

City of Binghamton Sign Ordinance Update Executive Summary

Background

The current Sign Ordinance was adopted in 2006. Since its adoption, there have been over 40 projects requiring variances for signage (nearly 25% of all projects requiring variances), resulting in 65 variances being granted. So far in 2013 alone, there have been 12 projects with a total of 17 variances granted; an astounding 44% of the projects heard by the Zoning Board of Appeals so far in 2013 have been related to signage. These numbers do NOT include the number of times applicants have had to redesign their sign plans in order to avoid variances. Obviously, the current Sign Ordinance no longer meets the needs of the business community in the City of Binghamton. Additionally, the existing Sign Ordinance does almost nothing to promote or encourage good sign design, resulting in signs which actually can have a negative impact on both the business they are associated with and other nearby properties.

In mid-2013, the Department of Planning, Housing, and Community Development began the process of drafting a new Sign Ordinance. Staff researched current best practices from a wide range of sources, including the American Planning Association, the United States Sign Council, the Signage Foundation Inc., and other municipalities from around the country. Then, working with other City departments, Planning Staff drafted a new Sign Ordinance which would be more flexible, more responsive to the needs of businesses, and which would take proactive steps to incentivize a higher quality of sign design in the City, which benefits everyone.

Objectives

The objectives of the new draft Sign Ordinance include:

- Giving people the freedom to effectively advertise their businesses, while preventing sign clutter.
- Hold business- and property-owners accountable to ensure that signs are safe, of quality construction and design, and are accurately promoting businesses in the City.
- Provide a more flexible approach to signage, doing away with the “one-size-fits-all” regulations currently in place.
- Provide clear minimum standards for all signs in the City, while establishing incentives for higher quality sign design.
- Update the ordinance to reflect changes in technology.
- Protect and enhance the visual aesthetic of the City.
- Streamline the process by which sign applications are reviewed and approved by the City to improve government efficiency and allow businesses to obtain their sign permits in a more timely fashion.
- Reduce the number of signs which require variances from the Zoning Board of Appeals, which will save businesses time and money.

How the New Sign Ordinance Works

The existing Sign Ordinance is based on a model which looks only at the size and number of a particular sign types (e.g. – wall signs, awning signs, pole signs, et cetera) in each Zoning district. For example, currently in the C-1 Service Commercial District, a wall sign is limited to 25% of the façade or 72 square feet, whichever is less, and you are only allowed one (1) wall sign per building. These regulations are very restrictive and inflexible. A sign of 72 square feet may be way too large on some buildings, and the limit of one (1) wall sign can be a burden on buildings with multiple street frontages. Similarly, under the existing Zoning Code, awning signs are limited to 16 inches tall by 6 feet long. While this might make sense of an awning which only spans an entranceway, it is not necessarily appropriate for an awning that extends the length of the façade.

Under the proposed new Sign Ordinance, a business unit would be allotted a specific maximum sign area, based on the business’s primary and second facades. A “Primary Business Façade” is a façade with a main customer entrance; a “Secondary Business Façade” is façade with a secondary entrance **and/or** a façade facing a public street or a parking area. Under the proposed new Sign Ordinance, a business unit would be permitted two (2) square feet of signage for each one (1) linear foot of Primary and Secondary Façade. So, a business which has 30 feet of primary façade and 15 feet of secondary façade, would be permitted a total of 90 square feet of sign area. The business can use that 90 square feet of sign area on any of the types of signs allowed in that Zoning District.

Additionally, each sign type has certain performance standards and requirements to ensure quality signs, which are effective for the business, but will not result in over-signage. Wall signs, for example, can be up to two (2) square feet per linear foot on primary facades, but are limited to one (1) square foot per linear foot on a secondary façade; additionally, they can only span 80% of the façade on which they are mounted.

One of the other major changes in the proposed new Sign Ordinance is that it takes proactive steps to really encourage good, high quality sign design. The new ordinance includes area bonuses for going above and beyond the minimum design standards; business’s which are willing to invest a little more in their signage should be rewarded for that commitment to the City. The incentives proposed include:

- A 10% area bonus for including a distinctive logo or image (common, widely used corporate logos do not qualify).
- A 15% area bonus for using individually cut letters instead of a flat pan sign.
- A 5% area bonus for simplified content (e.g. – eliminating things like phone numbers, lists of services/products, et cetera from the sign).
- A 10% area bonus for using external or halo lighting instead of internally lit signs.
- Awning signs which are located solely on the awning’s valance shall not be counted toward a business’s total sign area.
- A 20% area bonus for business’s which voluntarily remove a legally non-conforming sign in favor of one which complies with the new ordinance and design standards (this will have a sunset date – currently proposed for Dec. 31, 2015).

Specific Sign-Types

These are the proposed schedules of which sign types would be allowed in each Zoning District. Please note, these schedules do NOT include those signs which are allowed by right without review and do not require sign permits (e.g. – real estate signs, address signs, political signs, private event/sales signs, et cetera).

Schedule IV-A. Permanent Signs

	R-1	R-2	R-3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
Accessory Signs				X	X	X	X	X	X	X	X	X
Awning Signs				X	X	X	X	X	X	X	X	X
Canopy Signs				X	X	X	X	X	X	X	X	X
Changeable Copy Signs				X	X	X	X				X	X
EMC Signs				X								X
Ground Signs				X	X	X	X	X		X	X	X
Marquee Signs				X	X	X	X	X		X	X	X
Pole Signs	#	#	#	X		X	X				X	X
Projecting Signs				X	X	X	X				X	X
Wall Signs	#	#	#	X	X	X	X	X	X	X	X	X

Window Signs				X	X	X	X	X	X	X	X	X	X
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Schedule IV-B. Temporary Signs

	R-1	R-2	R-3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
Banner Signs				X	X	X	X	X	X	X	X	X
Construction Signs				X	X	X	X	X	X	X	X	X
Free-Standing Vertical Banner Signs				X	X		X				X	X
Merchandise Advertising Signs, Exterior				X			X				X	X
Merchandise Advertising Signs, Window				X	X		X	X			X	X
Sandwich Board Signs				X	X	X	X	X	X		X	X

X – Allowed Sign Type

– Strictly as accessory to an approved Home Occupation. Limit 1 sign per parcel, maximum area of 2 square feet, no more than 4 feet above grade. Illumination prohibited.

Standards for Permanent Sign Types

A. Accessory Signs (e.g. – directional signs, instructional signs, on-site informational signs).

1. Maximum sign area: 5 square feet
2. Maximum height, building mounted: 8 feet from grade
3. Maximum height, freestanding: 4 feet from grade
4. Maximum number of accessory signs: 2 per business unit frontage
5. Illumination: Permitted
6. Counts toward total signage area: No

B. Awning Signs.

1. Maximum sign area: 50% of the awning area
2. Minimum height to bottom of the awning: 8 feet above grade
3. Maximum height of awning: Top of the awning may not extend beyond the first floor of the building
4. Maximum number of awning signs: 1 per awning face
5. Illumination: Permitted
6. Counts toward total signage area: Yes

C. Canopy Signs.

1. Maximum sign area: 8 square feet
2. Minimum height at the bottom of the sign: 10 feet above grade
3. Maximum projection: 5 feet from building
4. Maximum number of canopy signs: 1 per business unit
5. Minimum spacing: 10 feet from any other canopy sign
6. Illumination: External illumination only
7. Counts toward total signage area: Yes

D. Changeable Copy Signs.

1. Maximum sign area: 75% of permitted sign face area, see below
2. Maximum number of changeable copy signs: 1 per parcel
3. Illumination: Permitted
4. Counts toward total signage area: Yes

5. Additional Requirements:

- a. Permitted only as an integral part of a wall sign or a freestanding (pole or ground) sign.
- b. The allowed area of the changeable copy sign shall be limited to 75% of the allowed area of the wall sign or freestanding sign of which it is a part.
- c. Area incentives as established in §410-62.2 shall not apply to changeable copy signs.

E. Electronic Message Center (EMC) Signs.

1. Maximum sign area: 40 square feet
2. Maximum height, pole-mounted: 25 feet from grade
3. Minimum height, pole-mounted: 10 feet from grade
4. Maximum height, ground: 8 feet from grade
5. Minimum setback: 5 feet from any property line
6. Minimum spacing: 50 feet from another other free-standing sign
7. Maximum number of EMC Signs 1 per parcel
8. Illumination: Permitted, in accordance with §410-61.
9. Counts toward total signage area: Yes
10. Additional Requirements

- a. An EMC sign may be installed an integral part of, or in place of, a freestanding (pole or ground) sign; an EMC sign shall not be installed as a separate sign on the same parcel as another freestanding sign.
- b. Cannot be located within 200 feet of a residential district or designated historic district.
- c. Applicant must demonstrate compliance with §410-61(F) above.
- d. Area incentives as established in §410-62.2 shall not apply to EMC signs.

F. Ground Signs.

1. Maximum sign area: 40 square feet
2. Maximum height: 8 feet from grade, as established in §410-61
3. Minimum setback: 5 feet from any property line and/or driveway
4. Maximum number of ground signs: 1 per street frontage
5. Illumination: Permitted
6. Counts toward total signage area: Yes
7. Additional requirements
 - a. Compliance with §410-62(I) – Sight Triangle, as set forth above.

G. Marquee Signs.

1. Maximum sign area: 75% of marquee structure's height; 75% of its width
2. Maximum number of marquee signs: 1 per marquee; maximum 1 per business unit façade
3. Allowed Locations: Primary façades only
4. Minimum height at the bottom of the sign: 10 feet above grade
5. Maximum projection from marquee: 10 inches
6. Illumination: Permitted
7. Counts toward total signage area: Yes

H. Pole Signs.

1. Maximum sign area: 50 square feet

2. Maximum height at the top of the sign: 25 feet from grade
3. Minimum setback: 5 feet from any property line
4. Maximum number of pole signs: 1 per parcel
5. Illumination: Permitted
6. Counts toward total signage area: Yes
7. Additional requirements
 - a. Compliance with §410-62(I) – Sight Triangle, as set forth above.

I. Projecting Signs.

1. Maximum sign area: 20 square feet
2. Minimum height at the bottom of the sign: 10 feet above grade
3. Maximum projection: 5 feet from building
4. Maximum number of projecting signs: 1 per business unit
5. Minimum spacing: 10 feet from any other projecting sign
6. Illumination: External illumination only
7. Counts toward total signage area: Yes
8. Additional Requirements
 - a. Projecting signs shall not extend beyond the top of the building.

J. Wall Signs.

1. Maximum sign area, primary frontage: 2 square feet per linear foot of business frontage
2. Maximum sign area, secondary frontage: 1 square foot per linear foot of business frontage
3. Maximum number of wall signs: 1 sign per frontage
4. Maximum length of sign: 80% of the business façade
5. Maximum projection from building façade: 10 inches
6. Illumination: Permitted
7. Counts toward total signage area: Yes
8. Additional Requirements
 - a. The wall sign shall not extend beyond the top of the wall to which it is attached

K. Window Signs.

1. Maximum sign area: 50% of the window
2. Maximum number of window signs: 1 sign per window, 2 signs per frontage
3. Illumination: External illumination only
4. Counts toward total signage area: Yes

Standards for Temporary Sign Types

A. Banner Sign.

1. Maximum sign area: 1 square foot per linear foot of primary frontage
2. Maximum number of banner signs: 1 per business unit
3. Maximum length of banner sign: 50% of the business façade
4. Maximum display period: Up to 30 days, not more than 3 times in 12 months
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: No
8. Additional Requirements

- a. All banners must be anchored at all corners so as to keep the banner secured to the structure.

B. Construction Signs.

1. Maximum sign area: 32 square feet
2. Maximum number of construction signs: 1 per street frontage
3. Illumination: No
4. Temporary Sign Permit: Required
5. Counts toward total signage area: No
6. Additional Requirements

- a. All such construction signs must be removed within 7 days after construction is completed.

C. Free-Standing Vertical Banners.

1. Maximum sign width: 2 feet at the widest point
2. Maximum sign height: 8 feet above grade
3. Maximum number of vertical banners: 1 per business unit
4. Maximum display period: During business hours only
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: Yes
8. Additional Requirements

- a. The applicant must maintain a clear and unobstructed path of at least five (5) feet around the sign and any other obstructions (such as, but not limited to: trees, planters, or other landscaping; light poles or traffic signals; fire hydrants; parking meters; public sign posts; utility boxes; et cetera) so as to not impede pedestrians.
- b. The applicant must provide an insurance rider naming the City of Binghamton as an additional insured on a primary noncontributory basis or other form found acceptable by the City of Binghamton Corporation Counsel.

D. Merchandise Advertising Signs, Exterior.

1. Maximum sign area: 4 square feet
2. Maximum number of signs: 1 per 300 feet of business frontage
3. Minimum set back: 10 feet from any property line and/or driveway
4. Minimum spacing: 100 feet from any other exterior merchandise sign
5. Illumination: No
6. Temporary Sign Permit: Required
7. Counts toward total signage area: Yes

E. Merchandise Advertising Signs, Window.

1. Maximum sign area: 25% of the window
2. Maximum number of signs: 1 per window, maximum 4 per business unit
3. Illumination: Permitted, no flashing, scrolling, or moving
4. Temporary Sign Permit: Required
5. Counts toward total signage area: Yes
6. Additional Requirements

- a. Window Merchandise Advertising Signs are not permitted in any door windows.

F. Sandwich Board Sign.

1. Maximum sign area: 8 square feet
2. Maximum number of sandwich board signs: 1 per business unit
3. Maximum display period: During business hours only
4. Illumination: No
5. Temporary Sign Permit: Required
6. Counts toward total signage area: Yes
7. Additional Requirements
 - a. The applicant must maintain a clear and unobstructed path of at least five (5) feet around the sign and any other obstructions (such as, but not limited to: trees, planters, or other landscaping; light poles or traffic signals; fire hydrants; parking meters; public sign posts; utility boxes; et cetera) so as to not impede pedestrians.
 - b. The applicant must provide an insurance rider naming the City of Binghamton as an additional insured on a primary noncontributory basis or other form found acceptable by the City of Binghamton Corporation Counsel.

Other Modifications

- Changes to How Sign Area is Measured: Currently, the Sign Ordinance requires that sign area be measured as “the area of the smallest rectangle which completely encompasses all such letters, words or symbols and any accompanying background.” The proposed new ordinance would allow the measurement to be based on any combination of regular geometric shapes which, individual or collectively, would encompass the sign elements. This provides greater flexibility in determining the sign area. Pan, cabinet, and framed signs would still be measured by the dimensions of the pan, cabinet, or frame.



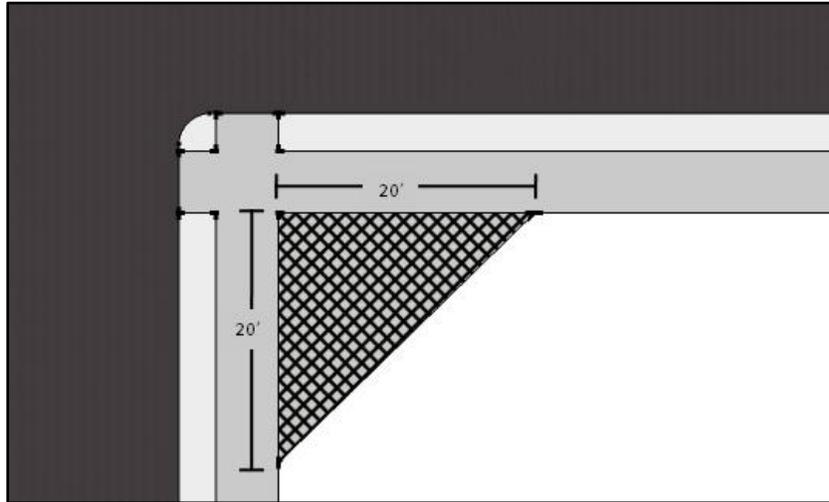
Individual letters with no background
Sign Area = 14.25 square feet



Framed sign with background
Sign Area = 22.5 square feet

- Establishes a Minimum Transparency for Windows: The current ordinance does not address window transparency (the amount of a window which is/is not covered or obscured). The new ordinance would set a minimum transparency of 50% - so at least half of a window would have to remain unobscured by signage (permanent and temporary). This number was based on best practices, and is supported by law enforcement officials around the country. A minimum transparency of 50% means that they are better able to keep watch on things inside storefronts; and it means that a store is a less attractive target for robberies.
- Political Signs: The new ordinance modifies how political signs are handled in order to ensure that our Sign Ordinance does not unduly impinge on the First Amendment. It has been determined that our current Sign Ordinance’s handling of political signs would likely not hold up in court if challenged; the new ordinance addresses these issues.
- Removal of Abandoned Signs: The new ordinance clarifies and strengthens the City’s ability to require the removal of signs which no longer advertise an active or existing business.
- Signs at Corners: For traffic safety, it is necessary to have some restrictions on signs at street intersections; drivers need to have a clear line of sight, so it is important to make sure there are not any signs interfering with that. The current ordinance establishes a triangle at the corner of a parcel by measuring either 120 feet or 80 feet, depending on the type of street, from the centerline, and

connecting the ends to create the triangle. Within that area, signs cannot be higher than 3 feet or below 10 above grade (poles are allowed, provided they are less than 18 inches wide). The average business is going to have a hard time figuring out what all that means. The new ordinance would still require that there be a sight triangle, and would still require signs to be either below the 3 foot or above the 10 foot mark, but it simplifies how that sight triangle is determined. Now, the measurement is simply 20 feet from the parcel corner; the illustration has been updated to reflect this change.



- Cleaning Up/Clarification to Definition Section: The current ordinance has a very confusing and “clunky” definition section. The ordinance addresses this, making the definitions easier to understand and more useful to businesses.