

## SIGNS

### Chapter 115

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**[HISTORY: Adopted by the Board of Trustees of the Village of Lansing 11-29-1976 as L.L. No. 7-1976. Amendments noted where applicable.]**

#### GENERAL REFERENCES

**Zoning -- See Ch. 145.**

#### § 115-1. Title.

This chapter shall be known as the "Sign Law of the Village of Lansing."

#### § 115-2. Purpose. [Amended 2-7-2011 by L.L. No. 2-2011]

The purpose of this chapter is to create the legal framework for a comprehensive but balanced system of signs and thereby to facilitate an easy and pleasant communication between people and their environment. With this concept in mind, this chapter is adopted for the following purposes:

- A. To authorize the use of signs which are:
  - (1) Compatible with their surroundings.
  - (2) Appropriate to the type of activity to which they pertain.
  - (3) Expressive of the identity of individual proprietors or of the community as a whole.
  - (4) Legible in the circumstances in which they are to be seen.

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- B. To preserve, protect and promote the public health, safety and welfare.
- C. To enhance the economy and the business and industry of the Village by promoting the reasonable, orderly and effective display of signs and encouraging better communication with the public.
- D. To enhance the physical appearance of the Village by preserving the scenic and natural beauty of the area.
- E. To protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction and use of signs within the Village.
- F. To protect the pedestrians and motorists from damage or injury caused by the distractions, obstructions and hazards created by certain signs.
- G. To protect the public investment in streets and highways by reducing distractions that may increase traffic accidents.
- H. To protect the physical and mental well-being of the general public by recognizing and encouraging a sense of aesthetic appreciation for the visual environment.
- I. To preserve the value of private property by assuring the compatibility of signs with surrounding land uses.
- J. To encourage sound practices and lessen the objectionable effects of competition in respect to size and placement of signs.

### **§ 115-3. Definitions. [Amended 1-9-1978 by L.L. No. 1-1978; 4-8-1980 by L.L. No. 3-1980]**

As used in this chapter, the following terms shall have the meanings indicated, unless otherwise expressly stated:

*Accessory sign or on-premises sign* -- Any sign related to any activity, business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

*Billboard, nonaccessory sign or off-premises sign* -- Any sign related to any activity, business or profession conducted, or to a commodity or service sold or offered upon premises other than where such sign is located.

*Business* -- A separate outlet or establishment.

*Erect* -- To build, construct, alter, change any lettered or pictorial matter, display, relocate, attach, hang, place, suspend, affix or maintain any sign, and also includes the painting of exterior wall signs. The term does not include the changing of the advertising copy or message on an approved painted or printed sign or billboard or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

*Facade* -- That portion of the building which as an uninterrupted plane most nearly parallels the principal frontage.

*Freestanding sign* -- Any sign or sign structure not attached to the exterior of a building.

*Front or face of a building* -- The outer surface of a building, including the outer and inner surface of windows thereon, visible from any private or public street or highway.

*Illuminated sign* -- Any sign illuminated by electricity, gas or other artificial light, including but not limited to reflective or phosphorescent light originating from outside the body of the sign or from within or behind it.

*Lighting device* -- Any light, string of lights or group of lights or neon tubing located or arranged so as to cast illumination on a sign face from the exterior, or to

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illuminate a sign from its reverse side, or to outline any portion of a building or draw attention to any activity or land use.

*Local tourist-oriented directional sign* -- Any ground-mounted free-standing directional sign [other than a New York State tourist-oriented directional sign (separately defined in this §115-3) over which the Village has no jurisdiction] to be situated within the Village of Lansing that is (i) to be used to provide local directional guidance (i.e., subsequent turns or critical decision points) to a tourist oriented business within the Village as a supplement to a New York State tourist-oriented directional sign situated at an intersection on a conventional highway or expressway, and (ii) required in accordance with the New York State Supplement to the National Manual of Uniform Traffic Control Devices and as part of the approval by the New York State Department of Transportation of a New York State tourist-oriented directional sign; such tourist-oriented businesses within the Village include gas stations, restaurants, hotels, motels, resorts and golf courses. **[Added 6-15-2009 by L.L. No. 3-2009]**

*New York State tourist-oriented directional sign* -- Any directional sign (i) under the jurisdiction of New York State, (ii) for use to guide traffic from the New York State numbered route system to tourist-oriented businesses not located on the system, and (iii) provided for in the New York State Supplement to the National Manual of Uniform Traffic Control Devices. **[Added 6-15-2009 by L.L. No. 3-2009]**

*Person* -- Any person, firm, partnership, association, corporation, company, institution or organization of any kind.

*Portable sign or mobile sign* -- Any sign or sign structure not permanently affixed to the ground or to the exterior of a building.

*Principal frontage* [where a lot has frontage on more than one (1) street] -- The frontage on the street which the Zoning Officer designates as having or being designed for the higher traffic flow. If no reasonable distinction between frontage streets can be made on the basis of traffic flow, the Zoning Officer designates the principal frontage in keeping with the overall layout and development of the neighborhood.

*Projecting sign* -- Any sign that projects from the exterior of any building.

*Shopping mall* -- Any group of three (3) or more stores which share a common vehicular entrance or entranceways and common off-street parking, and which contain a total of at least ten thousand (10,000) square feet of gross floor area.

*Sign* -- Any material, symbol, emblem, structure or device or part thereof, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed when used or located out of doors or outside or on the exterior of any building, including exterior and interior window surfaces. Such matter may be for display of an advertisement, announcement, notice, directional matter or name. The term "sign" includes sign frames, billboards, sign boards, painted wall signs, hanging signs, illuminated signs, pennants, fluttering devices, projecting signs or ground signs, and also includes any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person or business when the same is placed in view of the general public. The term "sign" includes signs related and unrelated to a business or profession, or to a commodity or service sold or offered upon the premises where such sign is located.

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*Sign area* -- The surface area of the sign, including the frame, plate or structure used to hold up any lettering or pictorial matter. In the event that a sign is attached, painted or applied to the front or face of a building or is irregular in shape, the area of the sign must be taken as the area of the smallest rectangle that can be placed over the entire sign, including its lettering, devices, frame and decorative moldings along its edges, and background if of a different color than the predominant color surrounding the sign except as otherwise provided herein. In the event that both upper case and lower case letters are used in a lettered wall sign, the area must be defined by the smallest rectangle that can be placed over the letters. In the event that a letter or letters or other pictorial matter are placed as separate units without a background board, the sign area must be calculated as the area of the smallest rectangle or circle that encloses all of the symbols. In the case of a flat or two-sided freestanding sign, the sign area is considered to be the entire surface area of one (1) face of the sign. The sign area of signs having more than two (2) sides is the sum of the surface area of all sides. In the event that a pictorial image or symbol is displayed on an awning, roof-like cover or canopy of a building or other structure and the color and shade of such pictorial image or symbol do not, in the determination of the Village Zoning Officer, exceedingly contrast with the main color and shade of the awning, roof-like cover or canopy, the pictorial image or symbol shall (i) not be deemed to be a sign (see definition in this §115-3) and (ii) not be included as part of the sign area. In the event that the Village Zoning Officer determines that such proposed pictorial image or symbol may exceedingly contrast with the main color and shade of the awning, roof-like cover or canopy, the Zoning Officer shall thereupon refer the matter to the Planning Board as provided for in §115-7.2 B. **[Added 4-2-2012 by L.L. No. 2-2012]**

*Sign support structure* -- Any freestanding structure, or part thereof, the primary function of which is to hold a sign in a position so that it can be seen by its intended audience. A sign support structure is to be designed so that it does not obscure the view past or through it any more than the structural requirements of holding up the sign require. If the sign support structure is essentially opaque, it shall be considered to be part of the sign area and calculation of the sign area shall include the sign support structure. **[Added 5-19-1987 by L.L. No. 1-1987]**

### **§ 115-4. Applicability.**

For the purposes of this chapter, the term "sign" does not include signs erected and maintained by any governmental agency pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation, nor does it include flags, emblems or symbols of a nation, governmental body or school, nor memorial tablets or historical markers erected by any governmental agency, nor does it include posters or signs of a temporary nature erected or placed for a period of not more than thirty (30) days (as provided in § 115-8A), nor does it include interior window signs (as provided in § 115-8B), nor does it include public safety signs which are necessary for regulating pedestrian or vehicular traffic, nor does it include signs or decorations in celebration of national holidays, provided that they do not contain any name, individual, corporation or business, trademark or trade name and do not constitute a public nuisance or hazard.

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### § 115-5. Restrictions and prohibited acts.

The prohibitions contained in this section apply to all signs and lighting devices in all use districts, regardless of designation, of the Village of Lansing.

- A. Any illuminated sign or lighting device may employ only lights emitting constant intensity, and no sign may flash or move or have the appearance of flashing or moving or be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event may an illuminated sign or lighting device be so placed or so directed as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, navigable waterway or air corridor or premises adjacent to any of these so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. Illuminated signs must not be lighted between 10:00 p.m. and sunrise, except that signs may remain lighted during normal business hours.
- C. No part of a sign or lighting device may project more than eighteen (18) inches from the front or face of a building.
- D. A sign or lighting device may not be supported or attached, wholly or in part, over or above any wall, building or structure.
- E. A portable, mobile or temporary sign may not be placed on the front or face of a building or on any premises, except as provided in §§ 115-6, 115-7, 115-8 and 115-9 herein.
- F. No sign or part thereof may contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving, fluttering or revolving devices. These devices, as well as strings of lights, may not be used for advertising or attracting attention or for any other purpose.
- G. Only accessory signs or on-premises signs as provided in this chapter are permitted; billboards, nonaccessory signs and off-premises signs are not permitted in any area of the Village of Lansing, except as noted in § 115-6A(2). [**Amended 4-8-1980 by L.L. No. 3-1980**]

### § 115-6. Permitted signs in all districts.

- A. The following signs are permitted in any use district without a permit, provided that if ground-mounted, the top must not be over five (5) feet above the ground and if building-mounted, must be flush-mounted:
  - (1) One (1) sign advertising the sale, lease or rental of the premises upon which the sign is located, which sign must not exceed nine (9) square feet in area, except in residential districts where the sign must not exceed five (5) square feet. The sign must be removed within ten (10) days after the sale, lease or rental. [**Amended 4-8-1980 by L.L. No. 3-1980**]
  - (2) One (1) sign denoting the name and location of property containing six (6) or more rental residential units, which sign may be located on the premises and which sign must not exceed five (5) square feet in area, or if the property does not have frontage on a public street, one (1) sign may be placed along the accessway to such premises, which sign must not exceed nine (9) square feet in area. [**Added 4-8-1980 by L.L. No. 3-1980**]
  - (3) One (1) nameplate, not self-illuminated, denoting the names and address of the occupants of the premises, not exceeding one hundred forty-four (144) square inches per dwelling unit.

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- (4) Directional (entrance/exit) signs on premises, one (1) for each accessway, each not exceeding two (2) square feet in area and which must not include any trademarks or names of businesses conducted or products sold and must include the minimum amount and size of lettering necessary to effectively direct traffic. **[Amended 2-7-2011 by L.L. No. 2-2011]**
  - (5) One (1) sign or notice, having an area of fifteen (15) square feet or less, erected by a public utility, necessary for the direction, information or safety of the public.
  - (6) One (1) sign of a temporary nature listing the architect, engineer, contractor or owner may be placed on premises where construction, repair or renovation is in progress, which sign must not exceed five (5) square feet in area. Such sign must be removed immediately upon completion of the project or if construction is interrupted for a period of six (6) months. **[Added 1-9-1978 by L.L. No. 1-1978]**
- B. The following signs are permitted in any use district but require a permit, and if ground-mounted, the top must not be over five (5) feet above the ground and if building-mounted, must be flush-mounted:
- (1) One (1) sign or bulletin board customarily incidental to places of worship, libraries, museums, social clubs or societies, which sign or bulletin board must not exceed nine (9) square feet in area and must be located on the premises of such institutions.
  - (2) One (1) sign advertising real estate developments or subdivisions [during the period of development, not to exceed one (1) year from the date of permit] is permitted in residential districts. This sign must not exceed five (5) square feet in area and must advertise only the name of the architect, contractor, owner or developer and such sign must not be illuminated in any manner. The permit may be renewed for two (2) additional periods of one (1) year each for good cause.
  - (3) One (1) sign identifying a real estate development, subdivision or neighborhood. Such sign shall not exceed five (5) square feet in area. Such sign shall set forth only the specific name of the real estate development, subdivision or neighborhood and no other information. **[Amended 1-9-1978 by L.L. No. 1-1978; 5-19-1987 by L.L. No. 1-1987<sup>1</sup>; 8-20-07 by L.L. No. 5-2007]**
- C. **[Added 2-1-1993 by L.L. No. 5-1993]** The following signs are permitted in the Farm and Craft Market Combining District but require a permit, and the top of any such sign must not be over fifteen (15) feet above the ground:
- One (1) unlighted freestanding sign not exceeding nine (9) square feet in area advertising a home occupation, as defined in § 145-60D of Chapter 145, Zoning.

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<sup>1</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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### § 115-7.1 Permitted signs with a permit in Commercial and Business and Technology Districts.<sup>2</sup> [Amended 6-15-2009 by L.L. No. 3-2009]

The following signs are permitted with a permit, provided that if ground-mounted, the top must not be over twenty-five (25) feet above the ground and if building-mounted, must be flush-mounted:

#### A. Shopping malls.

- (1) Identification signs at vehicular entranceways. There may be at most two (2) such signs, at most one (1) at each entranceway. Each such sign may be at most sixty (60) square feet in area.
- (2) Individual establishments located within a shopping mall and which occupy at least fifteen thousand (15,000) square feet of gross floor area are entitled to at most two (2) building-mounted identification signs totaling at most fifty (50) square feet in area.
- (3) Individual establishments within a shopping mall which face and have entranceways clearly visible from the exterior and which occupy between five hundred (500) and fourteen thousand nine hundred and ninety-nine (14,999) square feet of gross floor area are entitled to at most one (1) building-mounted identification sign not to exceed twenty-five (25) square feet in area.
- (4) Within a mall parking lot or in private driveways leading to such parking lots, there is no limit to the number and directional signs of one (1) square foot or less, provided that the signs must be at least fifty (50) feet from a public road right-of-way or must not face such public road. Collections of such signs may be placed on a building façade or may be freestanding. In any such collection, there can be no more than one (1) sign per establishment.

#### B. Travel service businesses not located in a shopping mall. [Amended 4-8-1980 by L.L. No. 3-1980]

- (1) Motel (including restaurant), gasoline service station, service and repair garage or used car sales outlet.
  - (a) Identification signs. There may be at most two (2) such signs on the premises, one (1) of which may be freestanding. The freestanding sign may not exceed fifty (50) square feet in area. The sum total of all signs must not exceed one hundred (100) square feet in area.
  - (b) Additional advertising signs, not to exceed two (2) in number, each not to exceed five (5) square feet in area are permitted.
  - (c) Signs mandated by the State of New York are excluded from computations.
- (2) New car sales outlet (including used car sales outlet on premises).
  - (a) Identification signs. The sum total of all signs on the premises must not exceed one hundred (100) square feet in area. One (1) freestanding sign is permitted, not to exceed seventy-five (75) square feet in area.
  - (b) Additional advertising signs, not to exceed two (2) in number, each not to exceed five (5) square feet in area are permitted.
  - (c) Signs mandated by the State of New York are excluded from computations.

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<sup>2</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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- C. Other establishments (including stores not in a shopping mall). [**Amended 4-8-1980 by L.L. No. 3-1980**]

Identification signs. There may be at most two (2) such signs, one (1) of which may be freestanding. The freestanding sign for a single business must not exceed nine (9) square feet in area. Only one (1) freestanding sign is permitted for multiple businesses on one (1) parcel of land. The total sign area of all signs erected on one (1) freestanding sign, in the case of multiple businesses, must not exceed eighteen (18) square feet in area. The building-mounted sign, or signs, must not exceed one (1) square foot for each two (2) linear feet of building facade. The sum of the total sign area of all signs on the building must not exceed fifty (50) square feet, regardless of the number of businesses operated therein.

### **§ 115-7.2 Permitted signs with a permit and Planning Board approval in Commercial and Business and Technology Districts, and in a commercial area included in an authorized Planned Development Area.[Added 6-15-2009 by L.L. No. 3-2009; Amended 2-7-2011 by L.L. No. 2-2011; Amended 4-2-2012 by L.L. No. 2-2012]**

The following signs are permitted with a permit and Planning Board approval:

- A. Local tourist-oriented directional sign (see definition in §115-3 of this chapter 115) no greater in size than two and one-half (2.5) square feet and the top of which being no higher than nine (9) feet above the ground.
1. Prior to the issuance of the required permit for a local tourist-oriented directional sign, the proposed sign must be approved by the Planning Board of the Village of Lansing.
  2. Upon receipt of a completed permit application for a tourist-oriented directional sign, such application shall be referred by the Zoning Officer to the Planning Board Chairperson, whereupon (i) the application shall be scheduled for review by the Planning Board within thirty-one (31) days following the receipt of the application by the Planning Board Chairperson (or such subsequent meeting date to which the Planning Board Chairperson and applicant may agree); and (ii) the applicant shall be notified by the Zoning Officer of such scheduled meeting date. No public hearing shall be required. The Planning Board's determination shall be made within thirty-one (31) days following the meeting at which the application is reviewed by the Planning Board; provided, however, that the time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board.
  3. No approval of a local tourist-oriented directional sign will be granted by the Planning Board unless the proposed sign meets all of the following requirements:
    - (a) such local tourist-oriented directional sign will not obstruct or impair vision or traffic, or in any way create a nuisance, hazard or otherwise be detrimental to or endanger the public health, safety or general welfare;



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- (b) such local tourist-oriented directional sign will not be injurious to the use and enjoyment of other property in the vicinity or neighborhood;
  - (c) such local tourist-oriented directional sign is appropriate in appearance and in harmony with the design and color of the New York State tourist-oriented directional sign (see definition in §115-3 of this chapter 115) giving rise to the necessity for such local tourist-oriented directional sign;
  - (d) the specific location of such local tourist-oriented directional sign is approved by the Village Superintendent of Public Works; and
  - (e) all other applicable provisions of the Village Sign Law have been complied with, including, but not limited to, those provided for in §115-9 of this chapter 115.
4. Any previously approved local tourist-oriented directional sign shall be removed in the event that (i) it is no longer required in accordance with the New York State Supplement to the National Manual of Uniform Traffic Control Devices as part of the approval by the New York State Department of Transportation of a New York State tourist-oriented directional sign, or (ii) it is no longer required because the New York State tourist-oriented directional sign originally necessitating the local tourist-oriented directional sign has been removed. In the event that the Zoning Officer determines that removal of the local tourist-oriented directional sign so required, he or she shall so notify the record owner of the sign at the owner's last known address by registered or certified mail, (return receipt requested), such notice to provide a period of thirty (30) days from the date of such written notice for the sign to be removed. If the sign is not removed within the required thirty (30) day period, the Zoning Officer may remove the sign and thereafter assess all costs and expenses incurred in such removal against the record owner of such sign.
- B. Building-mounted pictorial image or symbol displayed on an awning, roof-like cover or canopy of a building, the color and shade of such pictorial image or symbol having been determined by the Village Zoning Officer to require approval of the Planning Board (see definition of "Sign area" in § 115-3).
- 1. Prior to the issuance of the required permit for such pictorial image or symbol, the proposed pictorial image or symbol must be approved by the Planning Board of the Village of Lansing.
  - 2. Upon receipt of a completed permit application for such pictorial image or symbol, such application shall be referred by the Zoning Officer to the Planning Board Chairperson, whereupon (i) the application shall be scheduled for review by the Planning Board within thirty-one (31) days following the receipt of the application by the Planning Board Chairperson (or such subsequent meeting date to which the Planning Board Chairperson and applicant may agree); and (ii) the applicant shall be notified by the Zoning Officer of such scheduled

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meeting date. No public hearing shall be required. The Planning Board's determination shall be made within thirty-one (31) days following the meeting at which the application is reviewed by the Planning Board; provided, however, that the time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. In the event that such proposed pictorial image or symbol being referred to the Planning Board is governed by an approved Planned Sign Area and is determined to be an amendment to the Planned Sign Area, the Planning Board's determination in such case shall be deemed to be a recommendation to the Board of Trustees as to such amendment (see § 115-10 F).

3. No determination as to such pictorial image or symbol will be made by the Planning Board unless all of the following requirements are met:
  - (a) such pictorial image or symbol will not obstruct or impair vision or traffic, or in any way create a nuisance, hazard or otherwise be detrimental to or endanger the public health, safety or general welfare;
  - (b) such pictorial image or symbol will not be injurious to the use and enjoyment of other property in the vicinity;
  - (c) such pictorial image or symbol is generally appropriate in appearance and generally in harmony with the architecture and signage in the vicinity; and
  - (d) all other applicable provisions of the Village Sign Law have been complied with. **[Added 4-2-2012 by L.L. No. 2-2012]**

### **§ 115-7.3 Permitted signs with a permit in Human Health Services District. [Added 6-15-2009 by L.L. No. 3-2009]**

The following signs are permitted with a permit:

- A. Identification signs (i) that if ground mounted, the top of which must not be over twenty-five (25) feet above the ground; (ii) that if building-mounted, must be flush-mounted; and (iii) all of which must comply with the requirements and restrictions set forth in subsection "C" of §115-7.1 of this Chapter 115; and
- B. Directional signs located within a medical/health care campus or similar collection of medical/health care facilities, the purpose of such signs being to more effectively guide patients and other parties to their intended destinations; each such sign shall be no greater in size than two and one-half (2.5) square feet with the top being no higher than nine (9) feet above the ground, and the content, number and location(s) of each such sign shall be approved by the Village Superintendent of Public Works.

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### § 115-8. Temporary signs.<sup>3</sup> [Amended 4-5-1988 by L.L. No. 2-1988; 2-7-2011 by L.L. No. 2-2011]

- A. All political or civic signs of a temporary nature may be erected without a permit for a period not exceeding thirty (30) days, provided that the consent of the property owner or occupant is obtained and that such signs are not attached to fences, trees, utility poles or the like and that such signs are not placed in such a position as may obstruct or impair vision or traffic or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public. All such signs must identify the name and address of the sponsoring person or organization, date of posting and the name of a person responsible for their removal at the expiration of the thirty-day period. Such signs must not exceed six (6) square feet.
- B. Window signs which are affixed to the interior of a window and which are not self-illuminated may be erected without a permit. Window signs must not at any time cover more than thirty percent (30%) of the window area.
- C. Within a Commercial or Business and Technology District, signs of a temporary nature announcing the opening or reopening of a business may be erected with a permit for a period not to exceed fourteen (14) days. There may be at most two (2) such signs, one (1) of which may be freestanding. The freestanding sign must not exceed six (6) square feet in area. The second sign must not exceed fifty (50) square feet in size, and such sign must be entirely attached to the building. All such signs shall not be placed in such a position as may obstruct or impair vision or traffic or in any manner create a nuisance, hazard or disturbance to the health and welfare of the general public.<sup>4</sup>
- D. One (1) unlighted, one-sided sign of a temporary nature listing the architect, engineer, developer, contractor, subcontractor, owner and/or other participants in a primary construction project [adding greater than forty percent (40%) of the current assessed value of the property exclusive of the land value] may be placed on the premises where the construction is in progress in all zoning districts except the low-density and medium-density residential districts, the area of which sign must not exceed thirty-two (32) square feet. Such signs must be removed immediately upon issuance of a certificate of compliance, whether temporary or permanent, for the project or if construction is interrupted for any period exceeding six (6) months, or, in any event, no later than one (1) year from the date such sign was erected. The lettering used on such sign for the name of the owner, tenant, franchisee or operator of the premises shall not be more than double the size of the lettering used for any other name on such sign, and in no event shall such sign include only the name, logo or trademark of an owner, tenant, franchisee or operator. The setback restrictions of § 115-9 below shall apply to all such signs. [Added 5-3-1993 by L.L. No. 7-1993]
- E. Within a Commercial or Business and Technology District, one (1) free standing on-premises sign of temporary nature per parcel of land may be erected for the purpose of providing notice for a special event. Such sign shall not exceed five (5) square feet in area and will be permitted for a period of no more than five (5)

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<sup>3</sup>Editor's Note: See also Ch. 145, Zoning, § 145-58C

<sup>4</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

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continuous days and no more than a total of thirty (30) days per calendar year. Such sign shall require a permit for each five (5) day interval.

### **§ 115-9. Sign setbacks. [Amended 3-19-1991 by L.L. No. 5-1991, 6-15-2009 by L.L. No. 3-2009]**

- A. No freestanding sign may be erected or maintained in such a manner so as to project over or above any street, public highway or waterway. Signs must be set back at least fifteen (15) feet from the existing pavement edge of any public highway or street. Directional signs [i.e., entrance/exit signs (see §115-6, subsection A4), tourist-oriented directional signs (see §115-7.2) and Human Health Services guidance signs (see §115-7.3, subsection B)] may be closer than fifteen (15) feet with the approval of the Village Superintendent of Public Works. Signs may not be erected or maintained within a public or private right-of-way without the written approval of the owner of such right-of-way and any authority having jurisdiction over such right-of-way, if any.
- B. Side and rear yard setbacks of signs must be no less than those required for structures or buildings in Chapter 145, Zoning, for the district in which the property is located.

### **§ 115-10. Planned sign area. [Added 1-9-1978 by L.L. No. 1-1978]**

- A. Intent. [Amended 9-6-1989 by L.L. No. 7-1989]
  - (1) The purpose of a planned sign area is to introduce a degree of flexibility in the conventional regulation of signs in such a way as to encourage improved visibility, readability, coordination of height, color, shape, lighting and other sign design features which will lessen the distracting demand for attention which confronts the public in areas in which travel safety, pedestrian security, business identification and attractiveness of the environment are important factors to the mental and physical well-being of consumers and residents.
  - (2) This section recognizes that while size, lighting, location, color, material and informational content are appropriate control functions for the regulation of signs in the Village, these regulations cannot sensitively handle all of the sign situations in a community as diverse as the Village. Special areas, by virtue of certain aspects of their location, size, proximity to other businesses or buildings, variety of services, density of development or traffic conditions, provide the opportunity to enhance the visual appearance which might otherwise be limited by strict adherence to the sign regulations now or hereinafter adopted or amended. Such areas may at the same time provide a planning opportunity to influence the economic prosperity of the Village by providing an attractive environment for shopping and obtaining goods and services.
  - (3) Therefore, where the planned sign area is deemed appropriate, the conventional sign regulations set forth elsewhere in this chapter are hereby replaced by an approval process by which an approved sign development plan becomes the basis for an alternative means of sign regulation.

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- B. **[Added 9-6-1989 by L.L. No. 7-1989]** Definitions. As used in this section, the following terms shall have the meanings indicated:

*Planned sign area* -- A geographical unit in which a coordinated design for visual communications, consisting of a sign development plan, is approved. A planned sign area must be classified as:

- (1) Shopping mall. For the purposes of this section, a "shopping mall" is specifically defined as any group of three (3) or more stores which share a common vehicular entrance or entranceways and common off-street parking, and which contain a minimum of three (3) acres; and to which may be added contiguous businesses.
- (2) Business and technology park and research park. For the purposes of this section, a "business and technology park" or "research park" is specifically defined as an integral unit to be used for business, technology, industry, research or office purposes, or a combination thereof, which area is under the ownership and/or development control of a single person, and which, unless lesser minimums are approved by the Planning Board, contains a minimum of three (3) detached structures and five (5) acres of land; and to which may be added contiguous businesses.
- (3) Contiguous business. A "contiguous business" is any business as defined in § 115-3 hereinabove or any business, technology, industry, research or office facility which is contiguous to a shopping mall, business and technology park, research park or to any other business or facility which is included in a planned sign area.

*Sign development plan* -- A collection of drawings and written statements describing all pertinent details of signs and related features included in a planned sign area.

- C. Criteria. In order to carry out the purpose of this section, a sign development plan for a planned sign area must meet the following criteria:

- (1) The plan must be coordinated to cover the entire area.
- (2) The plan must result in a more desirable environment than would be possible through the strict application of other sections of this chapter, including aspects of public safety, coordinated identification and easy and pleasant communication to consumers, clients, customers and other users of goods and services offered within the planned sign area. **[Added 9-6-1989 by L.L. No. 7-1989]**
- (3) All signs in a planned sign area must conform to the approved plan, or there must be included a time schedule for bringing them into conformance.
- (4) The plan may include other aspects of the area that contribute to its visual impact, such as existing features of scenic, historical or architectural interest and proposed changes in landscaping, building design or other appropriate methods to enhance the effectiveness of the plan.

- D. Preliminary proposal.

- (1) Any applicant wishing approval for a planned sign area must submit his request to the Chairman of the Planning Board at least ten (10) days prior to a regular meeting of such Board, a preliminary proposal which must include:
  - (a) Sketches necessary to illustrate typical sign designs, lighting and locations.
  - (b) A written explanation of the character and purpose of the planned sign area and an indication of the expected timetable for development.

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- (2) The Planning Board shall immediately forward an information copy of the preliminary proposal to the Board of Trustees. The Planning Board may engage whatever experts it deems advisable to aid in its decisions in considering a planned sign area.
  - (3) The applicant or his duly authorized representative shall attend the meeting of the Planning Board at which the preliminary proposal will be reviewed. Such review must include consideration of the criteria (Subsection C) and the general planning objectives for the area as determined by the Planning Board.
  - (4) Within fifteen (15) days after such meeting, the Planning Board must notify the applicant of the conditions and specifications under which the preliminary proposal may be approved.
  - (5) Upon receipt of this notice, the applicant may proceed to submission of the sign development plan, if he agrees to meet the conditions specified by the Planning Board. The applicant has the option to submit a new preliminary proposal if he cannot agree to meet the conditions specified by the Planning Board.
- E. Sign development plan.
- (1) The applicant must submit the sign development plan to the Planning Board at least forty-eight (48) hours prior to the regularly scheduled meeting at which it is to be reviewed. Such sign development plan must include:
    - (a) Drawings showing all the elements of the final sign designs and sign locations.
    - (b) Written statements, including any staging of construction being considered, a timetable for beginning and completing construction of each stage, criteria for erection or change of any sign after formation of the planned sign area, criteria for future additions to the planned sign area, if any, provisions for administration and agreement to provide any performance guaranty which may be required by the Board of Trustees.
  - (2) Within seven (7) days after such meeting, the Planning Board must submit to the Board of Trustees a written recommendation concerning the sign development plan approval.
  - (3) The Board of Trustees must at its next regularly scheduled meeting, after receipt of the Planning Board's recommendation, schedule a public hearing to be held within fifteen (15) days of such meeting.
  - (4) Within ten (10) days after the public hearing, the Board of Trustees must approve or disapprove the sign development plan.
  - (5) If the sign development plan is approved, the Board of Trustees must authorize the Zoning Officer to issue a special sign permit, to be issued on receipt of any proof of performance guaranty which the Board may require, and for a time specified and determined by the Board of Trustees for completion of the planned sign area.
- F. Standards of administration in a planned sign area. The Zoning Officer can approve new or changed signs that clearly conform to the plan. The Zoning Officer must consult the Planning Board on any new or changed signs if a judgment is required as to whether they conform to the plan. Any amendments to the plan must be approved by the Board of Trustees. A public hearing is required for a major amendment.

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- G. **[Added 9-6-1989 by L.L. No. 7-1989]** Withdrawal from a planned sign area. It is recognized that changes in ownership, tenancy or type of activity may make withdrawal from a planned sign area desirable. Upon proper application to the Zoning Officer, such withdrawal is permitted under the following circumstances and subject to the following conditions:
- (1) Shopping mall. Withdrawal is permitted for the entire mall. Individual businesses may not withdraw.
  - (2) Business and technology park or research park. Withdrawal is permitted for the entire park. Individual lots, structures or facilities may not withdraw.
  - (3) Contiguous business. Withdrawal is permitted with change in ownership.
  - (4) Notwithstanding any other provision contained in this chapter to the contrary, including the terms and provisions of § 115-11 hereinbelow, any signs in a planned sign area or any part thereof which are withdrawn must be brought into conformance with all applicable terms, provisions and conditions of this chapter within one (1) year from the date of withdrawal.
- H. Waiver of time requirements. Any of the time requirements specified in Subsections D and E may be waived by the Planning Board or the Board of Trustees, as the case may be, with the agreement of the applicant.<sup>5</sup>

### **§ 115-11. Nonconforming signs. [Added 1-9-1978 by L.L. No. 1-1978]**

- A. Purpose. The purpose of this section is to bring all signs through a transition period into adherence to uniform standards and controls. This nonconforming section provides the proper mechanism to ensure equal treatment under this chapter to all applicants.
- B. **[Amended 3-13-1980 by L.L. No. 2-1980; 4-8-1980 by L.L. No. 3-1980]** A sign which was lawful at the time of original erection and which does not conform with the provisions and standards of this chapter, including any amendments hereto, must be brought into conformity, be removed or receive a variance within whichever of the following periods is longest:
- (1) Within ten (10) years from the date the sign was originally erected.
  - (2) Within whatever number of years from the date of original erection the owner determined to be the depreciable life of the sign for purposes of federal income taxes. Such choice of depreciable life must have been made six (6) months prior to the effective date of the provision or standard under which the sign is nonconforming, and such choice must be verified by a certified statement.
  - (3) Within three (3) years from the effective date of the provision or standard under which the sign is nonconforming.
- C. In the event that the time of original erection cannot be established, the date must be considered to be July 9, 1971. **[Added 4-8-1980 by L.L. No. 3-1980]**
- D. This section applies to signs which were erected pursuant to a variance issued prior to the effective date of this section. **[Amended 4-8-1980 by L.L. No. 3-1980]**
- E. Notice. **[Amended 4-8-1980 by L.L. No. 3-1980]**
- (1) The Zoning Officer, upon determining that any such nonconforming sign exists at the end of the applicable period, must notify the owner of the

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<sup>5</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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premises in writing, served personally or by registered or certified mail (return receipt requested) to remove said sign within ninety (90) days from the date of such notice.

- (2) Said notice must reasonably describe the sign, state that the sign does not conform, give notice that it must be removed within ninety (90) days and advise the person served that he may appeal from the Zoning Officer's determination.

### **§ 115-12. Permits. [Amended 1-9-1978 by L.L. No. 1-1978; 4-10-1978 by L.L. No. 2-1978]**

- A. Except as otherwise herein provided, a person must not erect any sign as defined herein without first obtaining a permit therefor from the Zoning Officer. Failure to obtain such a permit will be deemed a violation of this chapter. No sign, whether new or existing, may hereafter be erected or altered, except in conformity with the provisions of this chapter. **[Amended 4-8-1980 by L.L. No. 3-1980]**
- B. Application for permit. Application for the permit must be made in writing in duplicate to the Zoning Officer, and upon forms prescribed and provided by the Zoning Officer.
- C. Fees. **[Amended 2-21-1989 by L.L. No. 3-1989; 10-2-1990 by L.L. No. 10-1990; 2-7-2011 by L.L. No. 2-2011]**
  - (1) Along with an application for a sign permit, the applicant must deliver to the Zoning Officer the following fees:
    - (a) An application fee of twenty-five dollars (\$25.) for a non-temporary sign and an application fee of ten dollars (\$10) per temporary sign.
    - (b) The additional sum of one dollar (\$1.) for each square foot of area of each sign referred to in the subject application for a sign permit.
  - (2) The foregoing fees are exclusive of any fees required elsewhere in this chapter for publication of any notice of public hearing or otherwise.
- D. Procedures.
  - (1) It is the duty of the Zoning Officer, upon the filing of an application for a permit, to examine such plans, specifications and other data submitted to him with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign or other advertising structure.
  - (2) If the proposed sign is in compliance with all the requirements of this chapter, the Zoning Officer must issue a permit for the erection of the proposed sign.
- E. Conditions of permits. **[Amended 4-8-1980 by L.L. No. 3-1980; 2-7-2011 by L.L. No. 2-2011]**
  - (1) Signs must be kept clean, in neat order and repair and free from all hazards, such as but not limited to faulty wiring and loose fastenings, and must be maintained at all times in such safe condition so as not to be detrimental to the public health or safety.
  - (2) If the sign authorized under any permit has not been completed within six (6) months from the date of the issuance of such permit, the permit must become null and void, but may be renewed within fifteen (15) days from the expiration thereof, for good cause shown, upon payment of an additional fee of ten dollars (\$10.).



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- (3) Any sign which advertises a business no longer in existence on the premises or which does not have a valid permit must be removed by the owner of the premises upon which such sign is located.
- F. Failure to obtain permit or revocation of permit. **[Amended 4-8-1980 by L.L. No. 3-1980; 5-19-1987 by L.L. No. 1-1987; 2-7-2011 by L.L. No. 2-2011]**
- (1) Failure to obtain permit. In the event of a violation of any of the provisions of Subsection A of this section, the Zoning Officer must notify the record owner of the premises in writing, served personally or by registered or certified mail (return receipt requested), that the sign has been erected in violation of this chapter and that such sign must be removed by the owner of the sign or the record owner of the premises within five (5) business days after receipt of such notice. If such sign is not removed within the required period, the Zoning Officer, may remove the sign and assess all costs and expenses incurred in the removal against the premises or building upon which such sign was located.
  - (2) Revocation of permit. In the event that an existing permitted sign is in violation of any of the provisions of Subsection A or E of this section, the Zoning Officer must give written notice, specifying the violation, to the record owner of the sign and the record owner of the premises upon which the sign is erected, sent to the address as stated in the application for the sign permit, served personally or by registered or certified mail (return receipt requested) to conform or remove such sign. The sign must thereupon be conformed by the owner of the sign or the owner of the premises upon which the sign is erected within thirty (30) days from the date of said notice. If such sign is not conformed or removed within the required period, the Zoning Officer, must revoke the permit and may remove the sign and assess all costs and expenses incurred in the removal against the premises or building upon which such sign was located.<sup>6</sup>
- G. Removal of certain signs. Notwithstanding anything hereinbefore contained, if the Zoning Officer determines that any sign is unsafe or is an actual or imminent traffic or other hazard or danger to the public, he may require that such sign be either removed or corrected to remove such hazards or dangers within a shorter period than is above provided, but not less than two (2) days. If the sign is not removed or repaired within the required period, the Zoning Officer may remove or repair the sign and must assess all costs and expenses incurred in the removal or repair against the land or building on which such sign is located. **[Added 4-8-1980 by L.L. No. 3-1980]**
- H. In the event that a sign has been unlawfully erected in a Village of Lansing road right of way or on other property of the Village of Lansing, the Zoning Officer shall have the right to remove such sign without permission from or written notice to the owner of said sign. **[Added 2-7-2011 by L.L. No. 2-2011]**

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<sup>6</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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### **§ 115-13. Role of Planning Board. [Amended 1-9-1978 by L.L. No. 1-1978; 4-12-1983 by L.L. No. 2-1983]**

It is the intent of this chapter that the Planning Board, whenever any matter is referred to it hereunder, must act as an advisory board except as provided for in § 115-7.2. [Amended 4-2-2012 by L.L. No. 2-2012]

### **§ 115-14. Review and appeal. [Amended 1-9-1978 by L.L. No. 1-1978; 4-12-1983 by L.L. No. 2-1983]**

Any person aggrieved by any decision of the Zoning Officer, relative to the provisions of this chapter, may appeal such decision to the Board of Zoning Appeals as provided in Chapter 145, Zoning, and must also comply with all procedural requirements prescribed by such Board of Zoning Appeals including payment of a fee of ten dollars (\$10.) to defray the cost of the required legal notice. In addition to all other required notice, written notice of the public hearing on such appeal must be sent to all property owners within two hundred (200) feet of the boundaries of the parcel upon which the proposed sign is to be located.

### **§ 115-15. Penalties for offenses. [Amended 1-9-1978 by L.L. No. 1-1978<sup>7</sup>]**

Unless statutory provisions prevail, a violation of any provision of this chapter shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or imprisonment for not more than fifteen (15) days, or both. Each day that such violation continues shall constitute a separate violation. In addition to other penalties, the Village of Lansing may institute any appropriate action or proceeding to prevent the unlawful erection, construction, alteration or use of any sign in violation of the requirements of this chapter.

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<sup>7</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.  
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