

ARTICLE XI, Signs

§ 42-67. Purpose.

Sign regulations are designed to achieve the following purposes:

- A. To protect property values, create a more attractive economic and business climate and protect the physical appearance of the community.
- B. To control the number of distractions or obstructions that may pose traffic hazards.
- C. To provide reasonable, yet appropriate, conditions for advertising goods sold or services rendered in commercial and industrial districts.
- D. To encourage the effective use of signs as a means of identification and communication.
- E. To maintain and enhance the aesthetic environment of the Town of Union.
- F. To enhance the ability to attract sources of economic development and growth.
- G. To minimize the adverse effect of signs on nearby public and private property.
- H. To enable the fair and consistent enforcement of these sign regulations.
- I. To promote the tasteful, progressive design of signs which are complimentary to the buildings and neighborhoods they serve.
- J. To prohibit the erection of signs in such numbers, sizes, designs and locations that may create a hazard to pedestrian and vehicular traffic.
- K. To avoid excessive competition for large or multiple signs so that permitted signs provide adequate identification and direction while minimizing visual clutter, unsightliness, and confusion.
- L. To avoid the uncontrolled proliferation of signs.

§ 42-68. General regulations.

The following regulations shall govern all signs in the Town of Union:

- A. No sign shall be permitted which is animated by means of flashing, blinking, scintillating or traveling lights or any means not providing constant illumination. Public service information signs, such as time/weather information, and other electronic message centers classified as changeable-copy signs are permitted.
- B. No sign, or any portion thereof, shall be permitted which rotates or moves. This section is not meant to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a vehicle.
- C. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- D. Back-to-back signs shall be counted as one sign and measured as if there were only one face.
- E. No person shall park any vehicle or trailer on a street, public property or private property which has attached to it any sign or advertising device for the basic purpose of directing people to a business or activity located on the same or other premises, except as permitted in § 42-71-O. This section is not meant to prohibit any form of vehicular signage, such as a sign attached to a bus or lettered on a vehicle.
- F. No sign shall be placed on any curb, sidewalk, post, pole, hydrant, tree or other surface located on public property or over or across any street.
- G. No sign shall bear or contain statements, words or pictures of any obscene or pornographic nature.
- H. No signs shall emit audible sounds, odor or visible matter.
- I. No signs shall be permitted which may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or bear the words "stop," "go slow," "caution," "danger," "warning" or other similar words or hide from view any traffic or street sign, signal or device.
- J. Banners, pennants, search lights, sandwich board signs, sidewalk or curb signs, balloons, and roof signs are prohibited. Banners, pennants and sandwich board signs shall be permitted at the

opening of a new business in a CR, CHO, CI, LI or HI District for a total of 10 days, after which time they shall be removed.

K. In no event shall an illuminated sign be placed or directed so as to permit the beams and illumination therefrom to be directed upon any adjacent public or private premises, so as to cause glare or reflection that may constitute a nuisance or traffic hazard. No illuminated sign located on a lot adjacent to or across the street from any residential district shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m., unless the use to which the sign pertains is open for business during those hours. An Underwriters' Laboratories, Inc. or other recognized inspection label shall be affixed to any sign having an electrical component. The approval of the New York State Board of Fire Underwriters is acceptable in lieu of the above, provided that a valid inspection certificate is presented to the Building Official.

§ 42-69. Permitted signs.

A. Definitions. As used in this Article, the following terms shall have the meanings indicated:

ADVERTISING SIGN -- A sign which directs attention to a business, industry, profession, commodity or service neither sold nor offered upon the same lot where the sign is located. This includes billboards.

BOARDING-/ROOMING HOUSE SIGN -- A sign identifying a boarding-/rooming house. The sign shall not exceed 12 square feet in area.

BUSINESS SIGN -- A sign which directs attention to a commercial use, industry, profession, commodity or service sold or offered upon the same premises where the sign is located. All signs must conform to the regulations in § 42-70.

INFORMATIONAL SIGN -- A sign used for the purpose of identifying the name or location of an institutional use, outdoor recreational use, nursery and greenhouse use, kennel and stable use, publicly owned buildings and uses and public utilities. The sign shall not exceed 16 square feet in area.

NEIGHBORHOOD IDENTIFICATION SIGN -- A sign identifying a neighborhood, residential tract or multifamily development. The sign shall not exceed 50 square feet in area.

B. The permitted signs are allowed in the various zoning districts as an accessory use as delineated in Appendix IV, Table of Permitted Signs and below:

(1) Regulations for signs in the AGR, RS-7, RS-5, RS-T, RS-H, RU-4, RS-M and MHP Districts. Permitted signs shall be either wall signs, ground signs, or freestanding signs, provided that the ground signs do not exceed a height of eight feet, and freestanding signs five feet, above the surrounding grade or project into any required street setback or side or rear yard. Roof signs are not permitted.

(2) Regulations for signs in the RU-M/O, CR, CHO, CI, LI, HI and PUD Districts shall be as follows:

(a) Ground signs as per Table II and § 42-70.

(b) Freestanding signs as per Table II and § 42-70.

(c) Wall signs as per § 42-70.

§ 42-70. Specific regulations.

A. Business signs.

(1) Ground and Freestanding signs.

(a) Number of ground or freestanding signs. Only one ground or freestanding sign is permitted for each lot having frontage on a public street right-of-way, with the exception of lots in compliance with Subsection A (1)(b) and (c) below.

(b) Large lots. Where a lot has in excess of 500 feet of frontage along one street, one additional ground sign may be erected for each additional 500 feet of street frontage. When more than one ground or freestanding sign is allowed to be erected, only one sign may be an advertising ground sign.

(c) Sign area and height. The maximum permitted sign area and height of ground and freestanding signs shall not exceed the figures shown in Table II.

TABLE II

Maximum Permitted Height and Sign Area of Ground, and Freestanding Signs		
Sign Type/Right-of-Way Width (feet)	Sign Area (square feet)	Maximum Height From Grade
Freestanding/50 or less	1 for each linear foot of street frontage to a maximum sign of 100 square feet	The lesser of: the roofline of the structure with lowest height located on the parcel or 16 feet.
Freestanding/51 or more	1.5 for each linear foot of street frontage to a maximum sign of 180 square feet	The lesser of: the roofline of the structure with the lowest height located on the parcel or 25 feet.
Ground/50 or less	40 square feet	8
Ground/51 or more	64 square feet	10

NOTE: See § 42-70A(1)(h).

(e) RU-M/O Zoning District. A freestanding sign in a RU-M/O District shall not exceed 16 feet in height above grade.

(f) Awning or marquee sign. For the purposes of determining setbacks, an awning or marquee sign with a printed message or symbols shall be considered a ground sign. Setbacks for these signs shall comply with § 42-26B of this chapter.

(g) Minimum clearance. Where a freestanding sign projects over a traffic area, such as a driveway or parking lot aisle, the minimum clearance between the bottom of the sign and the ground shall be 15 feet. Where a freestanding sign is located within a street setback, the minimum clearance between the bottom of the sign and the ground shall be eight feet.

(h) Ground and freestanding sign setback. No ground or freestanding sign shall be located in the side or rear yard of the applicable zoning district in which the ground or freestanding sign is located, except as permitted in this chapter. Signs located within the street setback shall not exceed 100 square feet in size. Ground signs must maintain a minimum ten (10) foot street setback.

(i) Residential proximity. Where a lot in a CR, CHO, CI, LI, HI or PUD District is situated within 100 feet of the nearest boundary of any land in a residential district, as measured along the same street right-of-way, ground or freestanding signs erected and maintained on the CR, CHO, CI, LI, HI and PUD District zoned lot shall not exceed 16 feet in height above grade for a freestanding sign and 8 feet in height above grade for a ground sign.

(2) Wall signs.

(a) Location. Wall signs shall only be permitted on two sides of a principal building. Wall signs shall not be permitted on accessory buildings.

(b) Number of signs. More than one sign is permitted on a building side, but the total area of the wall signs on each side of the building shall not exceed the lesser of 25% of the respective wall, excluding glass area, or 400 square feet. Unused area from one side of a building may not be added to another side of the building.

(c) Individual lettering. Where individual letters are to be affixed to a building, the sign area shall be determined as the sum of the area, in square feet, of the smallest geometric figures which would enclose the individual letters.

(d) Signs painted on walls. Signs painted directly onto a wall shall be measured as the area, in square feet, of the smallest geometric figure that would enclose the painted area of the wall.

(e) Wall sign height. The height of the sign(s) shall not exceed 50% of the building height, as measured by the average height of the side of the building the sign(s) are on. The sign can extend no more than 10 feet above the roofline. At least 1/2 of the square footage of the sign must be below the top of the roofline. This sign can only have one face.

B. Advertising signs.

(1) Ground signs.

(a) Number. No more than one advertising ground sign is permitted on a lot in place of a business ground or freestanding sign. If a business ground sign is erected, the advertising freestanding sign must be removed, except where § 42-70A(1)(b) or (c) is applicable.

(b) Location. Ground signs shall only be permitted in CR, CHO, CI, LI and HI Districts.

(c) Size. The size of the sign shall not exceed those outlined in Table II.

(d) Height. The maximum height from grade shall be in accordance with Table II.

(e) Not permitted. Advertising ground signs shall not be permitted on vacant lots, on lots where the principal use is a parking lot or on lots where the use is totally residential.

(f) Other. See § 42-70A(1)(f) through (i).

(2) Wall signs.

(a) Number. Only one sign shall be permitted per principal building.

(b) Location. Wall signs shall only be permitted in CR, CHO, CI, LI and HI Districts.

(c) Size. The maximum size of the sign shall neither exceed 25% of the wall area, excluding glass areas, nor be greater than 64 square feet.

(d) Extension over wall. Advertising wall signs shall not extend over the roofline, nor may they be sloping roof signs.

(e) Usable space. Wall signs shall only be allowed on building sides where unused space for business signs exist. Unused area from one side of a building may not be used on another side.

(f) Additional signs. If additional business signs are constructed, the area of the advertising wall signs may have to be reduced if the remaining unused area is less than the area of the advertising sign.

(g) Not permitted. Wall signs shall not be allowed on lots where the use is totally residential.

(h) Other. See § 42-70A(2)(d) through (f).

(i) Similar signs – No advertising sign shall be permitted within one thousand (1,000) feet of another advertising sign measured in all directions. The separation distance shall be measured between the closest points of the two (2) signs in question.

§ 42-71. Exemptions.

For the purpose of this Article, the term "sign" does not include the following types of signs. Although permits are not required for these exempt signs, the signs shall conform to the height, setback and size requirements detailed in this chapter.

A. Construction signs: one sign per construction project, not exceeding 32 square feet in area in residential districts or 64 square feet in all other districts, provided that such signs shall be removed five days after the completion of construction. The signs shall be confined to the construction site.

B. Directional signs: signs which provide direction and are located entirely on the property to which they pertain and do not advertise a business and do not exceed six square feet in area. Directional signs include signs identifying public rest rooms, public telephones, walkways or signs providing direction, such as parking lot entrance and exit signs, and those of a similar nature. Such directional signs shall be allowed within the street setbacks and side and rear yards.

C. Drive-in facilities.

(1) Businesses with drive-in facilities may have one sign, not exceeding 16 square feet for each drive-in lane. The sign shall be located adjacent to the drive-in lane and shall be easily visible to

motorists using the lane. If the drive-in lane or facility is removed or not operating for a period exceeding 60 days, the sign must be removed.

(2) Such signs shall only provide information which will assist the motorist in using the facility. Such signs may include but shall not be limited to menus, banking instructions, manual car wash instructions and other signs of a similar character. Advertising is not permitted on these signs.

D. Flags: the flags, emblems or insignia of any nation, political subdivision or corporation flag. Flagpoles shall be subject to the height restrictions imposed by each respective zoning district. Corporate flags shall be limited to one per lot and shall count against calculation of permitted wall signage.

E. Gasoline service station price signs: signs not exceeding three square feet advertising the price of gasoline and indicating self-service or full-service, when attached to a gasoline pump or pump service island.

F. Government signs: signs erected and maintained pursuant to and in discharge of any government function. There are no bulk requirements for government signs.

G. Home occupation signs: one sign for each dwelling unit, not to exceed three square feet in area, indicating the name, location or identification of a home occupation.

H. House numbers and nameplates: house numbers and nameplates, not exceeding two square feet in area for each dwelling unit.

I. Interior signs: signs located within the interior of any buildings, including signs displayed from the inside surface any window, door or similar facility, provided that the cumulative size of said signs does not exceed the lesser of four (4) square feet or fifteen (15) percent of the window or door space.

J. Memorial signs: memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other similar noncombustible material; historical markers erected by any government body or with a government permit. There are no bulk requirements for memorial signs.

K. No-trespassing and no-dumping signs: no-trespassing and no-dumping signs not to exceed two square feet in area per sign. Such signs shall be permitted within the street setback and side and rear yards.

L. Multifamily retail and subdivision sales signs. One sign shall be permitted; its purpose is to advertise the availability of rental units, subdivision lots and houses. The sign may contain information on rent levels, numbers of bedrooms, housing prices, financing, descriptive matter and the like. The sign shall be limited to 32 square feet in size. The sign may be located on any lot within the subdivision or multifamily project area, but shall not be located upon a public right-of-way. The sign shall be subject to the restrictions and regulations of the zoning district in which it is located. The sign shall be removed within one year following the completion of the subdivision development or multifamily project.

M. Notice bulletin boards: notice bulletin boards not over 24 square feet in area for public, charitable or religious institutions where the same is located on the premises of the institution.

N. Political and campaign signs: political and campaign signs on behalf of candidates for public office or measures on election ballots, provided that the signs are subject to the following regulations:

(1) Political and campaign signs are permitted in all zoning districts.

(2) The signs shall not be erected earlier than 30 days prior to any election or primary and shall be removed within five days following the election or primary.

(3) The number of signs on any one parcel of land is not restricted, but the total combined size of the signs shall not exceed 32 square feet in area and shall not exceed five feet in height from the surrounding grade. In addition, in AGR, RR, RS-7, RS-5, RS-T and RU-4 zoning districts, no individual sign shall exceed 16 square feet in size. Signs shall not be erected in such a manner as to constitute a roof sign. Notwithstanding the provisions of this chapter, a sign may be placed upon any legally existing sign structure, but not so as to cover an already existing sign.

(4) No sign shall be located within or over a public right-of-way. All signs shall maintain a minimum street setback of 10 feet and shall comply with the provisions of § 42-38, Visibility at intersections.

(5) This section in no way prohibits the display or use of bumper stickers, cartop signs and signs inside the window of a building.

O. Portable signs. Portable signs shall be permitted in the following situations:

(1) New businesses awaiting the erection of a permanent sign, not to exceed a period of 30 days.

(2) A business which has lost the use of an existing sign by reason of fire or other catastrophe, not to exceed a period of 30 days.

P. Real estate signs. One real estate sign on any lot or parcel, provided that such sign is located entirely within the property to which the sign applies, is not directly illuminated, does not exceed six square feet in area and is removed within seven days after the sale, closing, rental or leasing.

§ 42-72. Maintenance and removal of signs.

A. Maintenance and repair. Every sign shall be maintained in a safe, presentable and good structural condition at all times by the replacement of defective parts, painting, repainting and other acts required for the maintenance of the sign.

B. Abandoned signs. Any sign which is located on a property which becomes vacant for a period of three months or more shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of the business shall not be deemed abandoned unless the property remains vacant for a period of one year. An abandoned sign is prohibited, and the sign, including all structural support to grade level, shall be removed by the owner of the premises upon which the sign is located.

C. Dangerous or defective sign. No person shall maintain or permit to be maintained on any premises one owns any sign which is dangerous or in defective condition. Any such sign shall be removed or repaired by the owner of the premises.

D. Removal of signs.

(1) The Ordinance Officer shall cause to be removed any sign, including all structural support to grade level, that endangers the public safety, such as abandoned, dangerous or defective signs, signs for which no permit has been issued and is required or a sign posted on the public right-of-way or on public property. The Ordinance Officer shall prepare a notice which shall describe the sign and specify the violation(s) involved, and which will state, if the sign is not removed or the violation not corrected in a set period of time, the sign shall be removed by the Town of Union. All notices shall be either personally served or mailed by certified mail.

(2) For all other signs, the notice shall be mailed to the owner of the property on which the sign is located.

(3) Notwithstanding the above, in cases of emergency, the Ordinance Officer may cause the immediate removal of a dangerous sign without notice. For any sign removed by the Ordinance Officer, the cost of the sign removal by the Town of Union shall be considered a debt owed to the town by the owner of the property and may be recovered by an assessment against the property.

§ 42-73. Nonconforming signs.

A. Nonconforming temporary and portable signs shall be modified, altered or removed in order to comply with this Local Law within (30) days from the adoption of this Local Law in order to comply with this Law.

(1) Signs Existing on Effective Date of this Local Law. For any sign lawfully existing in the Town prior to the effective date of this local law, an application for a sign permit, in a form proscribed by the Town of Union, must be submitted to the Building Official within one hundred eighty (180) days of the effective date of this local law to be considered for either a Conforming Sign Permit or a Nonconforming Sign Permit. Lawfully existing signs that are determined to be within ten (10) percent of the new height and size requirements shall be deemed to be Conforming.

- B. Sign permit applications for existing signs submitted within one hundred eighty (180) days of the effective date of this local law shall be exempt from the initial fees adopted under authority of this local law but not from any subsequent sign permit fees.
- C. Existing Signs Made Nonconforming by this Local Law.
 - (1) Except as specifically required in subsection A above, a sign that would require a sign permit under this local law that was in existence prior to the effective date of this local law, and that was constructed in accordance with other applicable laws in effect on the date of its construction, which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Chapter shall be issued a Nonconforming Sign Permit if an application is made in accordance with this local law.
 - (2) Such permit shall allow the sign(s) made nonconforming by the adoption of this local law to remain in place and be maintained for a period ending three (3) years after the effective date of this local law. All such nonconforming signs issued such Nonconforming Sign permit shall either be eliminated or made to conform with the requirements of this local law on or before the expiration of this three (3) year period, and such lapse of time shall be deemed sufficient to amortize the cost thereof.
 - (3) The three (3) year grace period shall expire on the same date for all such nonconforming signs issued such Nonconforming Sign permit regardless of when or whether notification of the adoption of this local law is received, regardless of when nonconformity of an existing sign becomes known, and regardless of when a Nonconforming Sign Permit may be obtained.
- D. The Town shall provide written notice by mail to all non-residential property owners within sixty (60) days of the date of the adoption of this local law. Failure to provide such notice to affected property owners shall not invalidate the requirements of this or other sections of this local law.

§ 42-74. Permit exceptions.

The following operations shall not be considered as creating a sign insofar as requiring the issuance of a permit, but the signs shall be in conformance with all other ordinances and regulations of the town:

A. Changing the advertising copy or message of an existing approved painted or printed sign, changeable-copy sign or similar approved sign, whether electrical, illuminated, electronic changing-message center or nonilluminated painted message which are all specifically designed for the use of replaceable copy.

B. Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of the plastic face will be included as an exempt operation, provided that it is due to a change caused by breakage and/or deterioration of the face, but not for the substitution of a new or different advertiser.

§ 42-75. Required permit information.

All applicants for sign permits shall submit the following:

- A. Name, address and telephone number of the applicant.
- B. Location of building or lot to which or upon which the sign is to be attached or erected.
- C. Name of the person, firm, corporation or association erecting the sign.
- D. Two blueprints or ink drawings of the plans and specifications and methods of construction and attachment to the building or the ground.
- E. For signs 150 square feet or more, one copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure.
- F. If the sign is to be illuminated, the lumens.
- G. Such other information as the Building Official shall require to show full compliance with this chapter and any other ordinance of the Town of Union.

§ 42-76 Expiration of Permits

If the work authorized under a sign permit has not been completed within ninety (90) days of issuance, the permit shall become null and void, unless otherwise extended in writing by the Building Official, prior to the original expiration date, for a single ninety (90) day period.

§ 42-77 Permit fees.

The fee for a building permit for any sign requiring a permit shall be \$35.

§ 42-78 Severability.

(1) In the event that any section, paragraph or part of this ordinance shall be for any reason declared invalid or held unconstitutional by any court at last resort, every other section, paragraph or part shall continue in full force and effect.

Definitions

§ Section 42-4 (B)

AMORTIZATION – A process established under the zoning ordinance by which an owner of a legal nonconforming use is given a reasonable period of time to continue the nonconforming use before it is terminated pursuant to the Town's police power without payment of compensation. The amortization period is intended to give the owner of the nonconforming use the opportunity, before the use is terminated, to recoup his or her investment in the use made prior to it becoming nonconforming.

EAVE – The projecting lower edges of a roof overhanging the wall of a building.

MARQUEE – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building generally designed and constructed to provide protection from the weather.

SIGN, AWNING – Any sign which is mounted, painted, or otherwise incorporated into an awning, canopy, or other non-structural covering over a door, entrance, window, or outdoor service area. The sign shall not project above, below, or beyond the awning, canopy, or other non-structural covering. The lettering of said sign shall not exceed the lesser of six (6) square feet or fifteen (15) percent of the area of the awning, canopy, or other non-structural covering. Lettering, graphics, and numbers shall not exceed twelve (12) inches in height. The lettering, graphics, and numbers shall be placed on the valance (the vertical, untangled, or uncurved portion) of the awing only. No internal illumination or backlighting of awnings shall be permitted.

SIGN, FREESTANDING – A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) made of steel, concrete, masonry, wood, etc. that is not itself an integral part of or attached to a building or structure.

SIGN, GROUND -- A sign in which a stone or brick structure is used to mount the sign area on, in or as an integral part of such structure.

SIGN, MARQUEE – Any sign attached to, in any manner, or made a part of a marquee, and which provides an area for manual changeable copy.

SIGN, MONUMENT – See Sign, Ground.

SIGN, PORTABLE – A sign whose principal supporting structure is intended, by design and construction, to be used by resting upon the ground for support and may easily be moved or relocated for reuse. Portable signs shall include, but are not limited to signs mounted on a trailer, bench, wheeled carrier, or other non-motorized mobile structure with or without wheels

SIGN, PROJECTING – A sign which is attached to the building wall or structure, not in the same plane as the wall, and which extends horizontally not more than the lesser of four (4) feet from the wall or one-third (1/3) the width of the sidewalk.

- 1.) A minimum vertical clearance from the base of the sign to the ground shall be eight (8) feet from a sidewalk and shall not exceed six (6) square feet in area. If the sign projects over a driveway, parking area, or drive-thru facility, the minimum clearance from the bottom of the sign to the ground shall be the same as required under Section 42.40 A (1) (g).
- 2.) The height of the top of the sign shall not exceed the height of the wall from which the sign projects if attached to a single story building, or the height of

the sill or bottom of any second story window, if attached to a multi-story building.

- 3.) The distance from the building wall to the sign shall not exceed six (6) inches.
- 4.) The height of the lettering, numbering, or graphics shall not exceed eight (8) inches.
- 5.) Limited to one (1) sign per business. Projecting signs are not permitted with a wall or freestanding sign.

POLE SIGN –See Sign, Freestanding

ROOFLINE – In the case of a flat roof, the uppermost line of the roof of a building; in the case of a pitched roof, the lower edge of the eave; or in the case of an extended façade or parapet, the uppermost height of said façade or parapet provided that the façade or parapet extends around the entire perimeter of the building at the same elevation.