

PART C

SECTION VI SIGNS

Article 6 Administration

A. PERMITS

A sign permit shall be required prior to the performance of any sign work as defined in Section C of this ARTICLE except as hereinafter specified. Such permits shall be issued by the building official and shall be in addition to any administrative permits, waivers, licenses of consents required pursuant to any other applicable regulations.

B. EXCEPTIONS

No sign permit shall be required for the following:

1. Sign copy changes as defined in ARTICLE 3.
2. Sign maintenance as defined in ARTICLE 3.
3. Sign work on special signs as defined in ARTICLE 4, provided that this exception shall not apply to any of the following:
 - (a) Signs exceeding one hundred (100) square feet in area.
 - (b) Ground signs exceeding twenty (20) feet in height.
 - (c) Sign work in excess of five thousand dollars (\$5,000).
 - (d) Planned Development or Subdivision Identification Signs.

The foregoing exceptions shall not waive any regulations contained in this or any other law which is otherwise applicable.

C. SIGN WORK

Sign work shall include the erection, placement, replacement, removal, relocation, repair, alteration, modification or establishment of a sign or its structural appurtenances.

D. ADMINISTRATIVE PERMITS

In addition to the requirements for a sign permit as specified above, the sign work hereinafter referred to shall require the issuance of an administrative permit by the Zoning Administrator.

1. Non-conforming Signs:

Sign work on non-conforming signs shall require the issuance of an administrative permit where:

- a) The cost of such sign work exceeds 50% of the original cost of such sign, or
- b) Such sign work involves an enlargement of a sign area or relocation of the sign, irrespective of cost.

2. Off-Premise Advertising Signs:

Off-premise advertising signs shall require the issuance of an administrative permit where:

- a) Such signs are to be continued for a period of time beyond one year from the effective date of this law, or
- b) Sign work is to be performed involving the enlargement of the sign area, sign height, or resulting in the establishment of a new sign.

3. Time and/or Temperature Devices:

Time and/or temperature devices shall require the issuance of an administrative permit, provided that no such device shall be allowed within the following districts: Residential Districts, Classes A-1, A, AA, A-2, B-1, B-IT, B, BT and C.

4. Roof Signs:

Roof signs shall require the issuance of an administrative permit in the following districts: All Central Business Districts, Planned Shopping, Local Business A, Commercial A and B, and Industrial A and B.

E. WAIVERS

1. City Planning Commission:

The City Planning Commission is hereby authorized to waive, alter or modify any of the regulations contained in this law, except as otherwise provided for, pertaining to signs incidental to any land use activity requiring the review and/or approval of the City Planning Commission pursuant to the Zoning Rules and Regulations of the City of Syracuse, the Charter of the City of Syracuse, and any other applicable regulation. The City Planning Commission is solely authorized to waive area and height restrictions pertaining to off-premise advertising signs.

2. Zoning Administrator:

The Zoning Administrator is hereby authorized to waive, alter or modify any of the regulations contained in this law, except as otherwise provided for, pertaining to signs not within any of the categories referred to in Paragraph 1, above. In addition, the Zoning Administrator may also be vested with the authority to grant waivers pursuant to and in accordance with the provisions of any other laws of the City of Syracuse as provided for, from time to time, by the Common Council, and in the exercise of any such authority, none of the provisions contained in this Section VI shall be applicable except as otherwise provided for therein.

3. No waiver may be granted relating to an off-premise advertising sign or incidental sign work except to allow an extension of the continuance period as hereinafter provided for in the following districts: All Residential Districts referred to in ARTICLE VIII, the Residential Service District referred to in ARTICLE IX, the Planned Shopping District referred to in ARTICLE XI, and Planned Institutional District referred to in ARTICLE XIV. Waiver may otherwise be granted to such signs or sign work in any district and for any purpose subject only to the provisions of this ARTICLE.

F. FINDINGS

1. Administrative Permits:

As a prerequisite to the issuance of any administrative permit, in addition to any other restrictions applicable thereto, the following findings shall be made:

- (a) The proposed sign is not in conflict with the general prohibitions contained in ARTICLE 5 of this law, which may not be waived, and complies with all other applicable provisions for which no waiver is requested.
- (b) The proposed sign will not have any adverse impact upon the character or integrity of any land use having a unique cultural, historical, geographical, or architectural significance.
- (c) The proposed sign will not adversely affect the character of districts in close proximity within which such signs would be prohibited.
- (d) The proposed sign will not hide, obstruct or in any way shield other signs from view.
- (e) The proposed sign is otherwise compatible within the context of its visual and physical environment within the district in which the sign is proposed; in making this determination, consideration shall be given to existing and allowable land use activities within the subject district and also to the scale of structures located within close proximity.
- (f) Where the sign is an off-premise advertising sign, that the sign does not constitute a roof sign, except in Industrial District, Classes A and B, and Commercial District, Classes A and B, and is located or is to be located within the following districts only: Local Business District, Class A; Commercial District, Classes A and B; Industrial District, Classes A and B; and the following described areas situated within the Central Business District Office and Service District (Restricted):

Area #1 - Bounded on the north by Harrison Street, on the east by Montgomery Street, on the south by Adams Street and on the west by Onondaga Street.

Area #2 - Bounded on the north and east by the right-of-way of Route 690, on the south by East Fayette Street and on the west by State and Montgomery Streets.

And also within the following described areas situated within the CBD General Service District:

Area #3 - Bounded on the north by the right-of-way of Route 690, on the west by the West Street Arterial, on the south by West Fayette Street and West and East Willow Streets and on the east by North and South Franklin Streets and Route 690.

Off-premise advertising signs shall not be subject to the regulations applicable to the aforementioned districts as set forth in ARTICLES XIII and XV.

2. Criteria:

In making a determination as to compliance with any one (1) or more of the findings prescribed in Subdivision 1 of this Section, consideration shall be given but need not be limited to the following elements:

- (a) Size, bulk and mass;
- (b) Texture and materials;
- (c) Colors;
- (d) Lighting and illumination;
- (e) Orientation and elevation;
- (f) General and specific location;
- (g) Proximity to streets, highways and mass transit routes;
- (h) Design, including size and character of lettering, logos, and related contents;
- (i) Message content;
- (j) Background or field, including the skyline;
- (k) Character of structural members;
- (l) Animation;
- (m) Frequency and nature of all general and business signs and official regulatory signs and devices which are within the immediate field of vision;
- (n) Land use and zoning.

3. Waivers:

As a prerequisite to the issuance of any waiver, the following findings shall be made:

- (a) In all cases, the findings set forth in Paragraph F - 1, (a), (b), (c), (d) and (e) above;
- (b) In the case where an application requests any waiver of the provisions pertaining to off-premise advertising signs, a determination shall be made that the placement of such signs will not adversely affect current or prospective redevelopment programs transpiring within the immediate vicinity, inclusive of public and private redevelopment. In making this determination, particular emphasis shall be placed upon the existence of other nonconforming uses, including signs situated in the same general vicinity;
- (c) In the case where an application requests a waiver of the provisions of ARTICLE 7, Section C, D or E, the findings specified in a) above, together with a determination that the imposition of the provisions contained therein, will impose a financial hardship not generally applicable to other signs within the same category and that no alternative relief is available, provided that this Subsection shall not apply to off-premise advertising signs;

- (d) In all other cases, the findings specified in a) above and in addition thereto a determination that compliance with the applicable regulations will not allow the minimum information deemed essential to inform the public as to the nature, identification and/or availability of the person, product, service or activity identified by the sign and that the circumstances contributing to such constraint are unique or not generally applicable to other signs identifying persons, products, services or activities similarly situated. This Subsection shall not apply to off-premise advertising signs.

G. OTHER LAWS

Compliance with all other applicable governmental regulations shall be prerequisite to the submission of any application under this ARTICLE and continued compliance with such regulations shall be deemed a condition of any administrative permit or waiver issued.

H. APPLICATIONS

Applications for administrative permits or waivers shall be submitted to the Office of the Zoning Administrator, except for those applications relating to signs referred to in Paragraph E - 1, of this ARTICLE which shall be submitted to the City Planning Commission simultaneously with the application for the land use activity to which such signs are incidental. No application shall be decided until after a hearing with the applicant and such other parties as the Zoning Administrator or City Planning Commission deem necessary. In determining any application, conditions may be imposed to effectuate the spirit and intent of this law including provision for temporary permits and elimination of similar signs within the general vicinity where under the immediate control of the applicant.

All applications requesting an administrative permit in any district listed on the National Register of Historic Places by the Department of the Interior or listed as a local preservation district or eligible for listing as evidenced by a letter by the New York State Preservation Office shall require a public hearing.

I. APPEALS

1. Appeals from any determination of the building official shall be made to the Zoning Administrator who shall have all the authority of the building official in making a determination on appeal.
2. Appeals from any determination of the Zoning Administrator including determinations on review of appeals from the building official, shall be made to the City Planning Commission by the filing of a notice of appeal with said Commission within ten (10) days after the determination of the Zoning Administrator has been officially announced. In reviewing any such appeal, the City Planning Commission shall determine such application de novo.
3. Appeals from determinations of the City Planning Commission including determinations on appeals from the Zoning Administrator shall be made in accordance with the established legal procedures governing the review of administrative decisions and shall be made within thirty (30) days of such determination, provided that where determinations referred to in Paragraph E - 1 of this ARTICLE are incidental to land use activities requiring the approval of the Common Council of the City of Syracuse, such appeals shall be taken within thirty (30) days after action by the Common Council.

J. ALTERNATIVE PROCEDURES EXCLUDED

The jurisdiction of the building official, Zoning Administrator and City Planning Commission as referred to in this law shall be exclusive and all other administrative agencies, boards or departments including the Board of Zoning Appeals are expressly prohibited from issuing Variances, Exceptions, Interpretations or in any other way modifying the application of this law or of any provision of the Zoning Rules and Regulations of the City of Syracuse pertaining to signs, it being expressly intended to vest in the building official, the City Planning Commission and the Zoning Administrator the exclusive authority to issue any permits which may be deemed appropriate in accordance with the provisions set forth herein. All signs previously permitted pursuant to action of the Board of Zoning Appeals or any other agency, board, department or commission, including previous licenses or permits by the Common Council and Conditional Uses are expressly subject to this law.

K. ENFORCEMENT AND PENALTIES FOR VIOLATION

1. Notices of Violation:

This law shall be enforced by the building official. All notices of violation and other administrative enforcement procedure and remedies shall be directed to the owner, tenant or beneficial user of the property upon which a sign is located.

2. Inspection:

It shall be the duty of the building official to inspect every sign for which a permit is required.

3. Maintenance:

All signs together with all their supports, braces, guys, anchors shall be kept in good repair and in a proper state of preservation. The building official may order the removal of any signs that are not maintained in accordance with the provisions of this law.

4. Fines and Injunctions:

The penalties and procedures prescribed by Subdivisions 1 - 8 of the Revised General Ordinances of the City of Syracuse shall apply to this law in addition to any other civil and criminal remedies available.

5. Fees:

(a) Sign Permits - Twenty five dollars (\$25.00) if under one hundred (100) square feet; fifty dollars (\$50.00) if over;

(b) Waivers, Administrative Permits and Appeals - No fee shall be required for any appeal from a determination of the Zoning Administrator, or for administrative permit applications involving existing nonconforming signs where a request is made for waiver to extend a continuance period, or an administrative permit is requested to allow the continued maintenance of an existing off-premise advertising sign. All other applications involving waivers, administrative permits or appeals shall require a fee of ten dollars (\$10.00) for each lot upon which such sign or signs are to be situated, irrespective of the number of signs involved.

L. LIABILITY INSURANCE

No person, firm or corporation shall perform sign work within the corporate limits of the City of Syracuse until such person, firm or corporation shall have filed with the City a policy of insurance in the sum of not less than fifty thousand dollars (\$50,000) for any sign up to twenty five (25) square feet in area, or a policy of insurance in the sum of not less than one hundred thousand dollars (\$100,000) for any sign exceeding twenty five (25) square feet in area, with sureties to be approved by the Corporation Counsel, conditioned for the faithful observance of this law and to save and keep harmless the City of Syracuse from all damages, liabilities, losses or judgements that may be recovered against the City by reason of negligent sign work.

M. RULES AND REGULATIONS

The City Planning Commission shall promulgate such rules and regulations which in its opinion are necessary and incidental to the administration of this law which shall include all necessary administrative forms to be used by the building official, Zoning Administrator and the City Planning Commission.

Amended 1/20/86

Errors in text of this article corrected 12/27/07