

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County
City of Canaan
Town
Village

Local Law No. 1 of the year 2013

A local law amending Article IV (G) of the Town of Canaan Zoning Law

Be it enacted by the Town Board of the
(Name of Legislative Body)

County
City of Canaan as follows:
Town
Village

PURPOSE AND INTENT

The Town Board of the Town of Canaan finds it necessary to amend section of Article IV, subsection G of the Town of Canaan Zoning Law as it pertains to poster and sign control within the Town of Canaan. In order to have a consistent and orderly process for the review, development and construction of signage within the Town of Canaan, the Town Board finds that these amendments will provide additional guidance to those applicants seeking to place signage within the Town of Canaan, while also protecting the interests of Town residents.

Furthermore, in recognition of the commercial corridor in the area immediately adjacent to the New York State Thruway and State Route 22 ("commercial corridor") and the need to have signage standards consistent and in harmony with the regulations and sign guidelines of the New York State Thruway Authority, New York State Department of Transportation sign regulations and Federal Highway Administration sign regulations, the Town Board finds that modification of its existing Zoning Law will assist with the orderly economic development of commercial property within the aforesaid commercial corridor in the Town of Canaan.

Moreover, it is the Town of Canaan's intent to regulate the type, size, scope and nature of commercial signs within the commercial corridor in a manner consistent with the

signs of regulations of the New York State Public Authorities Law (361-a) and Part 105 of the New York State Thruway's Rules and Regulations regarding Advertising Signage within the six hundred and sixty (660) foot right away of the Thruway Authority's Interstate Corridor.

Further, in undertaking review of the Zoning Law, the Town of Canaan herein finds that these amendments to the Zoning Law as enacted herein are necessary for the health, welfare and benefit of Town residents.

AUTHORIZATION

This local law is adopted pursuant to The Town Board of the Town of Canaan enacts this Local Law under the authority granted by:

1. Article IX of the New York State Constitution, §2 (c) (6) and (10).
2. New York Municipal Home Rule Law §10.
3. New York Town Law, Article 16 (Zoning).

ENACTMENT

Be it enacted by the Town Board for the Town of Canaan that Article IV, subsection G of the Canaan Town Code be hereby amended as follows:

G. Sign and Poster Control:

1. **Criteria.** The Planning Board shall consider the following criteria in determining compliance with this section:
 - (a) Size, build, mass.
 - (b) Materials.
 - (c) Structural members.
 - (d) Lighting and illumination.
 - (e) Orientation.
 - (f) General and specific locations.
 - (g) Proximity to streets and intersections.
 - (h) Design, including character of lettering, logos and contents.
 - (i) Site and context.
 - (j) Zoning district regulations.
2. **Administration and Application**
 - (a) Application for a permit shall be made to the Planning Board, in writing, along with seven (7) copies, which shall contain the following information:
 - (i) Site plan showing the location of proposed sign(s), building(s) and lighting, as

- well as existing signs, buildings, lighting and any other proposed or existing exterior display areas in relation to property lines.
- (ii) A sketch of the proposed sign, drawn to scale, showing sign dimensions, exact layouts, actual typefaces, lighting, and sign structure.
 - (iii) For signs proposed on existing buildings, photographs of buildings indicating proposed sign location.
 - (iv) For signs proposed on new buildings, elevation(s) of building indicating proposed sign location.
 - (v) Photographs and dimensions for all existing signs on the site.
 - (vi) Name, address and telephone number of the applicant and property owner. If the applicant is not the property owner, then signed permission of the property owner to place the sign is also required.

3. Application fee, expiration and renewal

(a) Permit fees shall be set and promulgated by the Town Board and may be modified by the Town Board as may be necessary to defray the expenses of administration, compliance and enforcement of the provisions hereof.

(b) If the sign authorized under any such permit has not been completed within one (1) year from the date of issuance thereof, such permit shall become null and void, but may be renewed within 30 days from the expiration thereof for an additional one (1) year period, upon application to the Planning Board, for good cause shown and upon payment of an additional fee as set by the Town Board.

4. Nonconforming signs.

(a) On-premises signs legally erected or approved before the effective date of this section which do not conform to the provisions of this section may continue to be maintained; provided, however, that no such sign shall be permitted if it is, after the adoption of this section, enlarged, reworded or otherwise modified (other than signs with automatic or manually changing messages such as theater or cinema marquees), except to conform to the requirements of this section.

5. Rules for Measuring Signs

(a) Back-to-back signs, identical signs arranged back- to-back or diverging by less than thirty (30) degrees from a common line or point may be counted as one (1) sign.

(b) 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.

6. Illumination

(a) Lights for the illumination of signs shall be located and/or shielded as to not interfere with the enjoyment of a residential Use or detract from the safety of motorists. Lighting on all commercial signs shall be down force, shielded or otherwise designed to prevent light from going into the sky above the sign. Illumination of signs lit from below shall stop at the top of the sign. This shall not require that the edge of the beam of any artificial light source shall not cross any property line of the Lot on which the sign is situated. For this purpose, the edge of the beam is defined as the surface at which the intensity of the light does not exceed ten (10) percent of the luminescence of the center of the beam.

7. Construction signs

(a) A temporary construction sign not exceeding ten (10) square feet is permitted during the active construction process. Such sign shall be removed promptly when the construction process is completed.

8. Development signs

(a) A temporary development sign not exceeding thirty-two (32) square feet is permitted while Lots in the development are offered for sale. Such sign shall be removed when 75% of the Lots are sold.

9. Commercial Signage Overlay Zone (CSOZ)

(a) The Commercial Signage Overlay Zone shall begin at the junction of Edwards Park Road South and NYS Route 22, and thence shall proceed in a southerly direction following State Route 22 to the termination point of New York State Route 22 and the Canaan Town Line; the depth of the District boundary shall be measured from the centerline of State Route 22 and extend to a depth of 1,500 feet from either side of the centerline of State Route 22.

(b) in addition to any other requirements set forth in this section, applicants seeking to place a sign in the Commercial Signage Overlay Zone shall satisfy the following additional requirements:

(i) approval from the New York State Thruway Authority for any sign to be constructed within 660 feet of the New York State Thruway or in any other location which falls under the jurisdiction of the New York State Thruway Authority;

10. Business signs

Exterior business signs located in any zoning district shall be permitted in connection with any authorized commercial activity located on the same premises and meeting the following requirements:

(a) A maximum of two freestanding signs and three signs attached to a Building per lot. Freestanding signs may be double faced. Signs attached to a Building may be double faced.

(b) The primary purpose of the sign shall be for brand identification and may state only the owner, trade names, trademarks, products sold and/or the business activity conducted.

(c) The height of an exterior business sign or product sign or logo shall not exceed that permitted in the commercial sign footage allowance table below. Height is measured from the elevation of the abutting Road or Way, or of the finished grade at installation, whichever is higher.

(d) All approved or authorized commercial premises retain the right of signage hereunder, but also require Planning Board Site Plan review and approval for the signage.

(e) If any commercial Building with more than one operating business uses a cluster sign, the maximum allowance for each business on such cluster building sign shall increase by five (5) square feet per business over the square footage otherwise allowed for the zoning district or overlay zone. Such cluster signs shall be considered as one of the signs permitted for each business. Cluster signs can be used on either buildings or free standing signs.

(f) The square footage per commercial sign shall not exceed the amount set forth on the allowance table below:

Business Sign			Products and Logos		
area (square ft)	height (feet)		area (square ft)	height (feet)	
C-1	20	15	30	15	
C-2	25	20	40	20	
C-3	40	25	50	25	
CSOZ	120	50	120	50	

11. Home Occupation signs or other commercial Use in a residential district:

A Home Occupation or other commercial Use in a residential district is permitted one (1) sign not to exceed ten (10) square feet. The purpose of the sign shall be for identification and not for advertising and may state only the owner and/or trade name.

12. Exempt Signs (not requiring any permit):

The following signs shall not require a permit and shall not be counted against the allowable signage for a particular site:

(a) Historical markers, tablets and statues, memorial signs and plaques, names of buildings and dates of erection when cut into any masonry surface or when constructed of metal, emblems installed by governmental agencies, religious or non-profit organizations, not to exceed twelve (12) square feet.

(b) Government flags, insignia, fire department signs, municipal signs and/or signs identifying the Town of Canaan or any political agency thereof.

(c) On-premise directional signs for the convenience of the general public, identifying public parking areas, handicapped parking, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated. Business names and personal names shall be allowed, excluding advertising messages.

(d) Non-illuminating warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.

(e) Number and name plates identifying residents or residences mounted on house, apartment or mailbox.

(f) Lawn signs identifying residents, not exceeding two (2) square feet per face. Such signs are to be non-illuminated except by a light that is an integral part of a lamppost if used as a support, with no advertising message thereon.

(g) Private owner merchandise sale signs for garage sales and auctions, not exceeding eight (8) square feet, for a period not exceeding seven (7) days.

(h) Temporary non-illuminated "for sale" or "for rent" real estate signs and signs of similar nature concerning the premises upon which the sign is located. In a residential zoning district, one sign not exceeding eight (8) square feet per face. In a commercial district, one sign not exceeding thirty-two (32) square feet. All such signs shall be removed within three (3) days after the sale, lease, or rental of the premises.

(i) One temporary sign for a Roadside Stand selling agricultural produce, providing that such sign not exceed sixteen (16) square feet per face of a double face. The sign shall be removed at the end of the selling season.

(j) A sign identifying a farm may not exceed twenty (20) square feet per face of a double face.

(k) At Automotive Service Stations and other commercial sites integral graphics, logos or attached price signs on gasoline pumps, fuel canopies and/or free standing signs, provided that each such individual product graphic, logo and/or pricing sign does not exceed the square footage set forth in the commercial sign footage allowance table above.

(l) All other Temporary signs not to exceed six (6) square feet in the residential districts or twelve (12) square feet in the commercial districts may not be erected more than forty-five (45) days before and must be removed within seven (7) days after the event.

(m) An authorized new business, or a business in a new location, awaiting installation of a permanent sign or the sign Site Plan approval may utilize a temporary sign. Such a temporary sign must meet all the standards of the Zoning Law.

13. Sign Prohibitions

(a) No sign shall impair visibility for vehicular or pedestrian traffic.

(b) No sign shall be illuminated by or contain intermittent or moving lights, except signs that show time, temperature or pricing information.

(c) No sign or sign supports shall be placed upon the roof of any Building.

(d) All signs and any part thereof shall be a minimum of ten (10) feet from the edge of the traveled surface of the Road or Way it abuts.

14. Non-conforming Signs

A non-conforming sign shall not be enlarged or modified nor shall it be replaced by another non-conforming sign.

15. Public Hearing

(a) The Planning Board may conduct a public hearing within 62 days from the date the application is deemed complete. Where a public hearing is scheduled, public notice of the hearing shall be printed in the newspaper of general circulation in the Town at least 10 days prior to the date of the hearing. The Planning Board shall grant, deny, or grant with

conditions the application within 62 days after the hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Planning Board.

(b) The applicant shall notify all property owners within a 1,500 foot radius of the location of the proposed signage of the date and time of the Public Hearing by Certified Mail and shall provide the Planning Board with receipts evidencing proof of mailing.

16. Variances

(a) Any person wishing to construct, install or erect a sign other than as permitted herein shall be entitled to make application for an area variance to the Board of Zoning Appeals for modifications of the provisions herein.

(b) Such applicants shall comply with all procedural requirements of the Board.

17. Waivers

Where the Zoning Board of Appeals finds that, due to the special circumstances of a particular application, the provision of certain requirements is not in the interest of the public health, safety and general welfare or is inappropriate, it may waive such requirements.

18. Maintenance:

The ZEO shall require proper maintenance of all signs and such signs, together with their supports, shall be kept in good repair and free from all hazards, such as, but not limited to, faulty wiring and loose fastenings. The display surfaces and structures shall be kept neatly maintained at all times.

19. Removal of signs

(a) Any sign, existing on or after the effective date of this section, which no longer advertises an existing business conducted or product sold on the premises upon which the sign is located shall be removed within a twelve-month period.

(b) The ZEO may cause any sign or decoration that is a source of immediate peril to persons or property to be removed immediately and without notice.

20. Other Jurisdictions:

Sign regulations set forth herein shall not supersede or take the place of any other Federal, State, County, or local government requirements for signs, but shall be construed to be in addition thereto. Should these sign regulations require a stricter standard than any such other requirements, then the provisions of these sign regulations shall apply. Should any such other requirements require or impose a stricter standard than these sign regulations, then such other requirements shall apply.

21. Reimbursement of Expenses

(a) In addition to any fees required by an applicant appearing before the Planning Board in connection with a request for a Sign Permit or any fees required of an applicant appearing before the Planning Board or ZBA in connection with a request for Site Plan review (said fees to be set by the Town Board pursuant to the Town of Canaan fee schedule) the applicant shall also be required to pay all expenses incurred by the ZBA or Planning Board in connection with the processing of such application including any reasonable fees and expenses incurred by either Board for the retention of a planner, engineer, attorney, architect, or other expert as provided for in paragraph (b) herein.

(b) In connection with any application before the Planning Board or ZBA, such Boards are hereby authorized and empowered to retain a planner, engineer, attorney, architect, or other deemed necessary by the ZBA or Planning Board to review and evaluate an application under this section. The reviewing Board may require related fees and expenses to be paid in advance and may suspend review of an application until such payment is made.

SEVERABILITY

In the event that any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and separated from the remainder of this local law and shall not effect the remainder of said local law which shall remain in full force and effect.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.