

Chapter 104**SIGNS AND PLACARDS**

§ 104-1. Purpose; Overall Objective.

§ 104-2. Definitions. § 104-3. Permitted/Prohibited Signs in All Districts

§ 104-4. Permitted/Prohibited Signs in Residential Districts.

§ 104-5. Permitted/Prohibited Signs in Business District B-1.

§ 104-6. Permitted/Prohibited Signs in Districts B-2, B-3, B-4, B-4A and MU-1

§ 104-7. Temporary Signs.

§ 104-8. Exempt Signs

§ 104-9. Non-conforming Signs.

§ 104-10. Enforcement

§ 104-11. Penalties for offenses.

§ 104-12. Severability

[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 8-11-31 as Sections 13 and 6 of the Code of Ordinances. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and Sidewalks - See Ch. 108.

§ 104-1. Purpose; Overall Objective

- A.** Purpose: The purpose of this section is to promote and protect the public health, safety and welfare by regulating signs of all types. It is intended to encourage the use of signs as a means of communication, protect pedestrian and vehicular safety, protect property values, protect and enhance the aesthetic environment, enhance the Village's historic character and improve the Village's ability to attract sources of economic development.

- B.** Overall: The design, color, character, size and scale of signs should be in keeping with and appropriate to the architectural design of the building or structure upon which the signs are placed, the design of the neighboring properties and adjoining signs, and the character of the Village of Cold Spring. To the maximum extent practicable, signs shall fit within the existing features of the building façade; signs on adjacent buildings should be aligned with one another.

§ 104-2. Definitions:

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

BACKLIT SIGN – A sign where the sign face is illuminated from behind.

BILLBOARD - A free standing commercial sign designed to carry outdoor advertising, which sign is located on a plot or parcel other than that where the advertised business is conducted.

EXTERNALLY ILLUMINATED SIGN – Shall mean a sign illuminated by a separate light fixture that casts light directly on the face of the sign.

FREE STANDING SIGN - Any sign placed upon or supported by the ground independently of any other structure.

INTERNALLY ILLUMINATED SIGN – Shall mean a sign illuminated directly or indirectly by a light fixture located within the sign structure.

SANDWICH SIGN - A moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A. (Also known as sidewalk sign.)

SIGN - Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

SIGN FACE - Typically refers to the most prominent message area of a sign but may refer generically to any message area. More specifically, it includes all faces of a sign measured when such sign is on a plate or framed or outlined; all of the area of such plate or the area enclosed by such frame or outline shall be included; or, when such sign consists only of letters, designs or figures engraved, painted, projected or in any manner affixed on a wall, the total area of such sign shall be deemed the area within which all of the matter of which such sign consists may be inscribed.

3D SIGNS (THREE DIMENSIONAL SIGNS) - Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks).

WALL MOUNTED SIGN - A single-face sign mounted on a wall. (See also wall sign.)

WALL SIGN - In the most literal sense, a sign that is painted on a wall. The term is often expanded to include flat signs that are placed on or attached to the wall of a building. These latter signs are also called fascia-mounted signs and wall mounts. (Also known as a wall mounted sign.)

§ 104-3. Permitted/Prohibited Signs in All Districts.

Permit. Except as otherwise provided, an approved Building Permit for a sign from the Code Enforcement Officer or Building Inspector and, for properties in the Historic Districts, a Certificate of Appropriateness from the Historic District Review Board is required prior to the erection, modification, or relocation of any sign, except that signs smaller than four (4) square

feet are not required to have a permit. Only one sign smaller than four (4) square feet is permitted.

The following are the regulations applying to all signs in all zoning districts:

- (A) Measurement. Sign surface area will be the entire area within a single continuous perimeter enclosing all elements which form an integral part of the sign. The area of a sign consisting of an insignia or other device, but without background, shall be calculated as the smallest polygon or circle possible enclosing the insignia. Back-to-back identical signs shall be considered as one sign, and the square footage of both sides is counted in the allowable square footage. 3D signs shall have a sign area of the sum of two adjacent sides or sign faces.
- (B) Signage shall be included in any site plan review by the Planning Board or special use permit review by the Zoning Board of Appeals. However, when site plan/special use permit review is not required, proposed signage requires a Building Permit and Certificate of Appropriateness (if in Historic District).
- (C) Signs containing noncommercial speech are permitted anywhere that commercial signs utilized for advertising or business are permitted, subject to the same regulations applicable to such commercial signs.
- (D) Prohibited:
 - a) Any off-premises signs, including billboards
 - b) Flashing signs, including any sign or device on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
 - c) Time and temperature signs.
 - d) Rotating/animated signs.
 - e) Signs which involve search lights.
 - f) Neon or other internally illuminated signs, except with a permit, one monitor less than six (6) square feet located within a structure.
 - a. (d) Any sign manifesting kinetic or illusory motion caused by natural, mechanical, manual, electrical or other means, except by permit. **[Added XX-YY-ZZ by L.L. No. AAAA-BB]**
 - g) Signs which project more than two (2) feet over a street or sidewalk, or which project any distance beyond or above the building in any other direction. Also signs which are lower than eight (8) feet above the sidewalk or street. **[Added XX-YY-ZZ by L.L. No. AAAA-BB]**
 - h) Signs which compete for attention with or may be mistaken for a traffic signal. **[Added XX-YY-ZZ by L.L. No. AAAA-BB]**
 - i) Exterior signs made of cardboard, paper, canvas or similar impermanent material, or flexible material, such as vinyl. **[Added XX-YY-ZZ by L.L. No. AAAA-BB]**
 - j) Inflated signs and tethered balloons. **[Added XX-YY-ZZ by L.L. No. AAAA-BB]**

- k) Roof signs, any sign mounted over or on the roof or parapet of a building. **[Added XX-YY-ZZ by L.L. No. AAAA-BB]**
- l) Abandoned signs. Any sign which is located on a building which becomes vacant and remains unoccupied; or which pertains to a time, event or purpose that no longer applies; or which remains in place that no longer advertises a bona fide business or activity; or which pertains to a product or service other than the one offered on such lot, shall be deemed abandoned after a period of three (3) months or more. Landmarked signs (see Chapter 64) are exempt from this prohibition.
- m) Obscene and offensive sexual material are prohibited on signs in accordance with the New York State Penal Law.
- n) Handbill, notice or placard

(1) No person shall post, hang or cause to be posted or hung any handbill, notice or placard, except legal notices, upon any post, telegraph or electric light pole, tree or fence or other object in any street or public place of the Village without a permit from the Village Clerk, and any such sign, handbill, notice or placard placed in violation hereof may be removed by any citizen of the Village.

(2) All permitted handbills, notices, and placards must be removed by 12 midnight of the last day of event. **[Amended 12-5-00 by L.L. No. 2000-12]**

§ 104-4. Permitted/Prohibited Signs in Residential Districts.

The following are the permitted/prohibited signs in residential districts.

Permitted:

1. Without permit or fee, only the street number of the property and name of residents.
2. For home occupations, a sign of not more than one (1) square foot identifying the service provided.

§ 104-5. Permitted/Prohibited Signs in Business District B-1.

The following are the permitted/prohibited signs in Business District B-1:

A. Permitted:

- (1) A total sign area of one (1) square foot in area for every linear foot of street frontage occupied by a building, but not exceeding thirty-two (32) square feet for any wall sign parallel to and flat against the façade of a building. Landmarked signs (see Chapter 64) do not contribute to the square foot calculation.
- (2) Where the design of an existing building incorporates a specific area for signs, the height and width of the signs shall be restricted to the dimensions of this area, as long as it does not exceed thirty-two (32) square feet. Landmarked signs (see Chapter 64) do not contribute to the square foot calculation.
- (3) Interior sign coverage shall not exceed thirty percent (30%) of the glass area of window in which it is displayed.
- (4) Where the building is set back less than twenty-five (25) feet from the front lot line, only one free standing sign, such as a sandwich board, up to twelve (12) square feet including both sides of sandwich boards, or one for every twenty (20) linear feet of building façade. Such signs must not extend beyond three (3) feet of the front façade of the building. Free standing signs such as sandwich boards shall be considered part of the allowable square footage. Sandwich boards sign may not obstruct building ingress and egress. Sandwich board signs are permitted to be displayed only during the business hours of the establishment.
- (5) Where the building is set back twenty-five (25) feet or more from the front lot line, only one free standing sign, with a total area of all faces of not more than forty (40) square feet, may be erected; such sign shall not exceed twenty (20) feet in height. No such free standing sign shall encroach on any required setback. Sandwich board signs are permitted to be displayed only during the business hours of the establishment.
- (6) Awning and canopy lettering.
 - (a) Lettering and graphics on awnings and canopies shall count towards the sign area allowance per building, except the street name and number.
 - (b) Awning lettering may contain names, numbers and graphics limited to the business or building name upon which the awning is located.
 - (c) Lettering may be placed on the front and/or side vertical band of the awnings, but not on the slope or side triangles, if any.

§ 104-6. Permitted/Prohibited Signs in Districts B-2, B-3, B-4, B-4A, MU-1 and PR-1

The following are the permitted/prohibited signs in districts B-2, B-3, B-4, B-4A and MU-1:

(1) Permitted

- (a) Each separate business with a separate external entry may erect no more than two exterior wall signs parallel to and flat against the façade of the building. Such signs shall be restricted to the name and logo of the business, information lines (excluding pricing) and/or pictograph indicating the nature of the business. The size of such signs shall be no more than one square foot for each linear foot of the individual store front occupied by such business, but in no case shall the total area

of such signs exceed eighty (80) square feet for each such business. Landmarked signs (see Chapter 64) do not contribute to the square foot calculation.

- (b) Where the design of an existing building incorporates a specific area for signs, the height and width of the signs shall be restricted to the dimensions of this area. as long as it does not exceed eighty (80) square feet. Landmarked signs (see Chapter 64) do not contribute to the square foot calculation.
- (c) Interior sign coverage shall not exceed thirty percent (30%) of the glass area of window in which it is displayed.
- (d) Where the building is set back less than twenty-five (25) feet from the front lot line, only one free standing sign, such as a sandwich board, up to twelve (12) square feet including both sides of the sandwich boards, or one freestanding sign for every twenty (20) linear feet of building façade. Such signs must not extend beyond three (3) feet of the front façade of the building. Freestanding signs such as sandwich boards shall be considered part of the allowable square footage. Sandwich board signs are permitted to be displayed only during the business hours of the establishment.
- (e) Where the building is set back twenty-five (25) feet or more from the front lot line, only one freestanding permanent sign, with a total area of all faces of not more than forty (40) square feet, may be erected; such sign shall not exceed twenty (20) feet in height. No such freestanding signs shall encroach on any required setback.
- (f) Awning and canopy lettering
 - (1) Lettering and graphics on awnings and canopies shall count towards the sign area allowance per building, except the street name and number.
 - (2) Awning lettering may contain names, numbers and graphics limited to the business or building name upon which the awning is located.
 - (3) Lettering may be placed on the front and/or side vertical band of the awnings, but not on the slope or side triangles, if any.

§ 104-7. Temporary Signs

Unless exempt, signs to be erected for short duration require sign permits which indicate the dates during which the signs may be displayed.

- (A) Such signs shall not exceed twenty (20) square feet in total area.
- (B) Such signs shall not be displayed by an activity or business for more than sixty (60) days total in any one calendar year.
- (C) Portable signs may be allowed with a permit, but are not to exceed placement for longer than sixty (60) days total per year.
- (D) No lighting of temporary signs is permitted.
- (E) No more than one temporary sign permit may be granted to or be in effect for an applicant at any one time.

§ 104-8. Exempt Signs

Exempt signs. The following types of signs may be erected, maintained and removed without permits or fees, provided that they comply with the general and specific requirements of this chapter.

- (A) One sign, not exceeding eight (8) square feet, for any religious institution, school, or nonprofit organization.
- (B) Construction, renovation or painting signs, not exceeding six (6) square feet, listing the architect, engineer, contractor and/or owner, on the lot where the activity is being conducted while the activity is in progress.
- (C) Noncommercial sale signs at the site of garage or tag sales, not exceeding four (4) square feet, for a period not exceeding seven (7) days.
- (D) Real estate signs, not exceeding twelve (12) square feet on both sides, on the lot which is for rent or sale, listing the realtor.
- (E) Political signs not exceeding a total of four (4) signs per lot and not exceeding a total of sixteen (16) square feet of signage on both sides for a period not exceeding sixty (60) days.

§ 104-9. Non-conforming Signs

Whenever a pre-existing legal nonconforming sign has been altered, modified, discontinued, damaged or destroyed, such sign or a replacement sign shall not thereafter be re-established unless in conformity with this section. Such sign or a replacement sign shall require a building permit and Certificate of Appropriateness (if applicable).

§ 104-10. Enforcement

The Building Inspector or Code Enforcement Officer shall approve or deny any building application for a sign that is not reviewed as part of a site plan or special use permit. Any aggrieved party can appeal the Building Inspector's or Code Enforcement Officer's determination on a sign permit to the Zoning Board of Appeals in the manner set forth in Article VII of the Village's Zoning Law. The Planning Board shall approve, approve with modifications, or deny signage as part of a site plan. The Zoning Board of Appeals shall approve, approve with modification, or deny signage as part of a special use permit.

§ 104-11. Severability

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason then such work, phrase, sentence, part, Section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

§ 104-3

COLD SPRING CODE

§ 1§

104-12. Penalties for offenses. [Amended 3-27-79 by L.L. No. 1-1979]

- A. Any person committing an offense against any of the provisions of this Chapter shall be guilty of a violation under the New York State Penal Law

and, upon conviction, shall be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or both.

- B. The Village Board of Trustees may also enforce this chapter by injunction.
- C. Each week of the continued violation shall constitute a separate, additional violation.