

Chapter 104

SIGNS

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[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

Historic District - See Ch. 64.

Zoning - See Ch. 134.

§ 104-1. Purpose; Overall Objective.

- A. Purpose: The purpose of this Chapter is to promote and protect 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 Objective: 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:

ANIMATED, ROTATING OR OTHERWISE MOVING SIGN – A Sign that uses movement, lighting or materials to actually move, or to depict action or create a special effect to imitate movement.

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

BANNER -- Any cloth bunting, plastic, paper, fabric or similar material attached to or pinned on or from any structure, used for the purposes of advertising a business, organization, service, product or event. Flags and flag signs shall not be considered banners.

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 – A Sign illuminated directly or indirectly by a light fixture located within the Sign structure.

PLACARD -- A placard is a notice installed in a public place, like a small card, Sign, or plaque. It can be attached to or hung from a post, pole or structure to indicate information.

PROJECTING SIGN – A Sign which is attached to a structure and which extends more than 12” from the wall plane of the structure, or which is perpendicular to the face of such wall or structure.

SANDWICH BOARD 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. Signs shall include banners and placards.

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. Regulations Applicable to All Signs in All Districts.

- A. **Permit.** Except as otherwise provided, an approved Building Permit for a Sign from the Code Enforcement Officer and, for properties in the Historic Districts (see Chapter 64, Historic District), a Certificate of Appropriateness from the Historic District Review Board (HDRB) is required prior to the erection, modification, or relocation of any Sign, except that Signs smaller than one (1) square foot are not required to have a permit. Only one Sign smaller than one (1) square foot is permitted per property.
- B. **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 total square footage of both sides is counted in the allowable square footage. Three dimensional (3D) Signs shall have a Sign area of the sum of two adjacent sides or Sign Faces.

- C. Signage shall be included in any site plan review or special use permit review by the Planning Board. However, when site plan/special use permit review is not required, proposed signage requires a Building Permit and Certificate of Appropriateness from the Historic District Review Board (if in Historic District).
- D. Signs containing noncommercial speech are permitted anywhere that commercial Signs used for advertising or business are permitted, subject to the same regulations applicable to such commercial Signs.
- E. Prohibited Signs in all Zoning districts:
 - (1) Any off-premises Signs, including Billboards.
 - (2) 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.
 - (3) Time and temperature Signs.
 - (4) Animated, Rotating or Otherwise Moving signs.
 - (5) Mounted or portable signs which involve search lights.
 - (6) Neon or other Internally Illuminated Signs, except with a permit, one monitor less than six (6) square feet located within a structure.
 - (7) Any Sign manifesting kinetic or illusory motion caused by natural, mechanical, manual, electrical or other means, except by permit.
 - (8) Projecting Signs which project more than one (1) foot over a street or sidewalk, or which project any distance beyond or above the building in any other direction.
 - (9) Projecting Signs which are lower than eight (8) feet above a public right of way.
 - (10) Signs which compete for attention with or may be mistaken for a traffic signal, obstruct the sight distance triangle at any street intersection or driveway opening onto a street, or extend into the public right-of-way.

- (11) Exterior Signs made of cardboard, paper, canvas or similar impermanent material.
- (12) Exterior Signs made of flexible material, such as vinyl, unless these are temporary Signs (see § 104-7). These Signs must conform to all requirements in § 104-4, § 104-5, § 104-6.
- (13) Inflated Signs and tethered balloons.
- (14) Roof Signs, any Sign mounted over or on the roof or parapet of a building.
- (15) 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 two (2) months or more. Landmarked Signs (see Chapter 64) are exempt from this prohibition.
- (16) Obscene and offensive sexual material are prohibited on Signs in accordance with the New York State Penal Law.

F. Signs on public property

No Signs are permitted on public property except as permitted in § 104-5 and § 104-6, without a permit from the Code Enforcement Office. Any such non-complying Sign, handbill, notice or placard placed in violation hereof may be removed by the Code Enforcement Officer.

G. Signs on Posts, Utility Polls, Trees, Fences, Walls, Rocks or Other Objects in a Public Space

No person shall post, hang or cause to be posted or hung any Sign, notice or Placard, except legal notices, upon any post, utility poll, tree, fence, wall, rock or other object in any street or public place of the Village without a permit from the Code Enforcement Officer, nor shall they be placed in a position that will obstruct or impair, in any manner, or create a hazard or disturbance to, the health, safety, and welfare of the general public. Any such non-complying Sign, handbill, or Placard placed in violation hereof may be removed by the Code Enforcement Officer.

§ 104-4. Permitted Signs in Residential Districts (R-O, R-N, R-L, MF).

- A. The street number of the property and name of residents.

- B. For home occupations, a Sign of not more than one (1) square foot identifying the Home Occupation.
- C. No permit is needed for either Sign identified in § 104-4.A or § 104-4.B. All other Signs are prohibited unless exempt under § 104-8.

§ 104-5. Permitted Signs in Business 1 District (B-1).

The following are the permitted Signs in Business 1 District (B-1):

- A. Each building shall be limited to a total Sign area of one (1) square foot in area for every two linear feet of public street frontage occupied by the front plane of the principal building used by an establishment, but not exceeding thirty-two (32) square feet of visible surface. Individually landmarked Signs (see Chapter 64) do not contribute to the square foot calculation.
- B. Where the design of an existing building facade incorporates a specific area for Signs, the height and length of the Signs shall be restricted to the dimensions of this area, as long as it does not exceed thirty-two (32) square feet for any Sign parallel to and flat against the facade of a building or 16 square feet for any other Sign. Individually landmarked Signs (see Chapter 64) do not contribute to the square foot calculation.
- C. Interior Sign coverage shall not exceed thirty (30) percent of the glass area of the window in which it is displayed.
- D. Free standing signs shall not be permitted unless the front plane of the principal structure is at least twenty-five (25) feet back from the front lot line.
- E. Where the building is set back twenty-five (25) feet or more from the front lot line, one Free Standing Sign, with a total area of all faces of not more than twelve (12) square feet, may be erected; such Sign shall not exceed twelve (12) feet in height from the grade. No such Free Standing Sign shall encroach on any required setback nor extend into the public right-of-way.
- F. Sandwich Board Signs shall be considered part of the allowable square footage. Sandwich Board Signs must not extend more than three (3) feet beyond the face of a building. Sandwich Board Signs must not obstruct building ingress and egress or safe pedestrian passage. Sandwich Board Signs are permitted to be displayed only during the business hours of the establishment.
- G. 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 horizontal band of the awnings, but not on the slope or side triangles, if any.
- H. All other Signs are prohibited unless exempt under Section § 104-8.

§ 104-6. Permitted Signs in Districts B-2, B-3, B-4, PMU, PR, C, ERC.

- 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 (1) square foot for each two linear feet of the individual store front occupied by such business, but in no case shall the total area of such Signs exceed thirty (30) square feet for each such business. Individually 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 thirty (30) square feet. Individually landmarked Signs (see Chapter 64) do not contribute to the square foot calculation.
- C. Interior Sign coverage shall not exceed thirty (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, one Free Standing Sign up to twelve (12) square feet per side shall be permitted. Such Signs shall not extend beyond three (3) feet of the front façade of the building nor extend into the public right-of-way.
- E. Sandwich Board Signs and similar sidewalk signs 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.
- F. Where the building is set back twenty-five (25) feet or more from the front lot line, one Free Standing 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 Free Standing Sign shall encroach on any required setback.

G. 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.

H. All other Signs are prohibited unless exempt under Section § 104-8.

§ 104-7. Temporary Signs.

A. Unless exempt, Signs to be erected for short duration, that is, not to exceed thirty (30) days, shall require Sign permits which indicate the dates during which the Signs may be displayed.

- (1) Temporary signs shall only be allowed on private property with permission of the private property tax parcel owner.
- (2) Temporary Signs shall not be placed in a public right-of-way.
- (3) Temporary Signs in residential zoning districts shall not exceed five (5) square feet.
- (4) Temporary Signs in business zoning districts shall not exceed eight (8) square feet.
- (5) Temporary Signs shall not be illuminated.
- (6) Temporary Signs shall not be displayed for more than thirty (30) days.
- (7) Temporary Signs shall not be attached to fences, trees, utility poles, rocks or other parts of a natural landscape, nor shall they be placed in a position that will obstruct or impair in any manner, or create a hazard or disturbance to the health, safety and welfare of the general public.
- (8) Temporary signs are required to have a sticker and/or label on each Sign posted, identifying the name (person or organization), address and phone number of the party responsible for posting the Sign.

B. Application procedure and fees.

Application for a Temporary Sign permit shall be made using the Building Permit form, and submitted to the Village Clerk, along with payment in cash or by check payable to the Village of Cold Spring, for a fee, found in the Master Fee Schedule. That fee shall cover the cost of issuing the permit, supervision, and inspection of the Temporary Sign placement and duration. The application will be reviewed and a Temporary Sign permit will be issued by the Code Enforcement Officer, provided the Temporary Sign complies with all other provisions of this Chapter.

§ 104-8. Exempt Signs.

Exempt Signs. The following types of Signs may be erected, maintained and removed on private property without permits or fees, provided they comply with the general and specific requirements of this Chapter:

- A. Construction, renovation or contractor 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.
- B. 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.
- C. Temporary real estate Signs, not exceeding six (6) square feet, on the lot which is for rent or for sale for the period which the lot is for rent or sale.
- D. Political Signs and Signs containing personal expression, not exceeding a total of four (4) Signs per lot and not exceeding a total of six (6) square feet for a period not exceeding sixty (30) days.

§ 104-9. Non-conforming Signs.

- A. 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:
 - (1) The structure, size, location, advertising display matter or accessories of any or all Signs previously granted approval and permits are altered, modified, changed, reconstructed or moved.
 - (2) The structure, size, location, advertising display matter, 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.

- (3) 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 Chapter 134 (Zoning).
 - (4) Any or all Signs on the property are damaged or destroyed by fire, explosion or act of God to the extent of more than sixty (60)% of the actual value thereof.
 - (5) Any or all Signs on the property are abandoned.
 - (6) Any or all Signs on the property fall into a state of disrepair and/or become unsafe.
- B. Nonconforming Signs are not subject to the provisions of § 134-19, Nonconforming Uses, Nonconforming Buildings, Nonconforming Lots of Chapter 134.
- C. Ordinary maintenance and repairs may be made to any nonconforming Sign, provided that the structure, advertising display matter, lettering, color scheme or accessories are not altered, modified, changed, reconstructed or moved, and provided that such ordinary maintenance and repairs do not exceed twenty (20)% of the material replacement value of the Sign in any one (1) year period.
- D. 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.

§ 104-10. Enforcement.

The Code Enforcement Officer shall approve or deny any building application for a Sign that is not reviewed as part of a site plan, special use permit or any other Village board approval. Any aggrieved party can appeal the Code Enforcement Officer's determination on a Sign permit to the Zoning Board of Appeals in the manner set forth in Article VII of Chapter 134, the Village Zoning Law. The Planning Board shall approve, approve with modifications, or deny signage as part of a site plan. The Planning Board shall approve, approve with modification, or deny signage as part of a special use permit. The HDRB shall approve, approve with modifications, or deny signage as part of a Certificate of Appropriateness. Any challenges to a Village board determination can be brought via an Article 78 proceeding via the New York State Civil Practice and Rules.

§ 104-11. 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).

- 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.

§ 104-12. 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 word, 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.

Proposed