

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Plattsburgh

Local Law No. 3 of the year 20 14

A local law Amending and restating in its entirety Chapter 270, Section 26
(Insert Title)
of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Plattsburgh as follows:

§ 270-26¹. Signs.

A. Purpose, intent and scope.

It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and nondiscriminatory sign standards. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but to insure traffic and pedestrian safety, to preserve and enhance the visual environment of the City and, to accommodate the signage needs of businesses and other organizations. It is the purpose and intent of this section to:

1. Promote and improve pedestrian and traffic safety by:
 - a. Not permitting signs that obstruct vision or distract motorists and other street and sidewalk users.
 - b. Requiring signs be safely constructed, maintained and installed.
 - c. Limiting the number and regulating the placement of signs.
2. Protect and improve the visual appearance of the City and the value of other property by:
 - a. encouraging the integration of signage with architectural and landscape designs so the overall appearance is harmonious in color, form and proportion;
 - b. Prohibiting or restricting the number and size of signs on a lot and regulating the method and intensity of illumination.
 - c. Preventing the placement of signs that obscure the public view of other properties and landscapes.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

3. Accommodate the needs of businesses and other organizations by:
 - a. Allowing for the use of new, digital sign technology.
 - b. Permitting a choice of types of signs.
 - c. Recognizing the main purpose of a sign is to provide information about the occupants of the signed premises.
 - d. Prohibiting billboard advertising which generally is not consistent with the main purpose of a sign.
 - e. Providing greater latitude for signs with noncommercial messages which generally concern organizations, events and activities of interest to the community as a whole.

B. Definitions. For the purposes of this section, the following terms shall have the meanings indicated

APPURTENANT - Signs and messages that pertain to the occupants or use of the premises the sign is affixed to.

AREA OF SIGN - Each side of a sign that has a message is a "face." The area of a sign is the sum of all sign faces.

AREA OF SIGN FACE:

- (1) For cut-out letters, the sign face area shall be computed by taking three-fourths (3/4) of the area enclosed within the smallest single geometric figure needed to completely encompass all letters, including vertical and horizontal spacing between letters.
- (2) For other signs the sign face area shall be the area bounded by the edge of the sign frame.

BANNERS and PENNANTS - Any advertising device affixed to poles, wires or ropes, such as banners, pennants, streamers, wind-operated propellers, string lighting or other similar advertising media, but not to include properly displayed flags of the city, state, county or country

BILLBOARD SIGN - A sign which displays a commercial message about persons, events or goods and services that are not actually sold or delivered on the premises where the sign is located.

BUSINESS - A natural person or legal entity who occupies property other than as a residence regardless of whether the person is engaged in commerce.

COMMERCIAL MESSAGE - Any message that directly or indirectly names, advertises or calls attention to a product, service, sale or sales event or other commercial activity.

CONSTRUCTION OR PROJECT SIGNS - Any sign or advertising device erected on a project site prior to or during a construction period.

CUT-OUT or CUT-OUT LETTERS - Letters, numbers, emblems and symbols which are detached or separately molded from the material from which they were made. Not to include vinyl letters, which will be treated as paint at building inspector's discretion

DIGITAL SIGNS - Digital signs are Programmed, Automated and Interactive signs as defined herein.

- Programmed signs are signs that display messages that can be changed by the sign's program on a predetermined schedule.

- Automated signs are signs whose content and display instructions can be generated dynamically by a computer that may be part of the sign or connected via a network. Automated signs may display messages, images or video.
- Interactive signs are signs that display content in response to actions by nearby people.

DIRECTIONAL SIGN - A sign not exceeding three (3) square feet per sign face and with lettering not exceeding six (6) inches in height, designed to direct and inform the public as to the location of exits, entrances, service areas, loading and unloading areas or similar wording of an informational nature.

ERECT - To build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs.

FREESTANDING SIGN - A sign that is not attached to a building or other structure and is self-supporting.

LOT - A parcel of land, including a contiguous parcel of land under the same ownership, or leased by the same tenant as the other contiguous parcel of land.

MESSAGE - Means letters, words, symbols, logos, images and other visual means of communicating information.

NAMEPLATE SIGN - Any sign not more than one (1) square foot in area used to identify the owner or owners of a private residence

NONCOMMERCIAL MESSAGE - Any message that is not a commercial message, including messages that do not pertain to the occupants or use of the signed premises.

PARAPET WALL - A low wall along the edge of a roof and being a portion of the wall which extends above the line of the roof, with the exterior of the extension forming a continuous plane with the wall below

PERSON- Includes any person, firm, partnership, association corporation, company or organization of any kind.

PROJECTING SIGN - Any sign attached to a building or other structure and extending, in whole or in part, more than six (6) inches beyond the building line.

ROOFLINE - The point where any part of the roof structure first touches or bears upon the external wall, with the exception of mansard roofs. See also "wall."

ROOF SIGN - Any sign erected in any way upon a building or structure which extends above the roofline of the building or structure.

RESIDENTIAL ZONE – R-1, RH and R-2 zoning districts.

SIGN- Any structure, object, device, fixture, or placard that displays a commercial or noncommercial message that is visible from off the premises where the sign is located.

STATIC SIGN- A sign with a message or image that does not change except when the business located on the lot and identified on the sign changes. A Static Sign may be a Digital Sign.

WALL - The surface area of any major plane unit of any side or face of a building. The lower slope of a mansard roof shall, for the purposes of this section, be deemed part of the "wall," and signs shall be permitted in this area.

WALL SIGN - A. sign attached to, painted on or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the face of said wall, including any interior sign, whether attached to windows or otherwise, which is placed in view of the general public from outside the building or structure A "wall sign" shall not project from the wall in excess of six (6) inches.

C. Sign Permit. It shall be unlawful to install, erect or display a sign without a sign permit unless the sign is an "exempt sign".

- (1) The Building Inspector is authorized to prescribe the form and content of sign permit applications, collect permit fees as set by the Common Council, approve or deny applications and issue sign permits.
- (2) An applicant who is denied a permit may appeal to the Zoning Board of Appeals for an interpretation or variance as provided in this Chapter.

D. General sign requirements. The following requirements shall apply to all signs, including exempt signs:

- (1) Maintenance. All signs and their supports, braces, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good repair and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance.
- (2) Wind pressure and dead load requirements. All signs shall be designed and constructed to withstand wind pressures and receive dead loads as required by recognized engineering and construction practices in the City of Plattsburgh.
- (3) Obstruction to doors, windows or fire escapes. No sign shall obstruct ingress or egress to or from a door, window or fire escape. No sign shall be attached to a standpipe or fire escape.
- (4) No sign shall be erected or maintained in manner that obstructs the view of motorists on public streets of traffic signs and signals, or of vehicles on intersecting streets, or of vehicles entering or existing driveways that intersect with a public street.
- (5) Signs that identify on premises businesses, or advertise goods or services sold on premises, shall be changed or removed within 60 days of when the business vacates the premises, or the advertised goods or services are no longer sold on premises.
- (6) Lighting. Indirect or interior lighting may be used to illuminate any sign, provided that the source of light shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. Bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from view. String lighting shall not be allowed.

E. Noncommercial Messages. A permitted sign or exempt sign may display any noncommercial message or copy in lieu of other copy.

F. Prohibited Signs. The following types of signs shall not be permitted.

- a) Billboard signs.
- b) Projecting signs.
- c) Roof signs.
- d) Signs located in city rights of way that are not owned by the state, county or city.
- e) Signs located on utility poles, traffic control lights, trees, public structures or public property.

G. Exempt Signs. The following types of signs are exempt from the requirement for a sign permit, but are subject to the provisions of subsection B and the conditions of this subsection.

- (1) Except in Residential zones, banners or pennants that promote or announce an event held on the premises, but only during the duration of the event and up to 30 days prior thereto.
- (2) Memorial signs or tablets, names of buildings and date of erection when cut into any stone or masonry surface or when constructed of bronze or other incombustible materials and not exceeding six (6) square feet in total area.
- (3) One (1) residential nameplate sign.
- (4) Traffic control signs and signs with messages required by law.
- (5) Signs owned by the City of Plattsburgh which may display noncommercial and commercial messages not appurtenant to the signed premises.
- (6) One sign with information about a construction project, not exceeding ninety-six (96) square feet in area and sixteen (16) feet in height, erected not sooner than 6 months before the commencement of construction and removed upon completion of construction.
- (7) Directional signs.
- (8) Seasonal or holiday decorations which may be displayed for up to six weeks.
- (9) Warning, danger, no-trespassing or similar signs, in size and number as the Building Inspector determines is reasonably required to accomplish their intended purpose.
- (10) For sale or rent signs. Not more than two signs advertising real property for sale or rent that are located on the premises for sale or rent, provided that in residential districts the sign face(s) do not exceed six (6) square feet in the aggregate and in all other zoning districts the sign face(s) do not exceed thirty two (32) square feet in the aggregate.
- (11) Signs located on premises that advertise the opening of a new retail establishment for a period of not more than fifteen days.
- (12) Official flags of a city, state or country, business or other organization not exceeding 100 sf. in area.
- (13) Free expression signs. For each lot, one free expression sign not exceeding four square feet in size (sign area) may be displayed. The free expression sign may be displayed as an attached sign or as a freestanding sign. If displayed as a freestanding sign, the freestanding sign shall not exceed three feet in height. A free expression sign is in addition to any other sign permitted under this article and is permitted in any zoning district. Only one such sign shall be permitted on each parcel.
- (14) Election signs. For each lot, one election sign for each candidate and each issue may be displayed along each street frontage. An election sign may

be displayed as an attached sign or a freestanding sign. An election sign shall not exceed 32 square feet in area, except that election signs on cardboard shall not exceed six square feet in area. All such signs shall be removed within 10 days following the election to.

H. Additional Regulations for Types of Sign. In addition to restrictions contained in the definition of a type of sign, the following regulations apply:

1. Freestanding Signs.

- a. The area around the base of the sign shall be kept clear of rubbish and weeds. Permanent landscaping may be required as a condition of the sign permit.
- b. One freestanding sign is permitted for each lot.
- c. The sign shall be supported entirely by posts or columns; guy wires are not permitted.
- d. The sign shall be set back not less than five feet from the boundary of an adjacent public street.
- e. The sign may not exceed twenty (20) feet in height from ground level.
- f. The bottom of the sign shall not be less than seven feet above ground level
- g. Where the lot is occupied by one business, the sign area shall not exceed 100 sf.
- h. Where the lot is occupied by more than one business, each of which is a separate legal entity and occupies separate space within the building, the allowable sign area is 100 sf for the first business plus 25sf. for each additional business up to four, but in no event shall the sign area exceed 200sf.

2. Wall signs.

- a. A building may have more than one wall sign, but the total sign area of all wall signs shall not exceed the greater of seventy five (75) square feet, or a total sign area equal to two (2) square feet per linear foot of the side of a building that fronts on a street, but in no event more than one hundred fifty (150) square feet.
- b. A wall sign may not cover any part of a window or door opening or project above the wall it is attached to.

3. Sign Area. Each side of a sign that has a message is a "face." The area of a sign is the sum of all sign faces.

I. Digital Signs. Digital Signs are subject to all of the foregoing regulations, except as modified by this subsection.

(1) Where Allowed. Digital Signs are not permitted in RH, R-1, RC-2 and RC-3 zoning districts. Digital Signs of the type, number and sign face area set forth in Table A are permitted in those zoning districts listed in Table A

(2) Number Allowed.

- a. There may not be more than one programmed Digital Sign on a lot. There may not be more than one automated or interactive Digital Sign for each business on a lot.

- (3) Light Levels. Digital Signs shall use automatic level controls to reduce light levels at night and under cloudy and other darkened conditions, in accordance with the following:
- a. All Digital Signs shall have installed ambient light monitors, and shall at all times allow such monitors to automatically adjust the brightness level of the sign based on ambient light conditions.
 - b. Maximum brightness levels for Digital Signs shall not exceed 5000 nits or Candellas per Square Meter" or (cd/m²) when measured from the signs face at its maximum brightness, during daylight hours.
 - c. Maximum brightness levels for Digital Signs shall not exceed 500 nits or Candellas per Square Meter" or (cd/m²) when measured from the signs face at its maximum brightness, between sunset and sunrise, as those times are determined by the National Weather Service.
 - d. Written certification from the sign manufacturer must be provided at the time of application for a sign permit certifying that the light intensity of the sign has been preset not to exceed the illumination levels established by this section , and that the preset intensity level is protected from end user manipulation by password protected software or other approved method.
- (4) Dimensions. Digital Signs shall comply with the sign area restrictions of Table A.
- (5) Message Changes. Messages must be displayed for a minimum of 30 seconds. Transitions may not exceed 3 seconds. A transition is a sign display that can use animation effects to change one message to another. Digital Signs that incorporate static and changing technologies may not use more than one changing technology.
- (6) Animation on Programmed Signs. Messages may not contain the appearance of motion or animation. Transitions between messages may contain the appearance of motion or animation.
- (7) Transitions on Programmed Signs. Transitions may appear between messages. They may not appear adjacent to other transitions.

J. Signs in Residential Districts. Signs are not permitted in residential districts except:

- (1) one nameplate sign.
- (2) one sign with a sign area of not more than two (2) square feet, identifying a "home occupation" as that term is defined in this chapter.
- (3) one sign with a sign area of not more than twenty four (24) square feet and which is appurtenant to a lawful non conforming use, or use authorized by use variance or special use permit.
- (4) in residential districts where multiple family, condominium, townhouse or other nonresidential uses are permitted as of right, one sign with a sign area of not more than twenty four (24) square feet and which is appurtenant to the permitted use.

K. Nonconforming signs. A nonconforming sign that was lawfully erected may continue to be maintained until it is substantially damaged, destroyed or found to be unsafe, at which time the sign may be required to be removed. A nonconforming sign shall not be enlarged, replaced or relocated on the lot.

L. Unsafe Signs. If the Building Inspector finds a sign's physical condition poses a risk of injury to persons or property he shall notify the sign owner in writing by personal delivery or certified or registered mail. The notice will specify required alterations or repairs and a time by which the work must be completed.

M. Violations and Enforcement. In addition to the enforcement powers and fines or penalties provided elsewhere in this Chapter for violations of this law. If a Digital Sign does not comply with the regulations of this subsection, the Building Inspector may order that the sign be reprogrammed or changed to a Static Sign.

N. Severability. This section shall be liberally construed so as to effectuate the purposes thereof. The provisions of this section shall be severable and if any phrase, clause, sentence or provision of this section is declared to be contrary to the constitution or general laws of the state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this section and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby.

O. Effective Date. This section shall be effective immediately, upon filing with the Secretary of State.

City Code §270-26						
Table A						
Zoning District	Static		Changing			
	Number Per Lot	Max Area sf	Programmed		Automated or Interactive	
	Number Per Lot	Max Area sf	Number Per Lot	Max Area sf	Number Per Business	Max Area sf
RH	Digital Signs Not Allowed					
R-1	Digital Signs Not Allowed					
R-2	1	24	1	24	1	2
B-1	1	100	1	50	1	2
B-2	1	100	1	50	1	2
C	1	100	1	50	1	2
I	1	100	1	50	1	2
RC-1	1	100	1	50	1	2
RC-2	Digital Signs Not Allowed					
RC-3	Digital Signs Not Allowed					
Historic Districts and Historic Sites	Digital Signs Not Allowed					

¹ The City of Plattsburgh Zoning Ordinance was amended and restated in its entirety by local law enacted on 9-1-1983 which became effective on 11-3-1983. The Zoning Law was codified as Chapter 270 of the City Code by local law enacted on 10-10-1989. Amendments to § 270-26 are noted below.

Amd LL 3 of 2011 §270-26 B, §270-26 G (4), §270-26 G (9), §270-26 J (5), §270-26 M, Add §270-26 Q; enacted 11-3-2011.

L.L (3) of 2014, amended and restated in its entirety Chapter 270, Section 26 of the City Code.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 20 14 of the ~~(County)~~(City)~~(Town)~~(Village) of Plattsburgh was duly passed by the _____ on 4 December 20 14, and was (approved)(not approved) _____
(Name of Legislative Body)
Common Council
(repassed after disapproval) by the Mayor _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on 4 December 20 1 4, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) _____
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

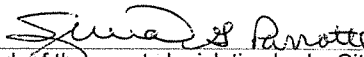
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 8 December 2014

(Seal)