

AA. Penalties. Any person, firm, corporation or entity which may violate any provision of this section shall be guilty of a violation and, upon conviction thereof, shall be subject to the penalties set forth in § 235-65 of Town of Batavia Zoning Ordinance. Any person, firm, corporation or entity which may violate any provision of this section shall become liable to the Town for any actual expense or loss or damage occasioned by the Town by reason of such violation; in addition to any actual losses or damages sustained by the Town, such expense shall also include but not be limited to statutory costs, disbursements and reasonable attorney fees in the event legal action is commenced to enforce this section. The imposition of penalties herein prescribed shall not preclude the Town or any person from instituting appropriate legal action or proceedings to prevent a violation of this section or to restrain or enjoin the use or occupancy of premises or any part thereof in violation of this section.

BB. Severability. The provisions of this section are severable, and the invalidity of any section, subdivision, paragraph, or other part of this chapter shall not affect the validity or effectiveness of the remainder of the chapter.

§ 235-39. Signs. [Amended 2-19-2003; 2-20-2008 by L.L. No. 2-2008]

A. General standards. Except as provided in Subsection B, every sign (other than those identified in Subsection B below) shall require a zoning permit.

- (1) Also, every sign shall be designed, attached, supported, and located in such a manner as to:
 - (a) Not impair public safety.
 - (b) Not restrict clear vision between a sidewalk and street, a driveway and a street or between two streets.
 - (c) Not be confused with any traffic sign or signal.
 - (d) Not prevent free access to any door, window, or fire escape.
- (2) Signs may be illuminated by a steady light provided that lighting does not illuminate adjacent property. Flashing, oscillating and revolving signs are not permitted, unless necessary for public safety or welfare.

B. Signs permitted in all districts without a zoning permit:

- (1) Identification signs.
 - (a) One number and/or nameplate identifying residents, mounted on house, apartment or mailbox, not exceeding one square foot in area.
 - (b) One lawn sign identifying residents, not exceeding one square foot, or two square feet if double-faced. Such signs are to be nonilluminated except by a light which is an integral part of a lamppost if used as a support, with no advertising message thereon.

- (c) One sign identifying the name of the farm owner or name of the farm not exceeding 24 square feet in area and located not less than five feet from a lot line.
- (2) One "For Sale" or "For Rent" sign not exceeding an area of six square feet. Such sign shall not be greater than six feet in height and shall be located not less than five feet from a lot line. Such signs shall be removed upon completion of the sale or rental.
- (3) Directional signs. No more than two directional signs shall be permitted per street entrance to any lot. There shall be no limit to the number of directional signs providing directional information interior to a lot. The maximum total area for directional signs shall be eight square feet.
- (4) Temporary signs. A sign used on a temporary basis to identify or announce an activity or function such as a construction project and the specialists concerned, elections, sporting events, carnivals, garage sales, meetings, etc. Such signs shall not exceed 12 square feet and shall not be located less than five feet from a lot line. Temporary signs shall be removed within 10 days after the activity or function ends. Garage sales and farm produce sales temporary signs used more than 60 days per year shall require a permit as set forth in Subsection D(3).
- (5) Window signs. Window signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:
 - (a) The aggregate area of all such signs shall not exceed 25% of the window area on which such signs are displayed. Window panels separated by mullions shall be considered as one continuous window area.
 - (b) Window signs shall not be assessed against the sign area permitted for other sign types.
 - (c) Any window sign hung or mounted within 12 inches of the interior of the window will be assessed against the allowable twenty-five-percent total window coverage area.
- (6) Noncommercial speech signs; Residential Districts (AG-R, R, HR). Noncommercial speech signs may be permitted in any residential district without a sign permit, subject to the following conditions:
 - (a) The maximum number of noncommercial speech signs per lot shall be two.
 - (b) Of the total number of signs, only one shall be a window sign. No window sign shall exceed 25% of the total window opening, or two square feet, whichever is smaller.
 - (c) A building-mounted sign may not exceed two square feet in total area. Any building mounted sign shall be located in proximity to an exterior entrance.
 - (d) A freestanding sign, unless otherwise specified herein, shall:

- [1] Not exceed six square feet in sign area;
 - [2] Not exceed four feet in height above grade;
 - [3] Maintain a minimum ground clearance of two feet;
 - [4] Not be closer to any lot line than five feet;
 - [5] Not interfere with vehicle sight distances either from, along or to a public way; and
 - [6] Not be illuminated, except indirectly.
- (7) Noncommercial speech signs; Business and Industrial Districts (C, I, IP, PBD, HC). Noncommercial speech signs associated with a residential use in a business or industrial district shall comply with the standards specified in Subsection B(6) above. Noncommercial speech signs associated with nonresidential uses may be allowed in any business or industrial district without a sign permit, subject to the following conditions:
- (a) The maximum number of noncommercial speech signs per lot shall be two.
 - (b) Such signs shall not exceed 32 square feet in area.
 - (c) Freestanding noncommercial speech signs shall not be closer to any lot line than five feet.
 - (d) Freestanding noncommercial speech signs shall not exceed six feet in height above grade level.
 - (e) Building-mounted noncommercial speech signs shall be located on the first floor front facade of the structure.
 - (f) Noncommercial speech signs shall not be illuminated, except indirectly.

C. Permit requirements.

- (1) Permits required. Unless specifically exempted, a permit must be obtained from the Zoning Officer for the erection and maintenance of all signs erected or maintained within this jurisdiction and in accordance with other ordinance or local laws of this jurisdiction. Exemptions from the necessity of securing a permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and in a manner in accordance with all the other provisions of this section.
- (2) Construction documents. Before any permit is granted for the erection of a sign or sign structure requiring such permit, construction documents shall be filed with the Zoning Officer showing the dimensions, materials and required details of construction, including loads, stresses, anchorage and any other pertinent data. The permit application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected and by engineering

calculations signed and sealed by a registered design professional where required by the New York State Building Code.

- (3) Changes to signs. No sign shall be structurally altered, enlarged or relocated except in conformity to the provisions herein, nor until a proper permit, if required, has been secured. The changing or maintenance of moveable parts or components of an approved sign that is designed for such changes shall not be deemed a structural alteration.
 - (4) Permit fees. Permit fees to erect, alter or relocate a sign shall be in accordance with the fee schedule adopted within this jurisdiction.
- D. Other signs permitted in Agricultural, Agricultural-Residential, Residential or Hamlet Residential Districts. The following signs are permitted in AG-R, R or HR Districts upon issuance of a zoning permit:
- (1) One home occupation or skilled trade shop sign not exceeding four square feet in area and located not less than five feet from a lot line.
 - (2) One sign identifying a mobile home park in an Agricultural-Residential District, not exceeding 20 square feet in area and located not less than five feet from a lot line.
 - (3) One sign identifying farm produce sales or garage sales not exceeding 12 square feet in area and located not less than five feet from a lot line when used 60 or more days per year.
 - (4) One sign identifying a school, church, public park or public building, not exceeding 40 square feet in area on any one side and located not less than five feet from a lot line.
 - (5) One business sign for uses which have a valid special use permit to operate. Such sign may either be wall-mounted with a maximum size of 20 square feet or freestanding with a maximum size of eight square feet per side. Freestanding signs shall be limited in height to 25 feet and not be located within 10 feet of a property line. The final location/placement of all signs for uses allowed by special use permits in the AG-R and R Districts shall be determined by the Planning Board.
- E. Other signs permitted in Commercial, Industrial, or Industrial Park Districts. The following business signs are permitted in C, I, or IP Districts upon issuance of a zoning permit. Site plan review is required for all totally new signs. Replacement signs (same type, size and location) require a zoning permit but are not subject to site plan review.
- (1) Two business signs, one of which may be freestanding (except for shopping centers), shall be allowed for each permitted use. If attached, such signs shall not exceed a total area of 200 square feet or an area equal to 10% of the wall area of the building or portion thereof devoted to such use or activity, whichever is less. No sign shall project more than one foot from the facade of the building.
 - (2) Freestanding business signs shall be permitted. Such signs shall conform to the following provisions relating to their number and size:

- (a) Each commercial or industrial use, except as limited by Subsection E(2)(b), may have one freestanding business sign, except businesses located on through lots which may have two. Such freestanding sign shall have a sign area proportional to the size of the building as set forth below, shall be not more than 35 feet in height, and shall be located not less than five feet from a lot line.

Size of Building (square feet)	Maximum Size of Freestanding Sign (square feet, one side)
Less than 5,000	50
5,000 to 34,999	75
35,000 to 100,000	100
Greater than 100,000	150

- (b) Freestanding signs in a shopping center or industrial park shall be limited to one directory sign at any location thereon not exceeding five square feet in area for each acre of land in the shopping center or industrial park, provided that no such sign shall exceed 50 square feet in area.
- (3) Off-premises directional signs for businesses located in the Town of Batavia not exceeding 32 square feet in size and limited to two signs per use shall be permitted. Such signs shall be located not less than five feet from a lot line.
- (4) Off-premises advertising signs are allowed by special use permit in compliance with Subsection G.
- (5) Portable signs. Any sign not permanently attached to the ground or a building. In addition, any temporary sandwich-type, sidewalk, or curb sign over 12 square feet in area and/or over four feet in height is considered to be a portable sign. Such signs shall be located not less than five feet from a lot line.
- (6) Awning signs. Awning signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:
 - (a) The copy area of awning signs shall not exceed an area equal to 25% of the background area of the awning or awning surface to which such a sign is affixed or applied, or the permitted area for wall or fascia signs, whichever is less.
 - (b) Neither the background color of an awning, nor any graphic treatment or embellishment thereto, such as striping, patterns or valances, shall be included in the computation of sign copy area.
- (7) Canopy signs. Canopy signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:
 - (a) The permanently affixed copy area of canopy signs shall not exceed an area equal to 25% of the face area of the canopy or architectural projection upon

which such sign is affixed or applied and shall not exceed the total sign area allowed.

- (b) Graphic striping, patterns or color bands on the face of a building, canopy or architectural projection shall not be included in the computation of sign copy area. However, any numbers or verbiage will be included in the computation of the sign copy area.
- (8) Under-canopy signs. Under-canopy signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:
- (a) Under-canopy signs shall be limited to no more than one such sign per public entrance to any occupancy, and shall be limited to an area not to exceed four square feet.
 - (b) Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of 10 feet.
- (9) Projecting signs. Projecting signs shall be permitted in all nonresidential zoning districts, subject to the following limitations:
- (a) Projecting signs shall be permitted in lieu of freestanding signage on any street frontage limited to one sign per occupancy along any street frontage with a public entrance to such an occupancy, and shall be limited in height and area to 1.5 square feet per each one lineal foot of building frontage, except that no such sign shall exceed an area of 60 square feet.
 - (b) No such sign shall extend vertically above the highest point of the building facade upon which it is mounted.
 - (c) Such signs shall not extend over a public sidewalk in excess of two feet, measured from the face of the building or supporting structure to the outside edge of the sign.
 - (d) Such signs shall maintain a clear vertical distance above any public sidewalk a minimum of 10 feet measured from grade to the bottom of the sign.
- (10) A-frame (temporary).

F. Signs for development complexes.

- (1) Master sign plan required. All landlord or single owner controlled multiple-occupancy development complexes such as shopping centers, multiple-family housing units or planned industrial parks shall submit to the Planning Board a master sign plan prior to issuance of individual sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits, and shall address, at a minimum, the following:
- (a) Proposed sign locations.
 - (b) Materials.

- (c) Type of illumination.
 - (d) Design of freestanding sign structures.
 - (e) Size.
 - (f) Quantity.
 - (g) Uniform standards for nonbusiness signage, including directional and informational signs.
- (2) Development complex sign. In addition to the freestanding business identification signs otherwise allowed by this section, every multiple-occupancy development complex shall be entitled to one freestanding sign per street front, at the maximum size permitted for business identification freestanding signs, to identify the development complex. No business identification shall be permitted on a development complex sign. Any freestanding sign otherwise permitted under this section may identify the name of the development complex.
- (3) Compliance with master sign plan. All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan. The Zoning Officer shall ensure that individual signs are in conformance with the master sign plan prior to issuing permits for the individual signs.
- (4) Amendments. Any amendments to a master sign plan must be signed and approved by the owner(s) within the development complex before such amendment will become effective.
- G. Off-premises advertising signs. Off-premises advertising signs shall be located and maintained only in the C, I and IP Districts upon issuance of a special use permit and in accordance with the standards set forth in this chapter.
- (1) Only one off-premises advertising sign shall be permitted per parcel of property and such parcel must meet the minimum required lot dimensions (e.g., lot frontage, lot area, etc.) for the district in which it is located.
 - (2) Off-premises advertising signs shall not exceed 300 square feet of sign area nor exceed 35 feet in height.
 - (3) Off-premises advertising signs of 25 square feet or less in sign area may be placed not closer than 10 feet to a property line. Off-premises advertising signs greater than 25 square feet in sign area must meet all the minimum required yard setbacks for the respective district.
- H. Nonconforming signs.
- (1) Nonconforming signs, whether on premises or off premises, shall be removed at the expense of the property owner when the use is discontinued. This shall include portable, temporary and permanent signs.
 - (2) Nonconforming signs may not be enlarged, extended, relocated or altered in any way, except to make them conform to provisions of this chapter. This provision

shall not restrict routine maintenance of nonconforming signs involving replacement of electrical parts and repainting.

- I. Prohibited signs. The following types of signs are prohibited and shall not be permitted, erected, or maintained in any zoning district, and the owner thereof shall, upon written notice of the Building Inspector, forthwith, in the case of immediate danger, or otherwise within 10 days, make such sign conform to the provisions of this chapter or remove it. If the order is not complied with, the Building Inspector may cause said sign to be removed at the expense of the owner.
- (1) Any sign which by reason of its size, location, content, coloring or manner of illumination constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstruction or detraction from the visibility of any traffic control device on public streets and roads.
 - (2) Signs which obstruct free ingress to or egress from a required door, window, fire escape or other required exit way.
 - (3) Signs which make use of words such as "Stop," "Look," "Danger," and other words, phrases, symbols, or characters in such a manner as to interfere with, mislead or confuse traffic.
 - (4) Any sign which has any visible moving part, visible revolving parts or visible mechanical movement of any description (except time and temperature revolving signs as allowed) or other apparent visible movement achieved by electrical or kinetic means, including intermittent electrical pulsations, or by action of normal wind current.
 - (5) Signs or other exterior advertising structures displaying any obscene, indecent, or immoral matter.
 - (6) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
 - (a) The primary purpose of such a vehicle or trailer is not the display of signs.
 - (b) The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer and do not break the silhouette of the vehicle.
 - (c) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
 - (d) Vehicles and trailers are not used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.
 - (7) Balloons, inflatable devices, streamers, sandwich board signs or pinwheels, except those temporarily displayed as part of a special sale, promotion or community

event. For the purposes of this subsection, "temporarily" means no more than 21 days in any calendar year.

- J. Definitions (see also graphic representations).¹⁶ For the purpose of this section, the terms used herein are defined as follows:

ABANDONED SIGN — A sign structure that has ceased to be used, and the owner intends no longer to have used, for the display of sign copy, or as otherwise defined by state law.

ANIMATED SIGN — A sign employing actual motion or the illusion of motion. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:

- (1) **ELECTRICALLY ACTIVATED** — Animated signs producing the illusion of movement by means of electronic, electrical or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
 - (a) **FLASHING** — Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this section, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four seconds.
 - (b) **PATTERNED ILLUSIONARY MOVEMENT** — Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
- (2) **ENVIRONMENTALLY ACTIVATED** — Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
- (3) **MECHANICALLY ACTIVATED** — Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION — Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also "Awning"; "Backlit awning"; "Canopy, attached"; and "Canopy, freestanding."

16. Editor's Note: The graphic representations are on file in the Town offices.

AWNING — An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a nonrigid material and/or fabric on a supporting retractable framework.

AWNING SIGN — A sign displayed on or attached flat against the surface or surfaces of an awning. See also "Wall" or "Fascia sign."

BACKLIT AWNING — An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER — A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN — A sign utilizing a banner as its display surface.

BILLBOARD — See "Off-premises sign" and "Outdoor advertising sign."

BUILDING ELEVATION — The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CANOPY, ATTACHED — A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and cantilevered from such building. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light.

CANOPY, FREESTANDING — A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN — A sign affixed to the visible surface(s) of an attached or freestanding canopy. For reference, see figure.¹⁷

CHANGEABLE SIGN — A sign with the capability of content change by means of manual or remote input, including signs which are:

- (1) **MANUALLY ACTIVATED** — Changeable sign whose message copy or content can be changed manually.
- (2) **ELECTRICALLY ACTIVATED** — Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also, "Electronic message sign or center."

COMBINATION SIGN — A sign that is supported partly by pole and partly by a building structure.

17. Editor's Note: The figures are on file in the Town offices.

COPY — Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DEVELOPMENT COMPLEX SIGN — A freestanding sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord, approved in accordance with § 235-39F(2) of this chapter.

DIRECTIONAL SIGN — Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN — A sign with two faces, back to back.

ELECTRIC SIGN — Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER — An electrically activated changeable sign whose variable message capability can be electronically programmed.

EXTERIOR SIGN — Any sign placed outside a building.

FACADE — See "Building facade."

FASCIA SIGN — See "Wall sign."

FLASHING SIGN — See "Animated Sign, electrically activated."

FREESTANDING SIGN — A sign principally supported by a structure affixed to the ground and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. For visual reference, see figure.¹⁸

FRONTAGE (BUILDING) — The length of an exterior building wall or structure of a single premises oriented to the public way or other properties that it faces.

FRONTAGE (PROPERTY) — The length of the property line(s) of any single premises along either a public way or other properties on which it borders.

GROUND SIGN — See "Freestanding sign."

IDENTIFICATION SIGN — A sign used to identify a specific property by address, occupant or use.

ILLUMINATED SIGN — A sign characterized by the use of artificial light either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

INTERIOR SIGN — Any sign placed within a building, but not including window signs as defined by this section. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

18. Editor's Note: The figures are on file in the Town offices.

MANSARD — An inclined decorative roof-like projection that is attached to an exterior building facade.

MENU BOARDS — Any sign attached to the restaurant building listing menu food items.

MULTIPLE-FACED SIGN — A sign containing three or more faces.

NONCOMMERCIAL SPEECH SIGN — A sign which contains a message that is not related to any business purpose, but which expresses an opinion, political message or other noncommercial statement.

OFF-PREMISES SIGN — See "Outdoor advertising sign."

ON-PREMISES SIGN — A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products sold on, or the sale or lease of the property on which it is displayed.

OUTDOOR ADVERTISING SIGN — A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of the property on which it is displayed.

PARAPET — The extension of a building facade above the line of the structural roof.

POLE SIGN — See "Freestanding sign."

POLITICAL SIGN — A temporary sign intended to advance a political statement, cause or candidate for office. A legally permitted outdoor advertising sign shall not be considered to be a political sign.

PORTABLE SIGN — Any sign not permanently attached to the ground or to a building or building surface.

PROJECTING SIGN — A sign other than a wall sign that is attached to or projects more than 12 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. For visual reference, see figure.¹⁹

REAL ESTATE SIGN — A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

REVOLVING SIGN — A sign that revolves 360° about an axis. See also "Animated sign, mechanically activated."

ROOFLINE — The top edge of a peaked roof or, in the case of an extended facade or parapet, the upper most point of said facade or parapet.

ROOF SIGN — A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades,

19. Editor's Note: The figures are on file in the Town offices.

pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs. For a visual reference example of a roof sign, and a comparison of differences between roof and fascia signs, see figure.²⁰

SIGN — Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA — The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50% of the sum of the area of all faces of the sign.

SIGN COPY — Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE — The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

- (1) In the case of panel- or cabinet-type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
- (2) In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.
- (3) In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.
- (4) In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background or within the painted or illuminated border.

SIGN STRUCTURE — Any structure supporting a sign.

STRUCTURE — That which is built or constructed, or a portion thereof.

20. Editor's Note: The figures are on file in the Town offices.

TEMPORARY SIGN — A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground or not permanently fixed to a building or sign structure that is permanently embedded in the ground are considered temporary signs.

UNDER-CANOPY SIGN OR UNDER-MARQUEE SIGN — A sign attached to the underside of a canopy or marquee.

V SIGN — Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90° with the distance between the sign faces not exceeding five feet at their closest point.

WALL OR FASCIA SIGN — A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 12 inches from the building or structure wall, including signs affixed to architectural projections from a building, provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. For visual reference and comparison examples of differences between wall or fascia signs and roof signs, see figure.²¹

WINDOW SIGN — A sign affixed to or within 12 inches directly behind the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

ZONING OFFICER — The agent or representative of the Town of Batavia, or his delegates or deputies, responsible for the enforcement of the ordinances and codes of the Town.

§ 235-40. Commercial excavation.

Except when incidental to the construction of a building on the same lot, the excavation, processing or sale of sand, gravel or clay or other natural mineral deposits or the quarrying of any kind of rock formation shall require a special use permit from the Planning Board as provided for in § 235-63.

A. Major excavation.

- (1) State permit. In order to obtain said special use permit, the applicant shall furnish evidence of a valid permit from the New York State (NYS) Department of Environmental Conservation pursuant to Title 27, Article 23 of the Environmental Conservation Law.
- (2) Reclamation. The applicant shall further be required to comply with the reclamation standards established by the New York State Department of Environmental Conservation while carrying out such use.

21. Editor's Note: The figures are on file in the Town offices.

SECTION III - GENERAL SIGN TYPES

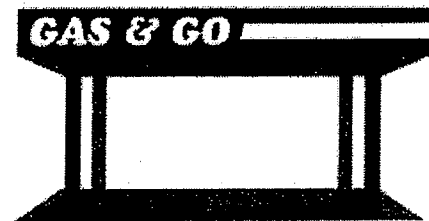
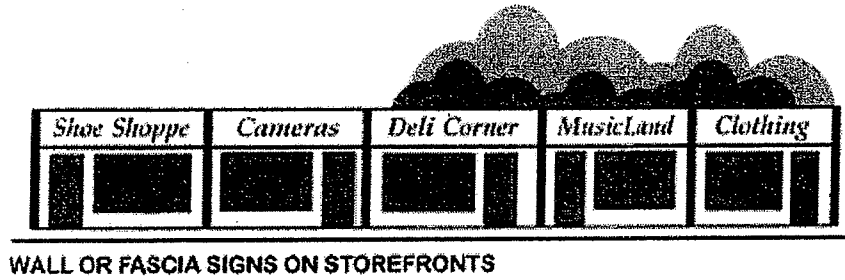
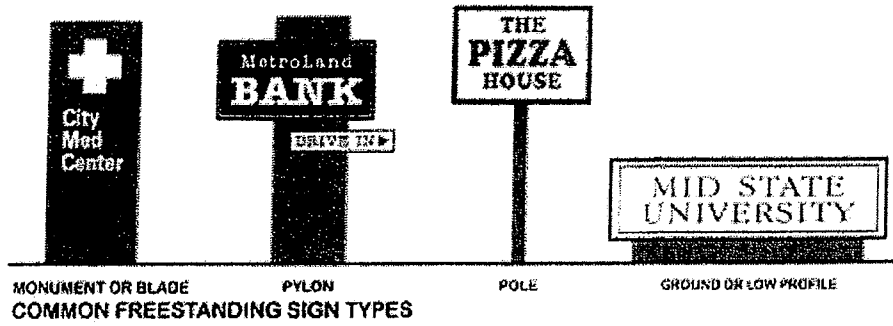


Figure 1003.1
General Sign Types

COMPARISON - ROOF & WALL OR FASCIA SIGNS

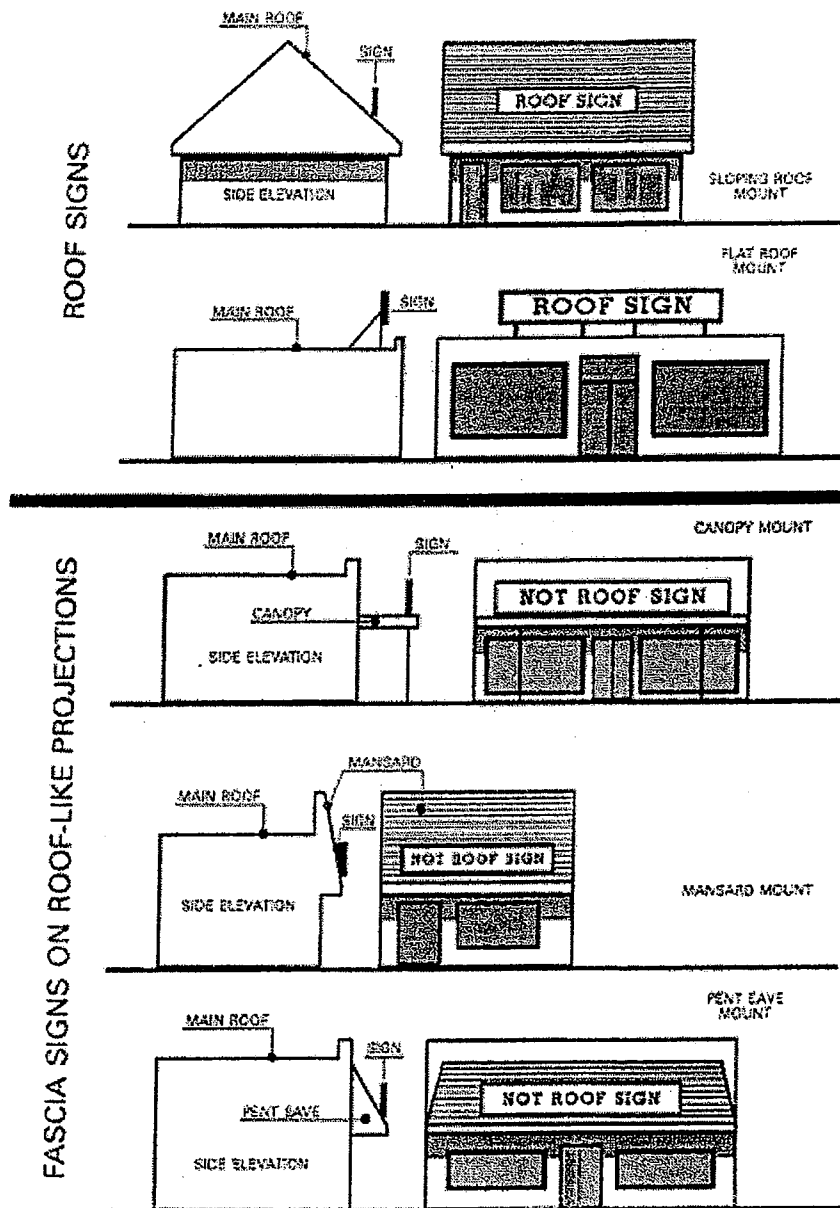
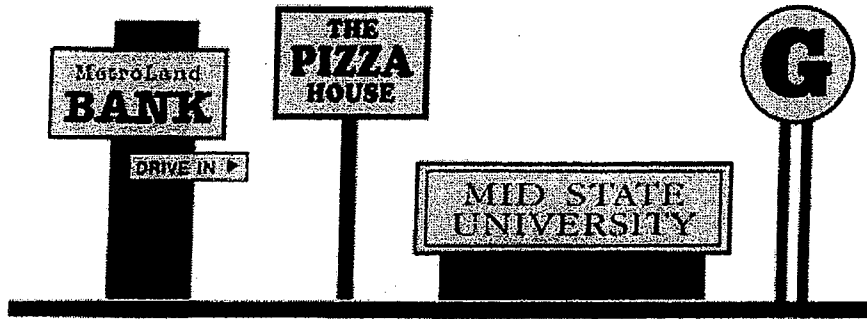


Figure 1003.2
Comparison - Roof and Wall or Fascia Signs

SIGN AREA - COMPUTATION METHODOLOGY
Sum Of Shaded Areas Only Represent Sign Area

Signs constructed with panels or cabinets



Sign structures

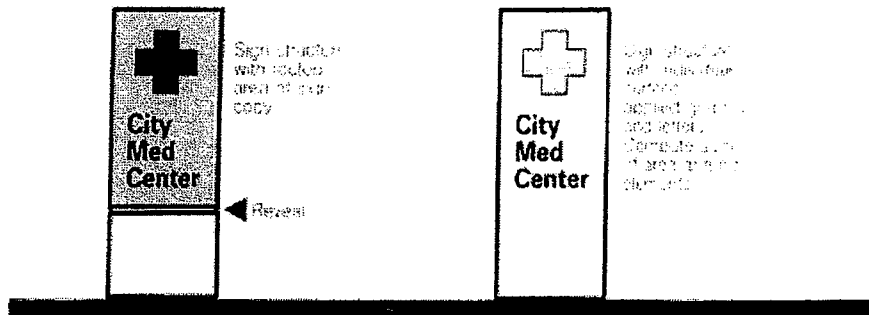


Figure 1003.3
SIGN AREA - COMPUTATION METHODOLOGY
Sum of Shaded Areas Only Represent Sign Area
Signs constructed with panels or cabinets

SIGN AREA - COMPUTATION METHODOLOGY
Sum Of Shaded Areas Only Represent Sign Area For Code Compliance Purposes

Signs consisting of individual letters, elements, or logos placed on building walls or structures.

METROLAND BANK
 Drive In Branch ◀ Compute area around
 copy elements only

◀ Compute area
 inside defined
 border or shade
 contrasting
 color area

METROLAND BANK
 Drive In Branch



Arrowhead ◀ Compute area of
 area of individual
 elements on wall or
 structure

PARKING ▶

Village Center ◀ Compute area for upper
 and lower case letters
 in all ascenders OR
 descenders, but not for
 descenders super ascenders
 secondary as indicated

Figure 1003.4
SIGN AREA - COMPUTATION METHODOLOGY
 Sum of Shaded Areas Only Represent Sign Area for Code Compliance Purposes
 Signs consisting of individual letters, elements, or logos placed on building walls or structures