

CHAPTER 1309

REGULATIONS FOR SIGNAGE

City of Niagara Falls, New York

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§ 1309.01

PURPOSE

A. Purpose. The purpose of this ordinance is to establish standards for the fabrication, erection, and use of signs, symbols, markings, and advertising devices within the City. These standards are designed to protect and promote the public welfare, health and safety of persons within the community and to aid in the development and promotion of business and industry by providing sign regulations which encourage aesthetic creativity, effectiveness and flexibility in the design and use of such devices without creating detriment to the general public.

B. Objectives. The intent of this Chapter is to achieve the following objectives:

- 1)** Ensure right to free speech as protected under the **United States and New York State Constitution**;
- 2)** Establish a clear and impartial process for those seeking to install signs;
- 3)** Protect property values, create a more attractive economic and business climate, and protect the physical appearance of the community;
- 4)** Provide structures and uses with effective means of identification while reducing visual clutter through the prevention of excessive and confusing sign displays;
- 5)** Reduce traffic conflicts or hazards by minimizing visual distractions or obstacles in or visible from the public rights-of-way;
- 6)** Reduce the adverse effects of signage on the desirable aesthetic of the City and on the general environment of the community; and
- 7)** Enforce and encourage the objectives and goals of the City's Comprehensive Plan.

§ 1309.02

APPLICABILITY

A. The regulations of this Chapter shall govern and control the erection, enlargement, expansion, renovation, operation, maintenance, relocation and removal of all signs within the City visible from any street, sidewalk, public right-of-way, or public space.

B. The provisions of this Chapter shall not apply to safety signs, road signs, historical markers, or highway directional signs erected by municipal or public agencies.

C. This Chapter shall in no event be construed to prohibit the temporary decoration of premises in any district during religious, patriotic or holiday seasons in a customary manner.

D. If any portion of this Chapter is found to be in conflict with any other provision of any zoning, building, fire safety or health ordinance of the City or other local or state agency, the provision which establishes the higher standard shall prevail.

§ 1309.03

SIGN PERMITS

A. Permit Required. Except as hereinafter provided, no person shall erect, alter, construct, relocate or cause to be erected, altered, constructed or relocated any sign without first having obtained a sign permit from the City of Niagara Falls Sign Officer as required by this Chapter.

B. Signs Requiring Permits. Sign permits are required for certain sign types, depending upon its location, design, or size. The table below indicates when a permit is required by each sign type.

SIGN TYPE	NO PERMIT	SIGN PERMIT	SIGN REGULATIONS
A-Frame			
<i>On Private Property</i>	✓		§ 1309.13 (A)
<i>In Public Right-of-Way</i>		✓	§ 1309.13 (A)
Awning		✓	§ 1309.16 (F)
Directional	✓		§ 1309.13 (B)
Governmental	✓		§ 1309.13 (C)
Ground		✓	§ 1309.16 (A)
Incidental	✓		§ 1309.13 (D)
Internal	✓		§ 1309.13 (E)
Lawn	✓		§ 1309.13 (F)
Marquee/Canopy		✓	§ 1309.16 (I)
Neon	✓		§ 1309.13 (G)
Noncommercial	✓		§ 1309.13 (H)
Pole		✓	§ 1309.16 (B)
Projecting		✓	§ 1309.16 (D)
Suspended		✓	§ 1309.16 (E)
Wall		✓	§ 1309.16 (C)
Window		✓	§ 1309.16 (G)
Temporary		✓	§ 1309.16 (H)

C. NYS Office of Parks, Recreation, and Historic Preservation Permit. Per Section 13.07 of NYS Parks, Recreation, and Historic Preservation Law, any proposed sign within 500 feet of a State Park or Parkway boundary shall require a permit from the NYS Office of Parks, Recreation, and Historic Preservation.

- 1) Signs no more than 24 square feet in area, less than 15 feet above ground level, and located on the front of a building are exempt from this provision.
- 2) NYS Parks, Recreation, and Historic Preservation Law permit approval must be obtained prior to submitting a sign application to the City of Niagara Falls.

D. Permit Exceptions. The following actions shall not require the issuance of a sign permit provided such maintenance, changes, or alterations do not in any way alter the physical size, design, or nature of the sign.

- 1) Normal maintenance and repair of a sign not involving structure changes, including, but not limited to, repainting, repairing, changing of parts, or cleaning.
- 2) Changes to the content of show window displays and permitted temporary signs.

E. Changes in the sign user, owner, or owner of the property on which the sign is located.

F. Alteration. Any sign for which a permit has been issued shall not be modified, relocated, altered, or replaced, unless an amended or new sign permit is obtained from the Sign Officer.

G. Expiration. A sign permit shall expire if the sign for which the permit has been issued is not fully constructed within 180 days from the date of issuance of the sign permit. The Sign Officer may grant an extension provided the applicant submits a written request with sufficient reason for the delay in construction.

H. Revocation. The Sign Officer, at any time for a violation of this Chapter, may issue a notice of violation. A written notice of the violation including all reasons for the violation shall be mailed to the property, building, and/or sign owner. Said violation must be corrected within 30 days of the date of notice, otherwise the sign permit shall be revoked and the sign in question shall be required to be removed.

§ 1309.04

SIGN PERMIT APPLICATIONS

A. Application Submittal.

- 1) Sign permit applications shall be submitted to the Sign Officer on the appropriate forms provided by the City of Niagara Falls.
- 2) Incomplete applications will not be processed. the Sign Officer shall provide written or electronic notice of application deficiencies to applicants. If such deficiencies are not corrected within 30 days of notice, the application will be considered withdrawn.

B. Application Requirements. The following shall be provided in all sign permit applications. The Sign Officer may require application materials to be prepared by a licensed engineer or sign professional if deemed necessary for adequate review of the proposed sign.

- 1) Name, address, contact information, and signature of the applicant.
- 2) Name, address, and signature of the building and/or property owner (if not the applicant), and a statement of consent for the applicant to seek such sign permit.
- 3) All applicable permit fee(s).
- 4) Dimensions and drawings indicating the size, shape, construct, materials, and layout of the proposed sign(s).
- 5) Site plan and elevations indicating the proposed location and size of the sign(s) drawn to scale.
- 6) Color illustrations and/or photographs of the proposed sign and sign area.
- 7) Proposed illumination system, if any, and the type of lighting to be used.
- 8) Proof of NYS Parks, Recreation, and Historic Preservation Law permit approval, if applicable (refer to Section 1309.03(C) of this Chapter).
- 9) Any reasonable additional site and/or sign information deemed necessary by the Sign Officer for the proper review of such application.

§ 1309.05

REVIEW PROCEDURES

A. Administrative Review Procedures.

- 1) The Sign Officer may approve, approve with modifications, or deny a sign application as part of administrative review.

- 2) The Sign Officer shall issue a sign permit only when an application therefore has been properly made and it is determined that the sign complies with this Chapter and all other applicable local, state, and federal laws and ordinances.
- 3) The Sign Officer may, at his or her discretion, refer any sign application to the Planning Board for review and issuance of an advisory opinion. Such review may occur at any regularly or specially scheduled Planning Board meeting.
- 4) The Sign Officer may utilize the opinion of the Planning Board in the issuance of his or her decision to approve, approve with modifications, or deny a sign application.
- 5) Any person aggrieved by a decision for a sign permit by the Sign Officer may submit an appeal to the City of Niagara Falls Zoning Board of Appeals. Such appeal must be made within 30 days of the date of decision.

B. City Council Review. Applications for signs that encroach upon public property shall be subject to review and approval by City Council under the following procedures. A-frame signs located in the public right-of-way shall be permitted in accordance with Section 1309.13 (A).

- 1) Sign permit applications shall be submitted to the Sign Officer at least 10 business days prior to the City Council meeting at which such application is to be considered. Upon receipt of all required information, the Sign Officer will submit all materials to the City Council for their review.
- 2) The City Council shall review all sign applications received from the Sign Officer. Such review may occur at any regularly or specially scheduled City Council meeting.
- 3) The City Council may approve, approve with modifications, or deny a sign permit application upon consideration of the application's conformance to the applicable requirements contained in this Chapter, consistency with the architectural style of the building or structure with which the proposed sign or signs is associated, and all other applicable laws and ordinances.
- 4) The City Council may, at their discretion, refer any sign application to the Planning Board for review and issuance of an advisory opinion. Such review may occur at any regularly or specially scheduled Planning Board meeting.
- 5) The City Council may utilize the opinion of the Planning Board in the issuance of their decision to approve, approve with modifications or deny a sign application.

C. Site Plan or Special Permit Review. Developments subject to review and approval under the City of Niagara Falls Zoning Ordinance shall have proposed signage reviewed and recommended for approval as part of the special permit or site plan review process. In the event of such review, all required sign permit application materials shall be provided as part of the special permit or site plan application. For special permits, refer to Chapters 1302 and 1328 of this Zoning Ordinance. For site plan review, refer to Chapters 1324 and 1319 of this Zoning Ordinance.

A. Sign Area.

1) Single Sign Face. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, graphic, and/or other display, together with any material, backdrop, or structure on which it is placed. See Figures 1 and 2.

FIGURE 1



FIGURE 2



2) Multi-Faced Signs. In the case of a multi-faced sign only one side of the sign is considered in determining sign area if the sides of the sign are back-to-back or diverge at an angle of forty-five (45) degrees or less.

3) Structural Support Not Included. The supporting structure or bracing of a sign shall not be computed as part of the sign area unless such supporting structure or bracing is made a part of the message with the inclusion of any text or graphics. If such is the case, a combination of regular geometric shapes which can encompass the area of said text or graphics shall be included as part of the total sign area computation.

B. Sign Height.

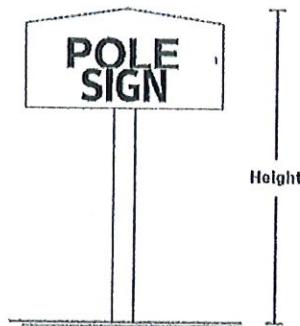
1) Freestanding Sign. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign. See Figures 3 and 4.

2) Other Signs. The height of an awning, projecting, suspended, wall, or window sign shall be determined by measuring the vertical distance between the top part of the sign face or structure, whichever is highest, to the bottommost edge of the sign face. See Figures 1 and 2.

FIGURE 3



FIGURE 4



§ 1309.07

SAFETY PROVISIONS

All signs shall be designed, constructed, and located in accordance with the following criteria to protect the general health, safety, and welfare of the public.

- A.** No sign shall be erected, constructed, or maintained so as to obstruct free egress from a window, door or fire escape, to interfere with any opening required for ventilation, or to become a menace to life, health or property.
- B.** No sign shall be erected at or near any intersection of streets, alleys, or railways in a manner that obstructs free and clear vision for pedestrians, bicyclists, and motorists.
- C.** No sign shall be of a shape, color, or design that may be confused with any authorized traffic control device.
- D.** No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used with any sign display.
- E.** Signs shall maintain clearance from high voltage power lines.
- F.** The erection of any sign and its supports, including any wiring and/or electrical components utilized therein, shall be consistent with the requirements of the International Building Code, NYS Uniform Code and National Electrical Code, as applicable, including any updates or amendments thereto.
- G.** The erection of any sign, its supports, wiring, or other structural and/or electrical elements may be subject to inspection and approval by the Sign Officer.

§ 1309.08

DESIGN AND CONSTRUCTION

- A.** All signs shall be constructed of permanent, weather resistant, and durable materials, except for banners, flags, temporary signs, and window signs otherwise in conformance with this Chapter.
- B.** Where applicable, signs shall be supported by sign structures that are designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate provisions of the NYS Uniform Code. All sign supports may be reviewed as part of the sign design.
- C.** All sign lettering shall be permanently affixed to the sign. Ground signs utilizing manual changeable copy shall be enclosed and locked.
- D.** No sign may be constructed of untreated, unfinished, or unpainted wood, or sandblasted metal. All wood components of signs must be sealed and protected from the elements.

§ 1309.09

LOCATION

- A.** No sign may be posted on public property or within a public right-of-way, unless otherwise approved by City Council. Signs encroaching upon or projecting over the public right-of-way shall also require City Council approval.
- B.** All signs must comply with the dimensional and setback requirements herein.
- C.** No sign shall obscure, alter, or cover the architectural features of any building. Architectural features are generally not considered primary building materials.
- D.** All signs shall be located on the site being promoted, identified, or advertised, except for billboards as provided for under Section 1309.17 of this Chapter.

- E.** All signs shall maintain at least a six-foot setback from all property lines, unless otherwise noted within this Chapter.
- F.** No signage shall be permitted over four feet in height within the sight triangle. The sight triangle shall have dimensions of six feet for each leg as measured from the intersection of any property line and/or the driveway and more specifically as illustrated in Schedule 10 of the City of Niagara Falls Zoning Ordinance.
- G.** Per Section 13.07 of New York State Parks, Recreation, and Historic Preservation Law, any proposed sign within 500 feet of a State Park or Parkway boundary shall require a permit from the NYS Office of Parks, Recreation, and Historic Preservation. See Section 1309.03(C).

§ 1309.10

ILLUMINATION

- A.** In no event shall any illuminated sign or lighting device be placed so as to permit the beams and illumination therefrom to be directed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B.** All lighting fixtures shall be shielded and directed so as not to cast an illumination of more than two foot-candles on adjacent nonresidential properties or more than one-tenth (0.1) foot-candle on adjacent residential properties.
- C.** Intermittent illumination or illumination which involves movement or causes the illusion of movement resulting from the arrangement of lighting, is prohibited.
- D.** Overhead wires or exposed wires on a sign or its supporting members are prohibited.
- E.** External lighting fixtures for freestanding signs may be mounted on the ground or on the sign.

§ 1309.11

MAINTENANCE AND REPAIR

- A.** All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Chapter at all times.
- B.** Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, replacement of copy, and other acts required for maintenance of such sign. If any sign does not comply with these standards, the Sign Officer may require its removal.
- C.** All permitted signs may be subject to inspection by the Sign Officer. Upon inspection, the sign owner shall be required to pay the appropriate fee as may be approved by the City Council.

§ 1309.12

REMOVAL OF SIGNS

- A.** Where required by this Chapter, the removal of signs shall be the sole responsibility of the property owner. If said sign is not removed within 30 days of the date of written notice by the Sign Officer, the Sign Officer or designee is authorized to affect its removal.
- B.** The Sign Officer may remove any sign that is found to be in violation of this Chapter. The property owner shall subsequently be given written notice of such sign removal. If the sign is not claimed within 30 days of the written notice, the Sign Officer may dispose of the removed sign.
- C.** Any costs incurred for the removal of a sign shall be fully reimbursed to the City of Niagara Falls by the sign permit holder or property owner. Such costs may be assessed to the property for collection by the City.

The following types of signs may be erected in the City without obtaining a sign permit. Although permits are not required for these signs, they shall conform to all other requirements of this Chapter or may be subject to removal by the Sign Officer.

A. A-Frame Signs. A-frame signs shall not require a permit provided the following conditions are met:

- 1) The sign is located, on private property, in a nonresidential district and;
- 2) The sign does not interfere with vehicular, pedestrian, or bicycle ingress, egress, access or visibility. The Sign Officer, or their designee, may order a sign to be moved or removed if, in their determination, it interferes with ingress, egress, pedestrian movement, is otherwise unsafe to the public;
- 3) There is no more than one a-frame sign per use and the sign does not exceed four feet in height and three feet in width. Uses with more than one street frontage may be permitted one A-frame sign per frontage, provided such signs are otherwise in accordance with this law;
- 4) The sign is not illuminated, and;
- 5) The sign is brought in each day at the close of business.
- 6) If the sign is to be located within the public right-of-way, the issuance of a sign permit shall be required. For any such sign, the City of Niagara Falls will be indemnified to the fullest extent allowable under New York State Law and named as an additional insured on the property or business owner's liability insurance in a minimum amount of one million dollars (\$1,000,000.00) and in a form acceptable to the Corporation Counsel.

B. Directional Signs. Signs that provide direction to pedestrians, bicyclists, or motorists shall not require a sign permit provided the following conditions are met. Such signs may include but are not limited to signs providing direction to parking, restrooms, walkways, entrances, or exits. The illumination of directional signs shall require the issuance of a sign permit.

- 1) Directional signs shall be located entirely on the property to which they pertain and shall not contain a commercial message (e.g. business name).
- 2) The total of directional signs on any one property shall not exceed an area of six square feet in a residential district, or 16 square feet in a nonresidential district. Consideration shall be given to the visibility of such sign by the intended users, such as motorists, pedestrians, or bicyclists.
- 3) Directional signs shall not exceed three feet in height.
- 4) Directional signs shall not extend above the first floor of any given structure or project beyond property lines.

C. Governmental Signs. Any official sign, public notice, or warning sign supported by federal, state or local law, including but not limited to signs erected and maintained pursuant to and in discharge of any government functions. (Example: NYS inspection station or authorized repair shop identification). There are no size requirements or time limits for governmental signs.

D. Incidental Signs. Signs typically erected to identify addresses, restrooms, hours and days of operation, public utility locations, emergency addresses, and the like, containing no commercial message are permitted, provided the following conditions are met:

- 1) The sign is a wall sign.

- 2) The sign is not illuminated.
- 3) No sign exceeds an area of four-square feet in a residential district, or 12 square feet in a nonresidential district.
- 4) Incidental signs shall not extend above the first floor of any given structure or project beyond property lines.

E. Internal Signs. Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is intended only to be seen from within the enclosed space and is so oriented. No internal sign may be constructed as a freestanding sign.

F. Lawn Signs. Lawn signs shall be allowed on any lot without a permit provided it is in conformance with the regulations below.

- 1) No single sign exceeds three feet in height and six square feet in area.
- 2) No sign is displayed for more than 60 days in a 120-day period.
- 3) No sign is illuminated.
- 4) The cumulative area of all signs on the lot does not exceed 12 square feet.

G. Neon Signs. Neon signs are permitted in nonresidential districts, and do not require a permit provided they conform to the following:

- 1) Maximum Area coverage per use, in any District, shall be no more than as provided under Section 1309.16.G. (Max. Area only).
- 2) Excluding graphics or graphics in connection with customary display of products, and no use shall have more than three excluded neon signs per use, per facade.
- 3) Neon signs that exceed these standards shall be re-defined to an appropriate type by the Sign Officer.

H. Noncommercial Signs. Any sign that does not contain a commercial message shall not require the issuance of a sign permit, provided such sign is in conformance with the following:

- 1) There shall be no more than one sign per use.
- 2) The sign does not exceed three feet in height and six feet in area.
- 3) The sign is not illuminated.
- 4) The sign is not attached to any permanent building or structure.

§ 1309.14

PROHIBITED SIGNS

The following signs are prohibited within the City:

- A. Any sign for which no sign permit was issued, for which a sign permit was revoked, or any other sign not explicitly authorized herein.
- B. Any sign that is not properly maintained, considered structurally unsound, hazardous, or otherwise unsafe.
- C. Any sign placed on a curb, sidewalk, hydrant, utility pole, tree or other object located on or over any public street unless otherwise permitted by this Chapter.

- D. Any sign that advertises an activity, business, product or service no longer conducted or available on the premises on which the sign is located.
- E. Any sign that is located off-premise from the use and/or structure to which it serves, unless otherwise permitted by this Chapter.
- F. Any sign that contains words or pictures of an obscene or pornographic nature.
- G. Any sign that emits audible sounds, odor, or visible matter.
- H. Any sign that may be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle or any sign which hides from public view any traffic or street sign, signal, or device.
- I. Any sign that flashes, blinks, rotates, or revolves, or utilizes unshielded lighting devices, mirrors, or reflective material.
- J. Any permanent sign that is mounted on wheels or mounted on any structure on wheels, not including registered commercial vehicles upon which a commercial message is displayed.
- K. Any sign that is painted on a wall, fence, or other structure, except for works of art that contain no commercial message.
- L. Any sign projecting above the **roofline** of a structure.
- M. Any banner, poster, pennant, ribbon, streamer, spinner, or balloon, unless such material is utilized as temporary signage subject to the regulations of Section 1309.16(H).

§ 1309.15

REGULATIONS BY ZONING DISTRICT

- A. The following table indicates the number and types of signs permitted in the City of Niagara Fall Zoning Districts, as established by the City Zoning Ordinance.
 - 1) A "✓+" indicates that the sign type is permitted and may be illuminated.
 - 2) A "✓" indicates that the sign type is permitted but may not be illuminated.
 - 3) Where there is a blank cell, the sign type is prohibited.

ZONING DISTRICTS	MAX # SIGNS PER USE	GROUND	POLE	WALL	PROJECTING	SUSPENDED	AWNING	WINDOW ¹	TEMPORARY ¹	MARQUEE
R1-A, B, C & D; R2-A & B; R3-A & B	1			✓					✓	
R3-C; R4; INS; C1-A, B & C	2	✓+		✓+	✓+	✓+	✓	✓	✓	
C2-A & B; D2-A & B	2	✓+	✓+	✓+	✓+	✓+	✓	✓	✓	✓
C3, I1 & I2	2	✓+	✓+	✓+	✓+	✓+	✓	✓	✓	✓
D1-A, B, C & D; D3	2	✓+	✓+	✓+	✓+	✓+	✓	✓	✓	✓
OS	1	✓+		✓+					✓	
TYPE REQUIREMENTS § 1309.16		A	B	C	D	E	F	G	H	I

Note: (1) Window and temporary signs shall not count towards the allotted signage for any given use.

B. There are certain building and development configurations that warrant the permission of additional signage to provide adequate visibility and identification for motorists, pedestrians, and bicyclists. The following table indicates the permitted number of signs and sign types for such certain building and development configurations. Unless noted as additional signage, these regulations supersede that of the previous Subsection A, regardless of zoning district.

BUILDING/DEVELOPMENT CONFIGURATION		PERMITTED SIGN TYPE & STANDARDS
Single- or Multi-Family Residential Development		
Per Entrance	One Ground Sign, max height 4 ft and max area 24 sf	
Mixed-Use or Multi-Tenant Commercial Development		
Per Use or Tenant	Up to 2 different sign types in conformance with §1309.16, except ground and pole signs shall be prohibited	
Per Lot	One Ground Sign, max height 10 ft and max area 50 ft	
Multi-Story, Mixed-Use or Multi-Tenant Commercial Building		
Per First-Floor Use	Up to 2 different sign types in conformance with §1309.16	
All Upper Floor Uses	One wall, projecting, or suspended sign in conformance with §1309.16, such sign shall be shared by upper floor uses	
Corner Building		
Additional Per Facade	One additional sign type per façade in conformance with §1309.16, provided signs on each façade are identical in type, proportional in size, and consistent in placement	

§ 1309.16**REGULATIONS BY SIGN TYPE**

A. Ground Sign. A sign not attached to any building or structure, which may be supported by one or two columns or posts provided the distance between the ground and bottommost edge of the sign is no greater than three feet.

- 1) All ground signs shall be in conformance with the standards of the following table.
- 2) No sign shall be permitted where the principal structure on the lot has a front setback of less than 20 feet.

ZONING DISTRICTS	R3-C, R4, INS, C1-A, B, C	C2-A, B D2-A, B	C3 II, I2	D1-A, B, C, D D3	OS
MAX NUMBER	1 per lot	1 per lot	1 per lot	1 per lot	1 per lot
MAX AREA	20 sf	24 sf	36 sf	24 sf	24 sf
MAX HEIGHT	4 ft	5 ft	6 ft	5 ft	4 ft
ILLUMINATION	Internal or External	Internal or External	Internal or External	Internal or External	External Only

B. Pole Sign. A sign not attached to any building or structure, which may be supported by one or two columns or posts where the distance between the ground and bottommost edge of the sign is greater than three feet.

- 1) All pole signs shall be in conformance with the standards of the following table.
- 2) No sign shall be permitted where the principal structure on the lot has a front setback of less than 20 feet.

ZONING DISTRICTS	C2-A, B D2-A, B	C3 II, I2	D1-A, B, C, D D3
MAX NUMBER	1 per lot	1 per lot	1 per lot
MAX AREA	16 sf	20 sf	16 sf
MAX HEIGHT	15 ft	15 ft	15 ft
ILLUMINATION	Internal or External	Internal or External	Internal or External

C. Wall Sign. A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project outward more than 12 inches from such building or structure.

1) All wall signs shall be in conformance with the standards of the following table.

ZONING DISTRICTS	R1-A, B, C, D R2-A, B R3-A, B	R3-C, R4, INS, C1-A, B, C	C2-A, B D2-A, B	C3 I1, I2	D1-A, B, C, D D3	OS
MAX NUMBER	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use
MAX AREA	6 sf	16 sf	36 sf	20% of the building façade OR 100 sf, whichever is less	20% of the building façade OR 100 sf, whichever is less	24 sf
MAX HEIGHT	2 ft	3 ft	4 ft	10 ft	10 ft	4 ft
ILLUMINATION	Not Permitted	External Only	Internal or External	Internal or External	Internal or External	External Only

D. Projecting Sign. A sign which is wholly dependent upon a building for support and which projects more than 12 inches from such building.

2) All projecting signs shall be in conformance with the standards of the following table.

ZONING DISTRICTS	R3-C, R4, INS, C1-A, B, C	C2-A, B D2-A, B	C3 I1, I2	D1-A, B, C, D D3
MAX NUMBER	1 per use	1 per use	1 per use	1 per use
MAX AREA	8 sf	16 sf	16 sf	16 sf
MAX SIGN HEIGHT	3 ft	4 ft	4 ft	4 ft
MIN CLEARANCE	9 ft	9 ft	9 ft	9 ft
ILLUMINATION	External Only	Internal or External	Internal or External	Internal or External

E. Suspended Sign. A sign attached to and supported by the underside of a horizontal plane.

1) All suspended signs shall be in conformance with the standards of the following table.

ZONING DISTRICTS	R3-C, R4, INS, C1-A, B, C	C2-A, B D2-A, B	C3 I1, I2	D1-A, B, C, D D3
MAX NUMBER	1 per use	1 per use	1 per use	1 per use
MAX AREA	8 sf	16 sf	24 sf	16 sf
MAX HEIGHT	3 ft	4 ft	6 ft	4 ft
MIN CLEARANCE	9 ft	9 ft	9 ft	9 ft
ILLUMINATION	External Only	Internal or External	Internal or External	Internal or External

F. Awning Sign. A sign that is part of or attached to a roof-like protective cover of canvas or other flexible material over a door, entrance, window or outdoor service area that projects from the facade of a structure.

1) All awning signs shall be in conformance with the standards of the following table.

ZONING DISTRICTS	R3-C, R4, INS, C1-A, B, C	C2-A, B D2-A, B	C3 I1, I2	D1-A, B, C, D D3
MAX NUMBER	1 per awning	1 per awning	1 per awning	1 per awning
MAX AREA	25% of awning surface area	25% of awning surface area	25% of awning surface area	25% of awning surface area
MAX HEIGHT	2 ft	2 ft	2 ft	2 ft
MIN CLEARANCE	9 ft	9 ft	9 ft	9 ft
ILLUMINATION	External Only	External Only	External Only	External Only

G. 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 three feet of the window, but shall not include graphics in connection with customary display of products.

- 1) All window signs shall be in conformance with the standards of the following table.
- 2) Window signs shall be limited to first floor windows only.

ZONING DISTRICTS	R3-C, R4, INS, C1-A, B, C	C2-A, B D2-A, B	C3 I1, I2	D1-A, B, C, D D3
MAX NUMBER	N/A	N/A	N/A	N/A
MAX AREA	25% of window	25% of window	50% of window	50% of window
ILLUMINATION	Not Permitted	Not Permitted	Not Permitted	Not Permitted

H. Temporary Sign. A sign which is not intended to be used for a period of time exceeding 60 days and is not attached to a building, structure, or ground in a permanent manner.

- 1) All temporary signs shall be in conformance with the standards of the following table.
- 2) Temporary signs shall not be displayed for more than 60 days in a 120-day period. This may be extended for up to two additional 60-day periods upon written request to the Sign Officer setting forth the special circumstances requiring such extension.
- 3) Temporary signs shall not project above the first floor of any building or beyond property lines.

ZONING DISTRICTS	R1-A, B, C, D R2-A, B R3-A, B	R3-C, R4, INS, C1-A, B, C	C2-A, B D2-A, B	C3 I1, I2	D1-A, B, C, D D3	OS
MAX NUMBER	1 per use	1 per use	1 per use	1 per use	1 per use	1 per use
MAX AREA	12 sf	12 sf	32 sf	44 sf	44 sf	24 sf
MAX HEIGHT	3 ft	3 ft	6 ft	8 ft	10 ft	4 ft

I. Marquee/Canopy Sign. A sign attached to the top, or the face, of a permanent roof-like structure constructed over or adjacent to a ground-floor main entrance and constructed of some durable material, which may or may not project over a public right-of-way.

- 1)** Only the following types of establishments may erect a marquee sign: assembly, large or small; cultural facility; school, college/university; hotel/hostel; amusement facility; motor vehicle services; or live entertainment venue, and
- 2)** All marquee signs shall be in conformance with the standards in the following table and cannot be placed in a public right-of-way without Planning Board review and City Council approval.

ZONING DISTRICTS	C2-A, B D2-A, B	C3 I1, I2	D1-A, B, C, D D3
MAX NUMBER	1 per building	1 per building	1 per building
MAX AREA	16 sf	16 sf	16 sf
MAX HEIGHT	4 ft	4 ft	4 ft
MIN CLEARANCE	9 ft	9 ft	9 ft
ILLUMINATION	Internal or External	Internal or External	Internal or External

§ 1309.17

BILLBOARDS

- A.** A sign permit shall be required for all billboards. Architectural and engineering drawings are required to be submitted and shall be signed by a licensed professional engineer.
- B.** A billboard shall be deemed to be the primary use of the lot, unless it is determined by the Planning Board that the billboard will not interfere with any existing structure or use on the lot.
- C.** No billboard shall be permitted within 1,000 feet of any other existing billboard.
- D.** No billboard shall be permitted within 1,000 feet of a historic site, scenic drive or parkway, a municipal park, State Park, or controlled development area.
- E.** No billboard shall face a residential district or residentially zoned property.
- F.** Billboards may be permitted in the C3, I1, and I2 Districts only.
- G.** Billboards lawfully existing in the D1-A, B, C, or D Districts prior to the date of adoption of this Chapter are permitted. Such billboards may be replaced or relocated one for one with approval by the City Planning Department. Should a lawfully existing billboard in these Districts be removed and no replacement is approved within 12 consecutive months, the reestablishment or replacement of such billboard shall be prohibited.
- H.** Billboards within the City of Niagara Falls shall be in conformance with the following location and design standards, as well as, those imposed by NYS-DOT.

STANDARD	REQUIREMENT
MAX NUMBER	1 per lot
MAX LENGTH OF SIGN FACE	25 ft
MAX HEIGHT OF SIGN FACE	12 ft
MAX HEIGHT INCLUDING STRUCTURE	35 ft
MIN SETBACK	25 ft from Right-of-Way

- I. No billboard shall be erected where the base of which would be less than three feet from the ground (as measured by the average existing grade).
- J. No billboard shall have any more than two sign faces for any one location.
- K. No billboard shall be erected on the roof of any structure or attached in any manner that would cause any part of the billboard to extend beyond the roofline of the structure upon which it is located.
- L. Billboards may utilize digital technology provided all applicable provisions of Section 1309.18 are met and the minimum duration of a message is at least eight seconds.
- M. All grass, weeds, and/or landscaping at the base of the billboard and between the billboard and street line shall be cut and maintained by the owner of such billboard.

[N. – Deleted.]

§ 1309.18 DIGITAL SIGNS

Digital signs, where digital technology is utilized in whole or in part, are permitted in any district other than a residential district. Any use of a digital sign shall be in accordance with the following:

- A. Digital technology shall not be utilized in any wall sign, suspended sign, awning sign, or window sign, except within the D1-A, B, C, and D Districts.
- B. Digital signs shall display static messages with no animation, no effects simulating animation, and no video.
- C. Changes in copy, message, or graphics shall occur no more than once every 30 seconds, except as otherwise provided for billboards.
- D. Each transition shall be accomplished immediately with no fade, scroll, travel, flash, spin, revolve, shake or include any other type of movement or motion.
- E. Digital signs shall be equipped with photosensitive equipment that is programmed to automatically adjust the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
- F. The illuminance of a digital sign shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the digital sign off, and again with the digital sign displaying a white image for a full color-capable sign, or a solid message for a single-color sign. All measurements shall be taken at a height of at least five feet and a distance determined by the following calculation. All fractions shall round up to the nearest foot.

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign in Square Feet} \times 100}$$

- G.** The difference between the digital sign measurements when off and when displaying a solid-message (using the digital sign measurement criteria) shall not exceed 0.3 foot-candles **over** ambient lighting conditions.
- H.** All digital signs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be otherwise adjusted to comply with the 0.3 foot-candle measurements, **and for which certification may be required.**
- I.** Digital signs shall be programmed or set in such a manner that the display will turn dark and emit no light in case of malfunction.
- J.** No digital sign shall be located within 50 feet of a residentially zoned property as measured in a straight line from the location of the sign to the nearest residential property line.

§ 1309.19

NONCONFORMING SIGNS

- A.** Any sign that does not comply with this Chapter is eligible for characterization as a legal nonconforming sign if the sign complied with all requirements in effect at the time it was erected.
- B.** Nonconforming signs must be brought into compliance with this Chapter under the following conditions:
 - 1)** The sign is altered in any way, such as size, design, structure, or type of illumination (except for normal maintenance).
 - 2)** The sign is relocated.
 - 3)** The sign or its structural materials are wholly replaced.
- C.** Any nonconforming sign that is removed from its position or siting and not replaced in-kind within 30 days shall be presumed to be abandoned and discontinued, and therefore may not be restored or re-erected except in compliance with this Chapter.
- D.** No nonconforming sign may be altered in any way that would increase its nonconformity with the regulations of this Chapter, including but not limited to area, height, setback, and illumination.
- E.** Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from complying with the provisions of this Chapter regarding safety, maintenance and repair of signs. Any repainting, cleaning, or routine maintenance or repair of the sign or sign structure shall not be deemed to modify the sign in any way.

§ 1309.20

DEFINITIONS

The following terms and definitions shall apply to this Chapter for the purposes of administration and enforcement.

ABANDONED SIGN — A sign which for a period of 60 consecutive days has not correctly directed or informed any person or advertised a business, lessor, owner, or activity conducted on the premises where such sign is displayed.

A-FRAME SIGN — A freestanding sign that is comprised of two sign faces diverging at an angle of no more than 45 degrees from their adjoined edge.

AWNING — A roof-like protective cover of canvas or other flexible material over a door, entrance, window or outdoor service area that projects from the facade of a structure.

AWNING SIGN — A sign that is part of or attached to a roof-like protective cover of canvas or other flexible material over a door, entrance, window or outdoor service area that projects from the facade of a structure.

BANNER — A length of fabric or similar material, temporarily strung between two points, upon which a message is imprinted.

BILLBOARD — An off-premise sign designed to be viewed from streets, roads, and/or highways and meeting industry standards for design and construction.

CITY — The municipality of Niagara Falls, New York.

COMMERCIAL MESSAGE — Any message where the primary purpose of which is the commercial advertisement or promotion of a commercial product, event, or service (including content on an internet website operated for a commercial purpose).

COPY — The wording on a sign surface or composing a sign.

DIGITAL SIGN — A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs may include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

DIRECTIONAL SIGN — A sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including signs marking entrances, parking areas, one-way driveways, rest rooms, pickup and delivery areas, drive-through ATM machines, and hours of business. Such sign shall not carry a commercial message.

EXTERNAL ILLUMINATION — The provision of lighting for a sign from a source intentionally directed upon the sign face, such as a floodlight or gooseneck lamp.

FREESTANDING SIGN — A sign not attached to any building or structure, which may be supported by one or two columns or posts.

GROUND SIGN — A sign not attached to any building or structure, which may be supported by one or two posts provided the distance between the ground and bottommost edge of the sign is no greater than three feet.

GOVERNMENTAL SIGN — A sign erected and maintained pursuant to and in discharge of any governmental function or required by any general law, local law or governmental regulation.

INCIDENTAL SIGN — A sign containing no commercial message and typically erected to identify addresses, entrances, exits, restrooms, hours and days of operation, public utility locations, emergency addresses and telephone numbers, etc. These examples are not given by way of limitation, an incidental sign can contain any noncommercial message in accordance with this Chapter.

INTERNAL ILLUMINATION — The provision of lighting for a sign from a light source within the sign.

INTERNAL SIGN — Signs within a building not legible from the public right-of-way or adjacent lots, or any sign within an enclosed outdoor space, such as an athletic field, where such sign is intended only to be seen from within the enclosed space and is so oriented.

LAWN SIGN — A sign constructed of materials not intended for permanent installation that are attached to a single or multiple post for support and stuck into the ground. The height of a lawn sign shall include any posts or supports. Political campaigns, garage sales, and charitable events, for example, are often advertised with lawn signs.

LOT — A parcel of land with frontage on an improved public street or approved private street, consisting of a single lot of record or a portion of a lot of record.

NEON SIGN — A sign that incorporates illumination through the use of neon type gas.

NONCONFORMING SIGN — Any lawful sign existing at the time of adoption of this Chapter, or any subsequent amendments thereto, which does not conform to the regulations of this Chapter or to the regulations of the district in which it is located.

OFF-PREMISE SIGN — A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than where such sign is located. This shall not include billboards.

PENNANT — A length of fabric, or similar material, suspended from overhead, upon which a message is imprinted.

POLE SIGN — A sign not attached to any building or structure and is supported by one or two columns or posts with a distance exceeding three feet between the ground and the bottommost edge of the sign.

PROJECTING SIGN — A sign which is wholly dependent upon a building for support and which projects more than 12 inches from such building.

RESIDENTIAL DEVELOPMENT — Means a newly constructed or redeveloped project containing at least 15 residential units, **regardless configuration**, i.e. single-, two-, or multi-family, mobile, manufactured dwellings; or a subdivision of land for the purpose of constructing 15 or more residential dwelling units.

ROOFLINE — The line that is formed by the uppermost edge, or top outline, of a building's exterior vertical walls.

SIGN — Any object, device, display or structure, or part thereof, situated outdoors that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, figures, designs, symbols, fixtures, colors, illumination or project images. "Signs" shall also include all sign structures. A sign for the purposes of this Chapter does not include the following:

- 1) A flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organization;
- 2) Merchandise, pictures or models of products or services incorporated in a window display;
- 3) Official notices issued by any court or public office or officer in the performance of an official duty;
- 4) Traffic control signs as defined in the NYS Vehicle and Traffic Law; and
- 5) Works of art, including murals, that do not contain any commercial message, logo, graphic, or trademark.

SIGN TYPE — The design and/or structure of a sign, including freestanding signs, wall signs, projecting signs, suspended signs, **marquee signs**, awning signs, and window signs.

SUSPENDED SIGN — A sign attached to and supported by the underside of a horizontal plane.

TEMPORARY SIGN — A sign which is not intended to be used for a period of time exceeding 60 days and is not attached to a building, structure, or ground in a permanent manner. Such signs usually being constructed of poster board, cardboard, Masonite, plywood, or plastic material and mounted to wood, metal, wire or rope frames or supports.

USE — The purpose for which a building, lot, or other structure is arranged, intended, occupied, or maintained.

WALL SIGN — A sign fastened to the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project outward more than 12 inches from such building **façade or above the roofline of a structure**.

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 shall not include graphics in connection with customary window display of products.