	0.3
IB and I	0.5
	0.8

Source: Illuminating Engineering Society (IES)

No electronic sign shall be illuminated to a degree of brightness greater than necessary for adequate visibility or a maximum of 300 nits between sunrise and sunset, 5,000 nits during daylight hours, or the minimum standards set by the Federal Highway Administration, whichever is more restrictive.

Certification must be provided to the Town demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. In the event of receipt of a complaint, the Code Compliance Department may require re-inspection and recalibration in its reasonable discretion, at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.

"f. Non-electronic illuminated signs. The illumination provided shall be diffused or indirect and arranged so as not to directly illuminate neighboring properties in residential districts and any public street. Front lighting of carved wood and raised letter signs is permitted so long as the lighting does not illuminate neighboring properties or the public street. See Section 185-14H(12) for design criteria for illumination."

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be

confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

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

11/17

**INTRODCUTORY
TOWN OF NEWBURGH
LOCAL LAW NO. __ OF 2017**

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 maybe 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.
- b.
- c.

“D5
D1-2, D4-13 and 18
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:

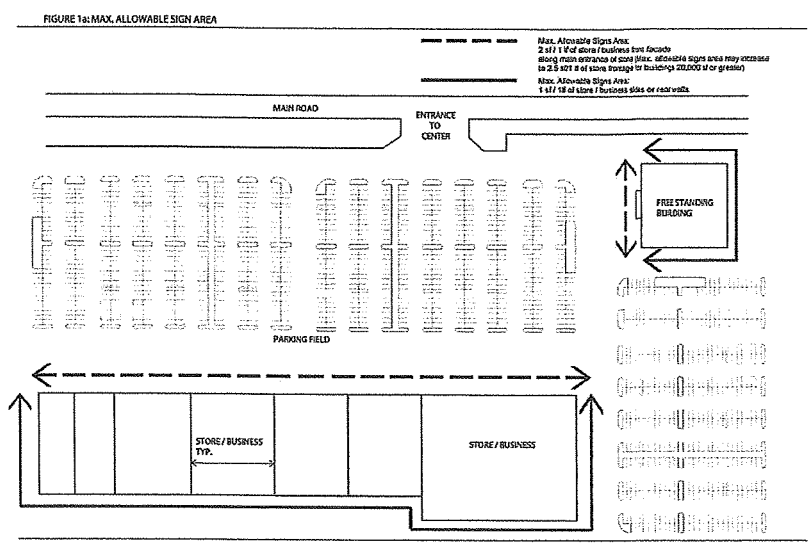


FIGURE 1b: WALL SIGNS MAX. ALLOWABLE SIGNS AREA

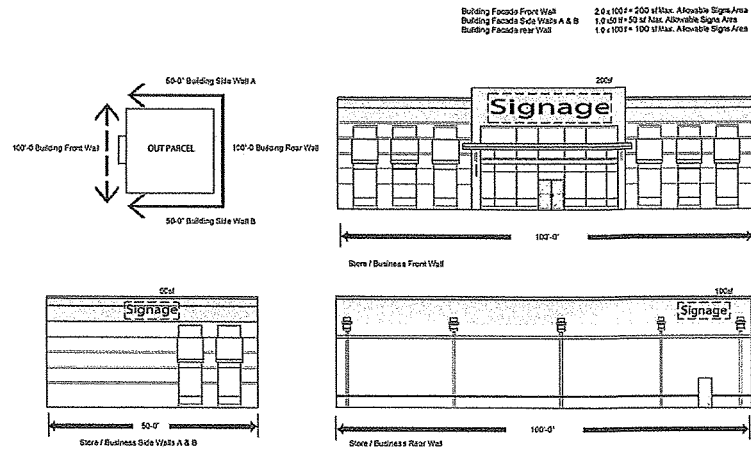


FIGURE 1c: IN-LINE STORE / BUSINESS



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



Figure 2: Blade Signs

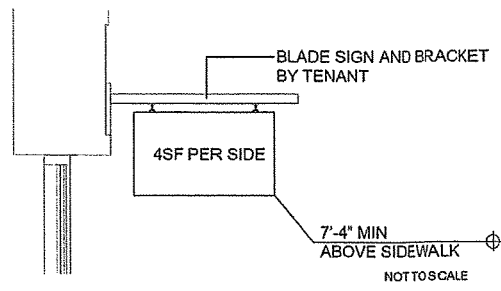


Figure 3: Awnings

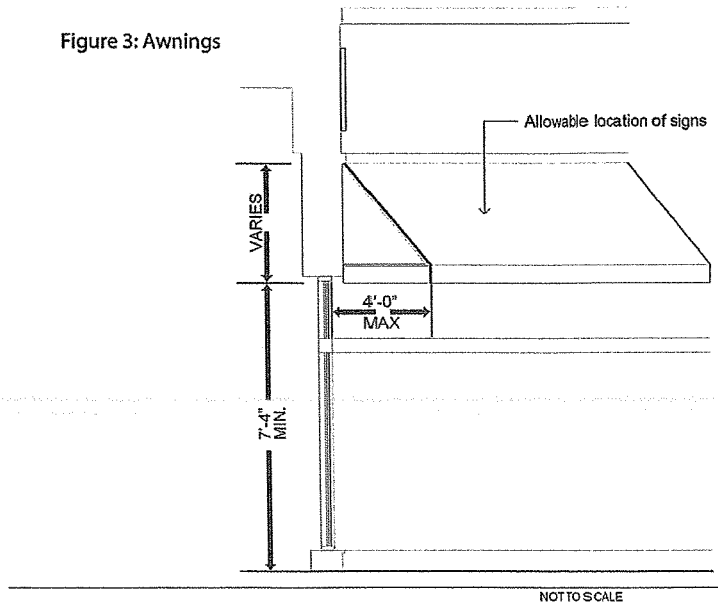
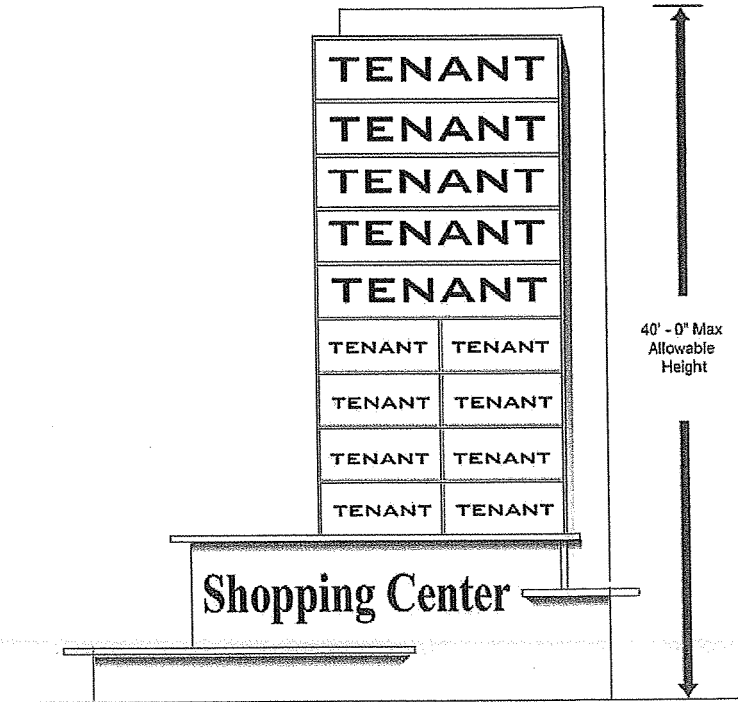


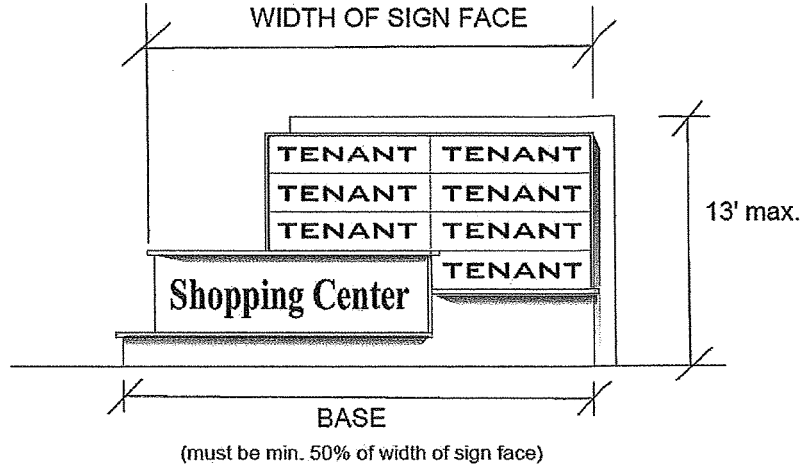
FIGURE 4a: FREESTANDING SIGNS
PYLON SIGNS



450 sf Max. Allowable Signage Area

NOT TO SCALE

FIGURE 4b: FREESTANDING SIGNS
MONUMENT SIGNS



200 sf Max. Allowable Signage Area

NOT TO SCALE

11/2017

**INTRODUCTORY LOCAL LAW # OF 2017
A LOCAL AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH
TO PROHIBIT SIGNS ON LAMPPOSTS,
TRAFFIC SIGNAL POLES AND UTILITY POLES**

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh to Prohibit Signs on Lampposts, Traffic Signal Poles and Utility Poles."

SECTION 2 - INTENT

The intent of this local law is to implement changes in the Town of Newburgh Zoning Code to prohibit signs on trees, lampposts, traffic signal poles and utility poles. The Town Board hereby finds that signs on trees, lampposts, traffic signal poles and utility poles create unreasonable distractions to operators of motor vehicles, create confusion with regard to traffic lights, signs and signals, impair visibility of pedestrians and motor vehicles, create safety hazards to the public and, in particular, pedestrians, distract from identification of surrounding businesses and home-house numbering and detract from the aesthetic character of buildings, sites, districts and the Town as a whole. In addition, the Town Board finds that the undue proliferation of signs on trees, lampposts, traffic signal poles and utility poles detracts from the established character of adjoining properties and of the neighborhood in which they are located and depreciates the values of said properties and neighborhoods. It is hereby found that removal of said signs, posters, stickers or advertising devices will promote the health, safety, morals and general welfare of the community in which they are located.

SECTION 3 - AMENDMENT TO CHAPTER 185.

- A. Subsection 185-14E entitled "Prohibited signs" of Section 185-14 entitled "Sign regulations" is hereby amended to add number 11 to the list of prohibited signs to read as follows:

"(11) With the exception of any sign erected by the Town, county, state or other governmental authority or public utility, all signs pertaining to traffic regulations, parking regulations and fire zones which are subject to the rules and regulations of the New York State Vehicle and Traffic Law and warning, entry prohibition and safety signs, signs located upon lampposts, traffic light poles or upon utility poles without the express

written permission of the utility company. It shall be presumed that any person, business or entity identified on any sign, poster, sticker or advertising device regulated by this Section, or the owner, agent, registrant, manager, business, entity or person in charge of any telephone number, web site, entity, business or address identified on any sign, poster, sticker or advertising device regulated under this chapter is responsible for the placement of that sign, poster, sticker or advertising device. This presumption shall be rebuttable. The Building and Code Enforcement Officer shall prepare a notice which shall describe the sign and specify the violation involved and shall state that if the sign is not removed or the violation is not corrected within 20 days, the sign shall be removed in accordance with the provisions of this section, provided however, that in the event the sign is clearly of a temporary and insubstantial value, including but not limited to paper, cloth, flags or cardboard signs, the Building and Code Enforcement Officer may direct the immediate removal of such signs upon 48 hours notice. All notices mailed by the Building and Code Enforcement Officer shall be sent by certified mail, return receipt requested. Any time periods provided in this subsection shall be deemed to commence on the date of the mailing of the certified mail. The notice shall be mailed to the owner of the property on which the sign is located as shown on the last equalized assessment roll. Any person having an interest in the property on which the sign is located may appeal the determination of the Building and Code Enforcement Officer ordering removal or compliance by filing a written notice of appeal with the Zoning Board of Appeals within 10 days after receipt of the notice. ”

SECTION 4 - VALIDITY

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

SECTION 5 - EFFECTIVE DATE

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

11/2017

INTRODUCTORY LOCAL LAW NO. __ OF 2017
A LOCAL LAW
AMENDING CHAPTER 160 ENTITLED
“STREETS AND SIDEWALKS”
OF THE CODE OF THE TOWN OF NEWBURGH:
SIGNS ON TREES, LAMPPOSTS, TRAFFIC SIGNAL POLES AND
UTILITY POLES IN PUBLIC STREET RIGHTS OF WAY

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

SECTION 1 – TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 160 entitled “Streets and Sidewalks” of the Code of the Town of Newburgh: Signs on Trees, Lampposts, Traffic Signal Poles and Utility Poles in Public Street Rights of Way”

SECTION 2 – AMENDMENTS TO CHAPTER 160

1. Chapter 160 of the Code of the Town of Newburgh “ Streets and Sidewalks” is hereby amended by adding a new Article V, entitled "Signs on Trees, Lampposts, Traffic Signal Poles and Utility Poles in Public Street Rights of Way" to read as follows:

“ARTICLE V
SIGNS ON TREES, LAMPPOSTS, TRAFFIC SIGNAL POLES AND UTILITY
POLES IN PUBLIC STREET RIGHTS OF WAY

§ 160-39. Legislative findings and intent.

The Town Board hereby finds that signs on trees, lampposts, traffic signal poles and utility poles on or near street rights of way create unreasonable distractions to operators of motor vehicles, create confusion with regard to traffic lights, signs and signals, impair visibility of pedestrians and motor vehicles, create safety hazards to the public and, in particular, pedestrians, distract from identification of surrounding businesses and home-house numbering and detract from the aesthetic character of buildings, sites, districts and the Town as a whole. In addition, the Town Board finds that the undue proliferation of signs, posters and, stickers on trees, lampposts and utility poles detracts from the established character of adjoining properties and of the neighborhood in which they are located and depreciates the values of said properties and neighborhoods. It is hereby found that removal of said signs, posters and stickers will promote the health, safety, morals and general welfare of the community. It is accordingly the intent of this local law to prohibit signs, posters and stickers on trees, lampposts, traffic signal poles and utility poles in public street rights of way.

§ 160-40. Definitions.

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

Sign - Any material, structure or device or part thereof composed of lettered or pictorial matter or upon which lettered or pictorial matter is placed for display of an advertisement, announcement, notice, directional matter or name, and shall also include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public. The term does not include objects which are not virtually discernable to the public.

§ 160-41. Prohibition on placement of signs on trees, lampposts, traffic signal poles and utility poles in public street rights of way.

With the exception of any sign erected by the Town, county, state or other governmental authority or public utility and all signs pertaining to traffic regulations, parking regulations and fire zones which are subject to the rules and regulations of the New York State Vehicle and Traffic Law, no sign, poster, sticker or advertising device shall be located upon any tree, lamppost, traffic signal pole or upon a utility pole without the express written permission of the utility company, within the right-of-way of any Town, state or county road or highway.

§ 160-42. Presumption.

It shall be presumed that any person, business or entity identified on any sign, poster, sticker or advertising device regulated by this Article, or the owner, agent, registrant, manager, business, entity or person in charge of any telephone number, web site, entity, business or address identified on any sign, poster, sticker or advertising device regulated under this chapter is responsible for the placement of that sign, poster, sticker or advertising device. This presumption shall be rebuttable.

§ 160-43. Removal by Town authorized.

- A. Upon failure of the person responsible for the placement or of the owner, if a telephone number, e-mail address or address is readily obtainable, to remove a sign, poster, sticker or advertising device regulated under this Article after notice has been given to remove the sign, the Superintendent of Highways or his designee is hereby authorized to remove any sign, poster, sticker or advertising device placed upon any tree, light pole, traffic signal pole or utility pole in a Town street right of way. Said signs, posters stickers or advertising devices shall be held for a period of 72 hours (provided the removal could be accomplished without destroying the sign, poster, sticker or advertising device), and if not claimed by the owner thereof within said seventy-two-hour period, the Superintendent of Highways is authorized to dispose of said signs. There shall be a fee of \$10 per sign for any person or

organization redeeming a sign seized pursuant to the terms of this section. Upon receipt of written authorization from the New York State Department of Transportation and/or the Orange County Department of Public Works, the Superintendent of Highways shall be authorized to remove signs, posters, stickers or advertising devices in accordance with this section from state and/or county roads and highways. In the event the only contact information for the owner is a telephone number, website or e-mail, notice prior to removal may be given by the contact means provided 48 hours in advance of the removal. If a mailing address is obtainable, notice prior to removal shall be given either by hand delivery to the address or by certified mail, return receipt requested, at least three (3) calendar days prior to the removal of the sign, poster, sticker or advertising device.

- B. Upon notification by the Code Compliance Department to the Superintendent of Highways or his designee that a temporary commercial sign is present in a public street right of way, or a temporary non-commercial sign which violates the requirements of Chapter 185 is present in a public street right of way, the Superintendent of Highways may remove such signs in accordance with the procedures set forth in Subsection 160-43A above.

§ 160-44. Penalties.

- A. A violation of this article is hereby declared to be a violation, and any person violating the same shall, upon conviction, be punished by a fine of not less than one hundred dollars (\$100.) nor more than two hundred fifty dollars (\$250.) for each offense. Each day or part thereof such violation continues after notification by the town shall be deemed a separate offense punishable in like manner. The town may also bring an action or proceeding to enjoin the violation and/or to recover the costs incurred by the town for remedying the conditions brought about by the violation of this article.
- B. In addition thereto, the Town may proceed to enforce and remove any illegal sign as provided for under Chapter 185, Zoning, of this Code.”

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder 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 5 - EFFECTIVE DATE

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