

**LOCAL LAW NO. 2 - 2023**

A Local Law repealing the existing Town of Eastchester Sign Law (Local Law 7 of 2002 (adopted September 18, 2002), last amended January 6, 2009 (LL 5 of 2009) and adopting a new Sign Law.

This Local Law may be cited as “The Sign Law of the Town of Eastchester.”

BE IT ENACTED by the Town Board of the Town of Eastchester as follows:

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## THE SIGN LAW OF THE TOWN OF EASTCHESTER

### ARTICLE 1. PURPOSE AND AUTHORITY.

**1.1. Purpose and Intent.** The purpose of this Sign Law is to promote the public health, safety and general welfare of the Town of Eastchester by regulating existing and proposed exterior signs and interior signs placed for external observation that are posted or erected on property within the Town through reasonable, consistent, and content-neutral sign standards. To preserve and promote the Town of Eastchester as a desirable community in which to live, visit, work, and do business, a visually attractive and safe environment is of significant importance. The regulation of signs within the Town is an important mechanism to achieve these ends and it balances the important objectives of serving sign owners' needs to communicate while balancing the aesthetic and safety interest of the Town which can be compromised by the unchecked proliferation of signs within the Town. These regulations are adopted with the intent, goals, and purpose of:

- 1.1.1. Protecting property values and creating a more attractive economic climate.
- 1.1.2. Protecting and enhancing the physical and natural beauty of the Town by ensuring that signage is appropriate to the character of the Town.
- 1.1.3. Providing a means by which property owners and users can identify goods, services, ideas or other messages or manners of speech, while limiting the proliferation of signage which results in visual clutter or the promulgation of unattractive signage which can have negative impacts on community appearance and character.
- 1.1.4. Encouraging and allowing signage which is appropriate in design, materials, colors, lighting, manner of construction, and size for the zoning district in which it is located.
- 1.1.5. Maintaining and improving motor and electric vehicle, bicycle, and pedestrian safety through the proper location of signs in a manner designed to minimize obstructions of views of or distraction to motorists, cyclists, and pedestrians.
- 1.1.6. Providing for the compelling government interest of allowing signage as reasonably necessary to provide warnings and to provide guidance for the safe and effective operation of all elements of traffic on Town, public, and private property to prevent bodily injury, death, or property damage.
- 1.1.7. Reducing hazards which may be created by signs projecting over sidewalks and streets.
- 1.1.8. Facilitating the fair and consistent enforcement of these sign regulations.
- 1.1.9. Providing standards for the noncommunicative aspect of signs which are consistent with local, state, and federal law.
- 1.1.10. Creating a Sign Review Board to evaluate the design, materials, colors, lighting, placement, alignment, manner of construction, and size of proposed signage within the Town on a content neutral basis to ensure that the signs erected within the Town are consistent with the intent, goals, and purpose of this Local Law.

1.2. **Authority.** This Local Law is adopted pursuant to Section 10 of the New York Municipal Home Rule Law.

## **ARTICLE 2. DEFINITIONS.**

### **2.1. Definition of a Sign.**

2.1.1. **SIGN** - Any writing, pictorial presentation, number, illustration, flag, banner or pennant, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known that is placed in view of the general public. The term "sign" shall not be deemed to include statuary, balloons, lighting unless otherwise specifically prohibited herein, or architectural embellishment of a building or structure. For the purpose of this Local Law, any writing, pictorial presentation, number, illustration, flag, banner or pennant, or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known that is not illuminated and that is located inside of a building and more than 3 feet from the interior face of a window shall not be deemed to be "placed in view of the general public" and therefore not subject to regulation by this Local Law unless any provision of this Local Law specifically and clearly provides otherwise.

2.2. **Other Definitions.** Unless the context shall otherwise clearly require, the terms, phrases, words and their derivatives used in this Local Law shall have the meanings ascribed to them below, or, if not defined below, the same meaning as those defined in the Zoning Law of the Town of Eastchester. Except where specifically defined herein or in the Zoning Law, all words used in this Local Law shall carry their customary and dictionary meanings.

2.2.1. **AWNING** - A roof-like shelter typically over a door or window of durable waterproof and fire-resistant fabric attached to a rigid frame and supported from a wall of a building and at times by support poles.

2.2.2. **AWNING SIGN** - Any Sign printed on, painted on or affixed to an Awning.

2.2.3. **BANNER** - A Sign typically made from a piece of fabric or other similar material that is generally rectangular or semicircular in shape of distinctive design that is used as a signal, symbol, statement or advertising device and is affixed to a supporting structure or the wall of a building on more than one side, along its horizontal or vertical side in a manner that is intended to allow the Banner to be fully or substantially extended for significant periods of time, or in any other manner of display in which the Banner is intended to be fully or substantially extended for significant periods of time. For the avoidance of doubt, the distinction between a Banner and Flag (*see* Section 2.2.13) is the manner in which it is displayed, a Flag being affixed on one side to fly off of a vertical pole such that it is not fully extended for substantial periods of time compared with a Banner that is affixed in a manner such that it is intended to be fully or substantially extended for substantial periods of time.

- 2.2.4. BARBER POLE – A pole with a helix of not more than three (3) colored stripes, often enclosed in a glass or clear plastic cylinder. Black, white, natural finish and tints of the same color shall be considered to be separate colors. Reflective, iridescent, and bright colors are prohibited. The pole may be stationary or may rotate and may be internally or externally illuminated.
- 2.2.5. BOX SIGN – A rigid frame or housing, typically rectangular or square, mounted to a wall with a front containing a translucent or opaque material which may or may not be internally or externally illuminated.
- 2.2.6. BUILDING INSPECTOR – The duly appointed Building Inspector of the Town of Eastchester or the Building Inspector’s authorized designees.
- 2.2.7. CANOPY - A roof-like structure covering a service island.
- 2.2.8. COMMERCIAL ADVERTISING SIGN - Any Sign that advertises a business, product, service, or other commercial activity.
- 2.2.9. DEPARTMENT – The Town of Eastchester Building and Planning Department.
- 2.2.10. ERECT - When used with respect to Signs, means to paint, build, construct, alter, display, relocate, attach, hang, place, suspend, or affix. Such term does not include maintenance and repair but does include the repainting or refinishing of a Sign in a manner which changes the color, copy, or design of a Sign or any of its components.
- 2.2.11. ESTABLISHMENT – A commercial or not-for-profit entity, institution, or community organization that has a separate legal interest and has established a non-residential use of all or a portion of a premises. For the purposes of this Local Law, any multi-tenant building or shopping center, or any multi-dwelling building or development shall constitute an Establishment separate from any other Establishment located therein (for example, in a shopping center, each store is an Establishment and the shopping center itself is an Establishment). Individual dwelling units shall not be deemed to be Establishments.
- 2.2.12. FEATHER FLAG SIGN – A form of Sign composed of durable lightweight fabric with a sturdy frame enclosing only a portion of the material’s edge so that it can remain upright and still be flexible in the breeze, generally shaped to be tall, narrow and feather shaped, which may or may not be permanently affixed to the ground.
- 2.2.13. FLAG – A piece of fabric that is typically rectangular in shape of distinctive design that is used as a signal or symbol and is affixed to a pole on a vertical side to fly horizontally off the vertical pole. See Section 2.2.3 for the distinction between a Flag and a Banner.
- 2.2.14. FREE-STANDING SIGN - A Sign not permanently attached to or part of any building but separate and permanently affixed into or upon the ground, including but not limited to Pole/Pylon Signs and Monument Signs.

- 2.2.15. ILLUMINATED SIGN - Any Sign, in or upon which an artificial light source is utilized in a manner to illuminate the information and graphics of the Sign as follows:
- 2.2.15.1. Self-Illuminated -Wherein the light source itself is shaped and utilized to form the Sign (including, but not limited to neon, LED or an array of individual bulbs).
  - 2.2.15.2. Internally-Illuminated Box Sign -Wherein a translucent and/or opaque material which forms the Sign is framed and back lighted by the light source and the light source is enclosed from direct view.
  - 2.2.15.3. Internally-Illuminated Letter Sign –
    - 2.2.15.3.1. Face Lit Channel Letters - Wherein individually framed translucent or opaque letters are back lighted by the light source and the light source is enclosed from direct view.
    - 2.2.15.3.2. Reverse Lit/Halo Lit Channel Letters - Wherein individual solid letters with an internal lighting source create a “halo” effect on the building wall.
  - 2.2.15.4. Externally-Illuminated - Wherein the Sign is illuminated by a light source placed in a manner to cast light upon the Sign.
- 2.2.16. LED SIGN - A flat screen display that uses an array of light-emitting diodes (LEDs) as pixels to display a message.
- 2.2.17. LOGO/LOGOTYPE - A distinctly styled representation of the business, building or trademark for the specific business or building it serves.
- 2.2.18. MONUMENT SIGN - A Freestanding Sign supported by a base or one or two posts, with the top edge of the Sign no more than five (5) feet above the finished grade.
- 2.2.19. OFF-PREMISES SIGN – Any Commercial Advertising Sign located on a lot other than that where the advertised commercial activity is conducted.
- 2.2.20. PLAQUE – An ornamental tablet, typically made of metal, porcelain or wood, that is affixed to a building façade, wall, or other surface.
- 2.2.21. POLE/PYLON SIGN - A Freestanding Sign with the base of the actual Sign area at least six (6) feet above the ground and supported by a vertical pole(s) or pylon(s).
- 2.2.22. PORTABLE SIGN - A Sign designed to be moveable and not structurally or permanently attached to the ground, a building, a structure or another Sign, including, but not limited to H-frame Signs and wire frame Signs, but specifically excluding Sandwich Board Signs, A-frame Signs and Feather Flag Signs.
- 2.2.23. POST AND ARM SIGN - A Freestanding Sign comprised of a vertical post to which a perpendicular arm is attached and from which the Sign hangs.

- 2.2.24. PROJECTING SIGN - A Sign affixed to an exterior wall of a structure and extending perpendicular to the plane of the wall.
- 2.2.25. SANDWICH BOARD SIGN – A Sign with two hinged, connected, or double-faced boards or other material that can be temporarily placed on the ground and is customarily placed adjacent or close to the entrance door to an Establishment, including but not limited to A-frame Signs.
- 2.2.26. SIGN STRUCTURE - The supports, uprights, bracing and framework for a Sign. In the case of a Sign structure consisting of two (2) or more sides where the angle formed between any two (2) of the sides or projections thereof exceeds 30 degrees, each side shall be considered a separate Sign.
- 2.2.27. SIGN SURFACE AREA - The entire area within a single, continuous quadrilateral enclosing all elements which form an integral part of a Sign. The structure supporting a Sign shall be excluded unless the structure is designed to form an integral background for the display.
- 2.2.28. TEMPORARY SIGN- Any Sign, typically a Banner, that is temporarily mounted to a building or structure pursuant to ARTICLE 6, Sect. 6.1.
- 2.2.29. TRAFFIC CONTROL DEVICE – Signs and signal devices used to inform, guide and control motor vehicle, electric vehicle, bicycle, and pedestrian traffic.
- 2.2.30. VIRTUAL PROJECTOR SIGN- A Sign that is displayed on any surface through the use of a light source that is directed through a lens to project the words or image constituting the Sign on a surface.
- 2.2.31. WALL MOUNTED SIGN - A Sign which is painted, mounted directly on, or otherwise affixed to the wall and parallel to the building wall.
- 2.2.32. WINDOW SIGN (EXTERIOR) - A Sign visible from a sidewalk, street, or other public place which is permanently painted, etched, or affixed on the exterior face of a window.
- 2.2.33. WINDOW SIGN (INTERIOR) - A Sign visible from a sidewalk, street, or other public place and located in the interior of a building or structure that is: (1) painted, etched, or affixed on the interior face of a window; or (2) mounted on a wall, displayed on an easel, suspended from a ceiling, or otherwise affixed in a stationary location and located no more than three (3) feet from the interior face of the window.

### **ARTICLE 3. CREATION, ORGANIZATION AND JURISDICTION OF THE SIGN REVIEW BOARD.**

- 3.1. **Creation and Membership.** The Town Board is hereby authorized and empowered to create a Sign Review Board which shall consist of three (3) resident members, who shall be qualified by reason of training, experience or interest in architecture, design, community planning, or other related fields. The members of the Sign Review Board shall be appointed

by the Town Board, and the Town Board may allocate and budget for such expenses as may be necessary and proper. The Town Board is hereby authorized to make such appropriation as it may see fit for such expenses. The term of office for the members of the Sign Review Board shall be, for the members first appointed, one (1) shall hold office for the term of one (1) year, one (1) for the term of two (2) years, and one (1) for the term of three (3) years, and then for subsequent appointments members shall be appointed for terms of three (3) years from and after the expiration of the terms of their predecessors in office. If a vacancy shall occur otherwise than by expiration of a term, it shall be filled by the Town Board by appointment to the unexpired term.

3.2. **Removal of Members.** The Town Board may remove a member of the Sign Review Board for cause provided that such member is afforded notice and an opportunity to be heard prior to removal.

3.3. **Chairperson.** The Town Board shall designate one member of the Sign Review Board to serve as its Chairperson. The Chairperson as such shall serve for a term of two (2) years.

3.4. **Meetings and Voting Requirements.** Meetings of the Sign Review Board shall be held on a regular basis. Two (2) members of the Sign Review Board shall constitute a quorum for holding a meeting. A minimum of two (2) concurring votes shall be required to approve an application. The Sign Review Board shall keep minutes of its proceedings showing the vote of each member upon any question or, if absent or failing to vote, indicating such fact, and shall also keep records of its official actions. Decisions of the Sign Review Board shall be filed in the office of the Town Clerk.

3.5. **Jurisdiction.** The Sign Review Board is hereby authorized to:

3.5.1. Review and approve, deny, or approve with modifications or conditions Sign plan approval applications pursuant to ARTICLE 7, Section 7.2 of this Local Law.

3.5.2. Review and approve, deny, or approve with modifications or conditions applications for variances from the requirements of this Local Law pursuant to ARTICLE 12, Section 12.1.

3.5.3. Review and decide appeals pursuant to ARTICLE 12, Section 12.3 of this Local Law.

#### **ARTICLE 4. GENERAL STANDARDS.**

4.1. **Sign Standards.** All Signs installed or erected in the Town, whether or not approval by the Sign Review Board or a Sign permit from the Building Inspector is required before they may be erected or installed, shall comply with the following general standards:

4.1.1. All Signs and lighting shall be erected in compliance with all applicable federal, state and local laws.

4.1.2. No Sign shall be erected, relocated, or maintained to prevent free ingress to or egress from any door, window, or fire escape.



- 4.1.3. Signs affixed to buildings shall be in keeping with the architectural design of the building upon which they are placed, the design of neighboring properties, adjoining Signs, and the overall residential character of the Town.
  - 4.1.4. The Sign owner shall be responsible for the conformance of all dimensions relating to the building, the dimensions relating to the Sign, and compliance with all other conditions of approvals granted for the Sign. In cases where the Sign as installed does not conform to the approved design, where applicable, the Sign owner shall be required at his/her own expense to remove, correct, or replace the Sign.
  - 4.1.5. Signs shall be maintained in good and complete condition, with panels, letter forms, and graphics firmly mounted and in true alignment, finishes in good repair, and properly lighted and landscaped where applicable.
  - 4.1.6. Signs on the same property shall complement each other in terms of style, font style and size, design, color, and alignment.
  - 4.1.7. The lowest portion of any Sign or the structure supporting the Sign which extends over an area intended for pedestrian use shall be not less than seven (7) feet above the finished grade.
  - 4.1.8. Lighting under canopies must be recessed or shrouded so light is not directed toward the property line.
  - 4.1.9. Signs shall be located so that they do not unreasonably impair visibility at intersections or around curves in streets.
  - 4.1.10. A Sign which advertises or announces an event to occur on a certain date shall be removed within five (5) days after such event.
  - 4.1.11. Commercial Advertising Signs shall be limited to the business name and/or principal business activity conducted on the premises.
- 4.2. **Awnings.** All Awnings installed or erected on properties in the Town other than properties improved with a one- or two-family dwelling, shall comply with the following general standards:
- 4.2.1. Awnings may be stationary or non-stationary (retractable).
  - 4.2.2. Operating arms and braces shall be fully concealed from view when the Awning is in an open position.
  - 4.2.3. Awning material shall be limited to a maximum of three colors. Black, white and shades of the same color shall be considered separate colors. No white backgrounds are permitted and light colors are restricted to lettering. Metallic, iridescent, and bright color Awning materials are prohibited. The background color, style, and material of any awning shall complement that of any other awning on the building.

- 4.2.4. The Awning support and finish structure, mechanism, and enclosure housing shall be harmonious with the materials of the building façade and/or Awning fabric.
- 4.2.5. Awnings shall be constructed of durable, waterproof, fire-resistant fabrics. The use of vinyl or other shiny fabrics, hard plastic, metal and other rigid material is prohibited.
- 4.2.6. The minimum height from the sidewalk to any part of the Awning covering or its supporting frame when closed or extended shall be seven (7) feet.
- 4.2.7. The Awning, including the operating mechanism and enclosure housing (where of the non-stationary type), shall be installed in a manner which does not cover the solid wall surface or architectural features of the building façade. Generally, Awnings shall be fitted and mounted within the architectural frame of the window or door openings. Any overlap of the Awning onto adjoining building surfaces where necessitated by the particular characteristics of the building façade shall be limited to six (6) inches where feasible. Awning enclosure housings which are integrated and recessed within the window head construction are preferred.
- 4.2.8. Internal illumination of an Awning is prohibited.
- 4.2.9. No building permit for the installation of an Awning that is subject to this ARTICLE 4.2 on any property shall be issued until approval for such Awning has been granted by the Sign Review Board pursuant to the standards and procedures set forth in ARTICLE 7.

**ARTICLE 5. SIGNS THAT DO NOT REQUIRE A SIGN PERMIT.**

- 5.1. Signs required by local, state, or federal law or as a result of legal proceedings.
- 5.2. Signs posted by the Town on Town property.
- 5.3. Signs posted by New York State or Westchester County on Town, state or county property.
- 5.4. Signs posted by the Eastchester Union Free School District or Tuckahoe Union Free School District on school district property.
- 5.5. Traffic Control Devices provided that they are no greater in size or height than reasonably necessary to accomplish their traffic control purpose.
- 5.6. Signs that are reasonably necessary to indicate the presence of alarm systems or warnings or notices pertaining to dangers of trespassing or other hazardous conditions on the premises, provided no single Sign shall exceed 144 square inches in Sign Surface Area.
- 5.7. One (1) Window Sign not exceeding one (1) square foot in Sign Surface Area in any dwelling unit.

- 5.8. Window Signs in any Establishment provided that the Window Signs do not cover more than 30 percent of the area of the window in which they are located and no letter or number shall be larger than six (6) inches in height.
- 5.9. On properties improved with a one- or two-family dwelling, Portable Signs and Flags that are no greater than 12 inches above the finished grade, provide that such Signs must be setback, at a minimum, 10 feet from the edge of the sidewalk closest to the property or 10 feet from the edge of the street if there is no sidewalk. In cases where the building setback is less than 10 feet from the edge of the sidewalk closest to the property or the edge of the street if there is no sidewalk, then the Sign may be located at the building setback. However, in all cases, the Sign may not be located on public property.
- 5.10. In addition to other Signs permitted pursuant to this ARTICLE 5, Portable Signs that are greater than 12 inches above the finished grade on any lot used as a one- or two-family dwelling if such Signs meet the following criteria:
  - 5.10.1. Maximum number of signs: 3
  - 5.10.2. Maximum Aggregate Sign Surface Area of all such Signs: 12 square feet.
  - 5.10.3. Minimum setback: 10 feet from the edge of the sidewalk closest to the property or 10 feet from the edge of the street if there is no sidewalk. In cases where the building setback is less than 10 feet from the edge of the sidewalk closest to the property or the edge of the street if there is no sidewalk, then the Sign may be located at the building setback. However, in all cases, the Sign may not be located on public property.
  - 5.10.4. No portion of such Sign shall be more than 3 feet above the finished grade.
- 5.11. One (1) Portable Sign on any lot other than a lot improved with a one- or two-family dwelling, subject to the following:
  - 5.11.1. Maximum Sign Surface Area Per Sign – Not more than four (4) square feet.
  - 5.11.2. Minimum setback: 10 feet from the edge of the sidewalk closest to the property or 10 feet from the edge of the street if there is no sidewalk. In cases where the building setback is less than 10 feet from the edge of the sidewalk closest to the property or the edge of the street if there is no sidewalk, then the Sign may be located at the building setback. However, in all cases, the Sign may not be located on public property.
  - 5.11.3. No portion of such Sign shall be more than 3 feet above the finished grade.
- 5.12. One (1) Plaque per Establishment, or, for a one-or two- family dwelling, per dwelling unit, provided that no plaque shall exceed one (1) square foot in area and in no case exceed 18 inches in length and further provided that it is placed flat against the exterior wall or door of the premises.
- 5.13. Identification numbers on buildings as required pursuant to the New York Property Maintenance Code, provided that such numbers may not be more than eight (8) inches in height.

5.14. In addition to the Flags permitted pursuant to Section 5.9, no more than two (2) Flags provided that no single Flag shall be greater than 15 square feet in area.

**ARTICLE 6. SIGNS PERMITTED SUBJECT TO THE ISSUANCE OF A SIGN PERMIT BUT NOT SUBJECT TO REVIEW BY THE SIGN REVIEW BOARD.**

**6.1. Temporary Signs Permitted Pending Review of Permanent Signs.**

6.1.1. Each Establishment that has not installed permanent signage as permitted pursuant to ARTICLE 7 hereof may install one (1) Temporary Sign on the primary frontage of the Establishment and one (1) Temporary Sign on any secondary frontage. Such Temporary Signs being intended primarily to permit reasonably necessary signage to be displayed during the pendency of the review of more permanent signage.

6.1.2. Temporary Signs shall not be illuminated other than external illumination, and may not be displayed on any Establishment that has installed a Wall Mounted Sign pursuant to ARTICLE 7, Section 7.1.2.1.

6.1.3. Temporary Signs shall be limited to a maximum of three (3) colors. Black, white, natural finish and tints of the same color shall be considered to be separate colors. Reflective, iridescent, and bright colors are prohibited. Use of natural bronze, brass, copper, stainless steel, genuine gold or silver leaf, is permitted.

6.1.4. The dimensional limitations for Wall Mounted Signs as set forth in ARTICLE 7, Sections 7.1.2.1 shall apply to Temporary Signs.

6.1.5. In addition to the Temporary Signs permitted pursuant to Section 6.1.1 and the Portable Sign permitted pursuant to Section 5.11, Portable Signs that meet the dimensional limitations of Section 5.11 may be placed in any location in which a permanent Monument Sign has been approved before the permanent Monument Sign is erected.

6.1.6. Temporary Signs and temporary Portable Signs permitted pursuant to Section 6.1.5 may be displayed for a period of 90 days, which term may be extended by the Building Inspector upon written request for good cause shown and payment of an additional temporary sign permit fee. No Establishment may display a Temporary Sign or a temporary Portable Sign permitted pursuant to Section 6.1.5 for a period exceeding 90 days in any six (6) month period unless otherwise permitted by the Building Inspector pursuant to this section.

**6.2. Sandwich Board Signs Permitted.**

6.2.1. Each Establishment on a lot may display one (1) Sandwich Board Sign.

6.2.2. Sandwich Board Sign dimensions shall not exceed 40 inches in height and 25 inches in width.

6.2.3. Limit of one (1) Sandwich Board Sign per Establishment.

6.2.4. A Sandwich Board Sign shall be located entirely within the property line of the lot on which the Establishment is located and shall be posted directly in front of the Establishment with which it is associated.

6.2.5. Sandwich Board Signs shall not be posted in a manner that substantially impedes access to or use of any walkway, driveway or alleyway, nor shall it block any fire hydrant, doorway, vault or be placed in a manner or location that obstructs drivers' sight lines.

6.2.6. Sandwich Board Signs may only be displayed during the operating hours for the Establishment with which it is associated and shall be stored indoors when the Establishment is closed.

6.2.7. Sandwich Board Signs shall not be displayed and shall be stored indoors during periods of high winds or significant snow or rain events.

6.2.8. Sandwich Board Signs shall be constructed of durable weatherproof material; plastic is not permitted.

6.2.9. Moveable type is not permitted on Sandwich Board Signs.

### **6.3. Sign Permit Review Process.**

6.3.1. Sign Permit Required. A Sign permit issued by the Building Inspector shall be required in order to erect, construct, paint, alter, relocate, reconstruct, or display, or cause to be erected, constructed, or displayed, any Sign or Signs permitted pursuant to this ARTICLE 6.

6.3.2. Application for Sign Permit. Any person desiring to obtain a Sign permit shall file with the Building Inspector an application in the form required by the Building Inspector, the supporting materials specified in such application form, and the required fee as set forth in a fee schedule adopted by the Town Board of the Town of Eastchester. Said application shall be reviewed by the Building Inspector for completeness and compliance with this Local Law, and, upon a determination that the application is complete and in compliance with this Local Law, the Building Inspector shall issue a permit for the erection of the proposed Sign.

6.3.3. Expiration of Sign Permits. A Sign permit issued pursuant to this ARTICLE 6 shall be void if the Sign authorized thereunder has not been erected within six (6) months from the date of issuance.

**ARTICLE 7. SIGNS PERMITTED SUBJECT TO SIGN PLAN APPROVAL FROM THE SIGN REVIEW BOARD AND THE ISSUANCE OF A SIGN PERMIT.**

**7.1. Signs Permitted.** In addition to any Signs permitted pursuant to ARTICLE 5 or ARTICLE 6 of this Local Law, the following Signs are permitted on property used for purposes other than a one- or two- family dwelling, subject to the issuance of Sign plan approval in accordance with Section 7.2 of this ARTICLE 7.

**7.1.1. General Requirements and Provisions.**

7.1.1.1. Each Establishment on a lot may install one (1) principal Sign of any permitted Sign type on the primary frontage of the Establishment and one (1) secondary Sign of any permitted Sign type on any secondary frontage.

7.1.1.2. In addition to the Signs permitted pursuant to Section 7.1.1.1, each Establishment on a lot may install one (1) Post and Arm Sign or Projecting Sign (regardless of its number of frontages); or one (1) Barber Pole on its primary frontage and one (1) Barber Pole on a secondary frontage on which a door into the Establishment is located. The Sign Surface Area for Post and Arm or Projecting Signs shall not exceed 20 inches by 30 inches. The maximum height to the top of a Post and Arm Sign shall not exceed six (6) feet. The bottom edge of any Projecting Sign or Barber Pole extending over a walkway must be a minimum of seven (7) feet high. Barber Poles shall have a maximum height as measured from the lowest portion of such pole or its supporting structure, to the top of such pole or its supporting structure (including any light fixtures or element) of 45 inches, a maximum diameter of the clear cylinder (or its equivalent) of 8 inches and may not project from the face of the wall on which it is mounted by more than 13 inches. Barber Poles shall not be illuminated nor shall they rotate when the Establishment is closed.

7.1.1.3. All Sign lighting shall be confined to or directed to the surface of the Sign and shall, where necessary, be shielded to eliminate glare and ensure that light is not directed toward an adjacent property.

7.1.1.4. Signs shall be limited to a maximum of three (3) colors. Black, white, natural finish and tints of the same color shall be considered to be separate colors. Reflective, iridescent, and bright colors are prohibited. Use of natural bronze, brass, copper, stainless steel, genuine gold or silver leaf is permitted.

7.1.1.5. Signs which are included as part of a site plan application for the premises pursuant to Section 11 of the Zoning Law of the Town of Eastchester shall comply with the requirements of this Local Law and those of Section 11 of the Zoning Law, as well as the approved site plan.

7.1.2. Permitted Sign Types.

7.1.2.1. *Wall Mounted Signs.*

- 7.1.2.1.1. Where the building setback from the edge of the street is equal to or greater than 75 feet or the horizontal dimension of the building or portion thereof housing the Establishment which is the subject of the Sign is 70 feet in length or greater, the maximum vertical dimension or height of each Wall Mounted Sign shall be 24 inches and the maximum horizontal dimension or length shall not exceed 75 percent of the building or portion thereof housing the Establishment which is the subject of the Sign. In any case, the maximum horizontal dimension or length of each such Sign shall not exceed 50 feet on any street frontage for the same Establishment. No letter on such Sign or individual letter mounted directly on a wall shall be more than 18 inches in height or width.
- 7.1.2.1.2. Where the building setback from the edge of the street is less than 75 feet and the horizontal dimension of the building or portion thereof housing the Establishment which is the subject of the Sign is less than 70 feet in length, the maximum vertical dimension or height of each Wall Mounted Sign shall be 18 inches and the maximum horizontal dimension or length of each Sign shall not exceed 75 percent of the building or portion thereof housing the Establishment which is the subject of the Sign. In any case, the maximum horizontal dimension or length of each such Sign shall not exceed 30 feet on any street frontage for the same Establishment. No letter on such Sign or individual letter mounted directly on a wall shall be more than 16 inches in height or width.
- 7.1.2.1.3. The lower edge of a Wall Mounted Sign shall not be located above the level of the floor of the second story of the building upon which the Sign is placed or maintained. On a one (1)-story building, such Sign may be located on the face of a parapet wall. Notwithstanding the prohibition herein regarding roof Signs, and for the purposes of this Local Law, a mansard fascia shall be considered a parapet wall and is subject to the same restrictions.
- 7.1.2.1.4. Where the design of an existing building facade incorporates a specific area for Wall Mounted Signs, the height and length of such Signs shall be restricted to the dimensions of this area. Such Signs may not, however, exceed maximum dimensions as stated herein.
- 7.1.2.1.5. Face-Lit Channel Letter Signs are not permitted where the building setback from the edge of the street closest to the building is less than 75 feet.
- 7.1.2.1.6. No visible structures or raceways housing electrical connections are permitted for Internally-Illuminated Letter Signs.

*7.1.2.2. Monument Signs.*

7.1.2.2.1. No portion of a Monument Sign or Sign Structure shall be located more than 60 inches (5 feet) above the finished grade nor may such Sign or Sign Structure be more than 72 inches (6 feet) in width.

7.1.2.2.2. No lettering, numbering or other symbol on the Sign shall be more than 8 inches in height or width.

7.1.2.2.3. The Sign shall be located entirely within the property line of the lot.

7.1.2.2.4. The Sign shall only be illuminated from an external light source; Internally-Illuminated Signs are prohibited, except that an Establishment that is required by law to post pricing information on the Sign may use Internally Illuminated or LED Signs to display pricing information provided that the internally illuminated or LED Sign panel utilizes only white light illumination, and numbers or symbols so illuminated are no greater than 8 inches in height.

7.1.2.2.5. The area around the Sign shall be suitably landscaped and such landscaping shall be suitably maintained.

*7.1.2.3. Awning Signs.*

7.1.2.3.1. There shall be no light source within the Awning or Awning Sign intended to illuminate or have the effect of illuminating the lettering on the Awning Sign.

7.1.2.3.2. All lettering (including numbers and characters) on an Awning Sign shall be a maximum of 6 inches in height.

7.1.2.3.3. No advertising except the Establishment name shall be placed on any Awning.

**7.2. Sign Plan and Sign Permit Review Process.**

7.2.1. Approval Required. Sign plan approval granted by the Sign Review Board shall be required to erect, construct, paint, alter, relocate, reconstruct, or display, or cause to be erected, constructed, or displayed, any Sign or Signs permitted pursuant to ARTICLE 7, Section 7.1 or an Awning permitted pursuant to Article 4, Section 4.2

7.2.2. Application for Sign Plan Approval. Any person desiring to obtain a Sign Plan approval from the Sign Review Board shall file with the Building Inspector an application in the form specified by the Building Inspector, the supporting materials specified on such form, and the required fee as set forth in a fee schedule adopted by the Town Board of the Town of Eastchester. Said application shall be reviewed by the Building Inspector for completeness and, upon a determination that the application is complete, it shall be forwarded to the Sign Review Board.



7.2.3. Review by Sign Review Board. The Sign Review Board shall review each application referred to it on a content neutral basis and shall approve, disapprove, or approve subject to modifications or conditions such applications based on a consideration and balancing of the following:

7.2.3.1. Whether the location and placement of the Sign is likely to endanger motorist, pedestrians, or cyclists.

7.2.3.2. Whether the Sign will have a negative impact on the visual quality of public open spaces.

7.2.3.3. Whether the Sign is consistent with the architectural design of the building upon which it is placed, the design of neighboring properties, adjoining Signs, and the overall residential character of the Town.

7.2.3.4. Whether the Sign is consistent with the purposes of this Local Law as set forth in ARTICLE 1 and the General Sign Standards set forth in ARTICLE 4 and, ARTICLE 7, Section 7.1 hereof. Notwithstanding anything herein to the contrary, when approving or approving subject to modifications or conditions any Sign Permit application within its jurisdiction, the Sign Review Board may modify the size limitations or design requirements of this Local Law if it finds that such modifications are reasonably necessary to permit a Sign that advances the purposes and intent of this Local Law as set forth in ARTICLE 1 hereof to a greater extent than a Sign that strictly complies with the requirements hereof.

7.2.4. Procedure; Decision. The Sign Review Board shall review each application for Sign plan approval at a meeting thereof. No public hearing shall be required for Sign plan approval applications. A minimum of two (2) concurring votes shall be required to approve an application for Sign plan approval.

7.2.5. Issuance of Sign Permit. Within a reasonable period of time following approval of a Sign plan application by the Sign Review Board and compliance with all conditions and requirements thereof, the Building Inspector shall issue a permit for the erection of the proposed Sign, provided all fees have been paid and insurance requirements have been met.

7.2.6. Expiration of Sign Permits. A Sign permit issued pursuant to this ARTICLE 7 shall be void if the Sign authorized thereunder has not been erected within six (6) months from the date of issuance.

## **ARTICLE 8. PROHIBITED SIGNS.**

8.1. The following types of Signs are prohibited in the Town of Eastchester unless otherwise specified in this Local Law:

8.1.1. Box Signs.

8.1.2. Illuminated Signs which are located anywhere within the interior of a building and visible from the exterior of the building.

- 8.1.3. Internally-Illuminated Signs, excluding Internally-Illuminated Letter Signs.
- 8.1.4. LED Signs.
- 8.1.5. Television screens or computer monitors that are located: (a) outside of a Building (other than a dwelling unit), or (b) inside of a Building (other than a dwelling unit) and within 10 feet of the inside face of a window; and that are oriented to be visible from any adjacent property, public lands or the public street.
- 8.1.6. Off-premises Signs.
- 8.1.7. Pole/pylon Signs, other than Traffic Control Devices.
- 8.1.8. Reverse Lit/Halo Lit Channel Letters or Signs that are illuminated with lighting colors other than white. Where illuminated Signs are permitted by this Local Law, Reverse Lit/Halo Lit Channel Letters or Signs that are illuminated with white lights are permitted.
- 8.1.9. Self-Illuminated Signs.
- 8.1.10. Signs located on a Canopy, umbrella, or other similar structure.
- 8.1.11. Signs resembling, but which are not, a Traffic Control Device.
- 8.1.12. Signs or Sign supports placed on the roof of a building. For the purposes of this Local Law, a mansard fascia shall be considered a parapet.
- 8.1.13. Signs illuminated by or containing flashing, intermittent, rotating or moving lights, or which vary in intensity or color or that resemble Traffic Control Devices.
- 8.1.14. Signs with visible moving, revolving or rotating parts, or visible mechanical movement, except Barber Poles.
- 8.1.15. Signs constructed of or containing mirrors or other reflective materials.
- 8.1.16. Signs that emit smoke, vapors, particles, or sounds.
- 8.1.17. Signs that, by dimension, placement, or visible light sources, obstruct the traversing by or the vision of pedestrians, cyclists, or motorists, traveling on or entering buildings, public streets, sidewalks, or rights-of-way.
- 8.1.18. Signs or exterior displays consisting of pennants, streamers, spinners, air dancers, or other similar moving, fluttering, or revolving devices, or Feather Flag Signs.
- 8.1.19. Signs or Sign structures that interfere in any way with free use of any fire escape or emergency exit.

- 8.1.20. Signs that contain any lighting or control mechanism that may cause interference with radio, television, or other communications signals.
- 8.1.21. Signs with the optical illusion of movement, changing copy, or holograms.
- 8.1.22. Virtual Projector Signs on properties other than those improved with a One- or Two-Family Dwelling.
- 8.1.23. Signs located on electric vehicle charging stations other than: (i) Signs required to be posted thereon by Westchester County, New York State or Federal Law, or (ii) Signs providing reasonably necessary manufacturer specifications and information.
- 8.1.24. Signs that are prohibited by New York State or Federal Law or that contain speech that is not protected by the First Amendment to the United States Constitution or Section 8 of the New York State Constitution.
- 8.1.25. Any Sign not specifically permitted by this Local Law shall be deemed prohibited.

**ARTICLE 9. SUBSTITUTION OF NONCOMMERCIAL SPEECH FOR COMMERCIAL SPEECH.**

Notwithstanding anything contained in this Local Law to the contrary, any Sign erected pursuant to the provisions of this Local Law may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of commercial copy. The Sign copy may be changed from a commercial message to a noncommercial message or from one noncommercial message to another noncommercial message; provided, however that there is no change in the size, height, setback, lighting, alignment, or manner in which the Sign is affixed to the structure of the Sign without a permit, if required, as provided for herein.

**ARTICLE 10. SIGNS ON TOWN PROPERTY.**

**10.1 Signs on Town Property Prohibited.** Except as otherwise provided in ARTICLE 10, Section 10.2 hereof, any Sign installed, erected or posted on property owned by the Town of Eastchester, including within Town rights of way, shall be deemed illegal and shall be forfeited to the public and subject to removal and confiscation without prior notice. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such Sign the cost of removal and disposal of such Sign.

**10.2 Signs Permitted to be Posted on Town Property.**

10.2.1 Any Sign posted by the Town, New York State or Westchester County.

10.2.2 Any Sign required to be posted by state or federal law.

10.2.3 The Town Board of the Town of Eastchester may adopt by resolution rules and regulations regarding the posting of Signs on Town-owned property.

**ARTICLE 11. NON-CONFORMING SIGNS.**

- 11.1. This Local Law is intended to encourage the eventual elimination of Signs which do not comply with its requirements. The elimination of nonconforming Signs is important to the purposes stated in ARTICLE 1 of this Local Law. However, it is also the intent of this Local Law to avoid unreasonable invasion of property rights while accomplishing removal of nonconforming Signs.
- 11.2. A Sign not complying with this Local Law, but in place legally on or before the effective date of this Local Law that had a cost to purchase and install of \$1500.00 or less shall be removed or made to conform with the requirements of this Local Law within six (6) months of the effective date of this Local Law.
- 11.3. A Sign not complying with this Local Law, but in place legally on or before the effective date of this Local Law, that the owner of such Sign can demonstrate has a cost to purchase and install of greater than \$1,500.00, may be continued, provided, however that it shall not be replaced by another non-conforming Sign, nor shall any change in copy, design, colors or materials be permitted unless the Sign is brought into compliance with this Local Law. A nonconforming Sign may not be structurally altered to prolong the life of the Sign, nor may it be reestablished after damage or destruction if the Building Inspector determines that the estimated cost of reconstruction exceeds 50% of the estimated replacement cost.

**ARTICLE 12. SIGN VARIANCE; INTERPRETATION.**

- 12.1. **Variance:** The Sign Review Board, upon submission of an application with supporting information as may be required by the Building Inspector and the payment of a fee as set forth in a fee schedule adopted by the Town Board, is hereby authorized to review and decide upon applications for variances from the requirements of this Local Law. The Sign Review Board may grant a variance from the strict requirements of this Local Law upon a showing by the applicant that the provisions of this Local Law have caused it an unreasonable hardship. In order to demonstrate such unreasonable hardship, the applicant shall demonstrate that:
- 12.1.1. The alleged hardship relates to the physical characteristics of the property or the improvements thereon and such condition is unique, and does not apply to a substantial portion of the district or neighborhood in which the subject property is located; and
- 12.1.2. The grant of the variance would be consistent with the intent and purpose of this Local Law as set forth in ARTICLE 1 hereof.
- 12.1.3. The Sign Review Board, in the granting of a variance, shall grant the minimum variance that it shall deem necessary and adequate to address the hardship demonstrated by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
- 12.2. **Imposition of Conditions.** The Sign Review Board shall review variance applications on a content neutral basis and may impose any reasonable, content-neutral conditions and restrictions as are directly related and incidental to mitigating the adverse impacts that may result from the grant of the variance.

**12.3. Interpretation of Sign Law; Review of Administrative Determinations.** Upon appeal from a decision by the Building Inspector the Sign Review Board is hereby authorized to decide any question involving the interpretation of any provision of this Sign Law. The Sign Review Board may reverse or affirm wholly or partly, or may modify any order, requirement, decision, interpretation or determination of the Building Inspector made pursuant to this Sign Law appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter and, to that end, shall have all the powers of the Building Inspector to interpret this Sign Law herein granted.

**12.4. Procedure; Decision.** The Sign Review Board shall review each application for an interpretation or a variance at a meeting thereof. No public hearing shall be required for such applications. A minimum of two (2) concurring votes shall be required to approve an application for a variance or reverse the Building Inspector's interpretation of this Local Law.

**12.5. Duration of Sign Variance.** A Sign variance issued pursuant to this ARTICLE 12 shall be void if the Sign authorized thereunder has not been erected within six (6) months from the date a resolution granting the variance is adopted by the Sign Review Board.

#### **ARTICLE 13. JUDICIAL REVIEW.**

Any person or persons aggrieved by any final decision of the Sign Review Board may apply to the New York State supreme court for review by a proceeding under Article 78 of the New York State Civil Practice Law and Rules. Such proceeding shall be instituted within 30 days after the filing of a decision of the Sign Review Board in the office of the Town Clerk.

#### **ARTICLE 14. VIOLATIONS, PENALTIES, AND ENFORCEMENT.**

14.1. Any person who violates or is an accessory to the violation of any provision or portion of this Local Law shall be guilty of an offense.

14.2. A violation of this Local Law is hereby declared to be an offense, punishable by a fine not exceeding \$350.00 or imprisonment for a period not to exceed six (6) months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five (5) years punishable by a fine not less than \$350.00 nor more than \$700.00 or imprisonment for a period not to exceed six (6) months or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five (5) years, punishable by a fine not less than \$700.00 nor more than \$1,000.00 or imprisonment for a period not to exceed six (6) months, or both. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Local Law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation.

14.3. Nothing in this Local Law shall be construed as depriving the Town or the Town Board or any duly authorized official or representative thereof of the right to apply for an injunction to prevent any violation of this Local Law or of the right to employ any other available remedy for its enforcement.

**ARTICLE 15. AMENDMENTS.**

The Town Board may from time to time on its own motion, on petition, or on recommendation of any board, agency or official of the Town, after public notice and hearing, amend, supplement, repeal or change the regulations established under this Local Law.

**ARTICLE 16. SEVERABILITY.**

Should any section, sub-section, paragraph, sentence, clause, provision or phrase of this Local Law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this Local Law.

**ARTICLE 17. REPEAL OF PRIOR SIGN LAWS.**

Upon the effective date of this Local Law, the Sign Law of the Town of Eastchester adopted by the Town Board on September 18, 2002 as Local Law 7-2002, and any and all amendments thereto are hereby repealed.

**ARTICLE 18. RELATION TO OTHER PROVISIONS.**

Except as otherwise provided in Article 17, this Local Law shall not repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings, structures, lots or land, provided that where this Local Law imposes greater restriction upon the use of buildings, structures, lots or land, or upon the height of structures, or requires larger lots or yards than are imposed or required by such existing provisions or regulations, the provisions of this Local Law shall control.

**ARTICLE 19. EFFECTIVE DATE.**

This Local Law shall take effect on a date that is six (6) months from the filing of this Local Law in the Office of the Secretary of State in accordance with section twenty-seven of the Municipal Home Rule Law.

Proposed Sign Law 7-12-23