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“ County Nassau County  
“ City of  
“ Town  
“ Village Inc. Village of Farmingdale

Local Law No. 1 of the year 2016

A local law  
(Insert Title)

**TITLE :**

**LOCAL LAW 1-2016 AMENDING CHAPTER 462 OF THE  
CODE OF THE VILLAGE OF FARMINGDALE BY  
AMENDING THE SIGN CODE**

Be it enacted by the of the Board of Trustees  
(Name of Legislative Body)  
“ County Nassau County  
“ City of as follows:  
“ Town  
“ Village Inc. Village of Farmingdale

**Chapter 462**

**SIGNS**

[Amended 12.7.15 by L.L. No. 1-2016]

- §462-1. Purpose.
- §462-2. Definitions.
- §462-3. Sign Regulations.
- §462-4. Exempt signs.
- §462-5. Prohibited Signs.
- §462-6. Nonconforming signs.
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- §462-8. Violations; Penalties for offenses.
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- §462-10. Interpretation; Conflict with other laws.

## Chapter 462 SIGNS

### §462-1. Purpose.

- A. The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.
- B. This chapter is intended to promote attractive signs which clearly present the visual message in a manner that is compatible with its 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 shall convey their messages clearly and simply to enhance their surroundings. Signs or sign types identified in §462-3 (E)-(I) or signs or sign types which are otherwise inconsistent with the residential character of the Village shall be prohibited in the residential districts of the Village.
- C. The Village Board of Trustees finds that special sign regulations are required for nonresidential areas of the Village. The purpose of these special sign regulations is to promote and preserve the public health, safety, and welfare of the nonresidential areas; to protect property values, and create a more attractive economic and business climate; to enhance and protect the physical appearance of the nonresidential areas, and make a more enjoyable and pleasing commercial environment; and to reduce hazards associated with signage that is distracting or dangerous to motorists or pedestrians. The Board of Trustees finds that it is necessary to regulate the various aspects of signage including, but not limited to, the size, quantity, placement, color and components of signs in order to properly further the intent and purpose of this chapter.
- D. The Village Board of Trustees also finds that special sign regulations are necessary for Routes 24 (Hempstead Turnpike/Conklin Street) and 109 (Fulton Street), from the Village boundary in the west, to approximately the Village boundary near Potter Street to the east, as a consequence of the unique nature of those areas. These regulations are intended to: encourage a more uniform and aesthetically pleasing appearance; to provide signage that is complementary and well-integrated to the existing residential character of much of the corridor, while also legible to vehicular traffic; and are designed primarily for the purpose of identifying a business rather than serving as advertising.

### §462-2. Definitions.

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

**A-FRAME SIGN** - Any upright, rigid supporting frame in the form of a triangle or an inverted "V".

**AWNING** — An unenclosed roof-like structure protruding outward from any exterior wall of a building façade, supported entirely by the commercial building to which it is attached and which may be of a stationary or retractable type.

- A. **DROP AWNING** — Any structure made of cloth, steel or any approved material mounted on a rigid or collapsible frame.
- B. **CANOPY AWNING** — Any dome-shaped structure made of cloth, steel or any approved material mounted on a rigid or collapsible frame.

**AWNING SIGN** — Any visual message incorporated into an awning attached to a building.

**BANNER SIGN** — A sign of fabric, plastic, paper, or other light pliable material, not enclosed in a rigid frame.

**BUILDING INSPECTOR** — Village personnel with civil service title of "Building Inspector" or any authorized municipal officer in the Village Building Department or Clerk's Office.

**COPY-CHANGE SIGN** — A sign on which the visual message may be periodically changed.

**DIRECTIONAL SIGN** — A sign limited to providing information on the location of an activity, business or event.

**FAÇADE BAY** — An architectural dimension that relates to the horizontal width of a storefront, window display area, and/or building entrance, the dimension of which is defined architecturally by the proportional horizontal divisions in a building's façade.

**FREESTANDING SIGN** — Any sign not attached or part of any building but separate and permanently affixed by any other means, in or upon the ground. Included are pole signs, pylon signs and masonry wall-type signs.

**GOOSENECK LAMPS** — Any of various mechanical devices shaped like a goose's neck, has an iron joint for pipes or a flexible rod for supporting a lamp to illuminate signage and affixed to a building's façade.

**HANGING SIGN** — Any sign attached to, or projecting from, a building by means of a decorative bracket, chain or other means that allows it to hang parallel or perpendicular to the building façade.

**ILLUMINATED SIGN** — Any sign illuminated by electricity, gas or other artificial light source, either from the interior or exterior of the sign, and which includes reflective and phosphorescent light.

**MAIN TENANT** — Each building may have only one Main Tenant for the purposes of this chapter, as determined by the landlord.

**NEON** — Multicolored tube-form light source created by electrically charged gases, a traditional form of sign lighting. Neon can be in exposed tubes, where tubing is visible, formed letters enclosed in protective form, or indirect, where tubes illuminate painted or other surfaces.

**OFF-PREMISES SIGN** — A sign unrelated to a business or profession conducted, or commodity or service sold, or offered upon the premises where such sign is located.

**PORTABLE SIGN** — A sign, whether on its own trailer, wheels or otherwise, designed to be movable and not structurally attached to the ground, a building, a structure or other sign.

**PRIMARY SIGN** — Signage identifying the Main Tenant of a ground floor commercial space on a building's primary frontage and includes façade, soffit, awning, detached or freestanding, hanging or wall-mounted signs.

**POLE SIGN** A sign built on a freestanding frame, mast, or pole(s).

**PROJECTING SIGN** — A sign which is attached to the building wall or structure and which extends horizontally more than fifteen (15) inches from the plane of such wall or structure, or a sign which is perpendicular to the face of such wall or structure.

**REPRESENTATIONAL SIGN** — A three-dimensional sign built so as to physically represent the object advertised.

**SECONDARY SIGN** — Signage identifying tenants other than the Main Tenant in a building, including offices or other uses on the second floor of a multistory downtown building, and may include façade, soffit, and wall-mounted signs.

**SIGN** — Any material, structure or device, or part thereof, composed of lettered or pictorial matter which is located out-of-doors or on the exterior of any building, or indoors as a window sign, displaying an advertisement, announcement, notice or name, and shall include any declaration, demonstration, display, representation, illustration or insignia used to advertise or promote the interest of any person or business or cause when such is placed in view of the general public.

**SIGN DIRECTORY** — A listing of two or more business enterprises, consisting of a matrix and sign components.

**SIGN STRUCTURE** — The supports, uprights, bracing and framework for the sign. In the case of a sign structure consisting of two or more sides where the angle formed between any two of the sides or the projections thereof exceeds thirty degrees (30°), each side shall be considered a separate sign structure.

**SIGN SURFACE AREA** — The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign shall be excluded unless the structure is designed in a way to form an integral background for the display. Both faces of a double-faced sign shall be included as surface or area of such a sign.

**STOREFRONT** — Exterior façade of the building or portion of the building that houses each commercial tenant measured by the width of that tenant's interior space in linear feet.

**SUPERINTENDENT OF BUILDINGS** — a Building Inspector and the individual responsible for receiving applications and examining plans and specifications, issuing permits and enforcing the provisions of this chapter.

**TEMPORARY SIGN** — A sign related to a single activity or event having a duration of no more than 30 days.

**VILLAGE OF FARMINGDALE DESIGN GUIDELINES** — Guidelines established, from time to time, by the Board of Trustees, for the non-residential districts of the Village, which shall be set forth in a document entitled, "THE VILLAGE OF FARMINGDALE DESIGN GUIDELINES MANUAL." All signs in non-residential districts shall comply with THE VILLAGE OF FARMINGDALE DESIGN GUIDELINES MANUAL.

**WALL SIGN/ WALL MOUNTED SIGN** — A sign which is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than 15 inches from the face of such wall.

**WINDOW SIGN** — A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

**§462-3. Sign Regulations.**

A. Permit Required.

Except as otherwise provided in this chapter, no person shall erect, alter or relocate any sign, without first obtaining a permit from the Superintendent of Buildings. Subsequent to this initial application, no permit shall be required for a sign to be repainted, repaired or have its message changed.

B. Signs Required.

All retail establishments, bars, restaurants or other commercial enterprises located within any commercial or business district, shall install a Primary Sign, compliant with the requirements of this chapter.

C. Application Information.

Applications shall be made in writing to the Superintendent of Buildings on forms prescribed and provided by the Village Clerk-Treasurer and shall contain the following information:

1. Name, address and telephone number of the applicant and owner of the property.
2. Location of the building, structure or land upon which the sign now exists or is to be erected.
3. If a new sign is to be erected, elevation and plan drawings to scale shall be included. In addition, a full description of the placement and appearance of the proposed sign shall be included and shall cover the following:
  - (a) Location on the premises, specifically its position in relation to adjacent buildings, structures and property lines.
  - (b) The method of illumination, if any, and the position of lighting or other extraneous devices, and a copy of the New York Board of Fire Underwriters' certificate related to the electrical connections.
  - (c) Graphic design including symbols, letters, materials and colors.

(d) The visual message, text, copy or content of the sign.

4. Written consent or a copy of the contract made with the owner of the property upon which the sign is to be erected, if the applicant is not the owner.

D. Issuance of permit; fees.

1. Upon the filing of a completed application for a sign permit and the payment of the required fee, as established from time to time by resolution of the Board of Trustees, the Superintendent of Buildings shall examine the plans, specifications and other data submitted and the premises on which the sign is to be erected or now exists. If it shall appear that the sign is in compliance with all requirements of this chapter, he shall then, within fifteen (15) days, issue a permit for the erection of the proposed sign or for an existing sign. The issuance of a permit shall not excuse the applicant from conforming to the other laws and ordinances of the municipality.
2. If the erection of the sign authorized under any such permit has not commenced within six months from the date of the issuance, the permit shall become null and void, but may be renewed within thirty (30) days prior to the expiration, for good cause shown, for an additional six months, upon payment of one-half (1/2) of the original fee.
3. Every sign shall bear the permit number, permanently and visibly shown. Failure to do so shall constitute cause for revocation of the permit.
4. The Board of Trustees is hereby empowered, by resolution upon its own motion at any time, to change the permit fee. Fees shall be set from time to time by resolution of the Board of Trustees, with a schedule of such fees to be maintained by the Village Clerk-Treasurer.

E. Planning Board approval required in non-residential districts.

1. Unless otherwise noted in this chapter all signs in non-residential districts shall require the approval of the Planning Board.
2. An application for a sign permit shall be made in writing to the Building Department on forms prescribed and provided by the Village.
3. In addition to those items required pursuant to §462-3(C), the applicant shall provide all information and/or materials indicated in the Planning Board's Signage Application Checklist.
4. Upon the submission of all required information and/or materials to the Building Department, the sign permit application shall be submitted to the Planning Board for review in a manner consistent with this chapter and chapter 600, Article XXXI. Applications for which the Building Inspector determines a full site plan review is not required, the Planning Board's review shall be limited to review of the sign in conjunction with this chapter.

F. Design guidelines in non-residential districts.

All signs in any non-residential districts shall comply with the following:

1. Signs shall be designed to be compatible with the surroundings and

- appropriate to the architectural character of the buildings on which they are placed. Sign panels and graphics shall relate to and not cover architectural features and shall be in proportion to them.
2. Layout shall be orderly and graphics shall be of simple shape, such as rectangle, circle or oval.
  3. No more than two (2) typefaces shall be used on any one sign or group of signs indicating one message.
  4. The number of colors used shall be the minimum consistent with the design.
  5. Illumination shall be appropriate to the character of the sign and surroundings; the background shall be opaque. The area, brilliance, character, degree, density, intensity, location and type of illumination shall be the minimum necessary to illuminate the sign.
  6. Groups of related signs shall express uniformity and create a sense of harmonious appearance.
  7. The layout of signage shall be of professional quality as determined by the Superintendent of Buildings or the Planning Board. Lettering styles shall be proportioned, simple, and easy to read. In most instances, a simple typeface is preferred over an overly ornate type style. The number of type styles shall be limited to two (2) per sign. As a general rule, the letter forms shall occupy not more than seventy-five percent (75%) of the total sign panel.
  8. Signage shall comply with the VILLAGE OF FARMINGDALE DESIGN GUIDELINES MANUAL. Signs shall incorporate and follow the Planning Board's preferred color palette as expressed in the VILLAGE OF FARMINGDALE DESIGN GUIDELINES MANUAL. Corporate logos shall be permitted so long as they occupy not more than twenty-five percent (25%) of the total area designated for text on a sign panel.
  9. Materials for signage. Sign materials shall be durable and easy to maintain. Appropriate sign materials include one-hundred percent (100%) rot-resistant, high-density urethane synthetic sign face with gold-leaf lettering; painted or carved wood; carved wooden letters; epoxy letters; slate, marble, or sandstone; gilt, painted, stained, or sandblasted glass; clear and colored acrylic; neon; or stained glass.
  10. Placement of signs. Signs shall not obscure important architectural details. They shall align with other signs on the block to maintain the existing pattern of horizontal and vertical façade features. They shall be positioned to emphasize special shapes or details of the façade, to draw attention to the shop entrance, or to emphasize a display window as expressed in the VILLAGE OF FARMINGDALE DESIGN GUIDELINES MANUAL.
  11. Signs may be illuminated or non-illuminated. Illuminated signage shall use lighting forms consistent with the traditional character of the downtown area, as expressed in the VILLAGE OF FARMINGDALE DESIGN GUIDELINES MANUAL. Illumination shall be appropriate to the character of the sign and surroundings; the background shall be opaque. The area, brilliance, character, degree, density, intensity, location and type of illumination shall be the

minimum necessary to illuminate the sign. Lighted signs shall be spotlighted, externally lit, or back-lit with a diffused light source. All lighting shall be completely shielded; light shall be contained primarily within the sign frame. Backlighting shall illuminate only the letters, characters or graphics on the sign, but not its background.

12. Signs shall not be placed so as to impair visibility of, or create hazards for, motorists or pedestrians.
13. Signs shall be consistent with the purpose and intent of this chapter.

G. Additional requirements in non-residential districts.

1. Primary signs. Except as noted in §462-3(G)(3), each Main Tenant in a building is permitted only one primary sign for each storefront or façade bay, compliant with the following:
  - (a) The sign shall be a minimum of two (2) feet and a maximum of six (6) feet in height. Such sign shall be proportionate to the spacing of the front of building.
  - (b) The sign shall not exceed in length seventy-five percent (75%) of the horizontal measurement of the Main Tenant's storefront or façade bay.
  - (c) The sign shall not project more than twelve (12) inches beyond the exterior face of the building, measured from the wall or backboard if the sign is part of a backboard.
  - (d) The sign shall be centered on the front wall space fronting a public street or primary window bay.
  - (e) Exterior lamps shall not project more than one and one-half (1 ½) feet from the face of the sign and shall be attached to the building wall, façade, or soffit face; gooseneck lamps attached to the top of the soffit or roof shall be prohibited; such illumination shall not result in confusion with traffic signals, either because of color or proximity.
  - (f) Internally illuminated signs may be permitted in accordance with §462-3(G)(13).
2. Secondary signs. Except as noted in §462-3(G)(3) and §462-3(G)(4), each tenant is permitted only one secondary sign for each public entranceway, excluding fire and emergency exits, compliant with the following:
  - (a) The sign shall not exceed twelve (12) inches in height.
  - (b) The sign shall not exceed in length eighty percent (80%) of the horizontal measurement of tenant's primary ground floor entranceway.
  - (c) The sign shall not project more than twelve (12) inches beyond the exterior face of the building, measured from the wall or backboard if the sign is part of a backboard.
  - (d) The sign shall be centered on the tenant's primary ground floor entranceway or placed in a location that is complimentary to the building's architectural features.

- (e) Exterior lighting shall be from above signage only; lamps shall not project more than one and one-half (1 ½) feet from the face of the sign and shall be attached to the building wall, façade, or soffit face; Gooseneck lamps attached to the top of the soffit or roof shall be prohibited; such illumination shall not result in confusion with traffic signals, either because of color or proximity.
  - (f) Such signage shall be permitted on front and side of premises; however, no such signage shall be permitted on the side of a building if said sign is less than one-hundred (100) feet from any single-family residential premises.
  - (g) Internally illuminated signs may be permitted in accordance with §462-3(G)(13).
3. Signage for corner buildings. Corner buildings shall be authorized two primary and two (2) secondary signage designations, one for each primary façade on a public street.
4. Rear signage. All signage on the rear of buildings in the downtown area shall be considered secondary signage, except on buildings/lots that face Municipal Parking Fields 1 through 4, whose main tenants are permitted one additional rear façade, soffit or wall-mounted sign, provided that:
- (a) The sign does not exceed two (2) feet in height.
  - (b) The sign does not exceed in eight (8) feet in length.
  - (c) The sign is centered on occupant's primary rear entrance wall space.
  - (d) Exterior lighting shall be from above the signage only; lamps shall not project more than one and one-half (1 ½) feet from the face of the sign and shall be attached to the building wall, façade, or soffit face; gooseneck lamps attached to the top of the soffit or roof shall be prohibited; such illumination shall not result in confusion with traffic signals, either because of color or proximity.
  - (e) Internally illuminated signs may be permitted in accordance with §462-3(G)(13)
5. Window signage. A temporary window sign shall not require a permit. Temporary or permanent window sign shall be permitted provided that:
- (a) Temporary window signage or lettering shall not exceed more than twenty percent (20%) of the window area or greater than two and one-half (2 ½) square feet, whichever is less.
  - (b) Permanent window signage or lettering affixed to windows shall not exceed two and one-half (2 ½) feet in height and not cover more than twenty-five percent (25%) of total surface area of window.
  - (c) All window signs shall be of professional quality, printed in legible type and not handwritten. Photographs or pictorial representations of individuals, animals or other objects shall cover no more than twenty percent (20%) of the window and shall comply with THE VILLAGE OF

FARMINGDALE DESIGN GUIDELINES. No more than twenty percent (20%) of a window sign may contain visual or other non-text or non-word design or design elements.

- (d) Notwithstanding anything in this chapter to the contrary, supermarkets having a square footage of at least twenty-thousand (20,000) square feet may display temporary window signage without a permit for a period not exceeding one-hundred and eighty (180) days.
  - (e) Internally illuminated window signage may be permitted in accordance with §462-3(G)(13).
  - (f) The use of hanging paper in windows or the papering over of windows, other than as permitted in this paragraph, shall be prohibited. When a store is no longer in operation or is otherwise vacant, the window shall be covered with brown paper to the satisfaction of the Building Superintendent. Poster boards, provided by, and which have been approved by, the Village Board of Trustees, shall be placed over the brown paper in the windows. The use of visually offensive materials to affix the paper and poster boards, such as blue tape, shall be prohibited. The owner or tenant in possession shall file a permit to cover or obscure the window and shall comply with the requirements of this paragraph. A permit fee along with a deposit fee, which fees shall be set, from time to time by resolution of the Village Board of Trustees, shall be paid to the Village. The deposit fee shall be returned to the applicant upon the return of the poster board(s). Empty display windows shall also be prohibited when a store is no longer in operation or is otherwise vacant. The Planning Board may modify or alter any provision of this paragraph for good cause shown and provided that the change complies with THE VILLAGE OF FARMINGDALE DESIGN GUIDELINES.
6. Awning signage. One (1) drop awning per storefront or façade bay shall be permitted, provided that:
- (a) There is only one area containing lettering, numbers, symbols, logos and/or caricatures affixed to the front vertical valance and each side of the awning or canopy so long as said area does not exceed one (1) foot in height and no more than twenty percent (20%) of total area of awning area; and is limited to advertising name and/or corporate logo, address and/or telephone number of business on premises.
  - (b) The awning does not stretch horizontally for more than two (2) storefronts or façade bays.
  - (c) The awning does not project out from the storefront or building façade more than to a point that is less than eighteen (18) inches from the innermost point of the adjacent curb line.
  - (d) The top of the awning does not project over the top of the building's established signage band.
  - (e) The bottom of the awning is not less than seven (7) feet or more than eight (8) feet above adjacent ground level.

- (f) Awnings shall be permitted on the front, side or rear of the premises; however, no such awning shall be permitted on the side or rear, if the premises are within one-hundred (100) feet of a single-family residence, except by special permit.
  - (g) No sign shall project below an awning.
  - (h) Rear awnings may be internally illuminated in accordance with §462-3(G)(13).
7. Detached or freestanding signs. Unless specifically permitted in this chapter, temporary, portable, detached or freestanding signs shall be prohibited. All other freestanding signs, including detached or freestanding monument signs shall be permitted, provided that:
- (a) Only the business conducted on the premises upon which the sign is located is advertised on the sign.
  - (b) Only one (1) such sign shall be permitted.
  - (c) Such sign shall not exceed twenty (20) square feet in area.
  - (d) Such sign shall not be less than ten (10) feet from any property line.
  - (e) Such sign shall be no more than six (6) feet in height above finished grade. Such height shall be measured vertically from the established average grade directly below the sign or entry level of the building or structure, whichever is lower, to the highest point of the sign, including supporting structures.
  - (f) Such sign shall not extend over or into the public right-of-way, nor shall it overhang the property lines.
  - (g) Internally illuminated signs may be permitted in accordance with §462-3(G)(13).
8. A-frame signs. A-frame signs shall be permitted in accordance with the following requirements:
- (a) Only one (1) a-frame sign per property shall be permitted. A-frame signs shall only be permitted on the public sidewalk in front of the business.
  - (b) Signs, including frame, sign face and vertical supports, shall be no greater than thirty-four (34) inches in width, thirty-four (34) inches deep and forty-eight (48) inches in Length.
  - (c) No more than one-third (1/3) of the sign surface width can extend above the sign face.
  - (d) No more twenty percent (20%) of the sign shall contain a visual or non-text, non-word design.
  - (e) Sign shall be compliant with ADA standards and shall not obstruct pedestrian traffic.
  - (f) Signs shall not contain any glare producing surfaces or blinking, florescent, or neon lights.

- (g) Signs must be durable, sturdy, and stable. Signs must be weighted to withstand sixty (60) mile per hour gusts of wind and rain. Changeable sign area must be screwed or bolted to the sign.
  - (h) The name of the establishment must be professionally lettered on each sign face in a color and style consistent with the establishment's primary signage.
  - (i) No more than one-half ( $\frac{1}{2}$ ) of each sign face may be reserved for changeable messages. The material for changeable messages may be chalk board or 'wipe down' board.
  - (j) Handbills and or similar paper attachments shall not be affixed to A-frame signs.
  - (k) A no fee permit shall be required for all A-frame Signs.
  - (l) A-frame signs shall only be used during business hours.
9. Hanging signs. One (1) hanging sign per Main Tenant shall be authorized in addition to allowable primary and secondary signage, provided that:
- (a) The sign advertises only the business conducted by the Main Tenant on the premises upon which the sign is located.
  - (b) The sign does not exceed seven hundred twenty (720) square inches (excluding bracket and hanging chains).
  - (c) The bottom of the sign bracket is not lower than the bottom of Main Tenant's Primary Signage.
  - (d) The bracket holding the hanging sign shall be mounted above the sign only; brackets shall be attached to the building wall, façade, or soffit face only; brackets attached to the top of the soffit or roof shall be prohibited.
  - (e) Exterior lighting shall be from above or the side of the sign attached to building wall, façade, or soffit face; lamps shall not project more than one and one-half ( $1 \frac{1}{2}$ ) feet from the building wall, façade, or soffit face; such illumination shall not result in confusion with traffic signals, either because of color or proximity.
  - (f) Signs must be durable, sturdy, and stable and must be designed, constructed and installed to withstand one hundred ten (110) mile per hour gusts of wind and rain.
10. Wall-mounted signs. Wall-mounted signs shall be permitted, provided that:
- (a) Such signs do not extend more than twelve (12) inches in accordance with §462-3(G)(1)(c) and §462-3(G)(2)(c) .
  - (b) Any part of such sign extending over pedestrian traffic areas shall have a minimum clearance of seven (7) feet six (6) inches.
  - (c) Copy-change wall signs shall be prohibited.
11. Sign directories. Sign directories shall be permitted, provided that, sign directories contain only the identification of, and direction to, several business enterprises, but shall contain no promotional advertising.

12. Menu signs. One (1) menu sign shall be permitted, not to exceed one-thousand four hundred fifty (1,450) square inches.
13. Internally illuminated signs. Internally illuminated signs shall be permitted in accordance with the following:
  - (a) Illumination of signs shall be permitted provided that it is appropriate to the character of the sign and surroundings; the background shall be opaque. The area, brilliance, character, degree, density, intensity, location and type of illumination should be the minimum necessary to illuminate the sign. Lighted signs shall be spotlighted, externally lit, or back-lit with a diffused light source. All lighting shall be completely shielded; light shall be contained primarily within the sign frame. Backlighting shall illuminate only the letters, characters or graphics on the sign, but not its background.
  - (b) Neon lighting shall be permitted, provided that it is exposed neon and backlit, pin-mounted neon lighting and signage.
  - (c) Flashing, digital, moving, banner or false neon-like signs, signs of similar construction or lighting, or internally illuminated awnings are prohibited, except that an internally illuminated awning on the rear of a property that abuts a municipal parking field may be permitted for security purposes, provided that the awning is wedge-shaped and its fabric is opaque and that the light from within the awning is directed downward to the pedestrian pathway. Glowing dome-shaped canopy awnings or internally illuminated box lighting signs or signs of similar construction or lighting shall be specifically prohibited.
14. Construction. All signs shall comply with the following, additional requirements:
  - (a) All illuminated signs shall be constructed in conformance with the Standards for Electric Signs (UL 48) of Underwriters' Laboratories, Inc., and bear the seal of Underwriters' Laboratories, Inc.
  - (b) If such sign does not bear the Underwriters' Laboratories label, the sign shall be inspected and certified by the New York Board of Fire Underwriters. All transformers, wires and similar items shall be concealed. All wiring to freestanding signs shall be underground.
  - (c) Signs must be durable, sturdy, and stable and must be designed, constructed and installed to withstand one hundred ten (110) mile per hour gusts of wind and rain.
  - (d) All signs, including wall-mounted signs, shall be securely anchored and shall not swing or move in any manner.<sup>1</sup>
  - (e) All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.

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<sup>1</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (f) All freestanding or wall signs shall employ acceptable safety material.<sup>2</sup>
- (g) All signs shall be painted and/or fabricated in accordance with generally accepted standards.

H. Additional Requirements for Permanent signs.

Within any zoning district, the following permanent signs may be erected; provided, however, that this subsection shall not serve to expand the number of signs otherwise allowed in this chapter:

1. Off-premises directional signs for the convenience of the general public and for the purpose of directing persons to an activity, service or community facility may be erected, provided that such signs do not exceed four (4) square feet per establishment nor total more than two (2) such signs per establishment. The message shall be limited to name or identification, arrow or direction, and distance. Advertising messages shall be prohibited. Such signs shall be limited to major and collector streets.
2. A non-illuminated, single-sided real estate development sign, including industrial and commercial development, residential subdivision or construction sign denoting the architect, engineer and/or contractor, not exceeding thirty-two (32) square feet in business and industrial districts nor sixteen (16) square feet in residential districts, may be erected on property being sold, leased or developed. Such sign shall be erected parallel to the fronting highway, set back a minimum of thirty-five (35) feet from the property line or attached to the building face. Such sign shall be removed upon completion of the project, or one (1) year from its installation, whichever period is shorter.
3. Signs or bulletin boards customarily incident to places of worship, libraries, museums, social clubs or societies may be erected on the premises of such institutions. One (1) such sign or bulletin board not exceeding sixteen (16) square feet may be erected for each entrance on a different street or highway.
4. For multifamily dwellings or apartment developments, one (1) sign advertising availability of several dwelling units, not exceeding six (6) square feet.<sup>3</sup>
5. Signs necessary for the identification, operation or production of a public utility, not exceeding six (6) square feet, may be erected on the premises of such public utility.

I. Signs on Route 24 and Route 109.

Signs on Route 24 (Hempstead Turnpike/Conklin) and Route 109 (Fulton Street), from the Village boundary in the west, to approximately the Village boundary near Potter Street to the east, shall comply with the following:

1. Monument signs shall not exceed thirty (30) square feet in area, excluding the support structure, and shall not be more than four (4) feet in height

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2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

where such is located within fifteen (15) feet of a driveway or street or not more than five (5) feet in height otherwise.

2. Wall mounted signs shall not exceed seventy-five (75) percent of the width of the front façade and shall not have lettering that exceeds thirty-six (36) inches in height. Exceptions may be granted by the Planning Board based on building elevation proportions and design. Wall signs may not extend above the eave line or parapet of building.
3. Only awning signs with lettering limited to valance and which are no greater than eighty (80) percent of the height of the valance or twelve (12) inches, whichever is less, are permitted. Copy shall be limited to fifty (50) percent of horizontal width of awning. Lettering on the main sloping or arching surfaces of awnings is prohibited.
4. Free-standing signs shall be limited to one (1) sign per parcel, except corner parcels which shall be permitted two (2) free-standing signs. All signs shall be supported on a solid base designed to complement the architecture of the building.
5. Window signs may not occupy an area greater than fifteen (15) percent of total area of all windows on the façade of building, and may not exceed twelve (12) inches in height. Window signs shall comply with the requirements set forth in Signs specified in §462-3(G)(5)(c)-(f).
6. A-frame signs shall comply with the requirements set forth in §462-3(G)(8).
7. Design and materials of signs shall comply with the following:
  - (a) Signs and sign colors shall be compatible with THE VILLAGE OF FARMINGDALE DESIGN GUIDELINES MANUAL (the colors of/or conform to the Village of Farmingdale Corridor color palette). Simple overall shapes shall be preferred over complex geometries. Signs shall be professionally designed and constructed using high-quality materials. Painted wood with carved lettering is a preferred material.
  - (b) A dull or matte shall be utilized where possible to reduce glare and enhance legibility.
  - (c) Signs shall be placed so as to accentuate key architectural elements, doors or windows of the building.
  - (d) Signs for multiple businesses on a property shall be of similar material and design, including those on marquee signs identifying multiple tenancies.
8. Lighted signs shall be spotlighted, externally lit, or back-lit with a diffused light source. All lighting shall be completely shielded; light shall be contained primarily within the sign frame. Backlighting shall illuminate only the letters, characters or graphics on the sign, but not its background.
9. The following are prohibited:

- (a) Pulsating, flashing, running or rotating light or neon signs.
- (b) Light emitting diode (LED) signs.
- (c) Internally illuminated box-light signs other than those depicting time, temperature and gasoline prices.
- (d) Animated, flashing, chasing, running or sequential signs.
- (e) All portable signs including parked vehicles with signs expressly for advertising, other than A-frame signs permitted by §462-3(G)(8).
- (f) Pole signs and streamers.
- (h) Tear drop signs or banners or other flying banners, blade banners or flex banners.
- (i) Inflatable signs.
- (j) Projecting signs, other than hanging signs permitted pursuant to §462-3(G)(9).
- (k) Any sign inconsistent with §462-1.

**§462-4. Exempt signs.**

The following types of signs are illustrative of the kinds that may be erected and maintained without permits or fees, provided that such signs comply with the general requirements of this chapter and other conditions specifically imposed by the regulations:

1. 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 bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations; not exceeding six (6) square feet.
2. Flags and insignia of any government, except when displayed in connection with commercial promotion.
3. On-premises, directional signs for the convenience of the general public, identifying public parking areas, fire zones, entrances and exits and similar signs, internally illuminated or non-illuminated, not exceeding two (2) square feet per face and four (4) feet in height. Business names and personal names shall be allowed, excluding advertising messages.
4. Non-illuminated warning, private drive, posted or no-trespassing signs, not exceeding two (2) square feet per face.
5. Religious holiday decorations, including lighting, are exempt from the provisions of this chapter and may be displayed in any district without a permit during and three (3) weeks after the holiday season.
6. At gasoline stations, integral graphics or attached price signs on gasoline pumps.
7. Temporary directional signs for meetings, conventions and other assemblies.
8. One (1) political poster, banner, promotional device and similar sign, not

exceeding four thirty-two (32) square feet in any nonresidential district, provided that:

- (a) Placement shall not exceed thirty (30) days, and a period of eleven (11) months shall elapse between the last day of one (1) period of showing and the first day of the next.
- (b) In the case of political signs regarding the election of candidates, a political poster, banner or sign as described above is permissible for each office appearing on the ballot of an election. For instance, if an election is for two (2) open Board Member seats, two (2) political signs may be on the property in question. [Added 6-1-2009 by L.L. No. 4-2009].
- (c) No property shall have more than three (3) such signs during any election. [Added 6-1-2009 by L.L. No. 4-2009].

#### **§462-5. Prohibited Signs.**

The following signs are prohibited:

1. Off-premises signs shall be prohibited unless approved, in writing, by the Village Planning Board.
2. Signs which are illuminated by or contain flashing, intermittent, rotating or moving lights
3. Signs which impair or cause confusion of vehicular or pedestrian traffic in its design, color or placement; signs which impair visibility for the motorist at a street corner or intersection by placement and location within twenty-five (25) feet of the intersection of the street or highway lines.
4. Sign or sign supports which are placed upon the roof of any building.
5. Signs which contain an advertising message extended over more than one (1) sign placed along a street or highway on the building.
6. Wall signs which are painted on walls.
7. Portable signs.
8. Projecting signs, other than hanging signs permitted pursuant to §462-3(G)(9).
9. All signs identified in §462-3(I)(9). All internally illuminated box signs shall be prohibited.
10. Copy-change wall signs.
11. In any residential district the following signs shall be prohibited:
  - (a) Non-illuminated warning, private drive, posted or no-trespassing signs, which exceed two (2) square feet per face.
  - (b) More than one (1) on-premises sign, either freestanding or attached, in connection with any residential building in any zoning district, for permitted professional offices. Signs for permitted professional offices shall also be prohibited if the sign: exceeds one (1) square foot; or is set back less than ten (10) feet from the property line; or states more than the name and vocation of the professional; or is illuminated with a direct glare beyond the limits of the

property line. A permit shall be required for the installation, alteration, or relocation of a sign for a professional office permitted by this chapter.

- (c) Number and nameplates identifying residents, mounted on house or mailbox, which exceed one (1) square foot in area or contain additional messages thereon.
- (d) Lawn signs identifying residents, which exceed one (1) square foot, or two (2) square feet if double-faced or are illuminated except by a light which is an integral part of a lamppost if used as a support; or where there is an advertising message thereon or if the illumination thereof produces a direct glare beyond the limits of the property line.
- (e) Private-owner merchandise sale signs for garage sales and auctions on the premises, which exceed four (4) square feet or which are displayed for a period which exceeds two (2) days.
- (f) More than one (1) temporary non-illuminated "for sale," "for rent," real estate sign and signs of similar nature, concerning the premises upon which the sign is located which are greater than six (6) square feet and which is not removed within twenty-four (24) hours of the transfer of the title to the property or the giving of possession of the property, whichever event first occurs. Notwithstanding the above, "open house" real estate signs shall be removed at the conclusion of the open house.
- (g) Temporary, non-illuminated window signs and posters which exceed twenty-five percent (25%) of the window surface.
- (h) Religious holiday decorations, including lighting, which are not removed within three (3) weeks after the holiday season.
- (i) More than one (1) temporary sign listing the architect, engineer, contractor and/or owner, on premises where construction, renovation or repair is in progress. Any such sign which exceeds eight (8) square feet shall be prohibited.
- (j) Signs which do not comply with the requirements of §462-4.
- (k) Any sign which is inconsistent with §462-1(A) and (B).

#### **§462-6. Nonconforming signs.**

In the event that a sign lawfully erected prior to the effective date of this chapter does not conform to the provisions and standards of this chapter, then such signs shall be modified to conform or be removed according to the following regulations:

1. All nonconforming signs for which no permit was issued shall become prohibited and unlawful structures on the effective date of this chapter and shall be removed. Such nonconforming signs may be removed by the Superintendent of Buildings without notice to the property owner or owner of the sign.
2. Notwithstanding §462-6(1), if a sign permit application for a conforming sign (to replace a nonconforming sign) is submitted to the Village in conjunction with the Village's Community Development Block Grant Program (CDBG), and such application is compliant with all Village requirements, the nonconforming sign shall be permitted until the CDBG sign permit application is approved, or at the expiration of two (2) years

from the effective date of this chapter, whichever time period is shorter. Upon the expiration of such shorter time period the nonconforming sign shall be removed. The Board of Trustees may extend, upon good cause shown, the time within which a nonconforming sign must be replaced with a conforming sign provided that a complete application pursuant to this section has been submitted.

3. Any sign, existing on or after the effective date of this chapter, which no longer advertises an existing business conducted or product sold on the premises upon which such sign is located, shall be removed. If the Superintendent of Buildings shall find that any sign regulated in this chapter is not used, coded in advertising, is abandoned, unsafe or insecure, or is a menace to the public, such sign shall be removed. The Superintendent of Buildings shall revoke any permit issued for such sign and shall give written notice to the named owner of the business or the land upon which it is located, who shall remove or repair the sign within thirty (30) days from the date of the notice.
4. Notwithstanding anything to the contrary in this section, the Superintendent of Buildings may cause any sign which is a source of immediate peril to persons or property to be removed immediately and without notice.
5. A nonconforming sign shall not be enlarged or replaced by another nonconforming sign. Any maintenance, repair or alteration of a nonconforming sign shall not cost more than fifty percent (50%) of the depreciated value of the sign as of the date of alteration or repair. Any maintenance, repair or alteration of a nonconforming sign shall be considered an enlargement or replacement if the cost of the maintenance, repair or alteration is more than fifty percent (50%) of the depreciated value of the sign as of the date of the alteration or repair.
6. The Superintendent of Buildings is authorized to remove or repair any sign in violation of this chapter. The costs associated with such repair or removal shall be assessed onto the owners of the land upon which the sign is located or the business owner located upon such land.

#### **§462-7. Appeals.**

Any person aggrieved by a decision of the Superintendent of Buildings relative to the provisions of this chapter may appeal such decision in writing to the Planning Board.

#### **§462-8. Violations; Penalties for offenses.**

- A. Any person, firm or corporation, whether as owner, lessee, agent or employee, who proceeds to erect, re-erect, construct or structurally alter any sign without first applying for and obtaining the necessary permit, or who in any other way violates

any provision of this chapter, shall be guilty of an offense and subject to a penalty not to exceed five-hundred dollars (\$500) or fifteen (15) days' imprisonment, or both. Each week's continuous violation shall constitute a separate, additional violation.

- B. In case of a violation of this chapter, the Village and its officers may, in addition to any other remedies specifically conferred by law or ordinance, institute any appropriate proceedings to prevent or remove the unlawful erection, construction, reconstruction, alteration or use of any sign not in compliance with this chapter. The Superintendent of Buildings or his agent may cure any violation of this chapter and assess the owner for all costs incurred for such service.

**§462-9. Waiver; Enforcement.**

- A. The Planning Board may modify or alter the requirements of this chapter, other than the requirements set forth in §462-6, in a manner consistent with §462-1.
- B. Enforcement. It shall be the duty of the Building Inspector or any other person authorized by resolution of the Board of Trustees to enforce the provisions of this chapter.

**§462-10. Interpretation; Conflict with other laws.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety or the general welfare. It is not intended to interfere with, abrogate or annul other rules, regulations or ordinances. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted regulations, rules or ordinances, or whenever conflicts exist within this chapter, the most restrictive, or those which impose the highest standards, shall govern.

This Local Law shall become effective immediately upon being filed with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No.1 of 2016 of the Village of Farmingdale was duly passed by the Board of Trustees On December 7, 2015, in accordance with the applicable provisions of law.

**~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)~~**

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2006 of the \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2006, and was (approved)(not approved) (repassed after disapproval) by \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2006, in accordance with the applicable provisions of law.~~

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2006 of the \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2006, and was (approved)(not approved) (repassed after disapproval) by \_\_\_\_\_ on \_\_\_\_\_ 2006.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~**

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2006 of the \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2006, and was (approved)(not approved) (repassed after disapproval) by on \_\_\_\_\_ 2006. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2006, in accordance with the applicable provisions of law.~~

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances. DOS-239 (Rev. 05/05)

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 2006 of the \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 2006, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. of 2006 of the County of Nassau State of New York, having been submitted to the electors at the General Election of November 20, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, above.

\_\_\_\_\_  
Village Clerk /Treasurer

10.29.16

\_\_\_\_\_  
Date:

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

Title Village Attorney

Village of Farmingdale

Date: 1.29.16

DOS-239 (Rev. 05/05)