

ARTICLE 44
Sign Regulations

§ 285-44.1. Purpose and intent.

- A. The primary purpose of these sign regulations for the Village of East Aurora is to permit the erection and display of signage within the Village, while protecting public health, safety and general welfare. All signs and sign systems are subject to the regulations that follow in this article.
- B. These regulations also serve to achieve the following objectives:
- (1) Ensure right to free speech as protected under the Constitution;
 - (2) Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
 - (3) Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
 - (4) Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
 - (5) Minimize the adverse effect of signs on nearby public and private property;
 - (6) Avoid personal injury and property damage from unsafe or confusing signs; and
 - (7) Establish a clear and impartial process for those seeking to install signs.
- C. The regulations of this article shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance, relocation, and removal of all signs within the Village visible from any street, sidewalk, public right-of-way, or public space.

§ 285-44.2. Sign permit required.

Except as hereinafter provided, no person shall erect, alter, construct, relocate or cause to be erected, altered, constructed or relocated any sign without first having obtained a sign permit from the Code Enforcement Officer (CEO) unless otherwise stated in this article.

Application requirements. The following information shall be provided to the CEO for a sign permit application:

- (1) Name, address, telephone number, including cellular number, email address, , and signature of the applicant.
- (2) Name, address, telephone number, including cellular number, email address, and signature of the building and/or property owner, if not the applicant.
- (3) Dimensions and drawings indicating the size, shape, construct, materials, and

layout of the sign(s), including any requests for illumination.

- (4) Site plan and elevations indicating the proposed location and size of the sign(s) to scale, including any provisions for illumination and structural supports.
- (5) Any additional site and/or sign information as requested by the CEO.

B. No permit required. The following situations shall not require the issuance of a sign permit provided such maintenance, changes, or alterations do not in any way alter the physical size, design, or nature of the sign.

- (1) The repainting, repairing, changing of parts, and maintenance of signs.
- (2) A change in the message of a sign.

C. Board review.

- (1) New development subject to review and approval by the Village Board or Planning Commission may have proposed signage reviewed and approved as part of the special use permit or site plan review process. **[Amended 5-4-2020 by L.L. No. 2-2020]**

- (2) In the event of such review, all required sign permit application materials shall be provided to the reviewing board as part of the complete application.

- (3) Any sign permit application for a theater or a manual changeable copy church sign or marquee sign shall require review and approval by the Village Board after referral to the Planning Commission.

(4) Historical signs. Signs such as cornerstones, commemorative tablets, and historical markers, provided that said signs are less than six (6) square feet in area and not illuminated shall require a permit.

(5) Three dimensional signs, statute, depictions of any nature shall be permitted pursuant to a Special Use Permit with the prior approval of the Board of Trustees after referral to the Planning Commission.

~~(6) Manual changeable copy signs, electronic changeable copy signs, and signs that are animated or utilize full motion or video technology, with the exception of a theater marquee shall require a permit.~~

(4)

D. Alteration. Any sign for which a permit has been issued shall not be modified, relocated, altered, or replaced, unless an amended or new sign permit is obtained from the CEO.

E. Expiration. A sign permit shall expire if the sign for which the permit has been issued is not fully constructed within one (1) year from the date of issuance of the sign permit.

- F. Revocation. The CEO or designee may, at any time for a violation of this regulation, issue a notice of violation. A written notice of the violation including all reasons for the violation shall be mailed to the property and sign owner(s). Said violation must be corrected within fourteen (14) days of the date of notice; otherwise, the sign permit shall be revoked and the sign in question shall be required to be removed.

§ 285-44.3. Measurement.

A. Sign area.

1. Single sign face. The area of a sign shall be computed by means of encapsulating the entirety of the sign to include any material, backdrop, or structure on which it is placed, with the single smallest geometric shape or combination thereof.
2. Multifaced signs. In the case of a multifaced sign, only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of 45° or less.
3. Structural support not included. The supporting structure or bracing of a sign shall not be computed as part of the sign area, unless such supporting structure or bracing is made a part of the message with the inclusion of any text or graphics. If such is the case, a combination of regular geometric shapes which can encompass the area of said text or graphics shall be included as part of the total sign area computation.
4. Window area shall not count towards the aggregate area of a façade for a wall sign.

B. Sign height.

- (1) Freestanding sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign.
- (2) Other signs. The height of all other signs shall be determined by measuring the vertical distance between the top part of the sign face or structure, whichever is highest, to the bottommost edge of the sign face or structure.
- (3) Structural support included. Any material whose major function is to provide structural support for a sign shall be considered part of the sign for purposes of determining sign height.

§ 285-44.4. Regulations applicable to all signs.

- A. Safety provisions. All signs shall be designed, constructed, and located in accordance with the following criteria to protect the general health, safety, and welfare of the public.
- (1) No sign shall be erected in such a manner as to obstruct free egress from a window, door or fire escape or to become a menace to life, health or property.

- (2) No sign shall be erected at or near any intersection of streets, alleys, or railways in a manner that obstructs free and clear vision for pedestrians, bicyclists, and motorists.
 - (3) No sign shall be of a shape or color that may be confused with any authorized traffic control device.
 - (4) No rotating beam, beacon, or flashing illumination shall be used with any sign display.
 - (5) The erection of any sign and its supports, including any wiring and/or electrical components utilized therein, shall be consistent with the general accepted standards and practices of the New York State Building Code.
 - (6) The erection of any sign, its supports, wiring, or other structural and/or electrical elements may be subject to inspection and approval by the CEO.
- B. Design and construction. All signs shall be designed and constructed in accordance with the following criteria:
- (1) All signs shall be constructed of permanent, weather-resistant, and durable materials, except for banners, flags, temporary signs, and window signs otherwise in conformance with this article.
 - (2) Where applicable, signs shall be supported by sign structures that are designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate provisions of the New York State Building Code.
 - (3) **Except approved theater marque and church manual changeable copy signs**, all sign lettering shall be permanently affixed to the sign.
 - (4) No permanent sign may be constructed of untreated or unpainted wood, sandblasted metal, or other unfinished material.
 - (5) No sign may use an audible device or sound amplifier.
- C. Location. All signs shall be so located in accordance with the following standards:
- (1) Signs **not attached to a building** shall not be erected within nor project into any public right-of-way or between any sidewalk and street or highway. Signs must be located on private property and comply with the dimensional and setback requirements herein.
 - (2) Off-premises signs are prohibited. All signs shall be located on the site being promoted, identified, or advertised with the exception of temporary signs.
 - (3) All signs **not attached to a building**, unless otherwise noted, are to be setback at least ten (10) feet from any property line.
 - ~~(4) —Reserved.~~
 - (5) No signs shall be placed on any electrical pole, light pole, hydrant, municipal trash receptacle, utility pole, tree within the municipal right of way, municipal fence,

street sign, or any traffic control device.

(6) Signs pertaining to elections shall not be erected more than thirty (30) days prior to any election and must be removed within five (5) days of such election. No more than one sign for each candidate shall be permitted at any one time and no signs shall be placed within any right of way.

D. Visibility at intersections. No sign or any part of a sign exceeding two (2) feet in height, other than a supporting pole or brace no greater than eighteen (18) inches in width or diameter, shall be located within the designated clear sight triangle of any intersecting streets. The clear sight triangle shall be defined by the triangle formed by two intersecting street lines and a line joining points on such street lines thirty (30) feet from their intersection.

E. Illumination. All sign illumination shall be in accordance with the following standards:

(1) Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrians or motorists and shall be shielded so as not to cast an illumination of more than two (2) footcandles on adjacent nonresidential properties or more than 0.1 footcandle on adjacent residential properties.

(2) Up-lighting, or the illumination of signs from a light source below that of the sign face, shall be permitted for ground signs or wall signs only. No sign in a residential district may be illuminated between the hours of 8:00 p.m. and 6:00 a.m. except for official flags of the United States of America, State of New York, County of Erie, Town of Aurora, or Village of East Aurora.

(3) Intermittent illumination or illumination which involves movement or causes the illusion of movement resulting from the arrangement of lighting, is prohibited.

F. Maintenance and repair. All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this article at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, replacement of copy, and other acts required for maintenance of such sign. If any sign does not comply with these standards, the CEO may require its removal.

G. Obsolete signs. Absent written permission from the CEO, any sign that no longer advertises or identifies the current or permitted use of the property and/or event must be removed within ten (10) days after the conclusion of the event or written notification from the CEO, whichever is sooner.

H. Removal of signs.

(1) Where required by this article, the removal of signs shall be the sole responsibility of the sign owner. If said sign is not removed within ten (10) days of the date of written notice by the CEO, the CEO or their designee is authorized to affect its removal.

- (2) The CEO may immediately and without notice remove any sign that is found to be in violation of this article. This shall include any sign that is found to be unsafe, insecure, or in such condition as to be a menace to the safety of the public. After removal, the sign owner shall be given written notice of the removal of such sign by the CEO. If the sign is not claimed within ten (10) days of such notice, the sign may be disposed of by the Village.
- (3) Any costs incurred for the removal of a sign shall be fully reimbursed to the Village of East Aurora by the sign owner. Such costs may be placed on the tax roll for collection by the Village.

§ 285-44.5. Signs authorized without a permit.

The following types of signs may be erected in the Village without obtaining a sign permit. Although permits are not required for these signs, they shall conform to all other requirements of this article or may be subject to removal by the CEO.

- A. Directional signs. Signs that provide direction to pedestrians, bicyclists, or motorists shall not require a sign permit provided the following conditions are met:
 - (1) The cumulative area of signs on any one property shall not exceed an area of six (6) square feet in a residential district or twelve (12) square feet in a nonresidential district.
 - (2) No sign exceeds three (3) feet in height or six square feet in area.
 - (3) The signs are not illuminated, unless otherwise approved by the Village Board.
 - (4) The signs do not extend above the first floor or project beyond property lines.
- B. Signs on gasoline pumps. Signs attached to a gasoline pump shall not require a permit provided they do not exceed six square feet in area per sign.
- C. Governmental signs. Any official sign, public notice, or warning sign supported by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. (Example: New York State inspection station or authorized repair shop identification). There are no size requirements or time limits for governmental signs.
- D. Incidental signs. Signs containing no commercial message that are intended to identify incidental property information, such as addresses, entrances, exits, hours of operation, or open/closed, shall not require a permit provided the following conditions are met:
 - (1) The sign does not exceed four (4) square feet in area and two (2) feet in height.
 - (2) The sign is not illuminated.
 - (3) If placed in a window, the sign must be in conformance with all applicable regulations of window signs (§ 285-44.9).
- E. Internal signs. Signs within a building not visible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field,

where such sign is not visible beyond the property lines shall not be subject to these regulations.

- F. Lawn signs. **Lawn signs shall be allowed on any lot without a permit provided the conditions are met with respect to the provisions elsewhere in this Article:**
- (1) The sign does not exceed three (3) feet in height and six (6) square feet in area.
 - (2) The sign is not displayed for more than thirty (30) days in a ninety (90) day period. Such signs may be displayed for three (3) additional **thirty (30) day increments within the** ninety (90) day periods within the same calendar year.
 - (3) The sign is not illuminated.
 - (4) **Except as provided for elsewhere in this Article, no more than two (2) signs shall be permitted at any one time.**
 - (5) No signs shall be placed within ten (10) feet of the property line.
 - (6) No signs shall have any moving parts.
 - (7) **Signs pertaining to elections shall not be erected more than thirty (30) days prior to any election and must be removed within five (5) days of such election.**
- G. Noncommercial signs on a residential property. Any sign on a residential property that does not contain a commercial message shall not require the issuance of a sign permit, provided the following conditions are met in addition to the provisions elsewhere in this Article:
- (1) **There is no more than two (2) signs per dwelling unit unless otherwise permitted elsewhere in this Article.**
 - (2) No single sign exceeds **three (3) feet in height and six (6) square feet in area.**
 - (3) The cumulative area of all signs does not exceed eight (8) square feet.
 - (4) The sign is not illuminated.
 - (5) The sign is not attached to any permanent building or structure.
- H. **One internally lit open sign, not to exceed 180 square inches, is allowed per commercial use, provided it has constant light, is not blinking or flashing, and is off when the business is closed.**

§ 285-44.6. Prohibited signs.

The following signs are prohibited within the Village:

- A. Signs for which no sign permit was issued or for which a sign permit has been revoked.
- B. Signs that are not properly maintained, considered structurally unsound, hazardous, or otherwise unsafe.

- C. Signs that contain words or pictures of an obscene or pornographic nature.
- D. Signs that emit audible sounds, odor, or visible matter, such as smoke or a mist, or similar matter without prior Board approval.
- E. Signs placed on a curb, sidewalk, ~~hydrant~~, utility pole, trees, electrical pole, light pole, hydrant, municipal trash receptacle, municipal fence, street sign, or any traffic control device or other objects located on or over any public street unless otherwise permitted by the Village Board.
- F. Signs that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or hide from view any traffic or street sign, signal, or device.
- G. Signs that flash, blink, rotate, or revolve, and/or utilize unshielded lighting devices or reflectors to outline or provide the background of a sign. **[Amended 5-4-2020 by L.L. No. 2-2020]**
- H. Internally illuminated signs and signs that utilize exposed neon tubing for letters or lighting, except ~~interior signs~~.
- I. Signs that are mounted on wheels or mounted on any structure on wheels.
- J. Signs mounted on or applied to registered or unregistered vehicles unless such vehicle is parked legally on property owned by the vehicle owner or out of public view. **[Amended 5-4-2020 by L.L. No. 2-2020]**
- K. Signs with mirrors or any other reflective material.
- L. Signs painted directly on walls or other structural building features except by special use permit from the Village Board. **[Amended 5-4-2020 by L.L. No. 2-2020]**
- M. Banners, pennants, windblown or inflated signs. **[Amended 5-4-2020 by L.L. No. 2-2020]**
- N. Roof signs not otherwise permitted by the Board of Trustees, obsolete signs, off-premises signs, and billboards.
- O. ~~Manual changeable copy signs, electronic changeable copy signs and signs that are animated or utilize full motion or video technology except where permitted and as regulated elsewhere in this Article.~~

§ 285-44.7. Sign provisions by zoning districts.

A. Residential districts.

~~(1) No lot or use shall have more than two (2) sign types, as provided for in § 285-44.9.~~

(2) The illumination of signs in residential districts is prohibited.

(3) Where a single or multifamily residential development exists, such as an

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apartment complex, one **sale and/or construction** sign may be permitted for the development at each entrance/exit access point **for a period not to exceed twelve (12) months.**

B. Nonresidential districts.

- (1) No use or lot shall have more than two **(2)** sign types, as provided for in § 285-44.9.
- (2) Where multiple operations or uses are located on a single lot, such as, but not limited to, industrial centers, business parks, or shopping plazas, each use shall be allowed two signs of any type in addition to one freestanding sign for the development.
- (3) Window signs shall be included in the count of total allotted signage for any lot or use. [Amended 5-4-2020 by L.L. No. 2-2020]**
- (4) Marquee signs may be permitted with Village Board review and approval.

§ 285-44.8. Nonconforming signs.

- A. All permanent signs that are nonconforming as of the date of enactment of this chapter must be removed or brought into compliance at such time as the sign is replaced, the property and/or business changes use or ownership, or a new permit is required under the provisions of this article. Lawn signs shall be removed upon the expiration of the time limits set forth in this article.
- B. Any nonconforming sign that is removed from its position or siting and not replaced in-kind within thirty (30) days shall be presumed to be abandoned and discontinued and may not be restored or re-erected except in compliance with this article.
- C. No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this article, including, but not limited to area, height, setback, and illumination.
- D. Nothing herein shall be deemed to prevent maintaining a nonconforming sign in good repair and safe condition.

§ 285-44.9. Regulations by sign type. [Amended 5-4-2020 by L.L. No. 2-2020]

The following tables outline the requirements for sign types that may be proposed for installation within the Village. The tables regulate each type of sign by the zoning district in which it is located.

Table 44.9A: Ground Signs							
Ground sign: A sign not attached to any building or structure, which may be supported by one or two columns or posts provided the distance between the ground and bottommost edge of the sign is no greater than three feet.							
Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Number permitted ¹	1 per lot	—	1 per lot	1 per lot	—	1 per lot	1 per lot

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Maximum area (square feet)	6	–	16	16	–	16	16
Maximum height ² (feet)	6	–	7	7	–	7	7
Minimum setback ³ (feet)	10	–	10	10	–	10	10
Illumination permitted	No	–	Yes	Yes	–	Yes	Yes

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NOTES:

- ¹ Signs shall be so located so that the sign face is parallel to the street.
- ² Measured from the elevation of the ground at the center of the sign to the topmost edge of the sign.
- ³ Measured from the nearest edge of the sign to the front or side lot line.

Table 44.9B: Pedestal Signs

Pedestal sign: A sign not attached to any building or structure supported by one or two columns or posts with a distance exceeding seven feet from the ground and the bottommost edge of the sign.

Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Number permitted ¹	–	1 per lot	–	–	1 per lot	–	–
Maximum area (square feet)	–	32	–	–	32	–	–
Maximum height ² (feet)	–	15	–	–	15	–	–
Minimum setback ³ (feet)	–	10	–	–	10	–	–
Illumination permitted	–	Yes	–	–	Yes	–	–

NOTES:

- ¹ Signs shall be so located so that the sign face is parallel to the street.
- ² Measured from the elevation of the ground at the center of the sign to the topmost edge of the sign.
- ³ Measured from the nearest edge of the sign to the front or side lot line.

Table 44.9C: Wall Signs

Wall sign: Any sign fastened to a building or structure that does not project more than 12 inches from the facade.

Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Number permitted	1 per structure	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade
Maximum area ¹	6 square feet	12%	10%	10%	12%	10%	10%

Table 44.9C: Wall Signs

(3) ~~Wall sign: Any sign fastened to a building or structure that does not project more than 12 inches from the facade. The window area shall not count towards the aggregate area of the facade. Where a building has multiple tenants, and tenants are on separate floors, the maximum area of a sign for each tenant shall be measured as a percentage of the facade for which the tenant is located.~~

Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Maximum height (feet)	2	5	4	4	5	4	4
Illumination permitted ²	No	Yes	Yes	Yes	Yes	Yes	No

NOTES:

- ¹ Unless otherwise noted, the maximum area of a sign shall be measured as a percentage of the facade upon which it is to be located.
- ² Any sign located on a facade facing a residential district or use shall not be illuminated.
3. ~~The window area shall not count towards the aggregate area of the facade. Where a building has multiple tenants, and tenants are on separate floors, the maximum area of a sign for each tenant shall be measured as a percentage of the facade for which the tenant is located.~~

Table 44.9D: Projecting Signs

Projecting sign: A sign wholly or partly dependent upon a building or structure for support which projects more than 12 inches, but less than 36 inches from the facade.

Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Number permitted	-	1 per use	1 per use	1 per use	-	1 per use	-
Maximum area (square feet)	-	8	6	6	-	6	-
Maximum height (feet)	-	3	2	2	-	2	-
Minimum clearance ¹ (feet)	-	8	8	8	-	8	-
Illumination permitted	-	Yes	Yes	Yes	-	Yes	-

NOTE:

- ¹ Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign.

Table 44.9E: Suspended Signs

Suspended sign: A sign attached to and supported by the underside of a horizontal plane.

Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Number permitted	-	1 per use	1 per use	1 per use	-	-	-
Maximum area (square feet)	-	8	6	6	-	-	-

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Maximum height (feet)	-	3	2	2	-	-	-
Minimum clearance ¹ (feet)	-	8	8	8	-	-	-
Illumination permitted	-	No	No	No	-	-	-

NOTE:

¹ Measured from the elevation of the ground directly beneath the center of the sign to the bottommost edge of the sign.

Table 44.9F: Awning Signs

Awning sign: A sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor area.

Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Number permitted ¹	-	1 per awning	1 per awning	1 per awning	1 per awning	1 per awning	-
Maximum height (inches)	-	6	6	6	6	6	-
Minimum clearance ² (feet)	-	8	8	8	8-	8	-
Illumination permitted	-	No	No	No	No	No	-

NOTES:

¹ Said sign shall only be permitted on the bottommost edge of the canvas, fabric, or other material to which it is applied, often referred to as the valence.

² Measured from the elevation of the ground directly beneath the center of the awning to the bottommost edge of the awning.

Table 44.9G: Window Signs

Window sign: A sign which is applied or attached to the exterior or interior of a window or is installed inside of a window within 12 inches of the window through which it can be seen.

Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Number permitted	-	Any	Any	Any	Any	Any	-
Maximum Area ¹	-	20%	15%	15%	20%	15%	-
Illumination permitted	-	No	No	No	No	No	-

NOTES:

¹ The maximum area of a sign shall be determined by the percentage of window area covered.

Table 44.9H: Sandwich Board Signs

Sandwich board sign: A freestanding sign that is comprised of two sign faces diverging at a 45-degree angle from their adjoining edge.

Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Number permitted ¹	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use
Maximum area (square feet)	6	6	6	6	6	6	6
Maximum height (feet)	4	4	4	4	4	4	4
Illumination permitted	No	No	No	No	No	No	No

NOTE:

¹ Sign must be brought in each day at the close of business.

Table 44.9I: Temporary Signs

Temporary sign: A sign which is not intended to be used for a period of time exceeding 30 days and is not attached to a building, structure, or the ground in a permanent manner.

Zoning Districts							
Requirement	R	GC	NC	VC	GM	VM	OS
Number permitted ¹	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use
Maximum area (square feet)	12	32	32	32	32	32	32
Maximum height (feet)	3	4	4	4	4	4	4
Illumination permitted	No	No	No	No	No	No	No
Maximum display time ²	30 days	30 days	30 days	30 days	30 days	30 days	30 days

NOTES:

¹ Temporary signs shall not be included in the count of total allotted signage for any lot or use.

² Maximum display time shall be limited to any given ninety-day period.