

**PROPOSED LOCAL LAW NO. 1 OF 2017 OF THE VILLAGE OF FREDONIA** entitled “A local Law repealing Article XVI of Chapter 297 of the Code of the Village of Fredonia entitled the Zoning Law-Sign Restrictions and enacting a new Article XVI of Chapter 297 of the Zoning Law of the Village of Fredonia regarding sign restrictions.”

**ARTICLE XVI**

**Sign Restrictions**

**§ 297-16.1. Purpose.**

A. The purpose of this article is to provide standards for the regulations of the height, size, location and appearance of signs to:

- (1) Protect and enhance property values and neighborhood character;
- (2) Protect public and private investment in buildings and open spaces;
- (3) Preserve and improve the appearance of the Village of Fredonia as a place to live and work and as an attraction to visitors;
- (4) Encourage sound signing practices to aid business and provide information to the public;
- (5) Prevent excessive and confusing sign displays;
- (6) Reduce hazards to motorists and pedestrians;
- (7) Protect the public health, safety and general welfare.

B. The regulations outlined shall apply to signs in all districts in the Village of Fredonia. No signs shall be permitted in any residential district unless specifically authorized by this chapter or as may be authorized by the Zoning Board of Appeals of the Village of Fredonia.

**§ 297-16.2. Exceptions.**

For the purposes of this chapter, the term “sign” does not include:

- A. Signs erected and maintained pursuant to any governmental function;
- B. Signs, not exceeding four square feet per face, directing and guiding traffic and parking on private property and bearing no advertising. The location shall be approved as a part of a site plan or special permit submitted to the Planning Board or Zoning Board of Appeals;
- C. Signs, not exceeding one square foot per face advertising the cost of gasoline when attached to a gasoline dispenser or service island canopy;
- D. Directional signage erected by the Village of Fredonia.

§ 297-16.3. **General provisions.** Signs are an accessory use only; signs are not permitted as a principal use in any area in the Village of Fredonia. Signs shall be erected or maintained in accordance with the following:

**A. Illumination.** Exterior lighting shall be permitted, provided that illumination is concentrated upon the area of the sign so as to prevent glare upon the road or adjacent property. Lights mounted on the top of the sign projecting downward are preferred. (b) Strobe lights or rotating lights are not permitted as illumination for or as part of any sign.

**B. Signs on public property.** No private sign shall be placed in any street right-of-way or on other public property. No private sign shall be allowed in the triangle formed from measuring back on both street rights-of-way from an intersection nine feet.

**C. Roof signs.** No signs, except such direction devices as may be required by the Federal Aeronautical Authorities, shall be placed, inscribed or supported upon or above the height part of the facade line.

**D. Traffic safety.** No sign shall create a traffic hazard by obstructing the view at any street intersection or by design resemblance through color, shape or other characteristics common to traffic control devices.

**E. Maintenance of signs.**

(1) Every sign shall at all times be in a safe and structurally sound condition and maintained by replacement of defective or worn parts, painting, repainting and cleaning. The Village Zoning Enforcement Officer shall require compliance with all standards of this chapter. If the sign does not comply with adequate safety standards, the sign shall be removed at the property owner's expense.

(2) No person shall maintain, or permit to be maintained, on any premises owned, occupied or controlled by them, any sign which is either not structurally sound or creates an electrical hazard. Any such sign shall be removed or repaired by the owner or user of the sign or the owner of the premises.

**F. Abandoned signs.** Except as otherwise provided in this chapter, any sign which is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

**G. Unlawful signs.** No person shall erect on any premises owned or controlled by them or use any sign which does not comply with the provisions of this Chapter.

**H. Off-site signs.** No off-site signs shall be permitted in the Village of Fredonia.

**I. Awning signs.** The area of awning signs shall be included in calculations for allowed signage.

**J. Distance from property line.** No attached sign shall extend within a street or road property line unless said line is the building line, in which case, signs may extend over the street or road property line for a distance not exceeding four feet.

**K. Freestanding signs.** No freestanding sign larger than eight square feet shall have less than three feet of open space at the bottom that extends the entire length.

L. Height. No sign shall exceed 25 feet in height or extend above the facade of the building to which it is attached.

M. Building advertising. Advertising displayed upon a building or other surface shall be regarded as coming within the regulations of this article.

N. Nonconforming signs. Any nonconforming sign which is portable in nature (e.g., banners, pennants, spinners, portable signs, etc.) shall be removed within 180 days of the effective date of this chapter. Any nonconforming sign painted, pasted or otherwise applied to a fence, wall or facade of a building shall not be repainted, restored or replaced.

O. Obscene Sign. An obscene sign shall include any sign which is obscene as defined in Sections 235.00 of the Penal Law of the State of New York, or falls within the prohibition of the display of offensive sexual material as defined and prohibited by Sections 245.10 and 245.11 of the Penal Law of the State of New York. Obscene signs are prohibited in the Village of Fredonia and it shall be a violation of this law for any person, firm, corporation or other entity to erect or permit an obscene sign to be displayed.

P. Event. An event shall be defined as an occurrence, something that takes place or happens, or an activity.

Q. Sign, Window: A window sign shall be defined as any sign erected or maintained in the window of a building, visible from any public or private street or highway. New section added.

**Section 297.16.3 (A) Definitions.** For the purposes of this Article XVI of the Fredonia Zoning Law, the definitions set forth in Section 297-1.2 of Chapter 297 (Zoning) of the Code of the Village of Fredonia or as may be defined in Section 297.16.3 of Article XVI of Chapter 297 shall apply. New section added.

#### **§ 297-16.4. Zoning district sign restrictions.**

A. Accessory signs in all districts. In all districts, the following signs shall be considered permitted accessory uses to the principal use of the premises on which they are located: [Amended 4-14-2003 by L.L. No. 2-2003]

(1) A single sign not over two square feet in area attached to a building or detached and located in the front yard describing a home occupation authorized by this chapter located on site.

(2) A single real estate sign not over 12 square feet in area attached to a building or detached when located in the front yard of the property for sale. Rental or lease signs shall not exceed four square feet in area.

(3) Plaques or markers indicating that a building or property is an historic resource.

(4) One sign indicating the name and address of the occupants of a dwelling, not exceeding two square feet. An address sign shall not be permitted if a sign permitted for the office of a resident professional is in use.

(5) One sign indicating the project name and the names of the architect, engineer, contractor and participation public and private governmental agencies and officials, placed on the premises where construction, repair or renovation is in progress, not exceeding 32 square feet in face area (except in residential districts the square feet of face area shall not exceed 16 square feet), 15 feet in height (except in residential districts the height shall not exceed six feet) nor located less than 25 feet from the lot line and 75 feet from any dwelling not within the project. Said sign shall be removed within seven days after completion or termination of construction, repair or renovation.

- (6) One sign for each property line prohibiting trespassing not exceeding two square feet.

B. R-1, R-2 and R-3 Residential Districts. In all residential districts, the following signs shall be considered accessory to the principal use of the premises on which they are located. No signs shall be illuminated, except for church bulletin boards as authorized in Subsection B((3) below:

- (1) A single sign not over 2'x2' or 4 square feet in area attached to a building or detached and located in the front yard describing an apartment house or a conforming nonresidential building or use.
- (2) Vehicles bearing signs more than two square feet in area shall not be permitted to park as a customary operation in a residential area so as to be visible from the street.
- (3) Bulletin boards not exceeding 20 square feet in area for a church.

C. C-1 and C-2 Districts. The following signs shall be permitted in the C-1 and C-2 Commercial Districts. Special requirements for signage related to adult entertainment shall follow the provisions set forth below:

- (1) Attached signs.

- (a) Attached signs identifying uses or services on the premises, totaling 1.5 square feet in area for every foot of an occupant's building frontage to a maximum of 150 square feet in the C-1 District and 200 square feet in the C-2 District of each premises. Where a building fronts on more than one street, the frontage shall not exceed the length of the longest side of one street.

- (b) Attached signs may be painted on or affixed to any wall of a building, or signs composed of individual letters without a background may be located on the edge of a roof or wall on a flat roof or at the line of the eaves on other types of roof, but not projecting above the edge of the facade or wall or line of the eaves. The area of signs composed on individual letters without a background shall be taken as that enclosed by a series of lines joined to form a perimeter bounding all parts of the display. Such signs shall not face an adjoining lot in a residential zone and may be illuminated only by a shielded nonflashing light. Animated or revolving signs shall be prohibited.

- (2) Detached signs shall not be permitted in the C-1 and C-2 Districts, unless the following provisions are met:

- (a) The overall height of pole-mounted detached signs, inclusive of any base or base structure, shall not exceed eight feet above the grade in the C-1 District and 25 feet above grade in C-2 Districts;

- (b) Detached pole-mounted signs shall be set back a minimum of five feet from the street right-of-way;

- (c) No detached signs shall be permitted to create a hazard or obstruction to vehicular or pedestrian circulation or to interfere with traffic sight lines;

- (d) Detached signs shall be limited in display surface area to a maximum of 30 square feet in the C-1 District and 50 square feet in the C-2 District per side of sign, with such sign area to be included within the 200 square feet overall maximum sign area permitted in the C-1 and C-2 District;

(e) Detached signs shall be limited in number to one sign (single- or double-sided) per lot;

(f) All detached signs shall be fixed in place and of a permanent nature. Such signs shall not be revolving nor of an animated nature, nor shall they contain flashing lights.

(3) See § 297-17.3 for additional sign requirements for adult entertainment facilities.

D. M-1 District. The following signs shall be permitted in the M-1 District:

(1) Attached signs.

(a) Attached signs identifying uses or services on the premises, totaling one square foot in area for every foot of an occupant's building frontage to a maximum of 200 square feet of each premises. Where a building fronts on more than one street, the frontage shall not exceed the length of the longest side of one street.

(b) Attached signs may be painted on or affixed to any wall of a building, or signs composed of individual letters without a background may be located on the edge of a roof or wall on a flat roof or at the line of the eaves on other types of roof, but not projecting above the edge of the facade or wall or line of the eaves. The area of signs composed of individual letters without a background shall be taken as that enclosed by a series of lines joined to form a perimeter bounding all parts of the display. Such signs shall not face an adjoining lot in a residential zone and may be illuminated only by a shielded nonflashing light. Animated or revolving signs shall be prohibited.

(2) Detached signs shall not be permitted in the M-1 District unless the following provisions are met:

(a) The overall height of the pole-mounted detached signs, inclusive of any base or base structure, shall not exceed 25 feet above grade;

(b) Detached pole-mounted signs shall be set back a minimum of five feet from the street right-of-way;

(c) No detached signs shall be permitted to create a hazard or obstruction to vehicular or pedestrian circulation or to interfere with traffic sight lines;

(d) All detached signs shall be fixed in place and of a permanent nature. Such signs shall not be revolving nor of an animated nature, nor shall they contain flashing lights.

(3) A maximum of two signs on each lot identifying the name of the company and product or services rendered shall be allowed. These signs shall not exceed a surface area of 100 square feet in each sign and shall be located only on the face of the building. Illuminated signs shall be erected so as not to create a nuisance to abutting properties or safety hazards on adjacent public streets.

E. OS Open Space District. The following are permitted in the OS District:

(1) A sign of an appropriate nature, but not larger than 20 square feet, identifying any building or use permitted under this chapter.

297-16.5. Temporary or portable signs.

A. A "portable sign" is defined as any movable sign not permanently attached to the ground, a building or other permanent fixture on a parcel of land. A sign on a registered motor vehicle is not defined as a "sign" within the meaning of this section. Temporary or portable signs shall be permitted and used for the following purposes only:

- (1) New business enterprises;
- (2) Celebration of the anniversary date of a new business enterprise;
- (3) Business enterprises which have lost the use of an existing sign by reason of fire or other catastrophe;
- (4) Limited activities in connection with the principal use or activity on the premises.

B. Temporary and portable signs shall be permitted only in the C-1, C-2 and M-1 Districts. In no instance will they be permitted to be so located that they will interfere with the sight distance of traffic passing through a heavily traveled intersection, as determined by the Director of Public Works and Zoning Enforcement Officer.

C. The Zoning Enforcement Officer shall issue permits for temporary or portable signs of not more than 30 days in duration. Successive permits not to exceed three in number may be obtained. In no case shall a temporary or portable sign remain on the premises for more than 90 days during the calendar year.

D. No more than one temporary or portable sign may be maintained on any parcel or upon any number of contiguous parcels of land under common ownership. A permit from the Zoning Enforcement Officer must be obtained prior to the display of such sign.

E. No temporary or portable sign shall be more than five feet by eight feet in size.

F. Portable signs shall conform to the front yard setback requirement inasmuch as the signs shall not be allowed to encroach on the public sidewalk or the Village street right-of-way. Signs shall in no instance be placed within the public right-of-way so as to interfere with the sight distance at a heavily traveled intersection or with the free passage of pedestrians on the public sidewalk.

G. No permanent, temporary or portable sign shall be illuminated by flashing lights of any kind or color.

§ 297-16.6. Window signs.

Any sign erected or maintained on a window shall not exceed 25 percent of the window area in all business districts. Neon signs in windows of retail establishments not larger than (4) square feet or 25% of the window area, whichever is less are permitted, provided that the sign is lit only during business hours.

297-16.7. SIGNS ALLOWED IN ALL RESIDENTIAL DISTRICTS

In the R-1, R2 and R3 residential zoning districts not more than (4) four signs as permitted by Section 297-16 and not exceeding 2' x 2' in size shall be allowed in any front yard at any time. Any sign advertising an "event" shall be subject to the following conditions: (a) Such sign shall not be in place for more than 30 days prior to the event and shall be removed within 48 hours after the event. (b) No such sign shall obstruct traffic or interfere with the line of sight of any persons and vehicles using public roads. (c) In no case shall any signs be placed on right of ways, vacant lots or on telephone/ (electric) poles.

§ 297-16.8. Commercial electronic variable messaging signage.

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

ANIMATION — The movement of any light used in conjunction with a sign.

COMMERCIAL ELECTRONIC VARIABLE MESSAGING SIGNAGE (hereinafter referred to as “CEVMS”) — Signs capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means.

NIT — A unit of luminance in the meter-kilogram-second system of units.

OFF-PREMISES ADVERTISING — Advertising for a business (goods or services) not conducted on the premises.

SIGN AREA — See § 297-1.2 of the Fredonia Zoning Law for definition of “sign area.”

B. Location of CEVMS. CEVMS shall be permitted only in the following area within the C-2 District: those parcels adjoining New York State Route 60 from the intersection of Route 20 northerly to the Village boundary line. Also the parcel adjacent to Route 20 (West Main Street) which adjoins the parcel located on the northerly corner of Route 60 and Route 20. Said area within the C-2 District is shown on the Chautauqua County Tax Map for the Village of Fredonia as 96.20-1-6, 96.20-1-7, 96.20-1-8, 96.20-1-9, 96.20-1-10, 96.20-1-11, 96.20-1-12, 96.20-1-13, 96.20-1-14, 96.20-1-15, 114.05-1-1, 114.05-1-2, 114.05-1-3, 114.05-1-4.1 and 114.05-1-4.2, 114.05-1-5, 114.05-1-6, 114.05-1-7 and 114.05-1-8.

C. CEVMS shall comply with the following:

- (1) Transition methods. The transition between messages shall not exceed two seconds;
- (2) Message frequency. Each message shall show no less than 10 seconds;
- (3) Intensity/brightness. All CEVMS shall be equipped with technology that automatically dims the electronic variable message displays according to ambient light conditions to a luminance of not more than 0.3 foot candles (as measured using a foot candle meter at 100 feet). The nighttime brightness level shall not exceed 500 NIT and the daytime brightness level shall not exceed 5,000 NIT (meets FHWA Administration guidelines);
- (4) Animation. Animation is permitted, except letter and/or texts which are scrolling, blinking, flashing or changing of any light movement are prohibited (continuously lighted is permitted);
- (5) Orientation. CEVMS may be placed parallel or perpendicular to the street (single- or double-sided); setback: CEVMS must be at least 10 feet from the street right-of-way;
- (6) Height. The maximum height of a CEVMS shall not exceed 25 feet measured from ground level;
- (7) Size. The maximum size of the CEVMS shall not exceed 50 square feet per side.
- (8) Off-Premises advertising is prohibited, unless a permit is issued by the New York State Department of Transportation. Off-premises advertising is not prohibited if the advertising is for a not-for-profit organization or a business which is included within the

activities of a not-for-profit organization. All signage must conform with the Village of Fredonia zoning laws.

§ 297-16.9. Sandwich board signs. [Added 10-10-2016 by L.L. No. 6-2016]

A. A sandwich board sign for the purposes of this Section is defined as a portable frame sign not to contain or expose more than two individual sign panels at one time and to be no larger than 48 inches vertical by 28 inches horizontal. The sign shall be hinged at the top with a stop, safety chain or lock to prevent overextension (opening) of the framework. The actual sign panel or graphic area shall not exceed 36 inches vertical by 24 inches horizontal. The sign shall be weather-resistant material and of construction to withstand normal weather conditions.

B. No sandwich board sign shall be placed upon the sidewalks without first obtaining a permit from Village Code Enforcement Office or his designee. The application for the permit shall be signed by the owners or lessees of the premises in front of which the sandwich board is to be placed. The application shall state the name and phone number of the applicant, show the location and size of the sign and any other information the Village Building Inspector determines necessary. The applicant for the permit shall agree to hold harmless and indemnify the Village from damage or expenses arising from the use of the Village sidewalk for a sandwich board sign. The applicant shall provide the Village with an insurance certificate with limits for liability for personal injury of at least \$1 million naming the Village of Fredonia as an additional insured. The permit fee as established by resolution from time to time by the Village Board and as set forth in Chapter A312 of the Code of the Village of Fredonia shall be paid upon application for the permit, which permit shall be valid for a period of one year after issuance of the permit; however, at the time of the enactment of this section, no permit fee is required.

C. Sandwich board signs are permitted only on the sidewalks of the Village within the C-1 Commercial District as shown on the Zoning Map of the Village of Fredonia in connection with a commercial establishment and provided that the sign size, location, sidewalk space and all other requirements regarding sandwich board signs comply with all provisions of this section.

D. Only one sandwich board sign per establishment shall be permitted.

E. The hours of use of the sidewalks for a sandwich board sign shall be 1/2 hour after sunrise until the time the business closes, but in no event later than 10:00 p.m. of the same day. At close of business but not later than 10:00 p.m. as aforesaid, the sandwich board sign shall be removed from the sidewalk.

F. Sandwich board signs shall be removed from the sidewalk when Village snow plows are in use or during periods of high winds or when construction or repair of sidewalks is undertaken.

G. There must be at least five-foot-wide unobstructed sidewalk space in front of the entire width of the property available for pedestrian passage and for vehicle loading and unloading. The five-foot-wide unobstructed area shall be in the center area of the sidewalk. The sign shall be located along the side of the building or along the curb or side of street, but not so close to the curb or street as to interfere with the opening of vehicle



doors. Sandwich board signs shall be moved when necessary so as not to interfere with any loading or unloading.

H. Any Village Code Enforcement Officer or any Village Police Officer is hereby authorized to remove or move any sandwich board sign not in compliance with this section.

I. Granting of a permit under this section shall not vest any permanent rights to continue the use of the Village sidewalk for a sandwich board sign. The Code Enforcement Officer or his designee shall have the right to suspend or revoke any permit where the sign does not comply with the provisions of this section or any other applicable regulation. In addition the Village Board of Trustees shall have the right to discontinue at any time the use of Village sidewalks or any portion thereof for sandwich board signs. Any permit issued under this law shall be subject to applicable rules and regulations of the New York State Department of Transportation.

J. Owners of existing sandwich board signs shall make application for a permit to the Village of Fredonia no later than November 1, 2016.

K. Any person, firm, corporation or other entity who violates any part of § 297-16.9 of this Code of the Village of Fredonia shall upon conviction be subject to a fine not exceeding \$250.