

PLANNING & DEVELOPMENT COMMITTEE

Tuesday, September 20, 2016

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

AGENDA

- I. Roll Call
- II. Call to Order
- III. Approval of Minutes – 8/16/16
- IV. Proposals

Address: *164 Washington Ave.*
Applicant: Mike Hodgins (sign contractor)

Proposal 1: Placement of one exterior lit wall sign on the north elevation and one exterior lit wall sign on the south elevation of this commercial building located within the BID

Actions:

1. Review application
2. Discussion and action by the board

Address: *206 East Main Street*
Applicant: Vic Marchese (owner)

Proposal 3: Special Sign Permit: Placement of one 30” x 25” window sign on the entrance door; one window mural to cover the entire window surface on the north elevation’s west side; and one painted wall mural on the east elevation on the north corner of this commercial building located within the BID

Actions:

1. Remove application from table
2. Review application
3. Discussion and action by the board

Address: *60 Main St.*
Applicant: Brenden Mullen (business owner)

Proposal 5: Placement of two exterior lit wall signs on the south elevation of this commercial building located within the BID. One of the signs will require a Special Sign Permit

Actions:

1. Review application
2. Discussion and action by the board

- V. Other/ New Business/Updates: Digital Sign Code
- VI. Setting of Next Meeting: September 20, 2016
- VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE

MINUTES

August 16, 2016

6:00 pm

Council Board Room

One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matthew Gray, Duane Preston, Marc Staley, Rachael Tabelski*

Members absent: Robert Knipe

Others present: Meg Chilano – Recording Secretary, Jason Molino – City Manager, Felipe Oltramari – Director, Genesee County Planning Board, Doug Randall – Code Enforcement Officer

I. Roll Call

Roll call of the members was conducted. Five members were present and Chairman Preston declared a quorum.

II. Call to order

Mr. Preston called the meeting to order at 6:08 pm.

III. Previous Meeting Minutes

MOTION: Mr. Gray moved to approve the minutes; the motion was seconded by Ms. Tabelski, and on roll call, was approved 3-0-2.

Votes in favor: 3 (Matt Gray, Rachael Tabelski, Duane Preston)

Votes opposed: 0

Votes abstained: 2 (Edward Flynn, Marc Staley)

RESULT: Approval of July 19, 2016 meeting minutes.

IV. Proposals

- A. Placement of two unlit wall signs on the north elevation of this commercial building located within the BID

Address: *230 Ellicott St.*

Applicant: Steve Fairbanks (sign contractor)

- Actions:
1. Remove application from table
 2. Review application
 3. Discussion and action by the board

1. Remove Application from the Table

MOTION: Ms. Tabelski moved to remove the application from the table; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Application removed from table.

2. Review Application

Mr. Preston summarized the proposal. One sign is permitted; two are proposed.

Mr. Fairbanks explained that the new signs are the same as the previous signs with the exception of the color.

3. Discussion and Action by the Board

Mr. Flynn asked why two signs are needed and if they referred to separate functions. Mr. Fairbanks said that he was not sure, however, Mr. Oltramari responded that “Habitat” reflects the name while “Restore” refers to the function.

MOTION: Mr. Flynn moved to approve the application; the motion was seconded by Mr. Staley, and on roll call, was approved 5-0.

RESULT: Two sign permits approved.

- B. Addition of a 14’ wide x 30’ long stone driveway in the northwest portion of the front yard. This driveway will be in addition to a driveway in the southwest portion of this newly developed two family dwelling property

Address: *61 River St.*
Applicant: Fred Mruczek (owner)

Actions: 1. Review application
2. Discussion and recommendation to the ZBA

1. Review Application

Mr. Preston read the summary of the proposal. Mr. Mruczek said that he has two nice apartments and he would like each one to have its own driveway rather than putting everyone in the back together. Mr. Mruczek said that a second driveway will provide symmetry to the look of the property while giving each apartment a functional driveway.

2. Discussion and Action by the Board

Mr. Preston asked if the garages are at the ends of the apartment building and Mr. Mruczek responded that there are no garages.

Mr. Flynn asked if it is necessary for the second driveway to be 14’ and why can it not be 10’. Mr. Mruczek said that he measured and 10’ seems inadequate. Mr. Flynn noted that it is a second driveway and Mr. Mruczek pointed out that it will be a primary driveway for the resident of that particular apartment. Mr. Mruczek added that it is possible he may decide to do something with the property behind the apartment house which will require access by a large vehicle.

Mr. Flynn asked if the driveways will be stone and Mr. Mruczek answered yes. Mr. Flynn asked if stone is a typical material for River St. and Mr. Mruczek said that it is.

Mr. Preston asked if Mr. Mruczek has plans for asphalt or concrete. Mr. Mruczek said that he has not done so in the past.

Mr. Gray asked if the shorter driveway will be in the front of the house and Mr. Mruczek said that part of it will.

Mr. Flynn asked why Mr. Mruczek does not want the parking in the back. Mr. Mruczek responded that it has been his experience that apartment residents fight over a parking area which is shared.

Mr. Flynn pointed out that the back is deep enough for parking and Mr. Preston observed that there is access to the apartments from the back because there are porches in the rear.

Mr. Mruczek said that since the building is a duplex he does not think it would be fair for the person in the right-side apartment to have all of the traffic on their side. He believes that separate driveways offer more privacy.

Mr. Mruczek pointed out that he has several apartment houses on River St. and they all have two driveways. Mr. Flynn asked if those properties are larger than the one at 61 River. Mr. Mruczek said that the other properties are about 80' wide while the River St. property is about 70' wide.

Mr. Gray stated that his issue with the proposal is that he believes the board has not previously recommended approval to the ZBA of an application where the driveway has been in front of the house. Mr. Flynn agreed that he has a problem with setting a precedent.

MOTION: Mr. Gray moved to recommend denial of the application to the ZBA based on the amount of space over the limit the driveways would be, and because one of the driveways would be in front of the house; the motion was seconded by Mr. Gray, and on roll call, was approved 3-2.

Votes in favor: 3 (Edward Flynn, Matt Gray, Rachael Tabelski)

Votes opposed: 2 (Duane Preston, Marc Staley)

Votes abstained: 0

RESULT: Recommendation to the ZBA to deny application for Area Variance.

- C. Special Sign Permit: placement of a 30" x 25" window sign on the entrance door; one window mural to cover the entire window surface on the north elevation's west side; and one painted wall mural on the east elevation on the north corner of this commercial building located within the BID

Address: 206 East Main St.

Applicant: Vic Marchese (owner)

- Actions: 1. Remove application from the table
2. Review application
3. Discussion and action by the board

1. Remove Application from the Table

MOTION: Ms. Tabelski moved to remove the application from the table; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Application removed from table.

2. Review Application

Mr. Preston summarized the proposal and asked the applicant to describe the signs.

Mr. Marchese said that one sign on the door is simply his logo. He explained that the sign on the side of the building is intended to cover graffiti. Mr. Marchese questioned what is wrong with the picture in the window.

3. Discussion and Action by the Board

Mr. Preston explained that according to the Batavia Municipal Code the picture in the window is technically a sign, which is taking up 100% of the frontage when only 25% is allowed. Mr. Marchese objected stating that there are perforations in the picture, so technically it does not take up 100% of the window.

Mr. Flynn asked Mr. Randall if he had gotten an interpretation of the picture as a sign and Mr. Randall explained that by definition the picture is a sign, but if the PDC is not satisfied with the definition in the BMC, they could submit the materials to the Zoning Board of Appeals and ask for an interpretation.

Mr. Preston noted that similar proposals have come before the board in the past and the board voted to reduce full-wall murals and full-window signs to 25%. Mr. Preston stated that he is agreeable to the door sign and the wall sign, noting that when graffiti can be covered for the improvement of the City it is a good thing. He added, however, that he does not approve of the sign covering the front window.

MOTION: Mr. Flynn moved to approve the door sign; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Special Sign Permit approved.

Mr. Flynn said that he is having a hard time considering the Mona Lisa painting on the side of the building as a sign. Ms. Tabelski agreed. Mr. Gray asked Mr. Randall for clarification regarding why the picture is considered a sign. Mr. Randall read from the BMC: "A sign is a structure or device designed to convey a message to the public in written or pictorial form." Mr. Randall explained that a picture of the Mona Lisa holding a pizza is intended to convey the message that the public can get pizza here. Without the pizza, it would be just a mural of the Mona Lisa.

MOTION: Mr. Staley moved to approve the Mona Lisa sign on the side of the building; the motion was seconded by Ms. Tabelski.

Discussion: Mr. Staley said that he thinks the sign enhances downtown. Ms. Tabelski asked if the problem with this sign is because of the sign on the front window or the sign on the door. Mr. Randall said the problem is that the sign is not facing the street and the BMC addresses signs according to street frontage. One wall sign is allowed per street frontage, and this sign is an additional sign.

Mr. Flynn asked what percentage of space the sign will take up on the wall where it will be painted. According to Mr. Randall, the amount of space the sign will take up is miniscule compared to the size of the wall; however, he did not calculate the amount because there is no entitlement to a percentage of the space.

Mr. Marchese told the board the measurements of the wall and observed that the sign will take up less than 5% of the wall space. The board referred to an illustration indicating where the sign will be painted.

Vote: On roll call, motion was approved 5-0.

RESULT: Special Sign Permit approved.

MOTION: Mr. Gray moved to send the application for the front window sign to the ZBA for an interpretation of the signage; the motion was seconded by Ms. Tabelski.

Discussion: Ms. Tabelski said that as the PDC reconsiders the sign code, it may want to address these kinds of window signs which can be seen through. She noted that signs like this are beginning to appear in other municipalities as well.

Following discussion, it was decided that the question the board would pose to the ZBA is: **Do the perforated vinyl window coverings located on a first floor window of this commercial business, as depicted on the attached photographs, constitute a window sign as defined by Batavia Municipal Code?**

Vote: On roll call, motion was approved 5-0.

RESULT: Request for interpretation regarding signage from the ZBA.

- D. Operation of an existing 8 room, 8 occupant rooming house structure. The applicant is purchasing this property from the present rooming house operator, Mary Sorce

Address: 7-9 Mill St.

Applicant: Ryan Macdonald (purchaser)

- Actions: 1. Review application
2. Discussion and action by the board

1. Review Application

Mr. Preston summarized the proposal. Paul Lamendola was available to speak about the project. He explained that he will not live on site, but he will manage the property.

2. Discussion and Action by the Board

Mr. Flynn asked if there have been any problems with the other rooming houses owned by Mr. Macdonald. Mr. Randall reported that there have been no issues and noted that Mr. Macdonald has made improvements to the other properties he owns.

MOTION: Mr. Flynn moved to approve the application; the motion was seconded by Ms. Tabelski, and on roll call, was approved 5-0.

RESULT: Operation of a Rooming House approved.

- E. Placement of two exterior lit wall signs on the south elevation of this commercial building located within the BID. One of the signs will require a Special Sign Permit

Address: 60 Main St.

Applicant: Brenden Mullen (business owner)

- Actions: 1. Review application
2. Discussion and action by the board

Applicant was not in attendance.

MOTION: Mr. Flynn moved to approve the application; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Application tabled.

- F. Placement of one 2.16' x 12.16' exterior lit wall sign on the south elevation and one 2.16' x 12.16' exterior lit wall sign on the north elevation of this commercial building located within the BID

Address: 55 Main St.

Applicant: Premier Sign Systems (sign contractor)

- Actions: 1. Review application
2. Discussion and action by the board

1. Review Application

Mr. Preston summarized the proposal. He reported that the Genesee County Planning Board recommended approval. Mike Hyman, Vice President and Senior Construction Manager for M & T Bank, spoke about the project. He said that the bank changed its logo and is now changing the signage in Western New York. He noted that the dimensions of the sign are smaller than the previous sign.

2. Discussion and Action by the Board

Mr. Flynn asked if the background of the sign will be white, and Mr. Hyman responded that it will. He added that the individual lettering as well as the goose-neck lighting will remain the same.

MOTION: Mr. Flynn moved to approve the application; the motion was seconded by Mr. Staley, and on roll call, was approved 5-0.

RESULT: Sign Permits approved.

- G. Special Sign Permits: placement of two internally lit canopy signs, one on the north elevation and one on the south elevation of this commercial building located within the BID

Address: 150 Washington Ave.

Applicant: Premier Sign Systems (sign contractor)

- Actions: 1. Review application
2. Discussion and action by the board

1. Review Application

Mr. Preston summarized the proposal. The signs are for the M & T drive-through. Mr. Hyman explained that these signs are also smaller, and the green part of the signs will no longer be lit; only the M & T letters will be lit.

2. Discussion and Action by the Board

MOTION: Mr. Flynn moved to table the application; the motion was seconded by Mr. Gray, and on roll call, was approved 5-0.

RESULT: Special Sign Permits approved.

H. Placement of one exterior lit wall sign on the south elevation and one exterior lit wall sign on the east elevation of this commercial building located within the BID

- Address: 20 Jefferson Sq.
- Applicant: Mike Hodgins (sign contractor)
- Actions: 1. Review application
2. Discussion and action by the board

1. Review Application

Mr. Preston summarized the proposal. Mr. Hodgins told the board that the font on the sign is different from the previous one and a logo has been added, but the sign is still below the maximum allowed space.

2. Discussion and Action by the Board

Mr. Preston noted that the Genesee County Planning Board recommended approval.

MOTION: Mr. Gray moved to approve the application; the motion was seconded by Mr. Flynn, and on roll call, was approved 5-0.

RESULT: Sign Permit approved.

I. Special Sign Permits: placement of one internally lit canopy sign on the south elevation and three window signs, one on the north elevation, one on the west/front elevation, and one on the entry door on the south elevation of this commercial building located within the R-2 residential use district

- Address: 34-40 Oak St.
- Applicant: Kati Mancuso (business owner)
- Actions: 1. Review application
2. Discussion and action by the board

1. Review Application

Mr. Preston summarized the proposal. Ms. Mancuso said that the sign over the door is replacing the sign that was previously there and is the same length; the width is smaller. She explained that the signs in the windows are stick-on signs. She indicated that there is nothing on the canopies.

Ms. Mancuso clarified for the board that the sign over the door is not lit; there are two lights on the wall beside the sign, which she will turn on in the winter when it gets dark early.

2. Discussion and Action by the Board

MOTION: Mr. Staley moved to approve all of the signs; the motion was seconded by Ms. Tabelski, and on roll call, was approved 5-0.

RESULT: Special Sign Permits approved.

V. Other/New Business/Updates: Sign Code Revision Update

City Manager Jason Molino outlined the updates made to the sign code based on recommendations from the Steering Committee:

- Under prohibited signs the word “strobing” was added
- Monument signs will be permitted in R zones to allow for places of worship
- Internally lit signs: background may be either lighter or darker than lettering
- Time: electronic message board may be changed once per hour (enforcement mechanism is renewal process)
- Chart with illumination types by zone was added
- Non-conforming use issue: pre-existing non-conforming signs will not be able to use the functionality of the electronic sign. If it is not authorized in the zone where it is located, it will continue to remain a static sign. (The signs will still be able to be change once daily.)

When the new sign code is voted into effect, five signs will become non-conforming: Notre Dame, St. Paul’s Lutheran Church, the Baptist Church (190 Oak St.), Cedar Street Rentals, and United Memorial Medical Center.

Mr. Oltramari explained that the objective for the sign code is to encourage conformity. The intent of the revision is to make an ease and clear permit process for signs that conform to the code, and to make the path for a non-conforming sign permit more difficult. According to Mr. Oltramari, if the process is the same for conforming and non-conforming signs, there is no incentive to follow the code. Mr. Oltramari noted that there will be no more Special Sign Permits. Someone wanting a bigger sign would appear before the ZBA for an Area Variance.

The Steering Committee engaged in a discussion on window signs. Mr. Oltramari differentiated between window signs and window displays. He explained that with a customary window display of products is when a retail business has a window display and there is a placard that refers to the product being exhibited. The board suggested that an example should be given in the revised code.

Mr. Oltramari explained the reasoning for the amount of space for a window sign to be regulated for 25%. He said that transparency in a downtown is an essential factor contributing to walkability and creating a pedestrian environment that promotes retail business. He pointed out that there is a lot of data indicating how important it is for people outside to see in, and people inside to see out. Transparency is considered safer, more human, and more comfortable.

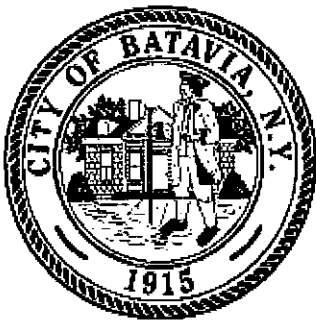
VI. Setting of Next Meeting: September 20, 2016

VII. Adjournment

Mr. Preston moved to adjourn the meeting at 8:01 pm; the motion was seconded by Ms. Tabelski. All voted in favor.

Meg Chilano
Bureau of Inspection Clerk

DRAFT



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Planning and Development Committee
From: Doug Randall, Code Enforcement Officer
Date: 8/19/16
Re: 164 Washington Ave.
Tax Parcel No. 84.011-1-43

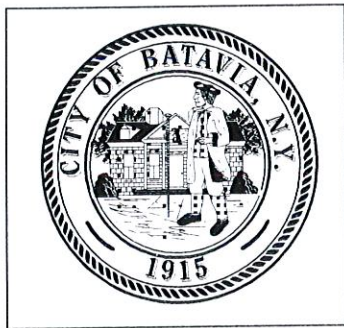
Zoning Use District: P-3

The applicant, Mike Hodgins (sign contractor), has applied for approval to place one exterior lit wall sign on the north elevation and one exterior lit wall sign on the south elevation of this commercial building located within the Business Improvement District.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

Review and Approval Procedures:

City Planning and Development Committee- Pursuant to section 190-14 D (2) (b), the Planning and Development Committee shall review and approve applications for sign permits prior to permit issuance on properties located within the B.I.D.



Permit No.: _____
Date: _____
Zone: P-3

84.011 -1-43

SIGN PERMIT APPLICATION

City of Batavia

One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER:

Michael J. Hodgins m.hodgins@johnsstudio.com
Name E-mail Address
56 Harvester Ave 585-345-1030 343-4469
Street Address Phone Fax
Batavia NY 14020
City, State, Zip Code

ADDRESS OF SIGN:

164 Washington Ave Batavia NY 14020

AREA OF SIGN:

Length 70" Width 61" Area 30 sq. ft.

TYPE OF SIGN:

1. All sign applications must have an illustration of the sign with its dimensions and copy.
2. Freestanding signs must have a Sit Plan to show the sign's location on the property.
3. All other signs must include an elevation plan to show the sign's placement on the building.

<input type="checkbox"/> Freestanding	Set Back _____	Height _____	Area _____
<input checked="" type="checkbox"/> Wall	Wall Length <u>27'6"</u>	Wall Height <u>12'</u>	Area <u>330 sq. ft.</u>
<input type="checkbox"/> Projecting	Length _____	Height _____	Area _____
<input type="checkbox"/> Marquee	Window Length _____	Window Height _____	Area _____
<input type="checkbox"/> Awning / Canopy			
<input type="checkbox"/> Window			
<input type="checkbox"/> Portable			

Lighting: Internal External

Existing Signs (Please list all existing signs with dimensions):

None

49.5' printed
30 sq. Proposed
(oh)

Applicant's Signature Michael J. Hodgins

Date 8/15/16

Issuing Officer _____

Date _____

Planning Board Chairperson _____

Date _____

FEES: _____ \$25 Sign Permit _____ \$50 Special Sign Permit _____ \$10 Portable Sign



70.11" W

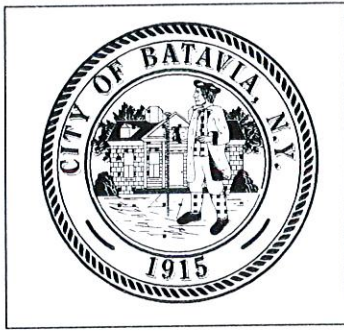
ROCHESTER
REGIONAL HEALTH

United Memorial
Medical Center

Healthy Living

164 WASHINGTON AVE.

60.83" H



Permit No.: _____
Date: _____
Zone: P-3

SIGN PERMIT APPLICATION City of Batavia

One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER:

Michael J. Hodgins mhdgins@johnstudio.com
Name E-mail Address
56 Harvester Ave 585 345-1030 343-4469
Street Address Phone Fax
Batavia NY 14020
City, State, Zip Code

ADDRESS OF SIGN:

164 Washington Ave Batavia NY 14020

AREA OF SIGN:

Length 213" Width 35" Area 52 sq-ft

TYPE OF SIGN:

- All sign applications must have an illustration of the sign with its dimensions and copy.
- Freestanding signs must have a Sit Plan to show the sign's location on the property.
- All other signs must include an elevation plan to show the sign's placement on the building.

- Freestanding
- Wall
- Projecting
- Marquee
- Awning / Canopy
- Window
- Portable

Set Back _____
Wall Length 48'

Height _____
Wall Height 12'

Area \$576.00 52 sq. ft.

Length _____
Window Length _____

Height _____
Window Height _____

Area _____
Area _____

Lighting: Internal External

Existing Signs (Please list all existing signs with dimensions):

None

*86.4 permitted.
52 sq. ft. proposal
(OW)*

Applicant's Signature

Michael J. Hodgins

Date

8/15/16

Issuing Officer

Date

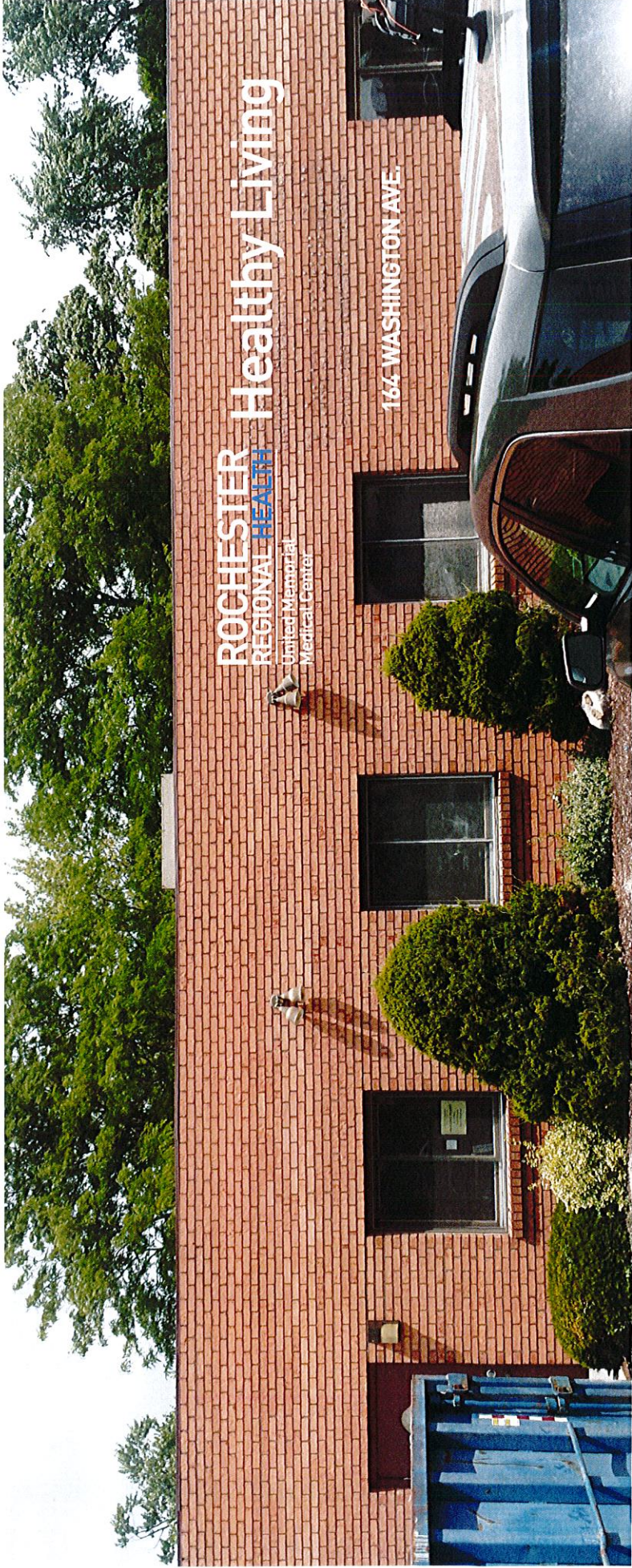
Planning Board Chairperson

Date

FEES: _____ \$25 Sign Permit _____ \$50 Special Sign Permit _____ \$10 Portable Sign

ROCHESTER
REGIONAL HEALTH
United Memorial
Medical Center
Healthy Living

164 WASHINGTON AVE.



1164 WASHINGTON AVE

88.810" W

6.43" H

ROCHESTER
REGIONAL HEALTH

35.18"H

United Memorial
Medical Center

"H" in Healthy measures 14.61"H

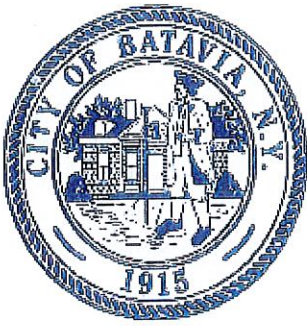
213.37"W

Healthy Living

Wall sign

Wall sign
SHINGTON AVE





City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Zoning Board of Appeals
From: Doug Randall, Code Enforcement Officer
Date: 8/19/16
Re: 206 East Main St.
Tax Parcel No. 84.058-1-2

Zoning Use District: C-3

The City of Batavia's Planning and Development Committee has requested an interpretation of the Batavia Municipal Code regarding window signage.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (31).

Review and Approval Procedures:

Zoning Board of Appeals- Pursuant to BMC 190-49 A. and NYS General City Law 81-a 4. the ZBA shall decide appeals from and review any order, requirement, decision, interpretation or determination made by the Code Enforcement officer.

Interpretation-

- 1) Do the perforated vinyl window coverings located on a first floor window of this commercial business, as depicted on the attached photographs, constitute a window sign as defined by Batavia Municipal Code?

BMC 190-3 (11) (definitions) Sign- A structure or device designed or intended to convey information to the public in written or pictorial form.

BMC 190-3 (18) (definitions) 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.

BMC 190-3 (14) (definitions) 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.

2) Is the maximum window sign coverage area, as indicated on the attached Exhibit A, based on the percentage of coverage for the individual window pane or all window surfaces combined?

Exhibit A Window/outdoor signs- Size allocation (Max. % of window coverage, total window space)

**THE CITY OF BATAVIA
PLANNING & DEVELOPMENT COMMITTEE
ZONING RECOMMENDATIONS**

Meeting Date: 8/16/16

Applicant's Name	Vic Marchese
Location	206 East Main St.
Zoning District	C-3
Referral Type	Request for ZBA interpretation of the BMC regarding window signage
Variance(s)	
Description	<p>Interpretation:</p> <ol style="list-style-type: none">1. Do the perforated vinyl window coverings located on a first floor window of this commercial business, as depicted on the attached photographs, constitute a window sign as defined by the BMC?2. Is the maximum window sign coverage area as indicated on the attached Exhibit A, based on the percentage of coverage for the individual window pane or all window surfaces combined?

PLANNING & DEVELOPMENT COMMITTEE RECOMMENDATION

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ZONING BOARD OF APPEALS DECISION

<ol style="list-style-type: none">1. This form of window treatment clearly meets the BMC definition of a window sign.2. The maximum amount of window coverage allowed refers to the individual space in which the sign is located and not all window surfaces combined.
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BATAVIA CODE

CITY OF BATAVIA
EXHIBIT A
(cont'd)

Zones	R-1	R-2	R-3	C-1	C-2	C-3	I-1,P1	I-2	L	P2	P3
Minimum Height				8 ft.	8 ft.	8 ft.	8 ft.	8 ft.		8 ft.	8 ft.
MARQUEE SIGNS											
Permitted	NP	NP	NP	NP	P	P	NP	NP	NP	NP	NP
Maximum Number permitted					1 per business if no wall sign is directed to the same street frontage	1 per business if no wall sign is directed to the same street frontage					
Size Allocation (max. % of wall area)					40%	40%					
AWNING/CANOPY SIGNS											
Permitted	NP	NP	NP	P	P	P	P	P	NP	P	P
Maximum Number Permitted				1 per business	1 per business	1 per business	1 per business	1 per business		1 per business	1 per business
Size Allocation (max % of vertical canopy area)				15%	25%	20%	20%	20%		20%	20%
Internal Lighting				NP	P	P	P	P		P	P
Maximum height				7 ft.	7 ft.	7 ft.	7 ft.	7 ft.		7 ft.	7 ft.
WINDOW/OUTDOOR SIGNS											
Permitted	NP	NP	NP	P	P	P	P	P	NP	P	P
Size Allocation (Max % of window coverage, total window space)				25%	25%	25%	25%	25%		25%	25%
Internal Lighting				P	P	P	P	P		P	P
SUSPENDED SIGNS											
Permitted	P	P	P	P	P	P	P	P	NP	P	P
Max # Permitted	1 per entrance	1 per entrance	1 per entrance	1 per entrance	1 per entrance	1 per entrance	1 per entrance	1 per entrance	NP	1 per entrance	1 per entrance
Maximum Area	2 sq. ft.	2 sq. ft.	2 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.		6 sq. ft.	6 sq. ft.



11. Alternate members.

- (a) The legislative body of each city except a city having a population of more than one million may, by local law or ordinance, or as part of the local law or ordinance creating the zoning board of appeals, establish alternate zoning board of appeals member positions for purposes of substituting for a member in the event such member is unable to participate because of a conflict of interest. Alternate members of the zoning board of appeals shall be appointed by the mayor or other duly authorized appointing authority, for terms established by the legislative body of the city.
- (b) The chairperson of the zoning board of appeals may designate an alternate member to substitute for a member when such member is unable to participate because of a conflict of interest on an application or matter before the board. When so designated, the alternate member shall possess all the powers and responsibilities of such member of the board. Such designation shall be entered into the minutes of the initial zoning board of appeals meeting at which the substitution is made.
- (c) All provisions of this section relating to zoning board of appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy in office, removal, compatibility of office and service on other boards, shall also apply to alternate members.

For a discussion of zoning board of appeals powers and duties under this statute and the applicable court decisions, see the DOS Local Government Technical Series publication "Zoning Board of Appeals."

81-a. Board of appeals procedure.

Keeping of minutes, records

- 1. Meetings, minutes, records. Meetings of such board of appeals shall be open to the public to the extent provided in article seven of the public officers law. Such board of appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions.

Filings

- 2. Filing requirements. Every rule, regulation, every amendment or repeal thereof, and every order, requirement, decision or determination of the board of appeals shall be filed in the office of the city clerk within five business days and shall be a public record.

Authority of the board to seek assistance

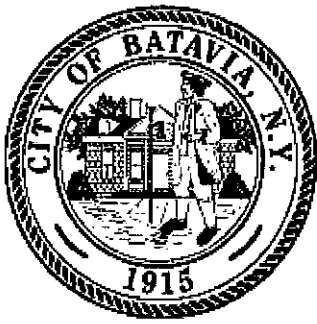
- 3. Assistance to the board of appeals. Such board shall have the authority to call upon any department, agency or employee of the city for such assistance as shall be deemed necessary and as shall be authorized by the legislative body. Such department, agency or employee may be reimbursed for any expenses incurred as a result of such assistance.

The appellate nature of the board

- 4. Hearing appeals. Unless otherwise provided by local law or ordinance, the jurisdiction of the board of appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination, made by the administrative official charged with the enforcement of any ordinance or local law adopted pursuant to this article. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the city.

Decisions of the enforcement officer are filed in the enforcement office, unless the city legislative body designate filing in the city clerk's office

- 5. Filing of administrative decision and time of appeal.
 - (a) Each order, requirement, decision, interpretation or determination of the administrative official charged with the enforcement of the zoning local law or ordinance shall be filed in the office of such administrative official within five business days from the day it is rendered, and shall be a public record. Alternately, the legislative body of the city may, by resolution, require that such filings instead be made in the city clerk's office.



City of Batavia
Department of Public Works
Bureau of Inspections

One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 8/1/16

Re: 60 Main St.
Tax Parcel No. 84.049-1-51

Zoning Use District: C-3

The applicant, Brenden Mullen (business owner), has applied for approval to place two exterior lit wall signs on the south elevation of this commercial building located within the Business Improvement District. One of the signs will require a Special Sign Permit.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the **right of way of a state road or highway.**

City Planning and Development Committee- Pursuant to section 190-14 D (2) (b), the Planning and Development Committee shall review and approve applications for sign permits on properties located within the B.I.D. Also, 190-43 R The PDC shall approve or deny the issuance of Special Sign Permits.

BMC 190-43 F and Exhibit A Only one wall sign is permitted per street frontage.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

DEPARTMENT USE ONLY:
GCDP Referral # _____

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Planning and Development Committee

Address One Batavia City Centre

City, State, Zip Batavia, NY 14020

Phone (585) 345 - 6347 Ext. _____

2. APPLICANT INFORMATION

Name Brenden Mullen

Address 208 Richmond Ave.

City, State, Zip Batavia, NY 14020

Phone (716) 474 - 4512 Ext. _____ Email brendenm5@icloud.com

MUNICIPALITY: City Town Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- Area Variance
- Use Variance
- Special Use Permit
- Site Plan Review

- Zoning Map Change
- Zoning Text Amendments
- Comprehensive Plan/Update
- Other: Sign permits in BID

- Subdivision Proposal
- Preliminary
- Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 60 Main St.

B. Nearest intersecting road Jackson St.

C. Tax Map Parcel Number 84.049-1-51

D. Total area of the property _____ Area of property to be disturbed _____

E. Present zoning district(s) C-3

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?
 NO YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law
BMC 190-14 D(2)(b) and 190-43 R

C. Please describe the nature of this request Approval to place two externally lit wall signs on the south elevation of this commercial building located within the Business Improvement District.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

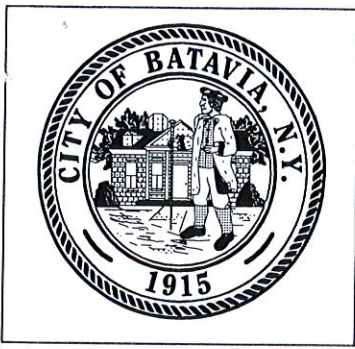
- Local application
- Site plan
- Subdivision plot plans
- SEQR forms
- Zoning text/map amendments
- Location map or tax maps
- Elevation drawings
- Agricultural data statement
- New or updated comprehensive plan
- Photos
- Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17.
Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext. _____

Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drrandall@batavianewyork.com



Permit No.: _____
Date: _____
Zone: C-3

SIGN PERMIT APPLICATION
City of Batavia
One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER:

BRENDEN MULLEN BRENDENM5@5CLOUD.COM
Name E-mail Address
208 RICHMOND AVE 716-474-4512
Street Address Phone Fax
BATAVIA, NY 14020
City, State, Zip Code

ADDRESS OF SIGN: GOMAIN ST. BATAVIA

(West side of front)
AREA OF SIGN: Length 30" Width 57" Area 12 sq. ft.

TYPE OF SIGN:

1. All sign applications must have an illustration of the sign with its dimensions and copy.
2. Freestanding signs must have a Sit Plan to show the sign's location on the property.
3. All other signs must include an elevation plan to show the sign's placement on the building.

Freestanding Set Back _____ Height _____
 Wall Wall Length 42 Wall Height 10 Area 672
 Projecting Length _____ Height _____ Area _____
 Marquee Window Length _____ Window Height _____ Area _____
 Awning / Canopy Window Length _____ Window Height _____ Area _____
 Window Window Length _____ Window Height _____ Area _____
 Portable

Lighting: Internal External

Existing Signs (Please list all existing signs with dimensions):

Applicant's Signature B. M. Mullen

Date 7/25/16

Issuing Officer _____

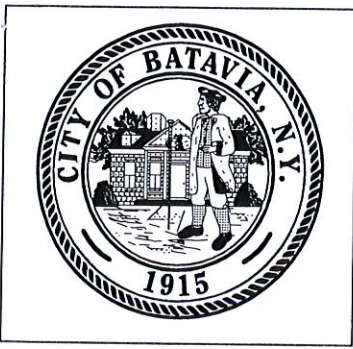
Date _____

Planning Board Chairperson _____

Date _____

FEES: _____ \$25 Sign Permit \$50 Special Sign Permit _____ \$10 Portable Sign

(2nd sign)



Permit No.: _____
Date: _____
Zone: C-3

84,049-1-51

SIGN PERMIT APPLICATION
City of Batavia
One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER:

BRENDEN MULLEN BRENDENM5@ICLOUD.COM
Name E-mail Address
208 RICHMOND AVE 716-474-4512
Street Address Phone Fax
BATAVIA, NY 14020
City, State, Zip Code

ADDRESS OF SIGN: 60 MAIN ST. BATAVIA

AREA OF SIGN: (East side of Front)
Length 30' Width 57' Area 12 sq. ft.
2.5' 4.75'

TYPE OF SIGN:

1. All sign applications must have an illustration of the sign with its dimensions and copy.
2. Freestanding signs must have a Sit Plan to show the sign's location on the property.
3. All other signs must include an elevation plan to show the sign's placement on the building.

Freestanding Set Back 42 Height 16 Area 672
 Wall Wall Length _____ Wall Height _____
 Projecting
 Marquee
 Awning / Canopy Length _____ Height _____ Area _____
 Window Window Length _____ Window Height _____ Area _____
 Portable

Lighting: Internal External

100.8 sq. Permitted
12. sq. Proposed.
eh

Existing Signs (Please list all existing signs with dimensions):

Applicant's Signature B. M. Mullen

Date 7/25/16

Issuing Officer _____

Date _____

Planning Board Chairperson _____

Date _____

FEES: \$25 Sign Permit \$50 Special Sign Permit \$10 Portable Sign

Camfers

RESTAURANT • BAR

1/1

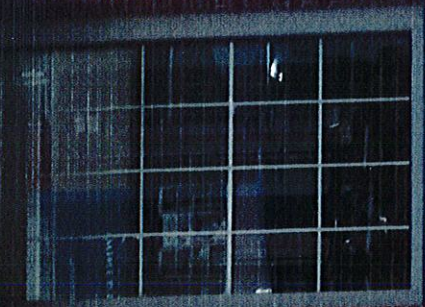
6/16/16
Pawcett

5/31/16
Barn
Pawcett
Pawcett



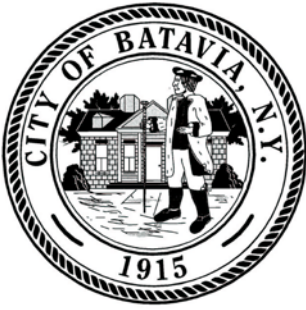
Carter's
RESTAURANT • BAR

Carter's
RESTAURANT • BAR



60

60



City of Batavia

To: Planning and Development Committee

From: Jason Molino, City Manager

Date: September 7, 2016

Subject: Sign Code update

The following changes were made to the sign code after the last PDC meeting:

1. Changed back the language on internal illuminated signs Section Z (2)(a) – Page 18
2. Eliminated blank (a) in section Z (6) - page 18
3. Deleted unnecessary item (c) in section Z (7) - page 19
4. Replaced the photos for electronic message boards with ones that would comply with the 30% max – page 19
5. Added modifications to Sec. 190-14 (D) (2) to eliminate references to Planning and Development Committee review of signs in the C-3 District.

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov

**Office of the City Manager
One Batavia City Centre
Batavia, New York 14020**

**TDD 800-662-1220
Phone: 585-345-6330
Fax: 585-343-8182
www.batavianewyork.com**

§ 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 and be clearly incidental, customary and commonly associated with the operation of 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. On the other hand, the Department of Public Works shall give written notice to the applicant if the sign application has been denied.

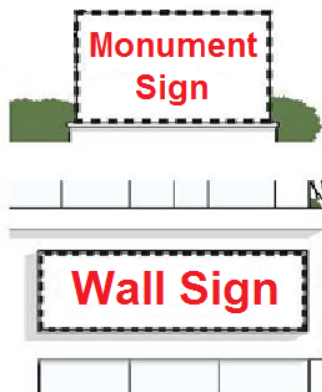
D. Common Sign Plan. A common sign plan must be filed with the Department of Public Works for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan.

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

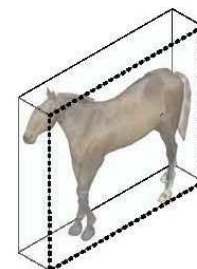
(1) For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



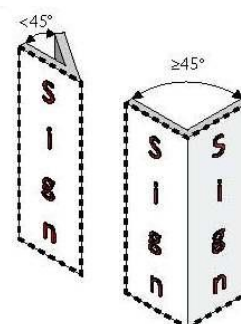
(2) For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or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



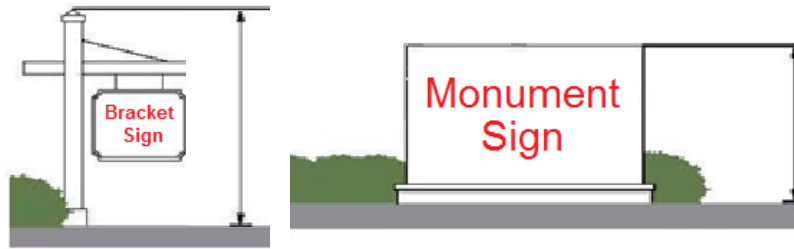
(3) The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



(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 shall be allowed that comply with the provisions and conditions set forth in this Section, 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.

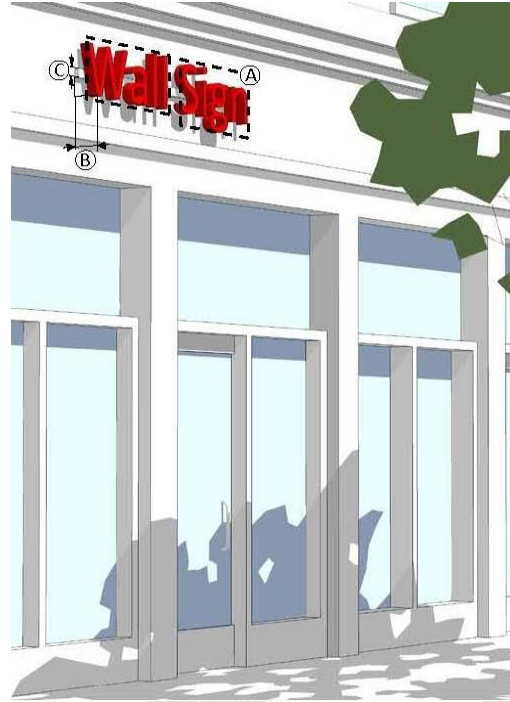
- (1) Portable signs, if powered by electric, must meet all the construction standards of the New York State Uniform Fire Prevention and Building Code.
- (2) Portable sign size shall not exceed 32 square feet and shall be limited to five feet above grade.
- (3) Portable signs must be removed after 60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

N. Wall Signs.



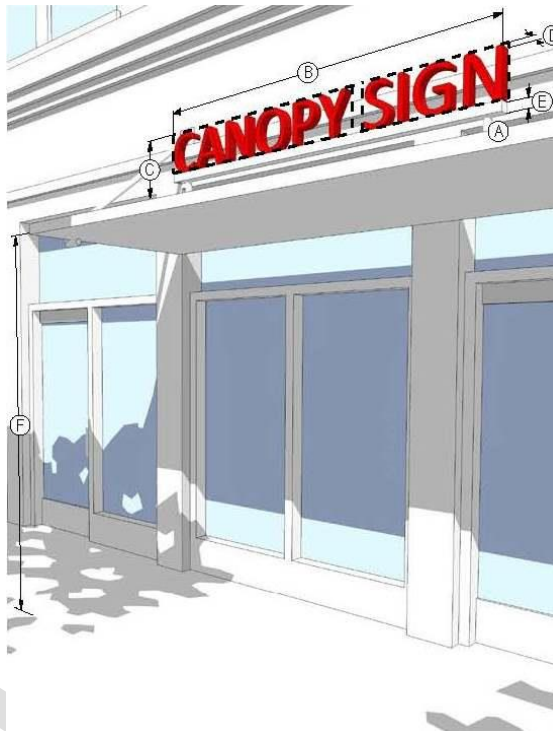
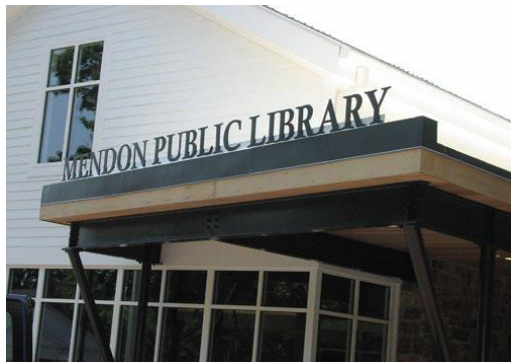
Description		
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> 1. No portion of a wall sign may extend beyond the ends, above the roof 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 <u>Sec. Z</u> 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		
<ol style="list-style-type: none"> 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 <u>Sec. Z</u> 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.

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 <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> 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. 	
Standards	
A	Overall area allocation (max): <u>Sec. M</u> above.

T. Pole Signs.



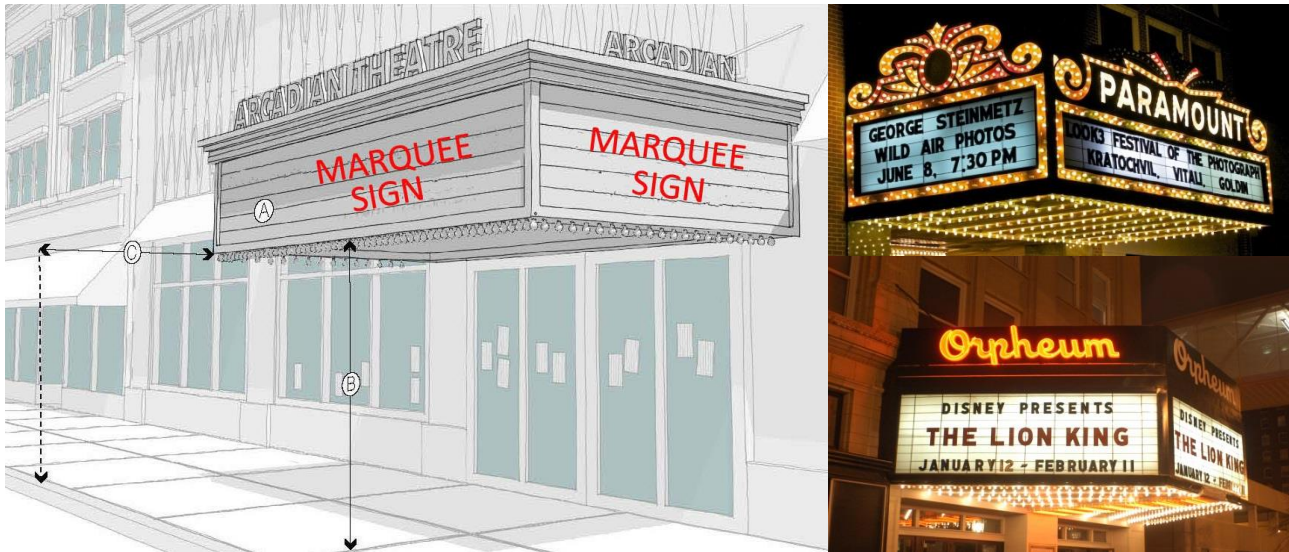
Description		
A freestanding sign constructed on a structure of one or more poles.		
General Provisions		
<ol style="list-style-type: none"> 1. One pole sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where 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		
<ol style="list-style-type: none"> 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 <u>Sec. Z</u> 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		
<ol style="list-style-type: none"> 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 <u>Sec. Z</u> 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		
<ol style="list-style-type: none"> 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 <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> 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.

Y. Sidewalk Signs.



Description		
A moveable sign not secured or attached to the ground or surface upon which it is located.		
General Provisions		
<ol style="list-style-type: none"> 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. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Height (max)	5 ft.
C	Width (max)	4 ft.

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.



External light sources

(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.



Internally lit channel letters

(4) Backlit Illumination

(a) Light can be white or a color
 (b) 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.



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 hour.
- (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 dynamic display when notified by the city that it is not complying with the standards of this law.
- (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.
- (m) Electronic message boards (except static numeric signs) require an annual permit to defray the City's cost to monitor and regulate their operational mode in accordance with the provisions of this chapter. Failure to obtain and maintain such annual permit will constitute a violation and the operation of the sign must be terminated. The cost of this permit shall be established as deemed appropriate through approval of City Council resolutions.
- (n) If any electronic message board under annual permit is found to be in violation of the operational restrictions/regulations as stipulated in this section, the person affected by the notice of violation or order issued in connection with the enforcement of any provision of this section, may request and shall be granted a hearing before the City Planning and Development Committee, provided that such person shall file in the



Department of Public Works a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his or her address upon whom orders may be served, and setting forth the reasons why such notice of violation or order should be modified or withdrawn.

(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				□		□		

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 or other advertising structure lawfully 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.
- (2) 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, in no instance can there be an increase in the degree of nonconformity. All new panels must conform to all illumination standards of Sec. Z above.
- (3) 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.
- (4) 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.

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.

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.

§ 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 and be clearly incidental, customary and commonly associated with the operation of 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. On the other hand, the Department of Public Works shall give written notice to the applicant if the sign application has been denied.

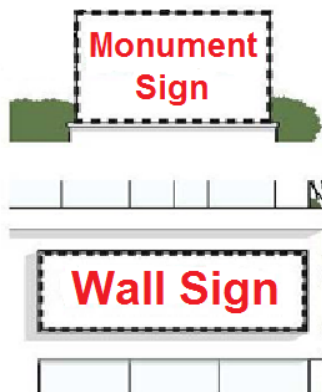
D. Common Sign Plan. A common sign plan must be filed with the Department of Public Works for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan.

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

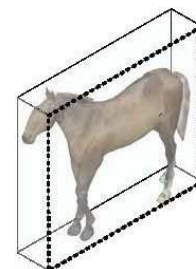
(1) For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



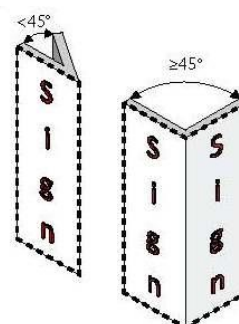
(2) For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or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



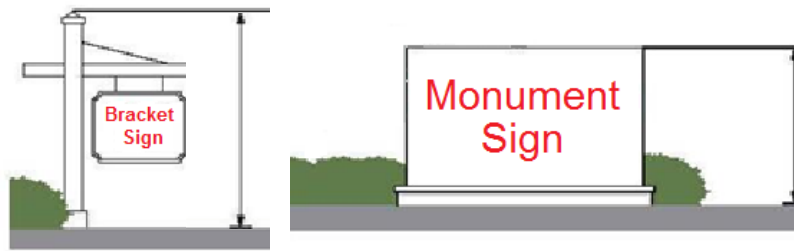
(3) The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



(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 shall be allowed that comply with the provisions and conditions set forth in this Section, 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.

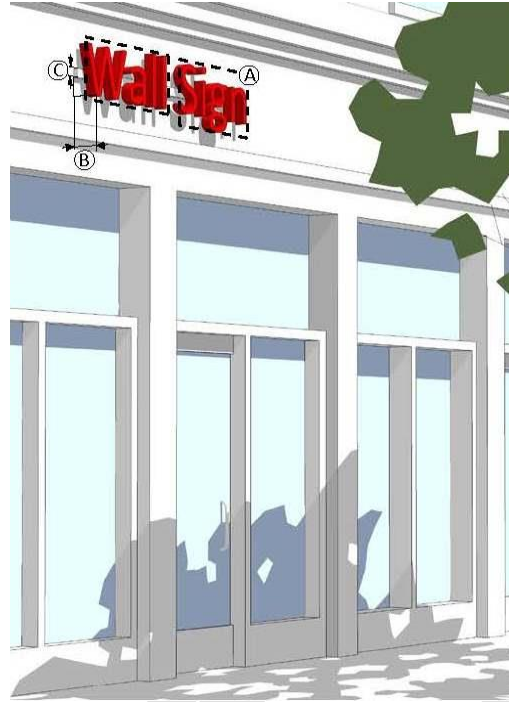
- (1) Portable signs, if powered by electric, must meet all the construction standards of the New York State Uniform Fire Prevention and Building Code.
- (2) Portable sign size shall not exceed 32 square feet and shall be limited to five feet above grade.
- (3) Portable signs must be removed after 60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

N. Wall Signs.



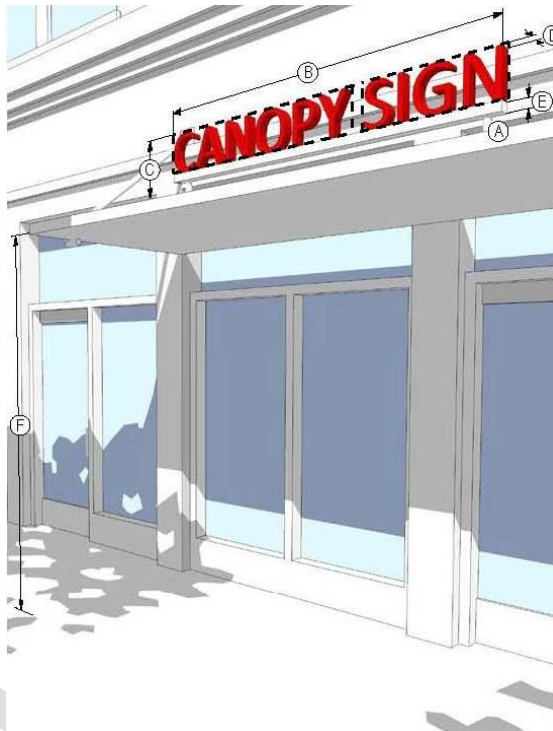
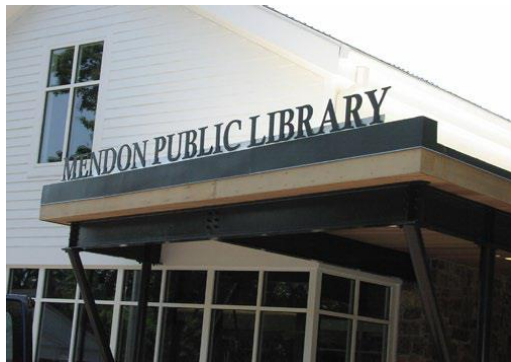
Description		
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.		
General Provisions		
<ol style="list-style-type: none"> 1. No portion of a wall sign may extend beyond the ends, above the roof 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 <u>Sec. Z</u> 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		
<ol style="list-style-type: none"> 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 <u>Sec. Z</u> 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.

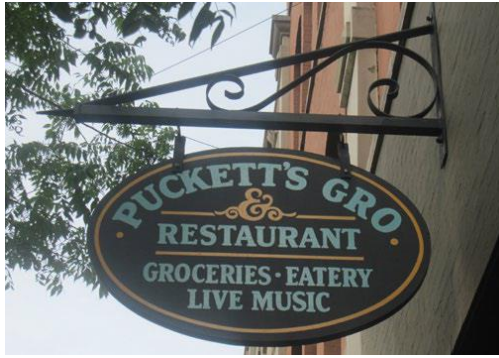
Q. Projecting Signs.



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 <u>Sec. Z</u> below. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> 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. 	
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		
<ol style="list-style-type: none"> 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 <u>Sec. Z</u> 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		
<ol style="list-style-type: none"> 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 <u>Sec. Z</u> 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		
<ol style="list-style-type: none"> 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.

Y. Sidewalk Signs.



Description		
A moveable sign not secured or attached to the ground or surface upon which it is located.		
General Provisions		
<ol style="list-style-type: none"> 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. 		
Standards		
A	Overall area allocation (max): <u>Sec. M</u> above.	
B	Height (max)	5 ft.
C	Width (max)	4 ft.

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.



External light sources

(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.



Internally lit channel letters

(4) Backlit Illumination

(a) Light can be white or a color

(b) 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.



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 hour.
- (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 dynamic display when notified by the city that it is not complying with the standards of this law.
- (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.
- (m) Electronic message boards (except static numeric signs) require an annual permit to defray the City's cost to monitor and regulate their operational mode in accordance with the provisions of this chapter. Failure to obtain and maintain such annual permit will constitute a violation and the operation of the sign must be terminated. The cost of this permit shall be established as deemed appropriate through approval of City Council resolutions.
- (n) If any electronic message board under annual permit is found to be in violation of the operational restrictions/regulations as stipulated in this section, the person affected by the notice of violation or order issued in connection with the enforcement of any provision of this section, may request and shall be granted a hearing before the City Planning and Development Committee, provided that such person shall file in the



Department of Public Works a written request for such hearing, setting forth a brief statement of the grounds therefor, designating the person and his or her address upon whom orders may be served, and setting forth the reasons why such notice of violation or order should be modified or withdrawn.

(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				□		□		

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 or other advertising structure lawfully 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.
- (2) 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, in no instance can there be an increase in the degree of nonconformity. All new panels must conform to all illumination standards of Sec. Z above.
- (3) 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.
- (4) 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.

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

Modifications to section 190-3:

SIGN

(1) ~~AWNING/CANOPY~~ 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. A sign incorporated into an awning attached to a structure.

(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.

~~(2) COPY CHANGE SIGN~~

~~A sign on which the visual message may be periodically changed.~~

~~(3)~~(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. ~~A logo or advertising is not permitted.~~

(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).

~~(4)~~(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.

~~(5)~~(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.

~~(6)~~(13) MARQUEE SIGNS

A sign attached to the top or the face of a permanent roof-like structure. A sign, usually associated with a movie house or playhouse, projecting over an entrance to a building.

(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.

~~(7)~~(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.

~~(8)~~(17) PORTABLE SIGN

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

~~(9)~~ PRICE POD

A secondary sign located on the same pole as a primary freestanding dedicated to displaying prices of products, such as gasoline, sold on premises

~~(10)~~(18) PROJECTING SIGN

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. A sign which hangs perpendicular to a building wall.

(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.

~~(11)~~(21) SIGN

A structure or device designed or intended to convey information to the public in written or pictorial form.

~~(12) SIGN DIRECTORY~~

~~A listing of two or more business enterprises, consisting of a matrix and sign components.~~

~~(13)~~(22) SIGN STRUCTURE

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

~~(14)~~(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.

~~(15) SUSPENDED SIGNS~~

~~A sign which hangs down horizontally from a plane surface such as a porch or other structural element.~~

~~(16)~~(24) TEMPORARY SIGN

A sign ~~related to a single activity or event~~ having a duration of no more than 60 days.

~~(17)~~(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. A sign that is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than 15 inches from the face of such wall.~~

~~(18)~~(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.

Modifications to section 190-14 (D)

(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~~ 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)[8] ~~Signs and awnings~~ Awnings. Signs in the Downtown Batavia Business Improvement District shall comply with § and the following:

~~[a] Primary signs are restricted to displaying the name of the business and some immediate relevant information only. They should be simple, straightforward and easy to read from a distance. Secondary information, such as details about the business, hours of operation, etc., should be reserved for smaller window signs which may be read close-up at the pedestrian level.~~

~~[b] Primary signs should be located directly above the front door, within a vertical band down one side near the door, or on the awning face. Such signs should not project more than six inches from the plane of the facade.~~

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

~~[d] Building identification and signs should be incorporated into the design of the facade itself, with a clear and distinguishable portion of the facade reserved solely for the purpose of framing it. It is recommended that lettering be applied directly to the building itself, instead of onto a sign which is tacked on the building. Colors should be kept to a minimum, and should complement those found on the building.~~

~~[e] Exterior box type backlit, moving, flashing or neon signs and awnings are discouraged. Other types of signs not recommended are those made of plywood and plastic materials.~~

~~[f] The use of small lettering on the inside of the upper floor windows to identify the businesses within is encouraged.~~

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.

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.