

SPECIAL BUSINESS MEETING MINUTES

CITY OF BATAVIA

JANUARY 23, 2017

The special business meeting of the City Council was held Monday, January 23, 2017 in the Council Chambers, One Batavia City Centre, Batavia, New York, with Council President Jankowski presiding.

Present were Council President Jankowski and Councilpersons Pacino, Briggs, Christian, Canale, Tabelski, Bialkowski, and Viele. Councilperson McGinnis was absent.

Council President Jankowski called the meeting to order at 7:00 PM. Councilperson Briggs led the Lord's Prayer and Pledge of Allegiance.

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#4-2017

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT WITH THE BATAVIA POLICE BENEVOLENT ASSOCIATION (PBA)

Motion of Councilperson Christian

WHEREAS, the City of Batavia and the PBA have had collective bargaining sessions pursuant to the Taylor Law; and

WHEREAS, the parties have since been able to negotiate a tentative collective bargaining agreement; and

WHEREAS, City Council is of the opinion that it is in the best interest of the City of Batavia to approve the tentative collective bargaining agreement as negotiated; and

WHEREAS, on December 21, 2016 the PBA secured the necessary votes to ratify the tentative agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council President be and is hereby authorized and directed to execute said collective bargaining agreement.

Seconded by Councilperson Pacino and on roll call approved unanimously 8-0.

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#5-2017

**A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT
WITH THE AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES (AFSCME)**

Motion of Councilperson Canale

WHEREAS, the City of Batavia and the AFSCME have had collective bargaining sessions; and

WHEREAS, the parties have since been able to negotiate a tentative collective bargaining agreement; and

WHEREAS, City Council is of the opinion that it is in the best interest of the City of Batavia to approve the tentative collective bargaining agreement as negotiated; and

WHEREAS, on January 5, 2017 the AFSCME Union secured the necessary votes to ratify the tentative agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council President be and is hereby authorized and directed to execute said collective bargaining agreement.

Seconded by Councilperson Briggs and on roll call approved unanimously 8-0.

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#6-2017

**A RESOLUTION TRANSFERRING \$40,910 FROM THE CONTINGENCY BUDGET TO
AMEND THE 2016/2017 BUDGET DUE TO AFSCME AND PBA CONTRACT
SETTLEMENT**

Motion of Councilperson Tabelski

WHEREAS, on January 23, 2017 the City Council and the AFSCME union mutually agreed to the terms of a collective bargaining agreement; and

WHEREAS, on January 23, 2017 the City Council and the PBA union mutually agreed to the terms of a collective bargaining agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Batavia that the City Manager is hereby authorized to make the following budget transfers to account for the expenditure increase due to the collective bargaining agreements with AFSCME and PBA in the General, Water and Wastewater Funds; and

Effective January 23, 2017, the following transfers are hereby approved:

Increasing expenditure accounts:

City Facilities	1.1620.0100	\$420.00
	1.1620.0801	\$70.00
	1.1620.0802	\$30.00
Street Maintenance	1.5110.0100	\$1870.00
	1.5110.0801	300.00
	1.5110.0802	\$140.00
Snow Removal	1.5142.0100	\$1020.00
	1.5142.0801	\$160.00
	1.5142.0802	80.00
Street Lights	1.5182.0100	\$140.00
	1.5182.0801	\$20.00
	1.5182.0802	\$10.00
Parks	1.7110.0100	\$2800.00
	1.7110.0801	\$450.00
	1.7110.0802	\$220.00
Celebrations	1.7550.0100	40.00
	1.7550.0801	\$10.00
	1.7550.0802	\$10.00
Storm Sewer	1.8140.0100	\$1010.00
	1.8140.0801	\$160.00
	1.8140.0802	\$80.00
Street Cleaning	1.8170.0100	\$720.00
	1.8170.0801	\$120.00
	1.8170.0802	\$60.00
Garage	1.5132.0100	\$1500.00
	1.5132.0801	\$240.00
	1.5132.0802	\$120.00
Pump Station	2.8320.0100	\$3000.00
	2.8320.0801	\$480.00
	2.8320.0802	\$230.00
Water Distribution	2.8340.0100	\$2030.00
	2.8340.0801	\$320.00
	2.8340.0802	\$160.00
Sanitary Sewer	3.8120.0100	\$1950.00
	3.8120.0801	\$310.00
	3.8120.0802	\$160.00
Waste Water Treatment	3.8130.0100	\$1500.00

	3.8130.0801	\$240.00
	3.8130.0802	\$120.00
Police	1.3120.0100	\$14,000.00
	1.3120.0801	\$3,540.00
	1.3120.0802	\$1,070.00

Decrease Expenditure Account:

Contingency	001.1990.0500	\$40,910.00
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Seconded by Councilperson Viele and on roll call approved unanimously 8-0.

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#7-2017

A RESOLUTION PROVIDING SECTION 384-E BENEFITS FOR POLICE OFFICERS COVERED BY SECTION 384-D

Motion of Councilperson Pacino

WHEREAS, certain members of the City of Batavia Police Department are covered by Section 384-d of the Retirement and Social Security Law; and

WHEREAS, the City Council is desirous of providing the retirement plan described in Section 384-e of the Retirement and Social Security Law for its police officers who are enrolled in Section 384-d; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby elect to provide the additional benefits of Section 384-e of the Retirement and Social Security Law for any member of its Police Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended.

BE IT FUTHER RESOLVED, that the effective day of such shall be February 1, 2017.

Seconded by Councilperson Viele and on roll call approved unanimously 8-0.

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#8-2017

A RESOLUTION PROVIDING TO ADJUSTING THE POLICE DEPARTMENT BUDGET

Motion of Councilperson Canale

WHEREAS, the City and the PBA Union agreed to provide the 384-e retirement benefit plan to those employees currently in the 384-d retirement plan; and

WHEREAS, pursuant to General Municipal Law 6-r, the City of Batavia has an established Retirement Contribution Reserve Fund for payment of retirement contributions pursuant to Sections 17 and 317 of the Retirement and Social Security Law; and

WHEREAS, the Retirement Contribution Reserve has approximately \$423,545 as of 12/31/16; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia does hereby elect to provide the additional pension benefits of Section 384-e of the Retirement and Social Security Law for any member of its Police Department who duly elects Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended; and

BE IT FURTHER RESOLVED, that this election shall become effective beginning on the 1th day of February, 2017; and

BE IT FURTHERED RESOLVED, by the City Council of the City of Batavia that the City Manager is hereby authorized to make the following budget transfers effective January 23, 2017

Increasing expenditure account:	
Police Department	001.3120.0801.2110 \$106,202

Increasing revenue account:	
Appropriated Retirement	
Contribution Reserve	001.0001.0511.2110 \$106,202

Seconded by Councilperson Briggs and on roll call approved unanimously, 8-0.

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#9-2017

A RESOLUTION ESTABLISHING THE CITY OF BATAVIA AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQR") AND DETERMINING SIGNIFICANCE OF AMENDING §190-3, ZONING, DEFINITIONS, §190-14(D), ZONING, C-3 CENTRAL COMMERCIAL DISTRICT, DOWNTOWN DESIGN GUIDELINES, AND §190-43, SIGNS AND EXHIBIT A OF THE BATAVIA MUNICIPAL CODE TO AMEND THE CITY SIGN CODE AND RELATED PROVISIONS

Motion of Councilperson Tabelski

WHEREAS, the City of Batavia has proposed to amend the Batavia Municipal Code §190-

3, Zoning, Definitions, §190-14(D), Zoning, C-3 Central Commercial District, Downtown Design Guidelines, and §190-43, Signs and Exhibit A; and

WHEREAS, this amendment of the City's zoning code and allowable uses in the City's zoning districts is UNLISTED action under SEQR; and

WHEREAS, in accordance with SEQR the City Council of the City of Batavia has declared its intent to act as lead agency for the Action; and

WHEREAS, a Full Environmental Assessment Form has been completed for the Action, a copy of which is attached hereto as Schedule A; and

WHEREAS, the Full Environmental Assessment has been circulated to other interested or involved agencies, namely Genesee County Planning Department and said agency provided a recommendation supporting the proposed action on November 10, 2016; and

WHEREAS, the City Council has carefully reviewed the potential environmental impacts of the proposed action against the criteria set forth in 6 NYCRR 617.7(c) and has taken a hard look at the potential environmental impacts required by SEQR; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Batavia in accordance with SEQR and 6 NYCRR 617.6 hereby establishes itself as Lead Agency for the purpose of completing SEQR review of the amendment to the City's Batavia Municipal Code; and

BE IT FURTHER RESOVLED, that the City Council having reviewed a completed Full Environmental Assessment Form and accompanying narrative which is part of the record of this Action and having considered the environmental impacts of the proposed action against the criteria in 6 NYCRR 617.7(c), finds that the proposed action will not result in any significant adverse environmental impact; and

BE IT FURTHER RESOLVED, the City Council of the City of Batavia does hereby authorize and direct the City Clerk to duly file this Negative Declaration.

Seconded by Councilperson Bialkowski and on roll call approved unanimously 8-0.

Council President Jankowski asked if this was a standard SEQR. City Manager, Jason Molino, said that the SEQR was required with the significant changes made to the sign code. Councilperson Tabelski said that the resolution indicates that the City has determined that the sign code would not have any adverse environmental impacts.

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#10-2017

A RESOLUTION TO ADOPT A LOCAL LAW AMENDING §190-3, ZONING, DEFINITIONS, §190-14(D), ZONING, C-3 CENTRAL COMMERCIAL DISTRICT, DOWNTOWN DESIGN GUIDELINES, AND §190-43, SIGNS AND EXHIBIT A OF THE BATAVIA MUNICIPAL CODE TO AMEND THE CITY SIGN CODE AND RELATED PROVISIONS

Motion of Councilperson Bialkowski

BE IT RESOLVED, that Local Law No. 1 of the Year 2017 entitled “**LOCAL LAW NO. 1 OF THE YEAR 2017 CITY OF BATAVIA TO AMEND §190-3, ZONING, DEFINITIONS, §190-14(D), ZONING, C-3 CENTRAL COMMERCIAL DISTRICT, DOWNTOWN DESIGN GUIDELINES, AND §190-43, SIGNS AND EXHIBIT A OF THE BATAVIA MUNICIPAL CODE TO AMEND THE CITY SIGN CODE AND RELATED PROVISIONS**” be introduced before the City Council of Batavia, New York; and

BE IT FURTHER RESOLVED, that copies of the aforesaid proposed Local Law be laid upon the desk of each member of the City Council by the City Clerk; and

BE IT FURTHER RESOLVED, that the City Council held a public hearing on said proposed Local Law in the Council Board Room, Second Floor, One Batavia City Centre, Batavia, New York, at 7:00 p.m. on Monday, January 9, 2017; and

BE IT FURTHER RESOLVED, that the City Clerk publish or caused to be published a public notice in the official newspaper of the City of said public hearing at least five (5) days prior thereto.

Seconded by Councilperson Viele and on roll call approved unanimously 8-0.

Councilperson Bialkowski said that Council needed to adopt the resolution to move into the future. Council President Jankowski asked when the Local Law would become effective. City Manager, Jason Molino indicated that the City Clerk, Heidi Parker, would be submitting the Local Law for filing, and would be notified when the document had been officially filed with the state. Mr. Molino said that his office would send notices to all organizations with electronic signs notifying them of the changes.

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**LOCAL LAW NO. 1 OF THE YEAR 2017
CITY OF BATAVIA**

TO AMEND §190-3, ZONING, DEFINITIONS, §190-14(D), ZONING, C-3 CENTRAL COMMERCIAL DISTRICT, DOWNTOWN DESIGN GUIDELINES, AND §190-43, SIGNS AND EXHIBIT A OF THE BATAVIA MUNICIPAL CODE TO AMEND THE CITY SIGN CODE AND RELATED PROVISIONS

Be It Enacted by the City Council of the City of Batavia, New York as follows:

Section 1. §190-3. Definitions

SIGN²

(1) AWNING SIGN

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

(2) BACKLIT ILLUMINATION

Signs that are backlit illuminated involve a low level of external light shining out from behind solid object, most often letters, creating a soft glow around the outside of the objects.

(3) BRACKET SIGN

A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.

(4) CANOPY SIGN

A sign placed on a canopy so that the display surface is parallel to the plane of the wall.

(5) DIRECTIONAL SIGN

A permanent sign which is designed for the purpose of directing traffic or pedestrian traffic to the location of an activity or business.

(6) ELECTRICAL RACEWAY

A raceway (sometimes referred to as a raceway system) is an enclosed conduit that forms a physical pathway for electrical wiring. Raceways protect wires and cables from heat, humidity, corrosion, water intrusion and general physical threats.

(7) ELECTRONIC MESSAGE BOARD

An illumination type that produces a static or changeable electronic message using light-emitting diodes (LED), liquid crystal display (LCD) or other digital display method; that is designed to provide an electronic message or display that may generate and periodically changed using an internal, external or remotely located electronic control system; which contains an illuminated, programmable message or graphic, whether fixed or moving.

(8) EXTERNAL ILLUMINATION

Signs that are externally illuminated have light shining on to the outer surface of the sign. External illumination may be downlit (lit from above) and uplit (lit from below).

(9) FREESTANDING SIGN

A self-supporting sign not attached to any building, wall or fence, but in a fixed location, includes pole signs, pylon signs, and masonry wall-type signs, but does not include portable trailer-type signs.

(10) ICONIC SIGN

A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.

(11) ILLUMINATED SIGN

Any sign illuminated by electricity, gas or other artificial light either for the interior, back lit or exterior of the sign, and which includes reflective and phosphorescent light.

(12) INTERNAL ILLUMINATION

Signs that are internally illuminated have light shining through the surface of the sign. Typically, these either involve a rectangular-shaped box sign or individual letters (channel letters) that are lit from inside. Neon signs are not considered internally illuminated.

(13) MARQUEE SIGNS

or the face of a permanent roof-like structure.

(14) MONUMENT SIGN

A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.

(15) OFF-PREMISES SIGN

A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.

(16) POLE SIGN

A freestanding sign constructed on a structure of one or more poles.

(17) PORTABLE SIGN

A sign designed to be portable and not structurally attached to the ground, building, structure or another sign.

(18) PROJECTING SIGN

- (19) SHINGLE SIGN
A small projecting sign that hangs from a bracket or support.
- (20) SIDEWALK SIGN
A moveable sign not secured or attached to the ground or surface upon which it is located.
- (21) SIGN
A structure or device designed or intended to convey information to the public in written or pictorial form.
- (22) SIGN STRUCTURE
framework for the sign.
- (23) SIGN SURFACE AREA
The entire area within the single, continuous perimeter enclosing the limits of writing representation, emblem or any figure or similar character. Supports, uprights or structures on which any sign is supported shall not be included in the sign face area unless it is an integral part of the sign.
- (24) TEMPORARY SIGN
A sign having a duration of no more than 60 days.
- (25) WALL SIGN
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.
- (26) WINDOW SIGN
A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

Section 2. §190-14(D), ZONING, C-3 CENTRAL COMMERCIAL DISTRICT

D. Downtown design guidelines.

- (2) Application procedures. The Planning and Development Committee shall review all applications for the following actions that lie within the Downtown Batavia Business Improvement District as described in Chapter 58 of the Code of the City of Batavia:

(a) Any action, except those solely related to sign permits, involving exterior changes which requires the issuance of a building permit or demolition permit.

(b) Any application for a sign or sign structure. Applications are not necessary for the following actions:

[1] Any actions that require review by the Historic Preservation Commission.

[2] Any action reviewed and approved for a Facade Grant award from the Downtown Batavia Business Improvement District (BID). A letter confirming approval of the award shall be forwarded to the Code Enforcement Officer by the BID Manager or President.

[3] Any ordinary maintenance or repair that does involve a change in design, material or outer appearance thereof. The Committee must act on all applications within 60 days of their receipt.(d) Standards to guide Committee.

[8] Awnings.

[a] ~~fe~~ Long, continuous lengths of awnings are not recommended. Instead, a series of similar sized smaller ones is preferred.

Section 3. §190-43, SIGNS AND EXHIBIT A

Deleted existing §190-43, Signs and EXHIBIT A in entirety and replace it with the following §190-43, Signs:

Meeting Adjourned at 7:12 PM.

Respectfully submitted,

Aimslee M. Cassidy
Deputy Clerk-Treasurer

§ 190-43 Signs.

A. Statement of Purpose. The purpose of this section is to promote the public health, safety and welfare of the community by regulating the placement and size of outdoor signs and advertising displays. It is intended to protect all property values by ensuring that individual signs do not detract from the overall appearance and safety of the community.

B. Applicability.

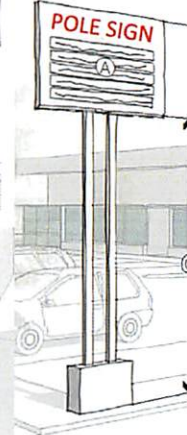
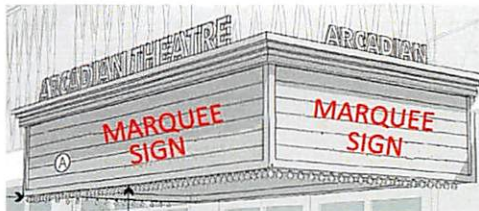
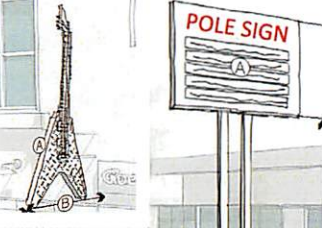
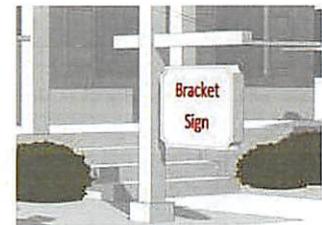
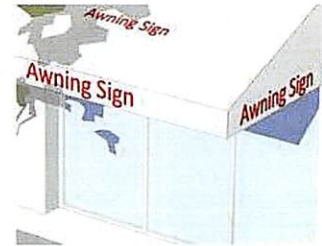
- (1) Permit required. It is unlawful for any person to erect, enlarge, relocate or change the copy of any sign other than those identified as exempt in this section, without first obtaining a sign permit and paying the fee therefor as provided in this section. Routine maintenance of existing signs, not involving erection, enlargement, relocation or change of copy, shall not require a permit.
- (2) All signs must be located on the same lot as the permitted use.

C. Application for Permit. Application shall be made in writing to the Department of Public Works on forms prescribed and provided by the City of Batavia and shall contain the following information:

- (1) Name address and telephone number of applicant and property owner.
- (2) Location of building, structure or land upon which the sign now exists or is to be erected.

(a) If a new sign is to be erected, elevation and plan drawings should be included. A clear description of the placement and appearance of the proposed sign should include the following:

- [1] Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
- [2] The method of illumination, and position of lighting.
- [3] Graphic design, including symbols, letters, materials, and possible color combinations.

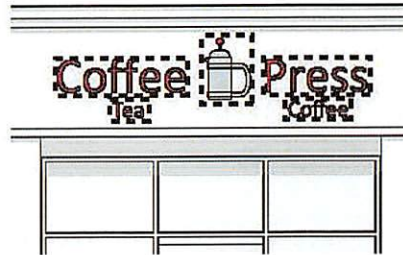


- (b) If the sign is in compliance, the Department of Public Works shall issue a permit for the proposed or existing sign. The Department of Public Works shall give written notice to the applicant if the sign application has been denied.

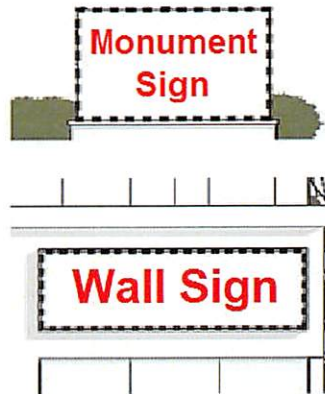
D. Common Sign Plan. A common sign plan must be filed with the Department of Public Works for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan.

E. Computation of Sign Type Area. The area of a sign type is determined as follows:

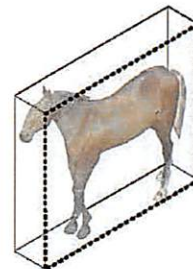
- (1) For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



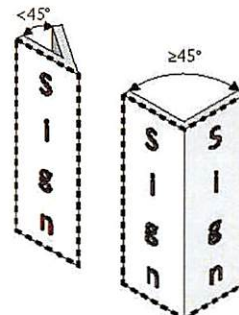
- (2) For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.



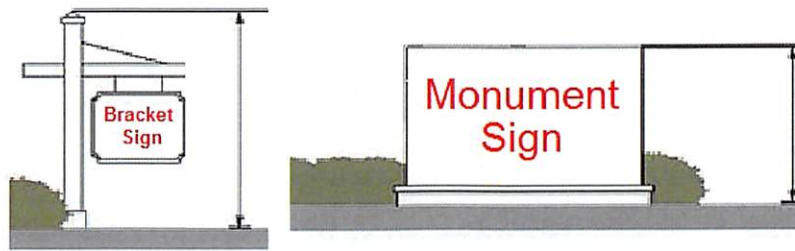
- (3) The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



- (4) The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 45 degrees.



- F. Measurement of Sign Height.** The total height of a freestanding sign is measured from the highest point of the sign or supporting structure to the adjacent grade.



- G. Fees.** Fees for sign permits shall be as set by resolution of the City Council.
- H. Permitted Signs.** All signs which comply with the provisions and conditions set forth in this Section and obtain a permit shall be allowed, and all signs not so compliant are specifically prohibited.
- I. Exempt Signs.** The following signs are considered to be exempt from obtaining a permit, but not exempt from the provisions of this section. Exempt signs of a temporary nature shall not be attached to fences, utility poles or the like and shall not impair traffic visibility. Exempt signs, not in compliance with the provisions of Subsections (1) through (5) below may not continue after the effective date of any amendment of this section.
- (1) Historical markers, tablets and statues, memorial signs or plaques; when cut into masonry surface or when constructed of bronze, stainless steel or similar material and not exceeding six square feet.
 - (2) Flags
 - (3) Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two square feet per face.
 - (a) "Warning," "private drive," "posted" or "no trespassing" signs shall not be in excess of four feet in height and shall not be in excess of two square foot per face. A maximum of one posted, "warning" or "no trespassing" sign shall be permitted to be placed along the perimeter of property lines at intervals not less than 100 feet apart. This restriction will not apply to properties owned by public entities or utility companies.
 - (4) Three or fewer temporary signs (window, posters, lawn, and directional) not exceeding 60 days, and per the overall area allocation in Sec. M below.
 - (5) Decorations, including lighting.
- J. Prohibited Signs.**
- (1) No off-premises signs shall be allowed other than those allowed.
 - (2) No sign shall be illuminated by or contain flashing, rotating, scrolling, strobing, or moving lights.
 - (3) No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design color or placement.
 - (4) No sign shall be placed upon the roof of any building.
 - (5) No sign shall consist of or simulate moving, revolving or fluttering devices such as ribbons and streamers.
 - (6) No advertising message shall be extended over more than one sign placed along a street or highway.
 - (7) No signs shall be attached to utility poles in all zones of the City of Batavia. No permanent, temporary or exempt signs shall be attached, placed, painted or drawn upon fences, trees or man-made or natural features, including permanent, temporary or exempt signs.
 - (8) No signs shall be placed anywhere within the City or state rights-of-way without the permission of the Department of Public Works, excepting awning signs, canopy signs, projecting signs, and

shingle signs in commercial, industrial and planned development districts not exceeding six square feet and sidewalk signs not exceeding 20 square feet in commercial industrial and planned development districts. All signs must be a minimum of 18 inches inside the street line.

K. Portable Signs.

- (1) Portable signs, if powered by electric, must meet all the construction standards of the New York State Uniform Fire Prevention and Building Code.
- (2) Portable sign size shall not exceed 32 square feet and shall be limited to five feet above grade.
- (3) Portable signs must be removed after 60 days. Another portable sign permit can be applied for 30 days after removal of a portable sign.

L. Sign Types Allowed by District. Signs are allowed by district as set forth below. Specific requirements for each sign are shown on the following pages.

Sign Types	Zoning Districts							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, I-3, P-1, P-2, P-3	L
Wall Sign	●	●	●	●	●	●	●	
Awning Sign			●	●	●	●	●	
Canopy Sign			●	●	●	●	●	
Projecting Sign	●	●	●	●	●			
Shingle Sign	●	●	●	●	●	●		
Window Sign			●	●	●	●	●	
Pole Sign				●		●		
Monument Sign	●	●	●	●	●	●	●	●
Marquee Sign				□	●			
Iconic Sign			□	□	●			
Bracket Sign	●	●	●	●	●	●	●	●
Sidewalk Sign			●	●	●			

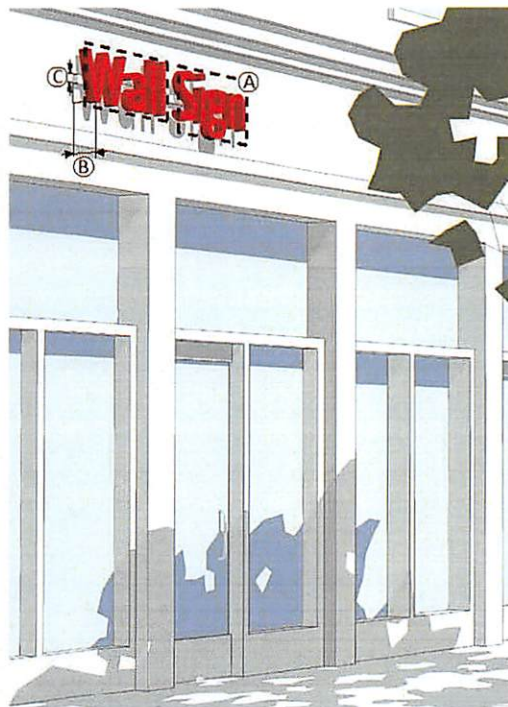
KEY: ● = Sign type allowed □ = Sign type allowed on State highways Blank Cell = Sign type not allowed

M. Allocation of Overall Sign Area The maximum sign area allocation for each sign type is determined by the district and is established below. For each cell, there is a maximum sign area allocation that may be utilized with any combination and any number of signs associated with that cell, except for only one free standing sign per 200 feet of street frontage and one building mounted sign per establishment per building wall visible from a public right-of-way is allowed (awning and window

signs excluded). The total area of wall or canopy signs shall not exceed what would be allowed on the largest wall visible from the public right-of-way. Sign area is measured in square feet or percentage of wall area and total window space for window signs.

Sign Types	Zoning Districts										
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, I-3	P-1	P-2	P-3	L
Wall Sign	2 sf	2 sf	10%	15%	15%	15%	15%	15%	15%	10%	
Awning Sign	2 sf	2 sf	15%	25%	20%	20%	20%	20%	20%	20%	
Canopy Sign			15%	25%	20%	20%	20%	20%	20%	20%	
Projecting Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Shingle Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Window Sign			25%	25%	25%	25%	25%	25%	25%	25%	
Pole Sign				40 sf		15 sf					
Monument Sign	15 sf	15 sf	15 sf	40 sf	15 sf	15 sf	15 sf	15 sf	15 sf	6 sf	6 sf
Marquee Sign				100 sf	175 sf						
Iconic Sign			15 sf	40 sf	15 sf						
Bracket Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Sidewalk Sign			20 sf	20 sf	20 sf						
Temporary Sign	9 sf	9 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	9 sf

N. Wall Signs.



Description

A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.

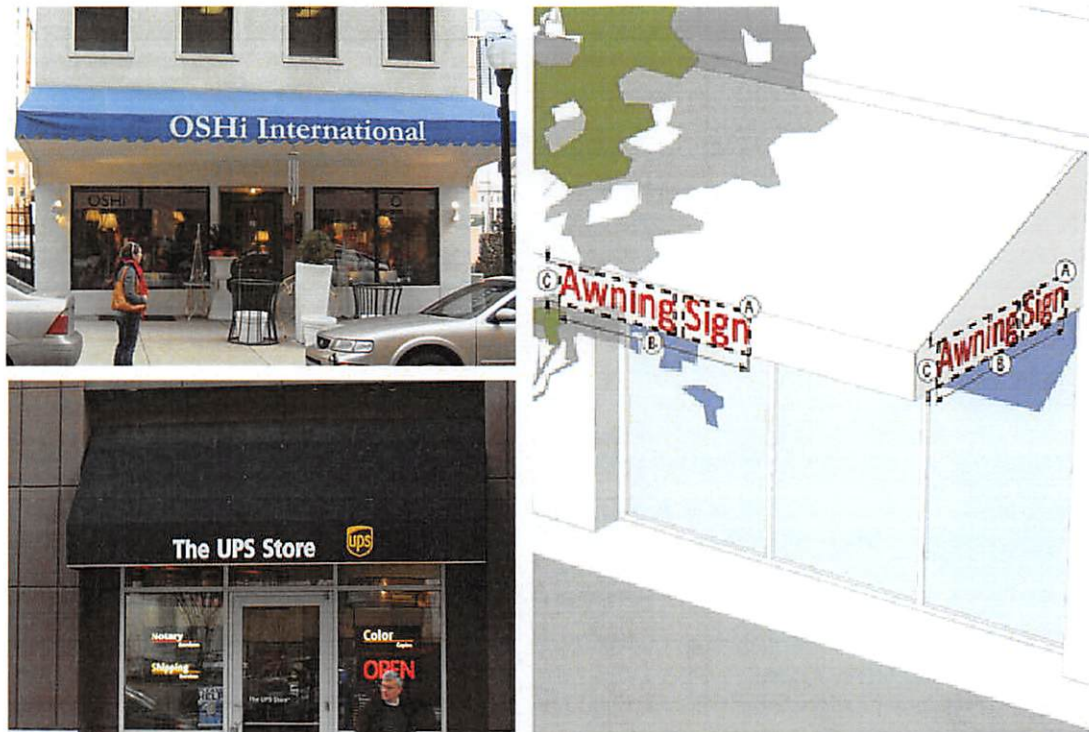
General Provisions

1. No portion of a wall sign may extend beyond the ends, above the roof line, above a parapet wall of a building with a flat roof, or above the second story in a building with more than two stories.
2. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.
3. A wall sign cannot cover windows or architectural details.
4. A wall sign may be illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	<u>Sec. M</u> above
B	Projection - measured from building facade (max)	15 in.
C	Electrical raceway (max % of letter height)	50%

O. Awning Signs.



Description

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

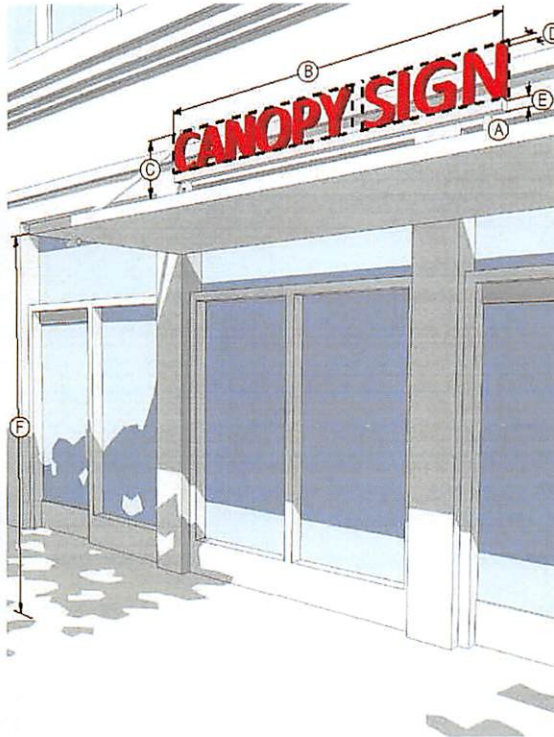
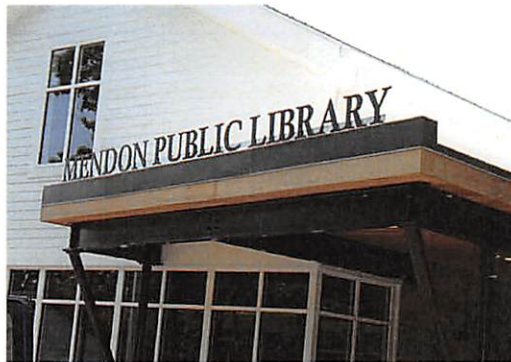
General Provisions

1. An awning sign cannot extend outside the awning.
2. Only awnings over ground story doors or windows may contain signs.
3. A maximum of one sign is allowed per awning face per establishment.
4. Signs are only allowed in the vertical areas of the awning.
5. An awning sign may only be externally illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	<u>Sec. M</u> above
B	Width (max % of awning width/depth)	75%
C	Height of text and graphics on valance (max)	2 ft.

P. Canopy Signs.



Description		
A sign placed on a canopy so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> 1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy. 2. A maximum of one sign is allowed per canopy per establishment. 3. A canopy sign must be located over an accessible building entrance. 4. Electrical raceways are permitted for signs extending below or above the canopy. Otherwise, electrical raceways are not permitted and the sign must be flush with the canopy face. 5. A canopy sign may be illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Width (max % of canopy width)	75%
C	Height of text and graphics (max)	2 ft.
D	Depth (max)	1 ft.
E	Electrical Raceway (max % of letter height)	50%

F	Clear height above sidewalk (min)	10 ft.
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Q. Projecting Signs.



Description		
A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional.		
General Provisions		
<ol style="list-style-type: none"> 1. A projecting sign must be located at least 25 feet from any other projecting sign. 2. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used; however, in no case can the sign exceed the maximum height and width standards. 3. The top of a projecting sign can be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building. 4. Buildings four stories and higher, a projecting sign must be located below the window sills of the 4th story. 6. A projecting sign may be illuminated in accordance with Sec. Z below. 		
Standards		
A	Overall area allocation (max)	Sec. M above
B	Height ⁽¹⁾ (max)	
	Mounted below 2nd floor	4 ft.
	Mounted on 2nd or 3rd floor	8 ft.
C	Spacing from building facade (min/max)	1 ft./2 ft.
D	Projection width (max)	6 ft.

E	Depth (max)	1 ft.
F	Clear height above sidewalk (min)	10 ft.

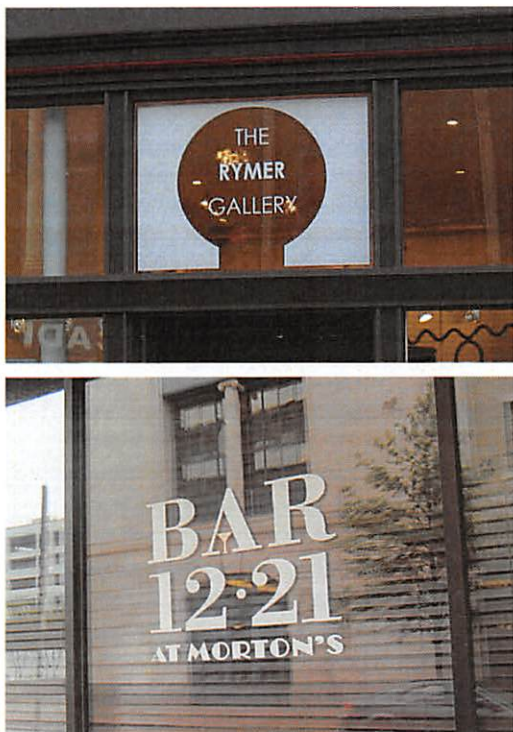
(1) If a sign is mounted across two floors then the maximum height is the average of the maximum heights for each respective floor.

R. Shingle Signs.



Description		
A small projecting sign that hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> 1. A shingle sign must be located within 5 feet of an accessible building entrance. 2. The hanging bracket must be an integral part of the sign design. 3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building. 4. A shingle sign cannot be illuminated. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (max)	3 ft.
C	Spacing from building facade (min/max)	6 in./12 in.
D	Projection width (max)	3.5 ft.
E	Depth (max)	6 in.
F	Clear height above sidewalk (min)	10 ft.

S. Window Signs.



Description		
A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.		
General Provisions		
<ol style="list-style-type: none">1. Windows signs are only allowed on ground and second story windows and doors, except that second story windows signs are only allowed if for a different establishment than that of the ground story and if no other sign is attached to the building for that establishment.2. A window sign can only be internally illuminated in accordance with <u>Sec. Z</u> below.3. Overall area allocation shall be calculated for all windows per floor, per establishment, per side of the building.		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above

T. Pole Signs.



Description		
A freestanding sign constructed on a structure of one or more poles.		
General Provisions		
<ol style="list-style-type: none"> 1. One pole sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart. 2. A pole sign must be set back at least 5 feet from any property line. 3. A pole sign may be illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (max)	25 ft. (C-2), 18 ft. (I-2)
C	Vertical clearance (min/max)	10 ft./15 ft.

U. Monument Signs.



Description

A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.

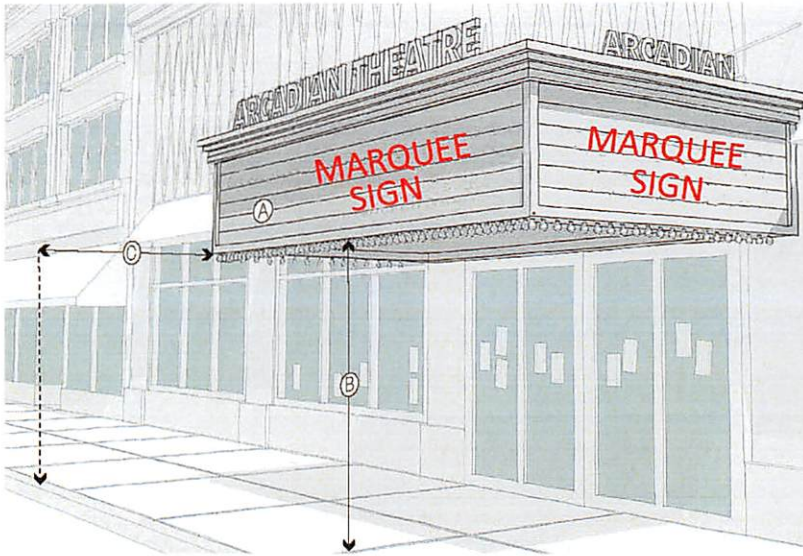
General Provisions

1. One monument sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.
2. A monument sign must be set back at least 5 feet from any property line, except for signs in the Land Conservation (L) District where the sign has to be 10 feet from any property line.
3. A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation.
4. A monument sign may be illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	<u>Sec. M</u> above
B	Height (max)	6 ft.
C	Depth (max)	18 in.

V. Marquee Signs.



Description

A sign attached to the top or the face of a permanent roof-like structure.

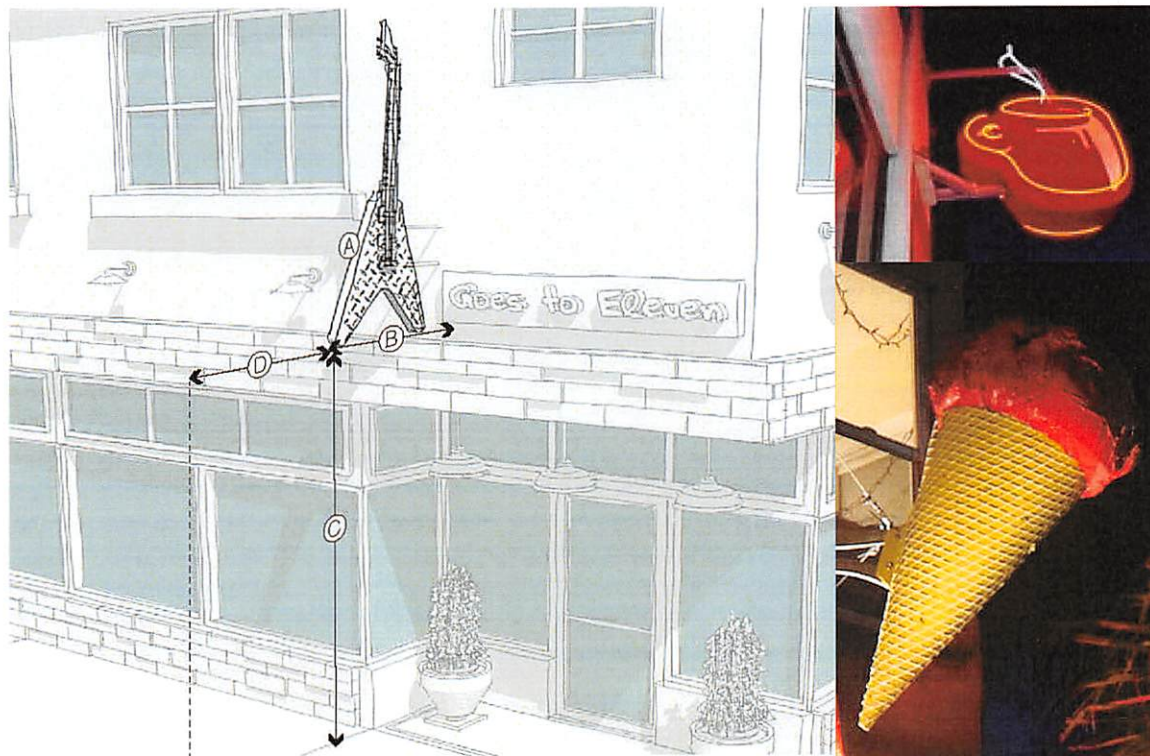
General Provisions

1. A maximum of one marquee sign is permitted per building. Only the following types of establishments may erect a marquee sign: assembly, large or small; cultural facility; school, college/university; hotel/hostel; amusement facility, indoor or outdoor; or live entertainment.
2. A marquee may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side.
3. A marquee sign must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports.
4. All marquees, including anchors, bolts, supporting rods and braces, must be constructed of non-combustible material and must be designed by a licensed design professional.
5. Water from the marquee roof must not drain, drip, or flow onto the surface of a public right-of-way. Sufficient gutters, downspouts, and drains must be installed as part of each marquee to prevent water from flowing onto the surface of a public right-of-way.
6. A marquee sign may be illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	<u>Sec. M</u> above
B	Vertical clearance from sidewalk level (min/max)	10 ft.
C	Setback from curb line (min)	18 in.

W. Iconic Signs.



Description

A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.

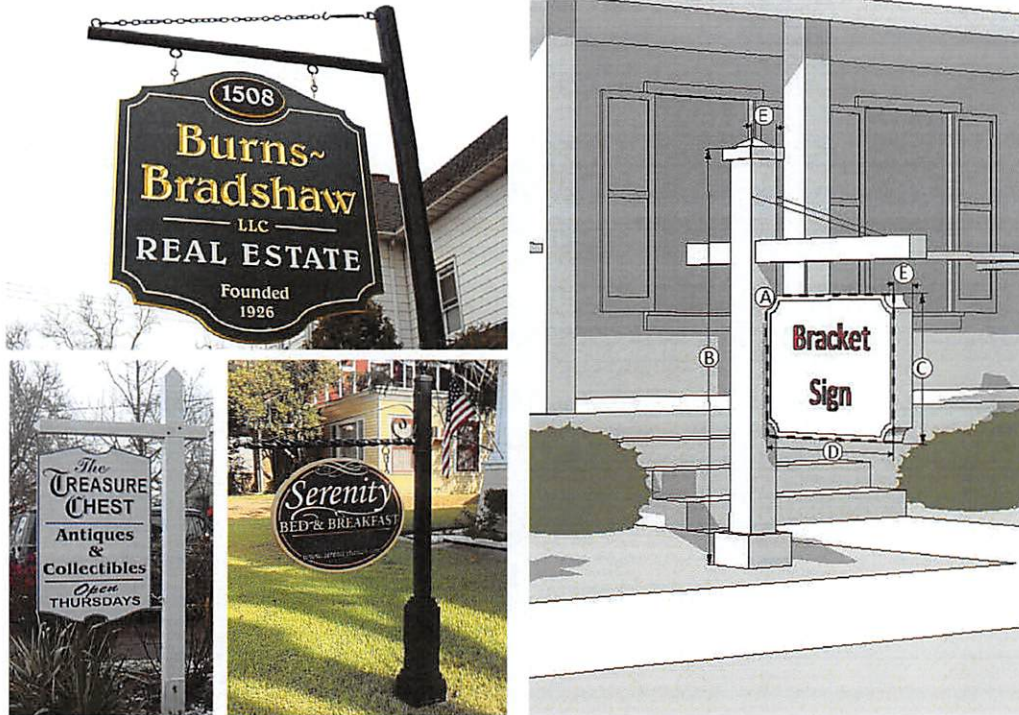
General Provisions

1. A maximum of one iconic sign is permitted per establishment.
2. An iconic sign may contain only iconographical elements representing a product or service offered on site, and may not contain any other items of information.
3. The top of an iconic sign can be no higher than the top of the building. However, on one story buildings, the top of an iconic sign may have a maximum of 20% of the sign height above the top of the building.
4. Buildings four stories and higher, an iconic sign must be located below the window sills of the 4th story.
5. An iconic sign may be illuminated in accordance with [Sec. Z](#) below.

Standards

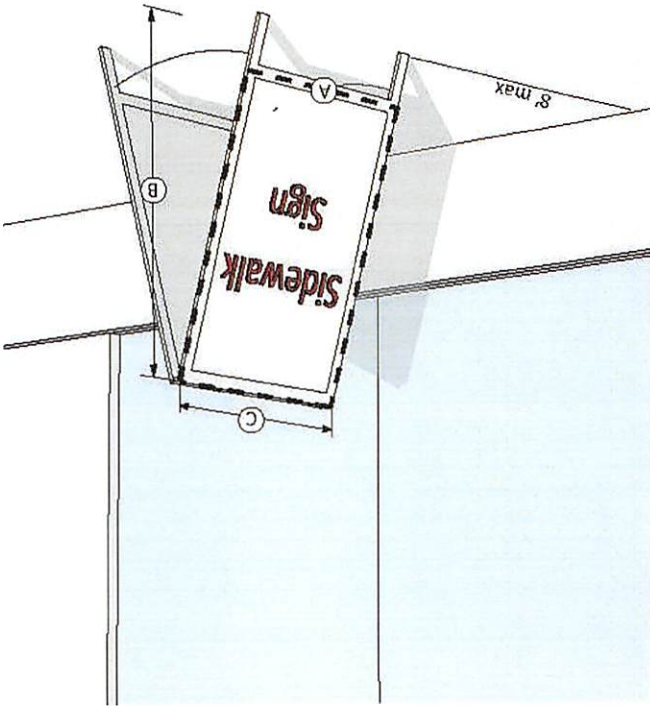
A	Overall area allocation (max)	Sec. M above
B	Projection from wall (max, including supports)	5 ft.
C	Vertical clearance from sidewalk level (min)	10 ft.
D	Setback from curb line (min)	18 in.

X. Bracket Signs.



Description		
A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.		
General Provisions		
<ol style="list-style-type: none"> 1. Only one bracket sign is allowed per building. 2. A bracket sign must be located at least 25 feet from any other bracket sign. 3. The hanging bracket must be an integral part of the sign design. 4. A bracket sign can only be externally illuminated in accordance with <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max)	<u>Sec. M</u> above
B	Sign structure height (max)	5 ft.
C	Sign area height (max)	3 ft.
D	Sign area width (max)	3 ft.
E	Sign structure/area depth (max)	6 in.

Description		General Provisions		Standards	
A moveable sign not secured or attached to the ground or surface upon which it is located.					
1. Sidewalk signs do not require a permit but must be taken inside the place of business at the close of business.					
2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign.					
3. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.					
4. A sidewalk sign cannot be illuminated.					
A	Overall area allocation (max)	Sec. M above		A	Height (max)
B	Height (max)	5 ft.		B	Width (max)
C	Width (max)	4 ft.		C	Overall area allocation (max)



Y. Sidewalk Signs.

Z. Sign illumination.

Illumination of signs must be in accordance with the following requirements.

(1) External Illumination

- (a) Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
- (b) Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign.

(2) Internal Illumination

- (a) The background must be opaque or a darker color than the message of the sign.

(3) Exposed Neon

- (a) Exposed neon may be used for lettering or as an accent.

(4) Backlit Illumination

- (a) Light can be white or a color.
- (b) The background surface that the light shines onto shall not be reflective.

(5) Prohibited Light Sources.

The following light sources are not allowed:

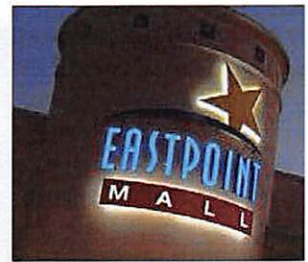
- (a) Blinking, flashing and chasing.
- (b) Bare bulb illumination except for Marquee Signs.

(6) Electrical Raceways and Transformers

- (a) If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
- (b) A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- (c) Visible transformers are not allowed.



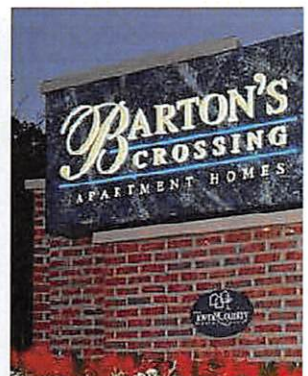
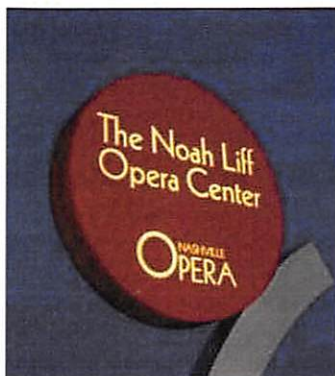
External light sources



Internally lit channel letters



Back lit channel letters



Internally lit sign with darker background

(7) Electronic Message Boards

- (a) Electronic message boards are allowed as part of a permanent freestanding sign and can only comprise as much as 30% of the total square footage permitted in Sec. M above.
- (b) One electronic message board is allowed per street frontage and shall also be considered a pole or monument sign per the density/spacing provision in those sections above.
- (c) An electronic message board may not change or move more often than once every ten seconds.
- (d) The images and messages displayed must be static and shall not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation or any similar effect of animation.
- (e) The transition from one static display to another must be instantaneous without any special effects.
- (f) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.
- (g) An electronic message board must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with this section.
- (h) An electronic message board must not be brighter than is necessary for clear and adequate visibility.
- (i) An electronic message board must not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
- (j) An electronic message board must not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.
- (k) An electronic message board must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
- (l) An electronic message board must not be equipped with audio speakers, excluding two-way communication devices.



(8) Illumination Types Allowed by District.

Illumination Types	Zoning Districts							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, P-1, P-2, P-3	L
External Illumination	●	●	●	●	●	●	●	●
Internal Illumination			●	●		●	●	
Backlit Illumination			●	●	●	●	●	
Exposed Neon				●	●			

Electronic Message Board				<input type="checkbox"/>		<input type="checkbox"/>		
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KEY: ● = Allowed Blank Cell = Not allowed

☐ = Allowed on State highways except where entire parcel is directly adjacent to the H-O District

AA. Nonconforming Signs.

- (1) Any sign not conforming to the regulation of the district in which it is located at the time of adoption of this chapter shall be nonconforming.
- (2) Any sign or other advertising structure in existence on the date this amendment to this section is enacted or the effective date of any amendment to this section may continue and shall be maintained.
- (3) An existing sign may change the face or panel of the sign that does not meet the area or height standards of this law. However, there shall be no increase in the degree of nonconformity. All new panels must conform to all illumination standards of Sec. Z above.
- (4) A sign must be brought into compliance with this law if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds 50% of the estimated replacement cost of the sign (in current dollar value). All sign permits within any 6 consecutive calendar months will be aggregated for purposes of measuring the 50% standard.
- (5) If the repair is caused by involuntary damage or casualty and not deferred maintenance, the sign may be repaired to any extent.

BB. Removal of Signs. Any sign, existing on or after the effective date of this amendment to this section, which is no longer associated with the establishment upon which such a sign is located, or is unsafe shall be removed within 30 days upon written notice from the Department of Public Works. Upon failure to correct, the Department of Public Works shall remove or cause to be removed said sign and shall cause to be assessed against the property all costs and expenses incurred.

CC. Maintenance. All signs shall be maintained in such a condition so as to not constitute a danger to the public health, safety or welfare. The Department of Public Works shall inspect and have the authority to order the painting, repair and alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

DD. Construction Standards. All signs shall be constructed and installed in conformance with the New York State Uniform Fire Prevention and Building Code. Separate certification may be required for illuminated signs indicating compliance with the National Electrical Code (NFPA 70). The Department of Public Works shall have the option to require a review by the City Engineer. If the City Engineer finds the mounting technique questionable, a professional review by a New York State registered engineer would be required.

EE. Appeal procedures. Any person aggrieved by a decision of the Department of Public Works relative to dimensional provisions of this section may appeal such decision by applying for an area variance. The Department of Public Works shall refer the application to the Zoning Board of Appeals for approval or denial. In granting a variance, the Zoning Board of Appeals must determine that the sign is in harmony with the general purposes of this section, does not harm the neighborhood character, and is not detrimental to public health, safety or welfare. The Zoning Board of Appeals should also consider the benefit to the applicant versus the detriment to the community in the granting of any variance. The City Planning and Development Committee shall review and issue recommendations to the Zoning Board of Appeals for area variances for signs within the Central Commercial (C-3) District.

FF. Substitution Clause. The owner of any sign which is otherwise allowed by this law may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

GG. Severability Clause. Should any section or provision of this law be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the law as a whole or any part thereof, other than the part so declared to be invalid.

Deletions designated by ~~strikeout~~

Additions designated as underlined