

Chapter 197. ZONING

Article IV. Supplementary Regulations

§ 197-30. Signs.

[Last amended 5-14-2001 by L.L. No. 3-2001]

- A. Purpose. The Board of Trustees recognizes the highly significant role signage plays in the image the Village presents to residents and visitors alike. The purpose of this section is to improve and perpetuate the attractive rural appearance and tranquil image of the Village of Westhampton Beach and to promote and protect public health, welfare and safety by regulating signs of all types. It is intended to create attractive signage to protect property values, to enhance the aesthetic character of buildings and sites, to preserve scenic and natural beauty, to prevent distractions and obstructions that may contribute to traffic accidents, and to limit the use of energy in sign design, construction and operation.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
[Amended 4-7-2011 by L.L. No. 1-2011]

SIGN

Any material, structure or device, or part thereof, which shall display or include any letter, word, model, banner, pennant, insignia, device, flag, string of lights, artificial lighting or graphic representation. The flags or insignia of any nation or group of nations or of any governmental agency are expressly excluded from this definition.

SIGN AREA

The area of a sign shall be the area of a rectangle, the sides of which enclose the letters/symbols and shall include the entire sign box, signboard or any background of a different color than the color of the building. Artwork which depicts images that are not architectural features of the building or structure shall be included in the sign area.



SIGN HEIGHT

The height of any sign shall be measured vertically from the average finished grade at the base of the sign. Planters shall not be used to circumvent the intent of this section.

- C. Permitted signs defined and regulated.
- (1) General

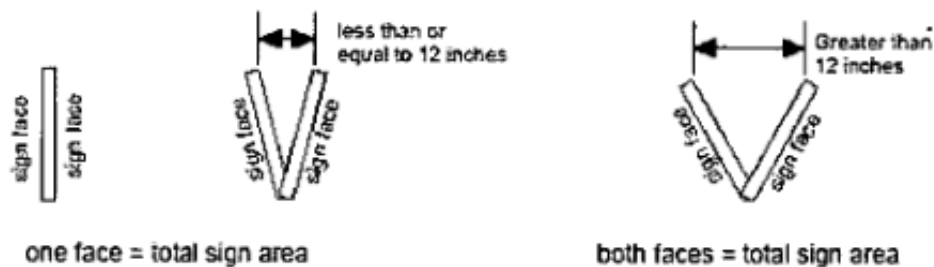
- (a) Each business establishment shall be permitted a maximum of two signs. Permitted signs may be wall, ground, window or awning. Only one of these permitted signs may be a ground sign. The combined total area of all signs shall not exceed an area of one foot times the width of the storefront of the building and shall not be larger than 20 square feet in the B-1 Zoning District.
[Amended 10-12-2004 by L.L. No. 4-2004]
 - (b) Permitted signs may identify the person, establishment or the product and/or service available on the premises which contains the sign. All signs shall be an accessory use and permitted only as provided for in this section.
 - (c) Any sign erected or authorized by the Village, town, county, state or other governmental authority, including all signs pertaining to traffic regulations, parking regulations, fire zones and petroleum price signs which are subject to the rules and regulations of the New York State Vehicle and Traffic Law shall be exempt from the provisions of this section, except where maximum size, lettering, color, exact on-site location are not specifically determined by the law permitting the sign, such characteristics of the sign shall be subject to Architectural Review Board Approval.
 - (d) A residential condominium, cooperative, apartment house or two-family dwelling shall be entitled to one directory sign, and each dwelling unit shall be entitled to one window sign, which window sign shall not exceed an area of eight inches times the width of the window to which it is attached in lettering no more than 10 inches in height.
 - (e) Schedule of Permitted Signs. **Schedule A** located at the end of this chapter summarizes the number, size and setback requirements of certain permitted signs according to zoning district. In the event of any conflict between **Schedule A** and this section, the provisions of this section shall control.
[Added 4-7-2011 by L.L. No. 1-2011]
- (2) Address sign: a sign containing either the name of the occupants and/or the street address. The sign may not exceed one square foot in area; may be attached to the building or on a post not more than four feet high and set within the property boundaries. No permit is required for residential use nor is any fee required for the street address number required by Chapter **144** of the Code.
- (3) Announcement sign:
[Amended 4-7-2011 by L.L. No. 1-2011]
- (a) Temporary new business sign: a temporary sign announcing the establishment of a new business to occupy an existing commercial space. The maximum size of the sign shall be the same as that permitted for a permanent in the applicable zoning district. Shall be fixed to, either inside or outside, of the window of the subject business. Temporary signs shall only be installed after submission and receipt of a complete sign permit application to the Building Department for a permanent sign on the subject site. In no case will a temporary sign substitute for a permanent sign. The temporary sign shall be removed upon installation of the permanent sign, or 45 days from the issuance of the sign permit, whichever is sooner.
 - (b) Temporary promotion sign: a temporary sign of a commercial or noncommercial nature, including announcing a charitable or nonprofit event, not to exceed 30 days. No more than one announcement sign about the same activity shall be permitted in any 90 days. Such sign shall not be larger than 18 inches by 24 inches and may only be placed inside the window of a building. The area of a temporary promotional or announcement signs placed on the interior of a window may not exceed 25% of the area of such window. No permit is required.
- (4) Awning sign: a sign painted on an awning attached to a building.

- (a) The awning shall be made of fire-retardant material.
 - (b) On the bottom edge of the front of the awning, one row of letters, not higher than six inches covering not more than eight feet in width, or 50% of the awning width, whichever is less.
 - (c) No description of products or services, addresses or telephone numbers are permitted.
 - (d) Awning lettering and graphics shall be debited against the total permitted combined sign area.
 - (e) The minimum height between the sidewalk or ground level and the bottom of the awning shall be 7 1/2 feet.
[Amended 4-7-2011 by L.L. No. 1-2011]
 - (f) Awnings may not be back lit.
- (5) Commercial establishments limited to a second floor. Such businesses shall be entitled to one nameplate at the ground floor access, not exceeding two square feet in area and one of the following signs, the area of which shall be deducted from the total permitted combined sign area of the commercial structure on which it is located:
- (a) Not more than one window sign in second floor; or
 - (b) One wall sign affixed to the second floor exterior of the building or structure which faces a public thoroughfare or public parking lot, nonilluminated and not exceeding an area of one foot times the width of the premises actually utilized by the business establishment on that floor.
[Amended 4-7-2011 by L.L. No. 1-2011]
- (6) Commercial complex identification sign: a site having a group four or more commercial businesses, one ground sign shall be permitted which contains the name of the complex and/or the address only. The size and setbacks of said sign shall be the same as permitted for a ground sign in the B-2 and B-3.
[Added 4-7-2011 by L.L. No. 1-2011^[1]]
- [1]: *Editor's Note: This local law also redesignated former Subsection C(6) through (9) as Subsection C(7) through (10), respectively; former Subsection C(10) through (12) as Subsection C(12) through (14), respectively; former Subsection C(13), (14), (15) and (16) as Subsection C(16), (17), (20) and (21), respectively.*
- (7) Construction sign: a temporary sign at a construction site on which construction is actually taking place identifying the contractor, subcontractor and/or architect with only name and phone number.
- (a) When a construction site has a building permit displayed in full view, two construction signs shall be allowed. Such signs may only contain the name and telephone number of the contractors, subcontractors or architects.
 - (b) The sign area for each sign shall not exceed four square feet. The height of each sign shall not exceed four feet above finished grade or, if there is no finished grade, the sign shall be no higher than four feet above the grade of the street on which the property is located. The sign shall be placed parallel to the street and be set back at least 20 feet from the property line.
 - (c) No permit is needed for a construction sign. However, the Building Inspector shall have the right to remove any illegal construction sign with or without notice.
 - (d) Construction signs shall be removed within five days of the date of the following:

- [1] Expiration of the building permit.
- [2] The last day the contractor, subcontractor or architect completes the work for which the contractor, subcontractor or architect was employed.
- [3] The certificate of occupancy/compliance has been issued.

(8) Directory sign: a sign containing the name of a business establishment located within a complex or group of commercial establishments, located in the B-1 Zoning District, which is obscured from the main thoroughfare or public parking lot, or the names of the residents of a condominium, cooperative, apartment house or two-family dwelling located in any zoning district.
 [Amended 4-7-2011 by L.L. No. 1-2011]

- (a) Where a business establishment within a complex or group of commercial establishments is obscured from ready exposure to a main thoroughfare or public parking lot, one directory ground sign or one directory wall sign may be permitted for such complex.
- (b) Any business listed on a directory sign shall be entitled to two other signs.
- (c) Directory ground sign. The maximum area shall be four square feet. The sign may be double-faced and only one side used to compute the sign area. If the distance between the faces at any point on the faces exceeds 12 inches, both faces shall be used to compute the area. The maximum height shall be no more than six feet measured vertically from the average finished grade at the base of the sign, not from any planter. The setback from a property line shall be at least five feet.

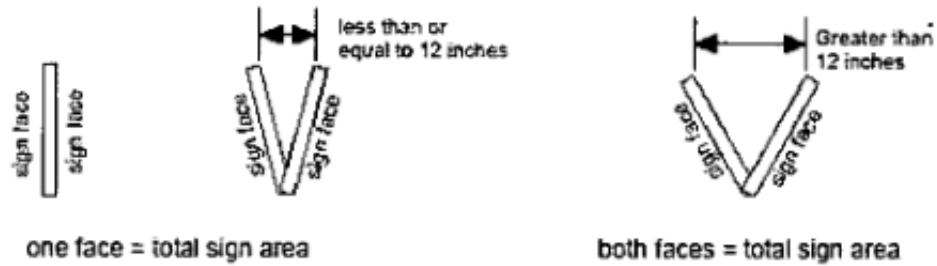


- (d) Directory wall sign. The maximum area shall be two square feet, four square feet for two or more businesses.
- (e) Directory signs are not be permitted in the B-2 and B-3 Zoning Districts; see "Commercial complex identification signs."^[2]

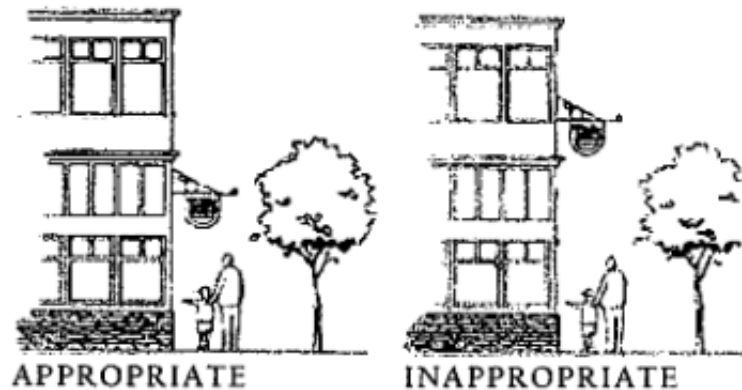
[2]: *Editor's Note: See Subsection C(6).*

- (9) Ground sign: a freestanding sign attached to a structure intended and designed to support the sign and which is embedded in the ground.
 - (a) Set back from building. A ground sign shall be permitted only if the building it serves to identify is set back more than 40 feet from the street line and if the sign is located at least 10 feet from the building and set back at least 10 feet from the property line.
 [Amended 4-7-2011 by L.L. No. 1-2011]
 - (b) Size of lettering. Ground signs in the B-1 Zoning District shall not exceed 10 inches in height; in all other zoning districts 12 inches in height.
 - (c) Area. The maximum area shall not exceed 12 square feet in the B-1 Zoning District and 25 square feet in all other zoning districts. Any ground sign may be double-faced and only one face shall be used in computing sign area unless the distance between the faces, at any point on the faces, exceeds 12 inches, in which event both faces shall be used to determine the sign area.

[Amended 4-7-2011 by L.L. No. 1-2011]



- (d) Height shall be measured vertically from the average finished grade at the base of the sign. Planters shall not be used to circumvent the intent of this section. The maximum height shall not exceed six feet. The height of signs placed on corner lots shall be regulated by § **197-48** of the Village Code.
- (e) Only one ground sign shall be permitted per lot.
[Added 4-7-2011 by L.L. No. 1-2011]
- (10) Hanging/blade sign: a sign projecting from a wall.
[Amended 4-7-2011 by L.L. No. 1-2011]
- (a) One blade sign for each business may be permanently installed perpendicular to the facade below the second floor.



- (b) Such hanging sign shall not project from the structure more than four feet, including the required structural support.
- (c) The minimum height between the sidewalk or ground level and the bottom of the sign shall be 7 1/2 feet.
- (d) Shall be located above or adjacent to the entrance of the business, but at no case shall it be located closer than four feet from the edge of the building or adjacent business. Any business using a hanging sign shall be entitled to only one additional sign.
- (e) The maximum area shall not exceed two square feet.
- (11) Historic marquee sign: an illuminated sign associated with a theater in existence since at least January 1, 1981.
[Added 4-7-2011 by L.L. No. 1-2011]
- (12) Home occupation sign: a sign which identifies only the name and/or occupation or profession of one conducting a permitted home occupation or profession in a dwelling. Such sign shall not exceed one square foot in area and shall be set back according to either the ground sign or wall sign specifications.
[Amended 7-2-2001 by L.L. No. 11-2001]

- (13) Information sign: a sign which contains information intended exclusively as a public service and of a noncommercial nature, such as the location of facilities designed for public convenience and accommodation, including but not limited to "rest room," "entrance," "exit," "open" or "closed." Such signs shall be one square foot or less in area and contain no commercial copy. No permit is required.
- (14) Landmark sign: an older sign of artistic or historic merit, uniqueness or extraordinary significance to the Village as identified by the Board of Trustees.
- (15) Master sign plan: a sign plan for a building with multiple tenants, or a group of buildings, to create a harmonious and aesthetically pleasing signage effect within a commercial building or buildings with multiple tenants, although it is not the intent that all signs have to be exactly the same.
[Added 4-7-2011 by L.L. No. 1-2011]
- (16) Political sign: a sign designed to influence the action of voters for the election of a candidate to a public office or to express an opinion. Such sign shall be stationary, unlighted and temporary and may be displayed for a period of up to 60 days. Such sign may not exceed four square feet in area. A maximum of two signs per lot is allowed. Such signs may not be painted or affixed to any structure, light or utility pole, stone, tree or other natural object or on the face of another sign or traffic control sign.
- (17) Real estate broker/agent or owner "For Sale" and "For Rent" signs: on-premises signs advertising the property being sold or rented.
- (a) One "For Sale" or "For Rent" sign is permitted per lot or parcel of land facing a public street or right-of-way.
- (b) The sign area shall be 12 inches high by 18 inches wide with a white background and sign lettering professionally done in two-inch nonmetallic light blue block. Such signs may only contain the name and telephone number of a real estate agency/brokerage or owner and the words "For Sale" and/or "For Rent."
- (c) The sign shall be either wholly supported by a single vertical black metal post, or of single post and arm construction, where the arm shall not exceed 19 inches in length and the post shall not exceed five feet in length, above natural grade. The signpost and arm shall only be black.
[Amended 4-7-2011 by L.L. No. 1-2011]
- (d) The maximum sign height shall not exceed four feet above finished grade or four feet above the grade of the street on which the property is located. The sign shall be set on the subject property.
[Amended 4-7-2011 by L.L. No. 1-2011]
- (e) If the "For Sale" and "For Rent" sign is placed on the property by the real estate broker/agent, a written sign consent permitting such sign executed by the property owner shall be filed with the Building Inspector prior to the placement of the sign on the property.
- (f) The property owner may revoke the consent at any time by filing written revocation with the Building Inspector.
- (g) If the "For Sale" and/or "For Rent" has been placed upon the property by the real estate agency/brokerage, the real estate agency/brokerage shall remove the sign within five days of the following:
- [1] The termination date of the consent or the revocation date of the consent.
- [2] The transfer of title to the property due to a sale.

- [3] The execution of a rental lease.
 - [4] The removal of the property from the market for rental, sale, or both.
- (h) If the "For Sale" and/or "For Rent" has been placed upon the property by the owner, the owner shall remove the sign within five days of the following:
- [1] The transfer of title to the property due to a sale.
 - [2] The execution of a rental lease.
 - [3] The removal of the property from the market for rental, sale, or both.
- (i) "Sold" or "In Contract" real estate signs are prohibited in all districts. No owner or real estate agency/brokerage "For Sale" or "For Rent" signs shall be placed on any part of a lot facing the water, golf course or public open space.
- (18) Real estate broker/agent or owner "Open House" signs: off-premises signs advertising the property being sold or rented.
[Added 4-7-2011 by L.L. No. 1-2011]
- (a) One "Open House" sign is permitted per lot or parcel of land facing a public street or right-of-way, and three additional "Open House" signs shall be permitted to be located within the public right-of-way, a minimum of 10 feet from the edge of pavement, and be placed at any of the five closest intersections to the subject property.
 - (b) The sign area shall be 12 inches high by 18 inches wide with a white background and professionally done nonmetallic light blue sign lettering.
 - (c) The sign shall only be placed during the daylight hours during the day of the open house event.
 - (d) The maximum sign height shall not exceed four feet above natural grade. The sign shall be set on the subject property.
- (19) Restaurant menu signs: One menu sign or menu holder on the exterior of the storefront associated with a restaurant as defined in Subsections **A** and **C** for said use in §197-1 is permitted. Menu signs shall be located and oriented so as not to create a safety hazard to pedestrians or conflict with pedestrian circulation patterns. The size of the menu sign/holder shall be limited to the size of two pages of the menu utilized by the establishment, but in no case shall exceed two square feet. The menu sign shall be either mounted to the wall or set within the property boundary on a podium-style fixture having a maximum height of four feet, a maximum column width of six inches, and maximum reading surface of two square feet, in a design as approved by the ARB. Any illumination shall be from a shielded, low-intensity, white light source directed solely down onto such signs, and not to exceed 900 lumens.
[Added 4-7-2011 by L.L. No. 1-2011]
- (20) Wall sign: a sign which is painted on, incorporated into or affixed parallel to the exterior surface of a building.
- (a) Wall signs shall be set in at least one foot from each end of the front wall of the establishment and extend not more than six inches from the surface of that building.
 - (b) Size of lettering of wall signs in B-1 Zoning District shall not exceed 10 inches in height; in all other zoning districts the size of the lettering shall not exceed 12 inches in height.
- (21) Window sign: any sign which is painted or mounted onto a window pane or which is hung within 12 inches of the window with the purpose or effect of identifying the premises from the sidewalk or street.

- (a) Area: A window sign shall not exceed eight inches times the width of the window to which it is attached and shall not exceed more than 25% of the window area, or 10% of the glass area of any required exit door.
 - (b) Size of lettering height shall be no more than 10 inches high and must be painted on or attached directly and permanently.
 - (c) Nontemporary signs hung inside windows shall be made of clear materials, such as Plexiglas, with lettering painted on them.
 - (d) Window signs indicating hours of operation, business affiliations, emergency information and the like (excluding product or service information) are permitted, provided that the aggregate area of all such signs for a single business does not exceed one square foot per entrance and that bright or fluorescent colors not be used.
- D. Prohibited signs defined. Any sign not specifically permitted is prohibited and shall be removed within the time specified by the Building Inspector. Prohibited signs shall include, but not be limited to:
- (1) Illegal signs: signs which have been constructed, erected, installed, placed in use and/or maintained which do not conform to the provisions of this section.
 - (2) Any sign designated, constructed or located in such a manner so that it is not physically attached to a building or set into the ground in accordance with the Building Code^[3] and/or is not in compliance with the provisions of this section.
[3]: Editor's Note: See Ch. 70, Building Construction and Fire Prevention.
 - (3) Any sign of a commercial nature located on a parcel of property used for residential purposes in any residential district, except a permitted home occupation sign.
 - (4) Revolving, moving, sound-producing or animated signs, including signs which have the capability of motion in whole or in part, including pinwheels, pennants, balloons and banners. Signs which display temperature and/or time exclusively are permitted.
 - (5) Signs utilizing reflective and/or fluorescent paint or reflective and/or fluorescent materials.
 - (6) The outlining by direct illumination, including neon lighting, of and affixed to all or any part of the exterior of a building or structure, including, but not limited to, a gable, roof, side, wall, window, corner or sign, or affixed to the interior part of a window, door, entrance or exit, except for any lighting typically representative of the festive atmosphere limited to a given holiday period, but under no circumstances more than 45 days during a calendar year.
 - (7) Signs placed so that they or any part of them project above the eave line of the pitched roof of any building, or the roofline on a gable end, or the top parapet line of the flat roof of any building.
 - (8) Any sign painted, erected, affixed or maintained on a light or utility pole, trash container, stone, tree or other natural object or on the face of another sign.
 - (9) Signs which cover architectural details, such as, but not limited to, arches, sills, moldings, cornices and transom windows.
 - (10) Signs made of paper, cardboard, cloth or similar temporary materials affixed to the glass of windows or doors, except for signs announcing a charitable or non-profit event.
 - (11) Billboards: signs which direct attention to a business, commercial activity, commodity, service or entertainment attraction offered elsewhere than upon the same lot where such signs are displayed or if such activity is only incidentally on such lot.
 - (12) Flashing signs: illuminated signs on which the artificial source of light is not maintained stationary

or constant in intensity or color at all times.

- (13) Illuminated signs on vending machines or equipment.
- (14) Internally illuminated signs (not including back-lit signs): signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.
[Amended 4-7-2011 by L.L. No. 1-2011]
- (15) Mobile signs: signs that are capable of being moved by any means without any structural alterations, including signs on a vehicle or trailer if said vehicle or trailer is located in a stationary position on a lot for more than four days, and the vehicle or trailer is in open view of any road or public right-of-way located in any commercial district.
[Amended 4-7-2011 by L.L. No. 1-2011]
- (16) Murals: abstract or pictorial representation, including, but not limited to, trompe l'oeil and fresco, that is displayed, painted on or affixed to a building, structure, wall or fence.
- (17) Neon signs: signs consisting of tubular arrangement containing a rarefied gas which, when permeated by electric charge, causes the production of light. Exterior neon signs and interior neon signs containing any letter, work, model, banner, pennant insignia, device, trade flag or graphic representation which are affixed to a window, door, exterior wall or are located within five feet of a window, door, exterior wall or other opening to the exterior.
- (18) Pylon or pole signs: signs attached to a single pole or pylon that is set into the ground.
- (19) Sandwich signs: freestanding signs consisting of two signs attached to each other at the top.
- (20) Triple-faced or triangular faced signs.
- (21) Tubular signs: signs consisting all or in part of a tubular arrangement directly lit by lighting which is a structural part thereof.
- (22) Temporary or permanent signs resting on, attached to or inside any vehicles, buildings, fences, telephone poles or any other structures or means of support or otherwise displayed in any manner designed to circumvent the restrictions in this article.
[Added 4-7-2011 by L.L. No. 1-2011]

E. General standards.

- (1) Design guidelines.
[Amended 4-7-2011 by L.L. No. 1-2011]
 - (a) Color: Restraint should be exercised when selecting colors. Generally, no more than three colors should be used: one for background, a contrasting color for the lettering, and a third color perhaps for emphasis (such as for borders, motifs, or shading lettering to give it a three-dimensional look). In selecting the principal colors for a sign, colors which are in harmony with the general tone of the building should be chosen. The use of neon or day-glow-type colors are prohibited, and the use of colors that are muted (i.e., saturated with white and/or gray to soften the color) and earth tone (i.e., beige, tan, brown, gray, forest green or burgundy) with a matte finish are strongly encouraged.
 - (b) Message: Content should be limited to the name and type of business, street number or address, and telephone number.
 - (c) Scale: in scale with the building to which it relates and not covering any architectural details, such as arches, transom windows, moldings, columns, capitals, sills, cornices and the like.

- (d) Materials: Sign materials should be consistent with and complement the original construction materials and architectural style of the building on which they are to be displayed. Signs should be made of wood, including materials which imitate the appearance of wood, or metal. Wood signs should be either handcarved, sandblasted, flat painted, or any combination thereof.
 - (e) Illumination: only external direct illumination from a shielded, low-intensity, white light source directed solely down onto such signs, not to exceed 900 lumens per fixture. When two or more light fixtures are used to illuminate a sign, spacing between such fixtures shall not be less than four feet.
 - (f) Lettering. Lettering styles should complement the style and period of the building on which they appear.
- (2) Sign illumination. Illumination of signs shall be accomplished by either of the following means in such a manner that no glare shall extend beyond the property lines or disturb the vision of passing motorists or constitute a hazard to traffic:
[Amended 4-7-2011 by L.L. No. 1-2011]
- (a) A shielded, direct, external, low-intensity light source.
 - (b) A back-lit sign consisting of an internally illuminated sign with opaque, reverse pan channel, halo-lit letters and elements with concealed light sources in which the light projects away from the viewer. Reverse pan channel letters are set away from the fascia with the lighting illuminating out the back of each letter rather than the front.
- (3) Maintenance. All signs and the lots on which they are placed shall be maintained in such a manner that said signs are visually unobstructed and plainly legible. Illegible and/or improperly maintained signs, such as, but not limited to, signs that are unsound structurally, unsafe or hazardous to the public, shall be deemed abandoned, shall become prohibited and shall be removed, if necessary, by the Building Inspector and at the owner's expense.
- (4) Nonconforming signs. A sign for which a permit was issued by the Village of Westhampton Beach prior to April 7, 2011, or a sign for which a permit has not been issued but which was constructed, installed and/or placed in use prior to March 11, 1977, and which does not conform to the provisions contained herein.
[Amended 4-7-2011 by L.L. No. 1-2011]
- (a) Any modifications or alterations, not including routine maintenance, to any such lawfully preexisting nonconforming sign shall be subject to all the requirements of this article, including any change in the text or business name associated with said sign. Routine maintenance is defined as the cleaning, painting with no change in color, or repair of the subject sign in a manner that does not alter the basic copy, color, design, or structure associated with the subject sign.
 - (b) Preexisting internally illuminated signs, amortization. No internally illuminated sign, whenever erected, existing within the Village of Westhampton Beach prior to the effective date, shall continue to exist after September 7, 2011 (the "amortization date"), unless it is brought into compliance with the requirements of this article prior thereto; provided, however, that the owner of any sign in compliance with the Village of Westhampton Beach Code prior to the effective date shall have until January 1, 2016 (the "extended amortization date"), to remove any such sign if, prior to the amortization date, such owner submits an application to the Building Department requesting the extended amortization date, together with, for any such sign existing prior to March 11, 1977, a valid sign permit or a certificate of compliance or three affidavits evidencing such existence, all in accordance with procedures hereafter established by said Department. Any modifications or alterations to any such lawfully

preexisting, nonconforming internally illuminated sign prior to the extended amortization date shall subject such sign to all the requirements of this article, except for signs that are subject to a previously approved master sign plan. Signs that are not lawfully preexisting (i.e., signs erected or changed without the benefit of a valid permit, Planning Board approval or a variance) are not entitled to the benefits of such extended amortization and must be brought into compliance with all the provisions of this article prior to the amortization date. No such lawfully preexisting, nonconforming internally illuminated sign may be reestablished after it has been abandoned or discontinued for a period of 90 days or more. Historic marquee signs shall be exempted from this provision of the code.

F. Administration.

(1) Sign permits.

- (a) No sign shall be erected or displayed or any lawfully existing sign moved, altered, redesigned or enlarged until an application has been filed for each sign, an application fee paid to the Village Clerk for each sign and until a permit has been issued by the Building Inspector. Applications shall be on forms prescribed by the Building Inspector.
- (b) Whenever a new building shall be erected or a new business shall be established in a location on which any sign theretofore has been placed, any sign permit previously issued for said sign shall be deemed revoked, and a new application for said sign shall be made to the Building Inspector.
- (c) At a minimum, all applications shall include a plan, in duplicate, showing a scale drawing of proposed sign, specifying dimensions, materials, illumination if any, letter sizes, colors, support systems and location of the proposed sign on the building or land, along with photographs of the building and land. Upon approval, one copy will be returned to the applicant. If the applicant is not the owner of the property, there must be written authorization and plan approval by the owner.
- (d) All signs require Architectural Review Board approval before a permit is issued, except for signs that comply with administrative sign standards contained in § **197-30F(2)**, as well as those signs that comply with a master sign plan previously approved by the ARB as provided below in Subsection **F(1)(h)** of this section, address signs, announcement signs or information signs and "For Sale" or "For Lease" and construction signs if they comply with the provisions hereof. Where there is an application for a sign in a complex of two or more businesses, the Architectural Review Board may request, within 30 days of the submission of the sign application, a master sign plan for the whole complex.
[Amended 7-2-2001 by L.L. No. 11-2001; 4-7-2011 by L.L. No. 1-2011]
- (e) Real estate brokers shall apply yearly for a sign permit for all of said real estate brokers' signs which comply with the provisions of this section. The permit shall be effective from May 1 to April 30 of each year.
- (f) Real estate "For Sale" or "For Lease" signs placed on the property by the owner shall require a permit and shall comply with all of the provisions of this section.
- (g) Permits shall be issued only if the Building Inspector determines the sign complies or will comply with all applicable provisions of this section, including method of attachment and adequate materials, and there is Architectural Review Board approval, except as provided in Subsection **F(1)(d)** above in this section. For signs which are subject to an approved master sign plan, if the Building Inspector cannot find that said sign complies with the specific design standards of the master sign plan, then the sign application materials shall be referred to the ARB, to determine if the sign is consistent with intent of design concept contained in the master sign plan prior to granting approval.

[Amended 4-7-2011 by L.L. No. 1-2011]

(h) Master sign plan:

[Added 4-7-2011 by L.L. No. 1-2011]

[1] If a master sign plan is requested, in addition to the submission requirements contain in § **197-30F(1)(c)**, the following shall be required:

[a] A site plan of the proposed location, types, and sizes of each existing and proposed sign, as well as the location of the building, or buildings, parking lots, driveways, etc.

[b] Elevations of all existing and proposed buildings of the proposed location, types, and sizes of each existing and proposed sign.

[2] A comprehensive amendment to a master sign plan shall require the submission of a new master sign plan that conforms to all other requirements of this section. The new application will then be reviewed by the ARB.

[3] After approval of a master sign plan, no sign shall be erected, placed, or modified, except in conformance with such plan, or amended plan.

(2) Administrative sign permits. To encourage appropriate and compatible signage throughout the Village of Westhampton Beach, any sign meeting the provisions contained herein, applicable zoning requirements, as well as all of the following design criteria, in the opinion of the Building Department, shall receive a permit from said Department within 15 days of its receipt of a complete application seeking such expedited review:

[Added 4-7-2011 by L.L. No. 1-2011^[4]]

(a) Color: maximum of three colors, one for background, a contrasting color for lettering, and a third color for borders, motifs, or letter shading to give the sign a three-dimensional look. Colors shall be muted and earth tone with a matte finish, as those terms are defined in § **197-30E(1)(a)**.

(b) Message: Content shall be limited to the name and type of business, street number or address, and telephone number.

(c) Scale: in scale with the building to which it relates and not covering any architectural details, such as arches, transom windows, moldings, columns, capitals, sills, cornices and the like.

(d) Materials: wood that is either handcarved, sandblasted, flat painted, or any combination thereof.

(e) Illumination: only external direct illumination from a shielded, low-intensity, white light source, not to exceed 60 watts per fixture. When two or more light fixtures are used to illuminate a sign, spacing between such fixtures shall not be less than four feet.

[4]: *Editor's Note: This local law also redesignated former Subsection F(2) as Subsection F(3).*

(3) Sign application fees. A schedule of fees for such permits may be established and amended from time to time by the Board of Trustees.

G. Enforcement.

(1) The Building Inspector or Code Enforcement Officer is hereby designated to enforce this section.

(2) Concurrent jurisdiction of Building Inspector. Any power or authority of the Building Inspector hereunder shall be also be subject to exercise by the Code Enforcement Officer; the approval of either shall be sufficient and the act of either shall be equivalent to the act of the other.

- (3) Inspection. Every attached, ground, window or awning sign, upon installation, shall be subject to inspection by the Building Inspector.
 - (4) Signs located on public property or rights-of-way may be preemptorily removed by the Building Department, Highway Department or Police Department.
 - (5) Any sign which has been ordered removed by the Building Inspector or is abandoned or discontinued shall be removed by the person, firm or corporation responsible for the sign within 10 days of written notice to remove.
 - (6) Upon failure to comply with such notice, the Board of Trustees may cause such sign to be removed at the property owner's expense.
 - (7) Real estate "For Sale" or "For Rent" signs which do not have a permit or have not had a letter of owner authorization or if the permit or letter of authorization has been revoked or expired, "Sold" or "In Contract" real estate signs and illegal construction signs shall be removed by any Village Enforcement Officer immediately without notice.
 - (8) Any sign prohibited by Subsection **D** hereof or any temporary, announcement or political sign that is in violation of the provisions of this section and which are not permanently affixed to the ground, building or structure shall be removed by any Village Enforcement Officer immediately without notice.
- H. Severability. If any section, subsection, phrase, sentence or other portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of remaining portions hereof.
- I. Interpretation and application. In their interpretation and application, the provisions of this section shall be held to minimum requirements. It is not intended to interfere with or abrogate or annul any other Village regulations or ordinances. Whenever the requirements of this section are at variance with the requirements of any other lawfully adopted regulation, rule or ordinance, the most restrictive or those which impose the highest standards shall govern.