

PART C

SECTION VI SIGNS

Article 7 Nonconforming, Off-Premise Advertising and Abandoned Signs

A. NONCONFORMING SIGNS

All signs legally established prior to the effective date of this law which do not conform to the regulations contained herein shall be considered nonconforming signs.

1. Miscellaneous:

Signs established prior to the effective date of this law pursuant to a conditional use, variance, exception, or other special permit, license, waiver or consent shall be considered a nonconforming sign if they do not conform to the provisions of this law.

2. Off-Premise Advertising Sign:

An off-premise advertising sign not situated within a district wherein such sign could be allowed by an administrative permit as specified in ARTICLE 6, Section F, Subdivision 1, paragraph f, and such signs situated in any district for which an administrative permit is denied, shall be considered nonconforming.

3. Abatement:

All non-conforming signs shall be terminated or brought into compliance within the time periods set forth in the sign depreciation schedule, except as otherwise provided for by an administrative permit or waiver.

B. OFF-PREMISE ADVERTISING SIGNS

Off-premise advertising signs situated in districts wherein an administrative permit is authorized shall be terminated within the time periods set forth in the sign depreciation schedule, except as otherwise provided for by an administrative permit or waiver. No waiver may be granted for an off-premise advertising sign except for an extension of the continuance period as hereinbefore provided.

C. ABANDONED SIGNS

The building official shall order the removal of any sign which has become abandoned. In making such determination, the building official shall consider, but need not be limited to, the following elements:

1. Period of nonuse of the activity, product, service or other item relative to the message content of the sign, provided that where a business activity has been discontinued for a period of ninety (90) days, the sign shall be presumed to have become abandoned unless the owner, beneficial user or other party in interest files a written certification with the building official indicating that such sign (including its appurtenances) is to be utilized within thirty (30) days following such ninety (90) day period.
2. The sign is situated upon or incidental to a site which has been scheduled for demolition and it appears that the activity, product, service or other item relative to the message content is no longer viable irrespective of the lapse of time.

- 3. The sign is a special sign as defined in ARTICLE IV and the time periods applicable to same have expired.
- 4. The sign is otherwise nonconforming or illegal and the owner or beneficial user cannot with reasonable diligence be located.

D. REMOVAL OF SIGNS

Any nonconforming, abandoned or illegal sign existing on or after the effective date of this law shall be removed by the owner of the premises upon which such sign is located after written notice as provided herein. Upon removal of any wall sign (including signs painted on walls) the surface area of the facade shall within thirty (30) days of removal be restored to a condition substantially equivalent to the remaining portion of the facade in appearance. The building official, upon determining that any such sign exists, shall upon expiration of the continuance period or such other time limit which may be provided for, notify the owner or beneficial user of such sign in writing, to remove the said sign within thirty (30) days from the date of such notice. Upon failure to comply with such notice within the prescribed time, the building official shall remove or cause removal of such sign, and shall assess all costs and expenses incurred in the said removal against the property on which such sign is located.

E. SIGN DEPRECIATION SCHEDULE

<u>Value of Sign</u>	<u>Continuance Period</u>
\$ 1 - \$1,500	1 year
\$1,501 - \$3,000	2 years
\$3,001 - \$6,000	3 years
Over \$6,000	3 years plus 1 additional year for every \$3,000 or fraction thereof up to a maximum of 5 years.

F. VALUE OF SIGN

The following procedure is to be used in determining the value of a sign:

- 1. The owner or beneficial user of any nonconforming or off-premise advertising sign shall file a request with the Zoning Administrator for a determination of value of sign within one (1) year from the effective date of this law, provided that where the sign is the subject of an application for a waiver or administrative permit, a request for a determination of value of sign shall be made simultaneously with such application.
- 2. Value of sign shall be considered to mean replacement cost as computed from the date such sign would have become nonconforming or the last day upon which such sign would have to be the subject of an application under the provisions of this Ordinance. In determining the value of a sign, the Zoning Administrator shall use statements of value set forth upon, but not necessarily limited to, the following documents: Assessment rolls of the City of Syracuse, permits or licenses issued by the City of Syracuse, Federal and State tax depreciation schedules, bills of sale.
- 3. The cost of maintenance and repair shall not be considered in determining value.
- 4. In the case of off-premise advertising signs, the value of any interest in real estate acquired prior to the effective date of this law as necessary and incidental to the installation of such a sign shall be considered, and in such cases a copy of the deed, lease or related document shall be submitted to the Zoning Administrator.

5. A determination of the Zoning Administrator shall be deemed conclusive and binding on all parties at the expiration of ten (10) days from the date of such determination unless an appeal is filed contesting said determination pursuant to ARTICLE VI.
6. Signs for which no application for a determination of value of sign have been filed within a year from the effective date of this law shall be presumed to have a value not in excess of fifteen hundred dollars (\$1,500), provided that upon a showing of good cause, the Zoning Administrator may allow late filing of such an application.
7. All determinations of the Zoning Administrator shall be made within sixty (60) days from the date of filing of any application. In the event no determination is made by the Zoning Administrator, the value set forth on the application shall be deemed final and conclusive.

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