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**Town of Watertown
Local Law No. 3 of the year 2016**

A Local Law to Amend and restate in its entirety Chapter 86 of the Code of the Town of Watertown, Signs
(Insert title)

Be it enacted by the Town Board of the Town of Watertown as follows:

Section 1. Chapter 86 of the Code of the Town of Watertown shall be amended and restated to read as follows:

§ 86-1. Title and Authority.

This Chapter shall be known as the "Town of Watertown Sign Control Law". It is adopted pursuant to the authority of Articles 2 and 3 of the Municipal Home Rule Law.

§ 86-2. Purpose.

A. The purpose of this law is to promote a more attractive economic and business climate, enhance and protect the physical appearance of the town and provide a more enjoyable and pleasing community. It is intended to protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs, and outdoor signs of all types. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents and curb the deterioration of the town's appearance and attractiveness, and protect property values.

B. This law is intended to promote attractive signs that clearly present the visual message in a manner that is compatible with their surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.

§ 86-3. Definitions.

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

BILLBOARD (OFF-PREMISES ADVERTISING) – Any outdoor advertising board which directs attention to a business, commodity, service or entertainment conducted, sold, offered or manufactured at a location other than the premises on which the sign is located.

SIGN - Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency or of any civic, charitable, religious, patriotic, fraternal or similar organization. For the purpose of this law, the definition of sign shall not include billboards.

SIGN, EVENT – A freestanding sign used for special occasions such as weddings, birthdays, anniversaries, holidays, parties and other residential special occasions.

SIGN, FREESTANDING – Any non-movable sign not affixed to a building.

SIGN, MONUMENT STYLE– A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than a support pole or poles.

SIGN, ON-PREMISE MULTI-TENANT – A free standing monument style sign located on premise used to identify shopping centers, business parks or any area having more than one business or contractual franchise.

SIGN, OFF-PREMISE MULTI-TENANT – A free standing monument style sign located off premise used to provide information for businesses and services within any area having more than one business or contractual franchise and intended for directional purposes only.

SIGN, OFF-PREMISE – A sign which advertises goods or services not located on the premises upon which the sign is located.

SIGN, ON-PREMISE – A sign which advertises the goods or services taking place upon the premises on which the sign is located

SIGN, ROOF-MOUNTED – A sign erected, constructed, or maintained upon a roof, or which projects above the roofline of a building.

SIGN, TEMPORARY PORTABLE – A sign not permanently affixed to a structure or the ground.

SIGN, WALL – A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from such building or structure.

§ 78-4. Permit Required.

- A. It shall be unlawful for any person to erect, alter, or refurbish with a new message, redesign, relocate and reconstruct an existing sign by making a structural change or change in the message or cause to be erected, altered, and reconstructed any sign or signs, without first having obtained a permit from the enforcement officer, except those signs listed in Sections 78- 6 and 78-7 of this Chapter. A permit shall not be required for conforming signs unless structural alterations are involved.
- B. It shall be unlawful for any person to erect, alter, redesign, relocate and reconstruct an existing billboard by making a structural change, or cause to be erected, altered, and reconstructed, any billboard or billboards, without first having obtained a permit from the enforcement officer. Replacement of billboard face shall not require a permit.
- C. It shall be unlawful for any person to erect a temporary portable sign without first having obtained a temporary permit from the enforcement officer.
- D. Application for a permit shall be made on a form provided by the Town of Watertown. Fees collected with regard to these permits shall be set by resolution of the Town Board.
- E. Following formal submission to the enforcement officer, said officer shall refer all applications to the planning board within five days for advice on matters of consistency with the requirements outlined in this local law. The planning board shall approve, disapprove or approve with conditions the application within 62 days of receipt of the application. The planning board shall notify the applicant and enforcement officer within 5 days of the decision.
- F. The enforcement officer shall issue a permit within 7 days of receipt of a decision of the planning board to approve or approve with conditions.

§ 78-5. Prohibited Signs.

The following signs shall not be allowed at any location:

- A. Signs and devices having moving parts; banners, ribbons, streamers, pennants, spinners or other similar moving, fluttering, or revolving devices. Flags intended for advertising that extend 24 inches or more horizontally from a pole or structure.
- B. Signs which have flashing, moving, rotating or intermittent lights.
- C. Signs on vehicles that are unregistered, unlicensed and/or uninsured.

§ 78-6. Exempt Temporary Signs.

A permit shall not be required for the following temporary signs:

- A. **Announcing Signs:** One sign per road frontage of a building which is under construction, structural alteration or repair, announcing the character of the building enterprise or the purpose for which the building is intended, or one sign per other construction project, including names of architects, engineers, contractors, developers, financiers, and others, not to exceed 32 square feet. Placement shall not exceed 15 days following completion of the project.
- B. **Real Estate Signs:** One sign per road frontage not to exceed 32 square feet advertising the sale, rental, or lease of the premises on which displayed. Placement shall not exceed 15 days following the sale, rental or lease of the property.
- C. **Subdivision Signs:** One sign per road entrance to the subdivision and located on the property to be subdivided, not to exceed 32 square feet. Such sign may not be erected until the subdivision has been approved by the appropriate officials. Placement shall not exceed 15 days from the date of subdivision approval. The display period may be extended upon approval of the planning board for a reasonable period of time, not to exceed one year at any given time.
- D. **Sale Ad Signs:** Signs advertising special sales of goods or merchandise which will be on sale for no longer than one month. Such signs shall be removed within 15 days of the termination of the sale.
- E. **Campaign Signs:** Political posters, banners, promotional devices and similar signs, not to exceed 32 square feet. Placement shall not exceed 15 days after the election to which they relate.
- F. **Window Posters:** Nonilluminated window signs and posters not to exceed 32 square feet. Such signs shall be removed within 15 days of the termination of the sale or the event to which they relate.
- G. **Roadside Stand Signs:** One sign for roadside stands selling agricultural produce grown on the premises in season, not to exceed 32 square feet. Such signs shall be removed within 15 days of closure of the roadside stand for the season.
- H. **Event Signs.** Signs advertizing one-day events not to exceed 32 square feet. Signs shall be removed within 5 days following the event.

§78-7. Other Exempt Signs.

A zoning permit shall not be required for the following permanent signs:

- A. **Flags:** Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of on premises religious, charitable, public, and nonprofit organizations.
- B. **Plaques:** Commemorative plaques placed by historical agencies recognized by the town, the county or state.
- C. **Architectural Features:** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- D. **Parking Signs:** Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

- E. **Residential Signs:** Signs bearing only property numbers, post box numbers, or names of occupants of premises, not to exceed one square foot.
- F. **Ornamental Manor Signs:** Signs of monument style for private residential use not to exceed eight square feet.
- G. **Driveway Signs:** Signs bearing only the name of a driveway, not to exceed one square foot, and using a color scheme distinctly different than that of the color scheme used for official town or county road signs.
- H. **No Trespassing and/or Posted Signs.** Signs indicating private property, not to exceed one square foot
- I. Advertising Flags. Flags 24 inches or less in width extending from a pole or structure.

§78-8. Sign Standards.

A. On-premise signs shall be subject to the following standards:

- 1. Wording and graphics of on-premise signs shall be limited to the name of the establishment, its principal service or purpose, address location number, and/or phone number.
- 2. Each business establishment shall be allowed one primary wall or roof-mounted sign per side. Secondary signage shall be allowed provided the total sign area does not exceed 15% of each building façade.
- 3. On multi-tenant buildings, a single multi-tenant sign shall be permitted on non-customer entry sides of building façade. Each individual tenant sign shall be part of a master sign for all tenants and shall be made of uniform material, color, size and style, and any lighting shall be indirect.
- 4. Freestanding signs shall be monument style.
- 5. Vegetative signs shall be limited to the name of the establishment on the premises.

B. Off-premise signs shall be subject to the following standards:

- 1. Wording and graphics of off-premise signs shall be limited to the name of an establishment, its principal service or purpose, address location number, and/or phone number.
- 2. Monument style set off by appropriate landscaping at the base, and shall not exceed eight feet in overall height.
- 3. Sign face shall have a maximum width of 48 inches and maximum height of 30 inches.
- 4. Off-premise signs shall only be allowed in the Business, Neighborhood Commercial, and Manufacturing zoning districts.

C. Off-premise multi-tenant signs shall be subject to the following standards:

- 1. Wording of off-premise multi-tenant signs shall be limited to the names of the establishments and directional arrows.
- 2. Monument style set off by appropriate landscaping at the base, and shall not exceed ten feet in overall height.
- 3. Individual tenant signs shall be a maximum 8 inches in height by 3 feet wide.
- 4. All individual tenant sign spaces shall be uniform material, color and style.
- 5. Off-premise multi-tenant signs shall only be allowed in the Business, Neighborhood Commercial and Manufacturing zoning districts.

D. Temporary Portable Signs: Temporary portable signs may only be used to announce the grand opening of a new business, the closing of an existing business, or up to four special events per year, but in no event, shall such signs remain more than 30 days. These signs shall be limited to 32 square feet in size

E. All signs are subject to the following standards:

- 1. Freestanding signs shall be lower, monument style set off by appropriate landscaping at the base.
- 2. All signs, including wall and roof-mounted signs, shall meet the following height and area regulations:

	On State Highway		On County Highway		On Local Road (town or private)	
	Within 50 ft. of front lot line	More than 50 ft. from front lot line	Within 50 ft. of front lot line	More than 50 ft. from front lot line	Within 50 ft. of front lot line	More than 50 ft. from front lot line
Maximum over all height	20 feet above road level	20 feet above ground level	16 feet above road level	16 feet above ground level	10 feet above road level	10 feet above ground level
Maximum area for free standing single purpose on-premise signs	75 square feet		50 square feet		25 square feet	
Maximum area for on-premise multi-tenant signs	150 square feet		100 square feet		50 square feet	

Note: Sign area shall exclude ornamental base and structural framework.

3. Signs should be designed to be compatible with their surroundings and should be appropriate to the architectural character of the buildings for which they serve.
4. Signs should be simple in terms of colors, typefaces and symbols in order to reduce visual chaos. Combinations of upper and lower case letters are encouraged and image area should not exceed half the total sign area.
5. Each business establishment shall be allowed one free-standing sign on each side of the property with frontage on a public road. Where there are multiple businesses or franchises on a single parcel all signage shall be included in a multi-tenant sign, except where there are several principal businesses, and the parent company(s) provides the Planning Board written notice that an individual sign is required by said company. Where multiple signs are permitted by the Planning Board for a lot frontage, the total square footage of all free standing signs shall conform with the maximum square footage of multi-tenant signs specified in 8 E (2).
6. Luminous signs, indirectly illuminated signs, and lighting devices shall not be placed or directed so as to cause glaring or non-diffuse beams of light to be cast upon any public road, or adjacent premises, or otherwise cause glare or reflection that may constitute a traffic hazard or nuisance.
7. Signs shall not be attached to, painted or drawn upon trees or natural features of the site, or on utility poles, bridges, culverts, towers or similar structures.
8. Signs shall be maintained and kept in good repair and display surfaces shall be maintained at all times.
9. All portions of a sign must be set back at least 15 feet from all lot lines. A sign must not impair a motorist's visibility. This setback shall apply to exempt signs.
10. There shall be no moving, scrolling or animated messages.
11. Business signs shall not be allowed in residential districts in the Town of Watertown.
12. Vehicles used to advertise a business shall not be parked within 15 feet of road right-of-way line.

§78-9. Billboards.

Billboards shall be subject to the following standards:

- A. A minimum gross surface area of 200 square feet or a maximum gross surface area of 400 square feet in any one direction.
- B. A maximum of two sign faces in any one direction per structure.
- C. May have two directional exposures placed in either a back-to-back or "V" configuration.
- D. A maximum of one vertical support, constructed of non-corrosive material.
- E. Billboards shall only be allowed in the Business and Manufacturing zoning districts and in the NC zoning district only along US Route 81 provided all required setbacks are met.
- F. No billboard shall be erected closer than 1000 feet to that of an existing or proposed billboard.
- G. Any part of a billboard shall be set back a minimum of 40 feet from the ROW line and a maximum of 200 feet from the ROW line on a state highway and 500 feet on US Route 81. No billboard shall be located on a county or town highway or local road.

- H. Billboards shall not be within 1000 feet of any existing residential structure.
- I. Billboards shall not be within 500 feet of any existing business or manufacturing structure.
- J. Digital billboards shall have no moving, streaming or animated messages. There shall be at least an eight second delay between each digital display. All digital billboards must have the capability to network with county emergency officials.

§78-10. Appeals.

Appeals from any actions, decisions, or rulings of the enforcement officer or for a variance from the strict application of the specific requirements of this law may be made to the Town of Watertown Zoning Board of Appeals. Requests for all appeals shall be made in writing to the Zoning Board of Appeals not later than 30 days of the act, decision, or ruling from which relief is sought.

- A. **Appeals Fees.** Appeals fees shall be established by Town Board resolution.
- B. **Public Hearing.** Within 62 days after receiving the written request, the Zoning Board of Appeals shall hold a public hearing on the appeal, with prior notice published in the official newspaper of the Town of Watertown at least five days before the date of the hearing and specifying the date, place, time, and purpose of the hearing.
- C. **Decision of Zoning Board of Appeals.** Within 62 days of the final adjournment of a public hearing, the Zoning Board of Appeals shall approve, approve with conditions, or disapprove the application. The decision of the Zoning Board of Appeals shall be in writing and shall contain findings and the factual basis for each finding from the record of the hearing, which shall support the decision of the Zoning Board of Appeals. As part of any decision, the Zoning Board of Appeals shall direct the enforcement officer to issue any appropriate permit in conformity with its ruling and shall state a time by which such permit shall be issued, in conformity with this law.
- D. **Criteria for Variances.** In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider:
 - 1. whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
 - 2. whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;
 - 3. whether the requested variance is substantial;
 - 4. whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and
 - 5. whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the variance.

§78-11. Nonconforming Signs.

When structural modifications or any additions are made to nonconforming signs, those signs shall be made to conform to this law.

§78-12. Violations and Penalties.

Any person who shall violate any provision of this law shall be guilty of a violation as defined in Article 10 of the Penal Law and shall upon conviction be subject to a fine of not more than \$250 dollars or to imprisonment for not more than 15 days or both such fine and imprisonment. Each week's continued violation shall constitute a separate and distinct offense.

§78-13. Civil Proceedings. In addition to the relief provided in Section 8 hereof, the Town may seek compliance with this law in an application to a court of competent jurisdiction for injunctive relief. In addition, any person who violates any provision of this law shall also be subject to a civil penalty of not more than five hundred dollars, which may be recovered

by the Town of Watertown in a civil action in a court of competent jurisdiction. Each week's continued violation of this law shall, for the purposes of this provision constitute a separate and distinct violation. In the event the Town of Watertown is required to take legal action to enforce this law, the violator will be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

§78-14. Severability. The provisions of this law are severable and the invalidity of a particular provision shall not invalidate any other provision.

Section 2. Effective Date. This law shall be effective upon filing with the Secretary of State as required by the provisions of the Municipal Home Rule Law.

(If additional

attach pages the same size as this sheet, and number each.)

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