

# VILLAGE OF PAINTED POST

# ZONING LAW

Originally Adopted July, 1984

Revised Version Adopted February 12, 2001

Revised to Include Adult Uses Adopted November 12, 2001

Revised to Include Planned Development Districts Adopted February 9, 2004

Revised to Include Amendments to the Sign Regulations Adopted August 9, 2010

for the sale of local produce on a seasonal basis.

**SATELLITE DISH:** An antenna capable of receiving communications from space. Includes “satellite dish.”

**SETBACK:** The required distance in feet between any building and any lot line of the lot on which it is located.

**SIGN, ABANDONED:** Any sign displaying a message which has ceased to be relevant.

**SIGN, ACCESSORY:** Any sign other than the primary identification signs, directional signs, open/closed signs, or exempt signs; common uses include product and service advertising signs.

**SIGN AREA:** The area within the shortest lines that can be drawn around the outside perimeter of a sign including all decorations, lights and negative space, but excluding the supports if they are not used for advertising purposes. Each separate face of the sign shall be counted in computing the area. Any neon tube, string of lights, or similar device shall be deemed to have minimum dimensions of one foot times length.

**SIGN, BUSINESS:** See SIGN, PRIMARY IDENTIFICATION.

**SIGN, COMMERCIAL:** A sign which directs attention to a commercial enterprise and/or advertises a product or service.

**SIGN, DIRECTIONAL:** An on-site sign which serves solely to designate direction to/ from any location on the premises. These signs include arrows, enter/exit signs and the like.

**SIGN, EXEMPT:** Any sign such as safety messages; decorative banners or flags; antiques and collectables; holiday decorations; the flag or insignia of any nation, or any governmental agency; any educational, charitable, philanthropic, civic, professional, religious or similar organization; not-for-profit organization’s campaign, drive, movement, or event which is temporary in nature; official notices issued by a court or public body or officer; warning or information signs or structures required by or authorized by law or by federal, state, county, town or Village authority; and all signs, certificates, and licenses that are mandated to be on display by any local, county, state, or federal law or authority.

**SIGN, FACE:** The surface of a sign intended for viewing by the public.

**SIGN, ILLUMINATED:** A sign illuminated in any manner by an artificial light source, whether internally or externally lit, including but not limited to neon signs and any sign which has characters, letters, figures, designs or outlines illuminated by artificial lighting.

**SIGN, DIRECTLY ILLUMINATED:** A sign which incorporates any artificial lighting as an inherent part or feature or which depends for its illumination on transparent or translucent material or electricity or radio activated or gaseous material or substance.

**SIGN, FLASHING:** An illuminated sign on which the artificial lighting is not maintained stationary or constant in intensity and color at all times while in use. This includes neon-flashing signs and copy-change signs with images that flash to draw attention to the sign.

Referencing New York State Highway Law Article 4 Section 88 (Control of Outdoor Advertising), a “flashing” sign shall consist of a sign in which the sign face changes more frequently than once every six (6) seconds and the actual change process is accomplished in three (3) seconds or less.

**SIGN, INDIRECTLY ILLUMINATED:** A sign illuminated with an artificial light which is separated from or is not an intrinsic part of the sign itself.

**SIGN, NON-COMMERCIAL:** A sign which displays a message that is representative of a personal expression, view, faith, or the like. Such sign is not connected with or engaged in the pursuit of a commercial enterprise.

**SIGN, NON-TRADITIONAL:** A sign which is made of non-traditional media for communication such as streamers, balloons and inflatables. The sign shall be measured by the maximum extent that is visible at any one given time. Such signs include representational signs.

**SIGN, OPEN/ CLOSED:** Any sign indicating the businesses current/ future status to the public (open for business, closed, hours of operation)

**SIGN:** Any image, device, structure (or part thereof) viewable from a public place, which shall display information (text, 2-dimensional representation, 3-dimensional representation, movement, or texture), for the purpose of announcement, direction or advertisement. A sign shall be one of the following five (5) types: Accessory Sign, Directional Sign, Exempt Sign, Open/ Closed Sign, or Primary Identification Sign. A registered vehicle with a state authorized license plate and inspection is not included in the definition of a sign.

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

**SIGN, FREESTANDING:** Any sign not attached to or part of any building but is separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, high-rise signs, and monument signs.

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

**SIGN, MONUMENT:** A freestanding sign with a base affixed to the ground, where the length of the base is at least two-thirds the horizontal length of the sign area.

**SIGN, WALL:** A sign which is painted on or attached to the outside of a building, structure, or device with the face of the sign in the plane parallel to such wall and not extending more than nine inches from the face of such wall.

**SIGN, NAME PLATE:** A wall sign which indicates the name, occupation, or profession of each occupant on the premises.

**SIGN, WINDOW:** A sign viewable from a sidewalk, street or other public place, painted or affixed on glass or other window material or placed within 4 feet of a window, but not including graphics in connection with customary window display or products.

**SIGN, PRIMARY IDENTIFICATION:** An on-site sign which directs attention to the premises. Such signs include but are not limited to the following: awning, freestanding sign, monument sign, nameplate, wall sign, projecting sign, window sign.

**SIGN, PUBLIC SERVICE:** Any sign providing information to the public with no commercial intent, such as time, date, temperature, atmospheric conditions, traffic conditions, news, and the like.

**SIGN, REPRESENTATIONAL:** Any sign which visually symbolizes an object in two or three dimensions.

**SIGN TEMPORARY:** A sign directing attention to a special activity or entertainment. Temporary Signs are accessory signs. Temporary signs are intended to be removed after the temporary purpose has been served. Included are for sale, lease, or rent signs, political signs, service signs, posters, special-event signs, construction signs, and the like.

**SIGN, BANNER:** A sign intended to be displayed either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, fabric of any kind, or other flexible material.

**SIGN, CONSTRUCTION:** A temporary on-site sign which denotes the architect, engineer, contractor, or other professionals working upon the premises of anticipated, ongoing, or recently completed construction.

**SIGN, PORTABLE:** Any sign designed to be easily transported or moved, whether on its own trailer, wheels or otherwise designed to be movable. Such signs are considered "Accessory Signs".

**SIGN, REAL ESTATE:** A temporary sign used for the sale or rental of a piece of property.

**SIGN, VARIABLE:** Any sign which can be made to appear different over time.

See SIGN, ILLUMINATED, FLASHING

**SIGN, BULLETIN BOARD -** A type of changeable copy sign that displays copy in a casement made of glass, plastic or other material.

**SIGN, COPY-CHANGE:** A sign that is designed so that its characters, letters illustrations or other content can be changed, altered, or rearranged without physically altering the surface of the sign. This includes manual, electrical, electronic, or other variable message signs.

**SIGN, MOTION:** A sign that moves, that appears to move, with content that moves, or with content that appears to move.

**SIGN, OFF-SITE:** A sign or structure which directs attention to an idea, product, business activity, service, or entertainment which is conducted, sold, or offered elsewhere than upon the lot on which such sign is situated.

**SINGLE OWNERSHIP:** Possession of land under single or unified control, whether by sole, joint,

§ 280.105 SIGNS

**A. PURPOSE AND INTENT.**

1. To ensure a fair level of competition for all new and existing businesses by treating existing and new signs equally.
2. To enhance and protect the physical appearance of the Village of Painted Post.
3. To protect property values.
4. To promote and maintain visually attractive, high-value residential, business, and industrial districts.
5. To promote the economic well being of the community by creating a favorable physical image.

To preserve scenic views and the visual character of neighborhoods, historic districts and parkland.

6. To ensure that signs are located and designed to:
  - i. *Protect citizens' rights to free speech.*
  - ii. *Provide an effective means of directional information in the community.*
  - iii. *Afford the community an equal and fair way to advertise and promote its products and services.*
  - iv. *Reduce sign clutter and the distractions and obstructions that may contribute to traffic accidents, and to reduce hazards that may be caused by signs overhanging or projecting over public rights-of-ways.*

**A. GENERAL PROVISIONS.**

1. No sign may be erected or established in the Village except in conformance with the standards in this section.
2. All signs and parts therein must be adequately anchored.
3. The owner of any off-site sign shall obtain written permission from the owner of the land on which it is to be located. All off-site signs shall be included in the accessory sign calculations for the land on which they are located.
4. All signs in excess of sixteen (16) square shall require a building permit and shall comply with applicable regulations of the Building Code.
5. The provisions of this section shall not apply to exempt signs. Exempt signs are permitted in any district.

6. Any sign existing legally at the time of adoption of this Ordinance or amendments thereto that does not conform to this Ordinance or amendments thereto is considered “non-conforming.” See also Article X “Nonconforming Buildings and Uses.”
7. No permanent or temporary sign shall be erected or placed in a road right-of-way or at or near the intersection of any streets in such a manner as to cause a traffic hazard at the intersection; or at any location where, by reason of the position, shape, or color of the sign it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the word, Stop, Look, Drive-in, Left, or any other words, phrase symbol, or character in such a manner as to interfere with, mislead or confuse traffic.
8. No sign shall be attached to a Village, State or public utility pole, post, mast or similar support device or to a tree on public property.
9. No communications tower, aerial array, satellite dish, or accessory facility shall display any signs, except for safety signs.
10. No attached sign shall be placed or erected above the maximum elevation of the main roofline of a building.
11. Any permitted free-standing sign shall not be more than twenty-six (26) feet in height above the average surface of the ground within a fifty (50) foot radius around the proposed structure.
12. All signs shall be set back a minimum of ten (10) feet from any lot line unless otherwise specified.
13. Illumination of signs shall not be intermittent or of varying intensity and may not produce glare beyond the limits of the property lines. Public service signs are exempt from this section.
14. Illuminated signs shall either cease to be illuminated when the establishment is not open to the general public or at 11:00 PM whichever is later, or be reduced to security levels. Public service signs are exempt from this section.
15. Motion signs are not permitted except public service signs.
16. Temporary signs will be removed or replaced after a maximum period of ninety (90) days of display. Temporary signs shall be set back a minimum of ten (10) feet from any lot line
17. The message of an abandoned sign shall be removed within sixty (60) days from the discontinuance of use or after written notification from the Code Enforcement Officer whichever is later. Upon failure to comply with such notice within the time specified in such order, the Code Enforcement Officer is hereby authorized to cause removal of such

sign at a reasonable cost. Any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

18. No temporary sign shall be placed on public property without the written consent from the Village Board of Trustees or their agent. Violations will result in the immediate removal and disposal of the sign by the Village Police Department/DPW.

**B. SIGNS PERMITTED IN ANY DISTRICT.**

1. Construction signs shall be removed within thirty (30) days after construction is completed.
2. Temporary signs shall not be displayed for more than ninety (90) days.
3. On Site memorial signs or tablets shall display a message not larger than 8 square feet. The display shall be permanently affixed so that the top of the message is not more than 9 feet from the average ground surface on the site. Memorial signs and tablets count towards the square footage of accessory signs permitted onsite.
4. Offsite signs up to six (6) square feet shall not be nearer than five (5) feet to any lot line, and shall not project more than four (4) feet above grade.

**C. SIGNS IN RESIDENTIAL DISTRICTS - LDR, MDR, UC, UCR.**

1. Civic, religious, institutional, social, commercial, membership clubs, gateway signs for housing developments or multi-family complexes and similar facilities may display one on-site primary identification sign. The aggregate face area of such sign shall not exceed thirty-two (32) square feet.
2. A multi-family dwelling unit complex may display indirectly illuminated, wall mounted, identification signs on each building which do not have a face area of more than five (5) square feet each.
3. A dwelling unit, in which a home occupation is permitted, may display a sign noting such occupation. Such sign shall be wall mounted on the dwelling unit and shall be no more than eight (8) square feet in area.
4. Subdivision signs - any person offering lots for sale in an approved subdivision may erect a non-illuminated sign having an aggregate total face area of not more than thirty-two (32) square feet.
5. Permanent off-site signs are prohibited.
6. Real estate signs - maximum eight (8) square feet.
7. Accessory signs shall not be larger than thirty two (32) square feet.
8. Two (2) directional signs, each not exceeding four (4) square feet in area, indicating or calling attention to traffic entrances and exists, nor shall they be nearer than five (5) feet to any lot line, and they shall not project more than four (4) feet above grade.

Each establishment within a lot may display one (1) sign indicating the current open or closed state of the business. Such sign shall not exceed four (4) square feet in area.

**D. SIGNS IN PLANNED DISTRICTS- PCD, PDD, PRD**

1. Signs shall be of a uniform type in both lettering and design within each respective planned district and shall require site plan approval from the Planning Board. Signs in a PCD shall comply with the dimensional requirements in a B Business District.

**E. SIGNS IN THE BUSINESS DISTRICT - B.**

1. Two business identification signs may be displayed at each establishment. The total face area of such signs shall not exceed two hundred twenty (220) square feet and no single face shall exceed one hundred twenty (120).

2. Accessory signs may be displayed at each establishment, provided that such signs conform to the following:

*i. Signs may be exhibited in any window area, provided that the display area does not exceed thirty percent (30%) of each window area.*

*ii. Additional signs may be located on the building facade or on certain merchandise displays as may be appropriately stored outside during business hours.*

*iii. The aggregate total display area of all such signs does not exceed an area equal to five-tenths (0.5) square foot per linear foot of building frontage.*

3. Two (2) directional signs per access, each not exceeding four (4) square feet in area, indicating or calling attention to traffic entrances and exits. They shall not be nearer than five (5) feet to any lot line, and they shall not project more than four (4) feet above grade.

4. Permanent off-site signs exceeding twenty (20) square feet are prohibited.

5. Accessory signs may be permitted. The total area of such ~~devices~~ signs shall not exceed 120 square feet.

6. On any gasoline service station not more than one accessory (1) pole sign provided such pole sign have a maximum area of not more ninety (90) square feet and a maximum height of not more than twenty (20) feet to the top of such pole.

7. Real estate signs - maximum thirty (30) square feet.

Each establishment within a lot may display one (1) sign indicating the current open or closed state of the business. Such sign shall not exceed four (4) square feet in area.

8. Additional sign consideration that applies to Adult Uses: Adult Uses signs must display only the name of the establishment and type of Adult Use in block lettering and muted colors.

F. **SIGNS IN THE INDUSTRIAL DISTRICT - I.**

1. Two (2) primary identification signs each having a single face area of not more than one hundred fifty (150) square feet may be displayed for each establishment. If free standing signs face substantially at right angles to the road and are visible from more than one direction, they shall have a face area of not more than three hundred (300) square feet. The supports for such signs shall not be located nearer than ten (10) feet to any property line. These signs shall not extend more than twenty (20) feet above the ground or more than five (5) feet above the height of the roof of a building at the point of location of signs. Accessory signs may also be permitted the total area of such signs shall not exceed an area of three hundred (300) square feet.
2. Two (2) directional signs per access, each not exceeding four (4) square feet in area, indicating or calling attention to traffic entrances and exits. They shall not be nearer than five (5) feet to any lot line, and they shall not project more than four (4) feet above grade.

Each establishment within a lot may display one (1) sign indicating the current open or closed state of the business. Such sign shall not exceed four (4) square feet in area.

3. Permanent off-site signs exceeding twenty (20) square feet are prohibited.
4. Real estate signs - maximum thirty (30) square feet in industrial districts.

§ 280.106 **ACCESSORY BUILDINGS, STRUCTURES AND USES**

- A. No accessory building shall be located closer to a street than the front building line of the principal structure. A minimum setback of six (6) feet shall be maintained from the side and rear lot lines.
- B. **ACCESSORY USES.** In a residential district accessory uses not enclosed in a building, excluding swimming pools, shall be erected only on the same lot as the principal structure, may not be constructed in a front yard of such lot and shall be located not less than twenty (20) feet from any lot line nor less than ten (10) feet from the principal structure, and shall not adversely affect the character of any residential neighborhood by reason of noise or glare or safety.
- C. Where twenty five percent (25%) or more of the lots in a block are occupied by buildings, the average yard dimensions, average of lot coverage of such buildings and the average side and rear yard set-back shall determine the yard set-back and coverage requirements for any new accessory building or use, within the block. Or, where no standard block exists, the word block as used above shall be interpreted to mean those residences within two hundred fifty (250) feet of either side of the lot in question, in the same side of the street. The average set-back shall not be based on fewer than two (2) existing residences.
- D. **SPECIAL DESIGNS.** In cases where the developer can demonstrate that his proposal is architecturally unusual, the Village Planning Board may approve siteing