

**COMMON COUNCIL MEETING
PLANNING, ECONOMIC DEVELOPMENT AND LAND USE
Alfredo Balarin, Chair**

DATE: **THURSDAY, JANUARY 16, 2025**

TIME: **5:30PM**

LOCATION: **Council Chambers-2nd Floor, City Hall**

TOPICS OF DISCUSSION:

- **Sustainability Commission Applicant Interviews**
- **Ordinance 65.111.24**
AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO REQUIREMENTS FOR SIGNS

PUBLIC COMMENT PERIOD: YES

Council Member Balarin, on behalf of the Committee on Planning, Economic Development and Land Use, introduced the following:

ORDINANCE 65.111.24

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO REQUIREMENTS FOR SIGNS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Sub-clause (7) of clause (C) of subparagraph (iv) (Convenience retail) of paragraph (f) (Retail) of subsection (4) (Commercial uses) of section 375-303 (Use-specific standards) of Article III (Use Regulations) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

7. Ensure that in compliance with ~~§ 375-409(4)(e)~~ 375-409(7)(a)(iv), window signs do not obstruct more than 15% of any individual window, or collectively more than 10% of the window area on any story of the building, exclusive of any notices required by federal, state, or local law.

Section 2. Section 375-409 (Signs) of Article IV (Development Standards) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

§ 375-409 Signs.

(1) General. Purpose and Intent.

- (a) **Purpose.** The purpose of the regulations in this § 375-409 is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor signs of all types. More specifically, these regulations are intended to:
 - (i) Protect property values;
 - (ii) Create a more attractive economic and business climate;
 - (iii) Enhance and protect the physical appearance of the community;
 - (iv) Preserve the scenic and natural beauty;
 - (v) Reduce sign or advertising distractions and obstructions that may contribute to traffic accidents;

Matter in ~~strikethrough~~ to be deleted. Matter underlined is new material.

- (vi) Reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way; and
- (vii) Curb the deterioration of the community's appearance and attractiveness.

(b) ~~Intent.~~ It is the intent of the City to comply with all applicable laws, statutes, regulations, and federal and state court decisions regarding the regulation of signs, and not to engage in any form of content-based regulation of sign messages prohibited by federal or state constitutions, statutes, or court decisions.

(c) ~~Substitution. Noncommercial content may be substituted for other content on any sign permitted under this § 375-409 or any legally nonconforming sign under this USDO.~~

(d) ~~Severability. If any decision, subsection, sentence, phrase or portion of this § 375-409 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion of these regulations shall be deemed separate and distinct, and any such holding shall not affect the validity or constitutionality of the remaining portions of this § 375-409, which shall remain in full force and effect.~~

(2) Applicability.

(a) This § 375-409 shall apply to the erection or continuation of all signs located outside of, or located within but designed to be viewed from outside of, a structure, in all zoning districts, unless specifically exempted by this USDO.

(b) In addition to the provisions of this § 375-409, additional sign regulations listed in Article II (Zoning Districts) or § 375-303 (Use-specific standards), and the Manual on Uniform Traffic Control Devices (MUTCD) may apply. ~~If there is a conflict between any sign regulation in § 375-206 (Overlay Districts) and any other sign regulation, the provisions of § 375-206 shall apply. If there is any other conflict between two or more sign regulations in this USDO, the stricter provision shall apply.~~

(c) ~~Notwithstanding the provisions of Subsection (2)(a) and (b) above, the provisions of this § 375-409 shall not apply to any sign erected or required to be erected by any state or federal governmental agency, provided that the size, height, location, and type of sign comply with these provisions to the maximum extent practicable. If there is a conflict between any sign regulation in § 375-206 (Overlay Districts) and any other sign regulation, the provisions of § 375-206 shall apply. If there is any other conflict between two or more sign regulations in this USDO, the stricter provision shall apply.~~

(d) Any sign legally erected prior to the adoption of this USDO that is no longer in compliance with the standards in this § 375-409 may be retained in use subject to the provisions of § 375-506 (Preexisting development and nonconformities).

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(e) These standards shall apply to all form-based districts unless addressed within the form-based standards, in which case the form-based standards will prevail.

(3) ~~Standards applicable to all signs.~~

(a) ~~No sign or part of a sign shall be located on any property without the consent of the owner, holder, lessee, agent or trustee or other party controlling the use of such property.~~

(b) ~~No sign may contain flashing, intermittent rotating or moving lights, except:~~

(i) ~~Signs located along Central Avenue, between King Avenue and the City line;~~

(ii) ~~Signs located within the MU CH Zoning District, subject to the limitations in § 375-409(5)(a)(ii)A3; and~~

(iii) ~~Those signs permitted by § 375-409(5)(a)(ii)A3.~~

(c) ~~Internally illuminated or backlit signs (except for neon tubing) shall be prohibited unless light passes only through sign copy. Any background shall remain opaque and light transmission shall be blocked.~~

(d) ~~No sign shall be constructed that resembles any official marker erected by the City, the State of New York or any governmental agency or that by reason of positioning, shape or color would conflict with the proper functioning of any traffic sign or signal or would impair or cause confusion of vehicular or pedestrian traffic.~~

(e) ~~[Image]~~
~~On any corner lot, no sign that obstructs sight lines at elevations between three and six feet above the driving surface of the adjacent roadway shall be permitted in the area formed by measuring 20 feet along both curblines where they intersect, and connecting the two points to form a sight triangle.~~

(f) ~~No sign or sign support shall be placed upon the roof of any building.~~

(g) ~~No signage shall contain any obscene wording or images.~~

(h) ~~Any part of a sign extending over a public right of way shall require the approval of the City and shall have a minimum vertical clearance of eight feet above any sidewalk or walkway and a minimum vertical clearance of 10 feet above any vehicle driving surface.~~

(i) ~~Any part of a sign extending over a privately owned pedestrian traffic area shall require the approval of the owner of the property containing the pedestrian traffic area, and shall have a minimum clearance of eight feet above any sidewalk or~~

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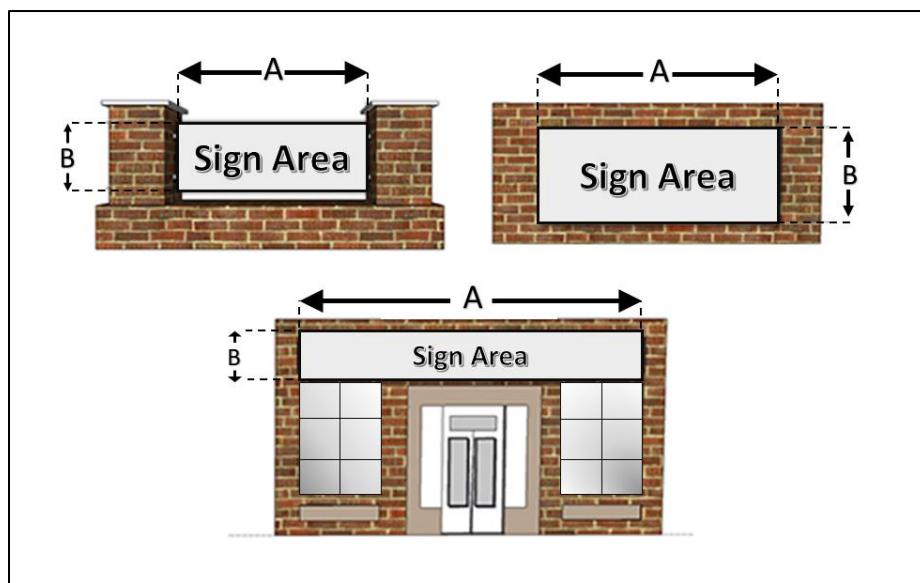
~~walkway and a minimum vertical clearance of 10 feet above any vehicle driving surface.~~

- (j) ~~All signage shall be constructed of durable material and maintained in good condition and repair, shall be securely anchored and constructed to prevent lateral movement that would cause wear on supporting connections, and shall be constructed to withstand expected wind loads appropriate to design and installation.~~
- (k) ~~All building mounted signs shall be placed and anchored to avoid or minimize damage to any historic surface or character defining features of a building, and so that the character defining features of the building are not obscured.~~
- (l) ~~Notwithstanding any other provision of this § 375-409, applications for signs to be located on property in the HR-O District shall be referred to the Chief Planning Official or Historic Resources Commission for review and recommendation as to appropriateness with and conformity to such areas' aesthetic, historic and/or architectural integrity.~~

(3) Sign measurement.

(a) Sign Area. Sign area is measured as the total area of a sign, as follows:

- (i) For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed.



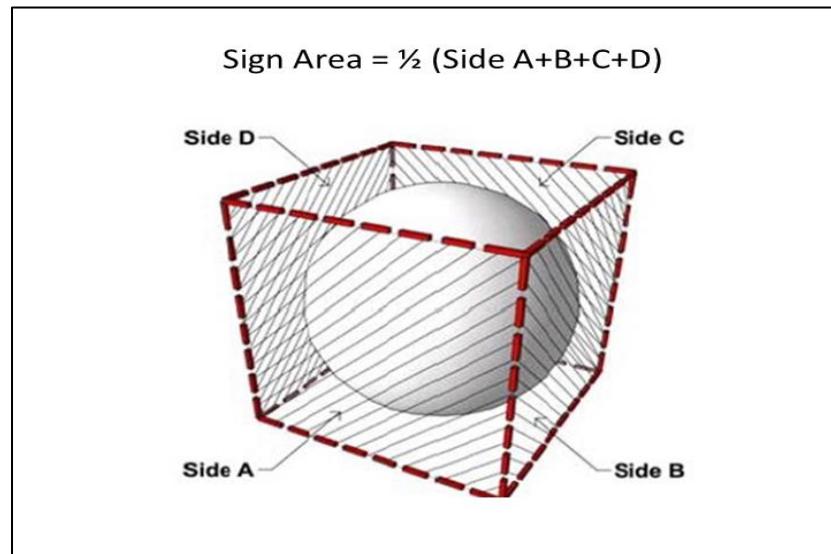
- (ii) For signs consisting of freestanding letters or features, the sign area is calculated as the total area of each rectangle that encompasses each individual letter or feature. Sign area does not include any supporting

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framework or bracing, unless such framework or bracing is part of the message or sign face.

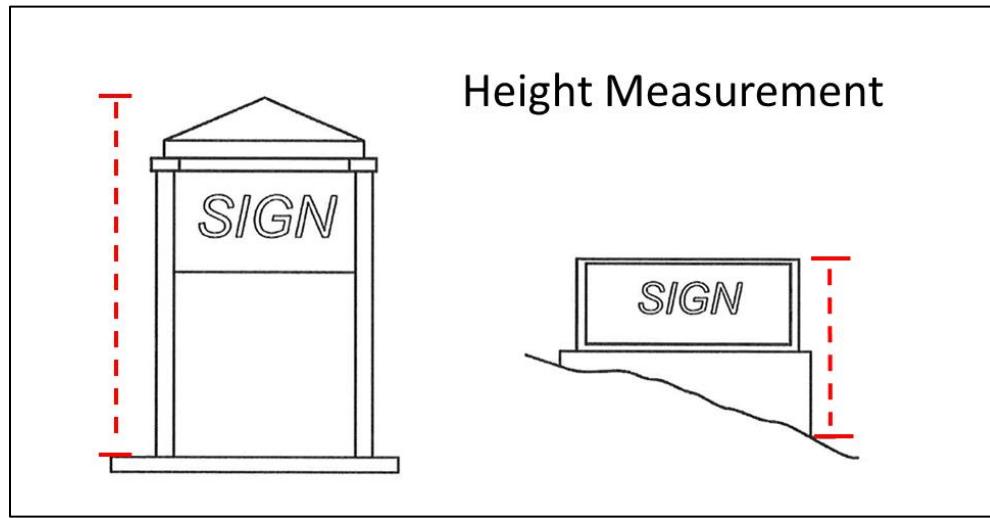


(iii) The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.

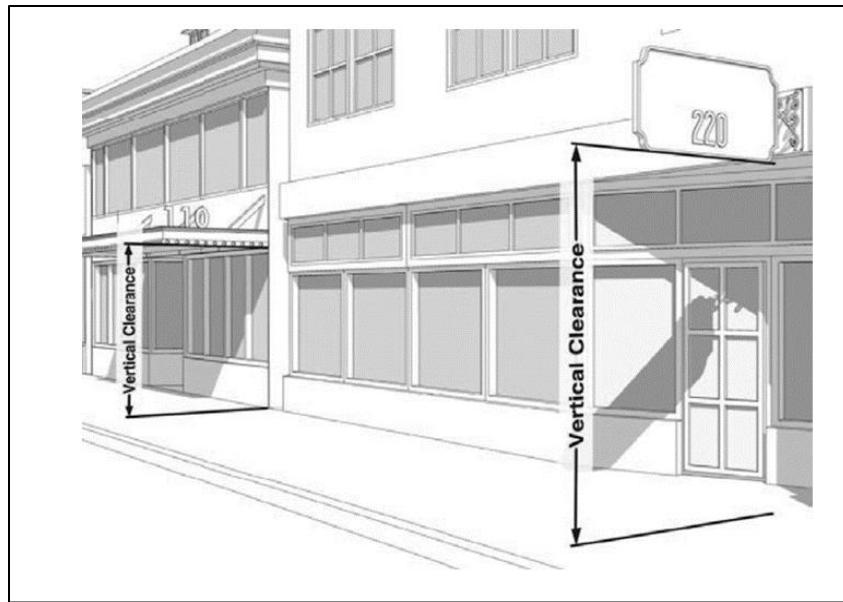


(iv) If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back to back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area.

(b) Sign Height. For detached signs, ~~S~~ign height is measured as the vertical distance from the base of a sign or sign structure, to the highest point of the sign or sign structure.



(c) Vertical Clearance. For signs attached to a structure, vertical clearance is measured as the vertical distance from the sidewalk level to the lowest point of the sign.



(4) Signs that may be erected without a permit. The following signs may be erected and maintained on private property without a permit or fee, provided that such signs comply with all standards applicable to that type of sign.

(a) One nonilluminated sign or marker cut into the masonry surface of a building, not to exceed four square feet in area.

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- (b) Flags not exceeding 60 square feet in area and mounted not more than 50 feet above grade.
- (c) ~~Directional or warning signs for the convenience and safety of the general public not exceeding four square feet in area and mounted not more than six feet above grade.~~
- (d) ~~One nonilluminated sign attached to the front facade of any principal and accessory building, not exceeding one square foot in area and mounted not more than 10 feet above grade.~~
- (e) ~~Window signs that do not exceed 15% of the area of any individual window surface in a residential, mixed use or special purpose zoning district and that, collectively, do not cover more than 10% of the total window area by story of the applicable structure (exclusive of any window signage or notices required under federal, state, or local law).~~
- (f) ~~Up to two temporary signs or banners. In the residential zoning districts, each sign or banner shall not exceed six square feet in area, and shall not be mounted more than six feet above grade. In mixed use and special purpose zoning districts, each sign or banner shall not exceed 20 square feet in area, signs shall not be mounted more than 10 feet above grade, and banners shall not be mounted above the second story of the building. In all zoning districts, the temporary signs shall be limited to a period of six consecutive months in each calendar year. All temporary signs that related to a specific event or activity shall be removed within seven days of the end of the event or activity to which they relate.~~
- (g) ~~A frame or sandwich type sidewalk signs in front of establishments in the mixed-use districts that are no taller than three feet, that are located so as to maintain at least a four foot clear pedestrian passage area on any sidewalk, and that are removed from the sidewalk area when the adjacent establishment is closed for business.~~
- (h) ~~Seasonal holiday decorations and lighting.~~

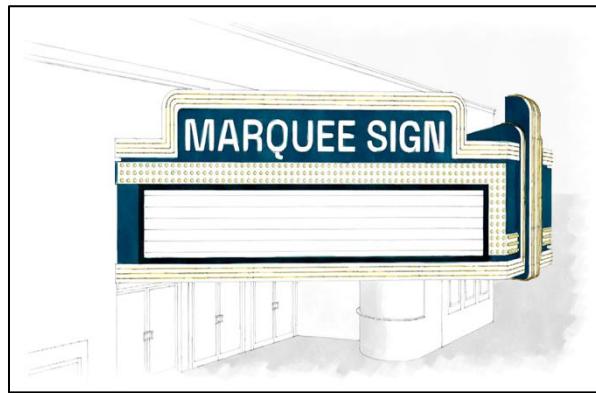
(4) Sign types.

- (a) Attached signs. An attached sign shall mean a sign that is attached to a building (including any building component, such as a column, marquee or canopy) and that uses the building as its primary support. The following are specific types of signs that are categorized as attached signs:
 - (i) Awning sign. Any sign or graphic attached to, painted on or applied to an awning, awning canopy or fuel canopy.

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(ii) Marquee sign. Any sign which is located on a marquee, or a permanent roofed structure attached to and supported by the building and projecting over public property.



(iii) Projecting sign. Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.



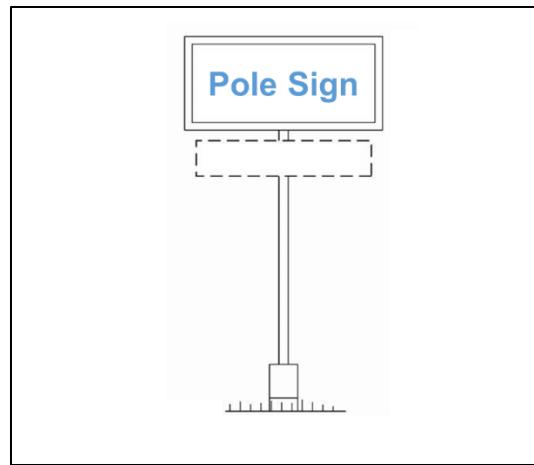
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(iv) Wall sign. Any sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of said wall, not extending beyond the ends or over the top of the wall to which the sign is attached, nor more than nine inches from the face of the building or structure to which the sign is attached.



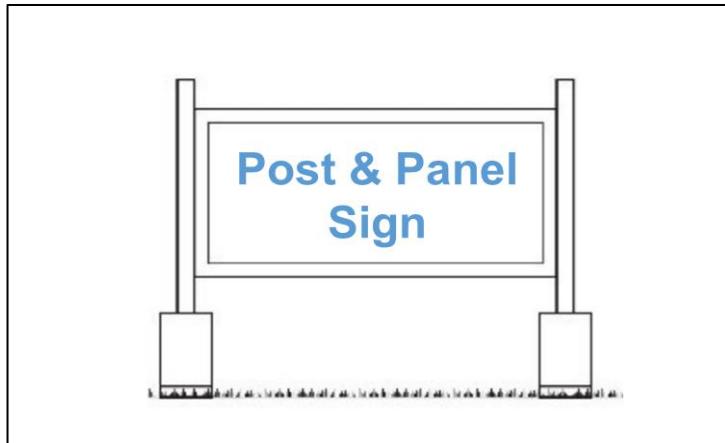
(b) Detached sign. Any sign that is connected to the ground, and that is not attached to a building or a component of a building. The following are specific types of signs that are categorized as detached signs:

(i) Pole sign. Any freestanding sign in which the sign face is supported by a single post, pole or support, and the area between the sign face and the ground is not opaque or enclosed, so that the sign face support structure is visible.

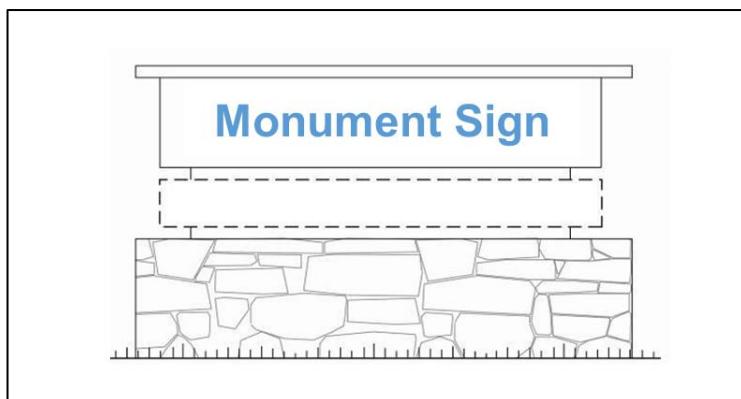


(ii) Post-and-panel. Any freestanding sign in which the sign face is supported by two poles, posts, or supports, generally located at or near either end of the sign face, and between which poles, posts, or supports the sign face is visible.

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(iii) Monument sign. Signage constructed on a monument base identifying the name of the business or retail center on the premises upon which the sign is placed. A sign face manufactured and constructed clearly to be a portable sign shall not be used in any form to be made into a permanent sign.



(5) On premises signs that require a sign permit.

(a) The following types of on premises signs may be erected, provided that the applicant obtains a sign permit pursuant to § 375-505(15) (Sign permit) and a building permit authorizing the erection of the sign:

(i) Type, size, and locations.

Table 375.409.1

Type, Size, and Locations of Signs

Type of Sign	Standard	Residential Districts	Mixed-Use Districts	Special Purpose Districts
Freestanding	Maximum number per street frontage	1[1]	MU-NE MU-NC MU-CI MU-CU	1

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		MU-CH MU-DT MU-FW MU-FC MU-FS MU-FM	0	
	Maximum size (square feet)	6[1] MU-CU MU-CH MU-CI MU-DT MU-NC MU-NE	64[3] 64 20	
	Maximum height (feet)	5 MU-CU MU-CH MU-CI MU-DT MU-NC MU-NE	8[3] 6 5	
	Illumination	External only[1]	Yes[4]	Yes[4]
	Maximum number per street frontage or shopfront[7]	1[1] MU-CU MU-CH MU-CI MU-DT MU-NC MU-NE MU-FW MU-FC MU-FS MU-FM	1[5][8] 32[3][5] 24	1
Wall				
	Illumination	No	Yes[4]	Yes[4]
Projecting	Maximum number per street frontage or shopfront[7]	0 N/A	1[6] MU-CU 32	1[6] 32

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		MU-CH MU-CI MU-DT		
	Maximum size (square feet)	MU-NE MU-NC MU-FW MU-FC MU-FS MU-FM	24	
	Illumination	N/A	Yes[4]	Yes[4]
Awning	Maximum number per street frontage or shopfront ⁷		1[6]	1[6]
	Maximum size of sign area (square feet)	N/A	24	24
	Illumination	N/A	Yes[4]	Yes[4]

NOTES:

[1]	Limited to multi-unit dwellings and nonresidential uses.
[2]	Buildings with commercial use or shopfront may be approved for a wall sign of up to 10 square feet, provided that the proposed sign is consistent with the character of the building and neighborhood in which it is located, as determined by the Chief Planning Official.
[3]	In the MU-CH and MU-CI Districts, a freestanding directory sign of up to 100 square feet is permitted for multi-tenanted properties that have more than 200 linear feet of street frontage.
[4]	Applicable signs are subject to the provisions of §§ 375-408 and 375-409(3).
[5]	Additional signs permitted above top row of windows on buildings at least 9 stories in height may not extend across more than 50% of building facade width.
[6]	Permitted only as alternative to a wall sign.
[7]	Where more than one sign is allowed for multiple shopfronts, the sign for each shopfront shall not exceed the width of the shopfront.

(ii) Standards for specific types of signs. The following regulations shall apply to the specific types of signs listed below:

A. Freestanding signs.

1. Freestanding signs shall be monument, or post and panel signs.

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2. ~~No freestanding sign shall be located less than five feet from the side lot line.~~
3. ~~In the MU NC, MU CU and special purpose districts, up to 20% of the permitted freestanding sign area may be electronically or manually changeable copy. In the MU CH District, up to 50% of the permitted freestanding sign area may be electronically or manually changeable copy, provided that any electronically changeable copy:~~
 - a. ~~Does not change images or symbols more than four times each minute, and each change of image takes place in less than one second; and~~
 - b. ~~The maximum illumination of the electronic copy is not more than 5,000 nits from dawn to dusk or 500 nits from dusk to dawn; and~~
 - c. ~~Is located perpendicular to a street fronting the property.~~

B. Wall signs.

1. ~~Wall signs shall not extend beyond the ends or over the top of the wall to which the sign is attached.~~
2. ~~Wall signs shall not project more than nine inches from the face of the building to which the sign is attached.~~

C. Projecting signs.

1. ~~Projecting signs shall not have more than two faces unless located at the corner of a building on a corner lot.~~
2. ~~The exterior edge of a projecting sign shall not extend more than five feet perpendicular from the building face or 1/3 the width of the sidewalk, whichever is less.~~

D. Awning signs. ~~Awning sign messages shall be integrated into or painted on the awning. No sign shall project outward from an awning surface.~~

(5) Standards applicable to all signs.

(a) General Standards.

Matter in ~~strikethrough~~ to be deleted. Matter underlined is new material.

- (i) Noncommercial content may be substituted for other content on any sign permitted under this § 375-409 or any legally nonconforming sign under this USDO.
- (ii) No sign or part of a sign shall be located on any property without the consent of the owner, holder, lessee, agent or trustee or other party controlling the use of such property.
- (iii) No sign shall be constructed that resembles any official marker erected by the City, the State of New York or any governmental agency or that by reason of positioning, shape or color would conflict with the proper functioning of any traffic sign or signal or would impair or cause confusion of vehicular or pedestrian traffic.
- (iv) No sign or sign support shall be placed upon the roof of any building.
- (v) No signage shall contain any obscene wording or images.
- (vi) Any part of a sign extending over a public right-of-way shall require the approval of the City.
- (vii) Notwithstanding any other provision of this § 375-409, applications for signs to be located on property in the HR-O District shall be referred to the Chief Planning Official or Historic Resources Commission for review and recommendation as to appropriateness with and conformity to such areas' aesthetic, historic and/or architectural integrity.

(b) Sign construction.

- (i) All signage shall be constructed of durable material and maintained in good condition and repair, shall be securely anchored and constructed to prevent lateral movement that would cause wear on supporting connections, and shall be constructed to withstand expected wind loads appropriate to design and installation.
- (ii) Supports and braces must be designed as an integral part of the overall sign structure and hidden from public view to the extent technically feasible.
- (iii) If a raceway is necessary, it must not extend in width or height beyond the area of the sign. A raceway must be finished to match the background surface to which it is attached, or integrated into the overall design of the sign.
- (iv) Conduits and other electrical components must be designed as an integral part of the overall sign structure and hidden from view to the extent technically feasible. Visible transformers are prohibited.

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(v) When a building-mounted sign is removed, the wall must be repaired and restored to its original condition prior to sign installation.

(c) Sign location.

(i) Location on building.

A. Signs must not be located so that they cover architectural features of the building, including, but not limited to, transoms, insignias, or any other architectural feature.

B. All building-mounted signs shall be placed and anchored to avoid or minimize damage to any historic surface or character-defining features of a building, and so that the character-defining features of the building are not obscured.

(ii) Location on site.

A. On any corner lot, no sign that obstructs sight lines at elevations between three and six feet above the driving surface of the adjacent roadway shall be permitted in the area formed by measuring 20 feet along both curblines where they intersect, and connecting the two points to form a sight triangle.

B. Vertical clearance. Any part of a sign shall have a minimum clearance of eight feet above any pedestrian traffic area, sidewalk or walkway and a minimum clearance of 10 feet above any vehicle driving surface.

(d) Illumination.

(i) Only external light sources are permitted in residential zone districts.

(ii) External light sources intended to illuminate the sign face must be fully shielded and placed close to, and directed upon, the sign face.

(iii) Internally illuminated or backlit signs (except for neon tubing) shall be prohibited. Internal illumination is limited to letters, numbers, symbols, and accents. The remaining area of the sign face must remain opaque.

(iv) No sign shall contain flashing, blinking, fluttering, or strobe-light effects.

(e) Other displays on walls, structures, or sites.

(a) General provisions. This § 375-409(6) applies to all displays on walls or structures that are not exempt from the requirements of this § 375-409, that exceed the height,

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~~size, duration, or another physical standard in this section for an attached sign in the zoning district where the wall or structure is located.~~

(b) ~~Special review required.~~

(i) ~~Applications for approval of a display under this § 375-409(6) shall be reviewed by the Planning Board, unless the Planning Board has delegated such duties to the Albany Arts Commission, pursuant to the review criteria in § 375-409(6)(e).~~

(ii) ~~A decision on the application shall be made within 60 days after the City's receipt of a complete application.~~

(iii) ~~An approved special display expands the number, size, and duration of signs otherwise permitted on the property. Any approval of a special display shall not affect the ability of the applicant to erect or maintain any other signs on the property permitted by this § 375-409.~~

(c) ~~Review criteria. The Planning Board may approve an application for a special display if it finds that the proposed display:~~

(i) ~~Is a form of speech or expression protected by the First Amendment to the United States Constitution and/or the New York Constitution;~~

(ii) ~~Will be created, constructed, erected, or displayed in a way that is visually distinct from other permitted signs on the property;~~

(iii) ~~Serves to activate or enhance a public space or streetscape;~~

(iv) ~~Does not exceed the dimensions of any surface upon which it is mounted;~~

(v) ~~Will be treated to address vandalism and exposure to sun;~~

(vi) ~~Will not require extensive or repeated maintenance, or the applicant has provided adequate assurance (including financial assurance) that maintenance and repairs will be timely performed;~~

(vii) ~~Does not create a threat to public health or safety or to vehicular, bicycle, or pedestrian traffic safety or congestion;~~

(viii) ~~Does not create noise, sound, light, reflection, glare, shading, flickering, vibration, or odor impacts on nearby properties; and~~

(ix) ~~Does not impair the performance of required City functions~~

(6) Standards for specific types of signs. The following regulations shall apply to the specific

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types of signs listed below:

(a) Detached signs.

- (i) Detached signs shall be monument, or post-and-panel signs. Pole signs shall be prohibited.
- (ii) No detached sign shall be located less than five feet from the side lot line.
- (iii) In the MU-NC and MU-CU districts, up to 30% of the permitted detached sign area may be electronically or manually changeable copy. In the MU-CH, MU-CI and special purpose districts, up to 70% of the permitted detached sign area may be electronically or manually changeable copy, provided that any electronically changeable copy:
 - A. Does not change images or symbols more than once every 10 seconds;
 - B. Changes in an instantaneous manner, without scrolling, fading in, dropping in, or similar moving copy changes;
 - C. Does not exceed the maximum illumination of 5,000 nits from dawn to dusk or 500 nits from dusk to dawn;
 - D. Shall have automatic dimming capabilities that are equipped with a photocell that detects ambient light and automatically adjusts brightness levels to the limits set here within;
 - E. Does not employ the use of audio; and
 - F. Is located perpendicular to a street fronting the property.

(b) Wall signs.

- (i) Wall signs shall not extend beyond the ends or over the top of the wall to which the sign is attached.
- (ii) Wall signs shall not project more than nine inches from the face of the building to which the sign is attached.

(c) Projecting signs.

- (i) Projecting signs shall not have more than two faces unless located at the corner of a building on a corner lot.
- (ii) The exterior edge of a projecting sign shall not extend more than five feet

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perpendicular from the building face or 1/3 the width of the sidewalk, whichever is less.

(d) Awning signs.

(i) Awning sign messages shall be integrated into or painted on the awning. No sign shall project outward from an awning surface.

(e) Menu board signs.

(i) A maximum of two menu boards are permitted per drive aisle of a drive-in or drive-through facility.

(ii) A menu board shall not exceed 50 square feet.

(iii) The sign area for a menu board shall not be counted in the total cumulative sign area for attached or detached signs.

(iv) Menu boards shall be located a minimum of 15 feet from any residentially zoned property.

(v) The sign area for a menu board shall not be counted in the total cumulative sign area for attached or detached signs.

(vi) Menu boards shall not be counted in the total cumulative number of allowed attached or detached signs.

(7) ~~Off premises signs that require a permit. The following types and numbers of off premises signs may be erected in the following locations, provided that the applicant obtains a sign permit pursuant to § 375-505(15) (Sign permit) and a building permit authorizing the erection of the sign~~

(a) ~~Maximum type, number and permitted locations.~~

(i) ~~Unless otherwise limited by this USDO, off premises monument, post and panel, and pole signs are permitted.~~

(ii) ~~There shall not be constructed, relocated or otherwise erected in the City any off premises signs or sign faces that would result in more than 95 off-premises sign faces existing in the City.~~

(iii) ~~Off premises signage, including billboards, is prohibited except in the following designated areas:~~

A. ~~The area along Interstate 90 bounded by its intersection with the City line to the east and its intersection with Central Avenue to the west,~~

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~~not to exceed a distance of 75 feet from the state right of way.~~

B. ~~The area along Interstate 787 bounded on the south by a line drawn in a generally easterly direction from its intersection with Clinton Avenue and the City line north, not to exceed a distance of 75 feet from the state right of way.~~

C. ~~The area along Interstate 787 bounded by its intersection with Route 9 to Madison Avenue on the north, not to exceed a distance of 75 feet from the state right of way.~~

(iv) ~~Notwithstanding the provisions of Subsection (7)(a)(ii) above, no off-premises sign visible from a public right of way shall be constructed at any location having principal frontage on any street within 150 feet of any property that is used for public parks, schools and churches, having its principal frontage on the same street.~~

(b) Maximum size and height.

(i) ~~The maximum area for any one face of an off-premises sign shall be 700 square feet, inclusive of any border and trim but excluding the base or apron, supports and other structural members. Cutouts not exceeding 20% of the maximum areas may be added to each face of an off-premises sign.~~

(ii) ~~The maximum height for any off-premises sign, exclusive of cutouts, shall be 60 feet. All measurements are to be taken from the grade level at which the sign is located.~~

(c) ~~Relocation. Off-premises signage removed from the prohibited areas in accordance with the provisions of this § 375.409(7) may be relocated and reconstructed in the areas listed in Subsection (7)(a) above.~~

(d) Legally nonconforming off-premises signs.

(i) ~~Off-premises signs in existence on the effective date, December 7, 1992, of this § 375.409(7) that have been legally erected and maintained, but that do not comply with the provisions of this § 375.409(7), may continue to be maintained and repaired in place, so long as the size of the sign is not increased in terms of faces, length, height, or illumination levels.~~

(ii) ~~Legally preexisting nonconforming signage that is removed for reasons other than being illegal pursuant to this § 375.409(7) may be removed and relocated in accordance with Subsection (7)(c) above, provided that the style and type of the sign is not changed.~~

(7) Signs that may be erected without a permit. The following signs may be erected and

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maintained on private property without a permit or fee, provided that such signs comply with all standards applicable to that type of sign.

(a) Permanent exempt signs.

- (i) Any sign erected or required to be erected by any state or federal governmental agency, provided that the size, height, location, and type of sign comply with these provisions to the maximum extent practicable.
- (ii) One nonilluminated sign or marker cut into the masonry surface of a building, not to exceed four square feet in area.
- (iii) Flags not exceeding 60 square feet in area and mounted not more than 50 feet above grade.
- (iv) Directional or warning signs for the convenience and safety of the general public not exceeding four square feet in area and mounted not more than six feet above grade.
- (v) One nonilluminated sign attached to the front facade of any principal and accessory building, not exceeding one square foot in area and mounted not more than 10 feet above grade.
- (vi) Window signs that do not exceed 15% of the area of any individual window surface in a residential, mixed-use or special purpose zoning district and that, collectively, do not cover more than 10% of the total window area by story of the applicable structure (exclusive of any window signage or notices required under federal, state, or local law).
- (vii) A-frame or sandwich-type sidewalk signs in front of establishments in the mixed-use districts that are no taller than three feet, that are located so as to maintain at least a four-foot clear pedestrian passage area on any sidewalk, and that are removed from the sidewalk area when the adjacent establishment is closed for business.
- (viii) Seasonal holiday decorations and lighting.
- (ix) One ATM sign which is incorporated into and designed as part of an automatic teller machine (ATM). The advertisement upon the ATM sign must be limited to the term "ATM" and the name and logo of the financial institution rendering the ATM service.
- (x) Signage affixed directly upon a vehicle charging station or fueling pump.

(b) Temporary exempt signs.

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(i) Up to two temporary signs or banners shall be permitted.

A. In the residential zoning districts, each sign or banner shall not exceed six square feet in area, and shall not be mounted more than six feet above grade.

B. In mixed-use and special purpose zoning districts, each sign or banner shall not exceed 20 square feet in area, signs shall not be mounted more than 10 feet above grade, and banners shall not be mounted above the second story of the building.

C. In all zoning districts, the temporary signs shall be limited to a period of six consecutive months in each calendar year. All temporary signs that relate to a specific event or activity shall be removed within seven days of the end of the event or activity to which they relate.

(ii) A maximum of one construction sign is permitted per frontage. A construction sign is a temporary sign intended to provide information about current construction on a site and the parties involved in the project.

A. A construction sign may identify the developer, builder, architect, contractor, subcontractor, material supplier, elected officials, participating government agencies, and/or project description for an on-premises construction project.

B. The area of a temporary construction sign shall not exceed 40 square feet.

C. A construction sign shall only be erected after approval of a building permit for the associated work, and must be removed within seven days of issuance of a certificate of occupancy or expiration of the permit.

(8) On-premises signs. The following on-premises signs may be erected, provided that the applicant obtains a sign permit pursuant to § 375-505(15) (Sign permit) and a building permit authorizing the erection of the sign:

(a) Attached signs: location, number, and size.

Table 375.409.1
Attached Signs: Number and Size
SF = Square Feet

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<u>Zoning District</u>	<u>Maximum Number of Attached Signs Per Shopfront or Frontage</u>	<u>Maximum Individual Sign Size (SF)</u>	<u>Cumulative Size of all Attached Signs (SF)</u>	<u>Sign Illumination</u>
<u>R-1L, R-1M, R-2</u>	<u>1</u> ^[1] _[2]	<u>6 SF</u>	<u>6 SF</u>	<u>Not Permitted</u>
<u>R-T, R-M</u>	<u>1</u> ^[1] _[2]	<u>10 SF</u>	<u>10 SF</u>	<u>External Only</u>
<u>R-V</u>	<u>1</u> ^[1]	<u>20 SF</u>	<u>50 SF</u>	<u>External Only</u>
<u>MU-NE, MU-NC, MU-FM, MU-FC</u>	<u>2</u>	<u>24 SF</u>	<u>32 SF</u>	<u>External & Internal</u> ^[3]
<u>MU-CU, MU-DT, MU-FS, MU-FW</u>	<u>2</u>	<u>32 SF</u> ^[4]	<u>40 SF</u>	<u>External & Internal</u> ^[3]
<u>MU-CH</u>	<u>Not Limited</u>	<u>1 SF for each linear foot of building frontage, not to exceed 64 SF.</u>	<u>200 SF</u>	<u>External & Internal</u> ^[3]
<u>MU-Cl</u>	<u>1 per 125 ft. of frontage</u>	<u>64 SF</u> ^[4]	<u>400 SF</u>	<u>External & Internal</u> ^[3]
<u>I-1</u>	<u>1 per 250 ft. of frontage</u>	<u>64 SF</u>	<u>100 SF</u>	<u>External & Internal</u> ^[3]
<u>I-2</u>	<u>1 per 100 ft. of frontage</u>	<u>64 SF</u>	<u>100 SF</u>	<u>External & Internal</u> ^[3]
<u>LC</u>	<u>1 per 250 ft. of frontage</u>	<u>25 SF</u>	<u>n/a</u>	<u>External Only</u>

NOTES:

<u>[1]</u>	<u>Limited to multi-unit dwellings and nonresidential uses.</u>
<u>[2]</u>	<u>Buildings with a shopfront may be approved for a wall sign of up to 20 square feet, provided that the proposed sign is consistent with the character of the building and neighborhood in which it is located, as determined by the Chief Planning Official.</u>
<u>[3]</u>	<u>Refer to section 375-409(5)(d), Illumination, for the standards applicable to sign illumination.</u>
<u>[4]</u>	<u>Additional signs permitted above top row of windows on buildings at least 9 stories in height may not extend across more than 50% of building facade width.</u>

(b) Detached signs: location, number, and size.

Table 375.409.2					
Detached Signs: Number, Size, and Height					
SF = Square Feet FT = Feet					
<u>Zoning District</u>	<u>Maximum Number of Detached Signs Per Shopfront or Frontage</u>	<u>Maximum Individual Sign Size (SF)</u>	<u>Cumulative Size of all Detached Signs (SF)</u>	<u>Detached Sign Height (FT)</u>	<u>Illumination</u>
<u>R-1L, R-1M, R-2</u>	<u>1</u> ^[1] _[2]	<u>6 SF</u>	<u>6 SF</u>	<u>4 ft.</u>	<u>Not Permitted</u>
<u>R-T, R-M</u>	<u>1</u> ^[1] _[2]	<u>10 SF</u>	<u>10 SF</u>	<u>5 ft.</u>	<u>External Only</u>
<u>R-V</u>	<u>1 per 250 ft. of frontage</u> ^[1]	<u>32 SF</u>	<u>64 SF</u>	<u>5 ft.</u>	<u>External Only</u>

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<u>MU-NE, MU-NC</u>	<u>1</u> ^[2]	<u>24 SF</u>	<u>24 SF</u>	<u>5 ft.</u>	<u>External & Internal</u> ^[3]
<u>MU-DT, MU-FW, MU-FC, MU-FS, MU-FM</u>	<u>1</u> ^[2]	<u>32 SF</u>	<u>32 SF</u>	<u>5 ft.</u>	<u>External Only</u>
<u>MU-CU</u>	<u>1</u>	<u>50 SF</u>	<u>64</u>	<u>6 ft.</u>	<u>External & Internal</u> ^[3]
<u>MU-CH</u>	<u>1 per 100 ft. of frontage</u> ^[4]	<u>100 SF</u>	<u>200 SF</u>	<u>15 ft.</u>	<u>External & Internal</u> ^[3]
<u>MU-CI</u>	<u>1 per 125 ft. of frontage</u> ^[4]	<u>64 SF</u>	<u>400 SF</u>	<u>10 ft.</u>	<u>External & Internal</u> ^[3]
<u>I-1</u>	<u>1 per 250 ft. of frontage</u>	<u>64 SF</u>	<u>200 SF</u>	<u>6 ft.</u>	<u>External & Internal</u> ^[3]
<u>I-2</u>	<u>1 per 100 ft. of frontage</u>	<u>100 SF</u>	<u>300 SF</u>	<u>8 ft.</u>	<u>External & Internal</u> ^[3]
<u>LC</u>	<u>1 per 250 ft. of frontage</u>	<u>25 SF</u>	<u>n/a</u>	<u>6 ft.</u>	<u>External Only</u>

NOTES:

[1]	Limited to multi-unit dwellings and nonresidential uses.
[2]	A detached sign shall only be permitted on a lot where the front yard setback of an existing principal building is greater than 20 feet.
[3]	Refer to section 375-409(5)(d), Illumination, for the standards applicable to sign illumination.
[4]	In the MU-CH and MU-CI Districts, an additional detached directory sign of up to 100 square feet is permitted for multi-tenanted properties that have more than 200 linear feet of street frontage.

(9) Other displays on wall, structures, or sites.

- (a) General provisions. This § 375-409(9) applies to all displays on walls or structures that are not exempt from the requirements of this § 375-409, that exceed the height, size, duration, or another physical standard in this section for an attached sign in the zoning district where the wall or structure is located.
- (b) Special review required.
 - (i) Applications for approval of a display under this § 375-409(9) shall be reviewed by the Planning Board, unless the Planning Board has delegated such duties to the Albany Arts Commission, pursuant to the re-view criteria in § 375-409(9)(c).
 - (ii) A decision on the application shall be made within 60 days after the City's receipt of a complete application.
 - (iii) An approved special display expands the number, size, and duration of signs otherwise permitted on the property. Any approval of a special display shall not affect the ability of the applicant to erect or maintain any other signs on the property permitted by this § 375-409.
- (c) Review criteria. The Planning Board may approve an application for a special

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display if it finds that the pro-posed display:

- (i) Is a form of speech or expression protected by the First Amendment to the United States Constitution and/or the New York Constitution;
- (ii) Will be created, constructed, erected, or displayed in a way that is visually distinct from other permitted signs on the property;
- (iii) Serves to activate or enhance a public space or streetscape;
- (iv) Does not exceed the dimensions of any surface upon which it is mounted;
- (v) Will be treated to address vandalism and exposure to sun;
- (vi) Will not require extensive or repeated maintenance, or the applicant has provided adequate assurance (including financial assurance) that maintenance and repairs will be timely performed;
- (vii) Does not create a threat to public health or safety or to vehicular, bicycle, or pedestrian traffic safety or congestion;
- (viii) Does not create noise, sound, light, reflection, glare, shading, flickering, vibration, or odor impacts on nearby properties; and
- (ix) Does not impair the performance of required City functions on or around the property.

(10) Off-premises signs. The following types and numbers of off-premises signs may be erected in the following locations, provided that the applicant obtains a sign permit pursuant to § 375-505(15) (Sign permit) and a building permit authorizing the erection of the sign.

(a) Maximum type, number and permitted locations.

- (i) Unless otherwise limited by this USDO, off-premises monument, post-and-panel, and pole signs are permitted.
- (ii) There shall not be constructed, relocated or otherwise erected in the City any off-premises signs or sign faces that would result in more than 95 off-premises sign faces existing in the City.
- (iii) Off-premises signage, including billboards, is prohibited except in the following designated areas:
 - A. The area along Interstate 90 bounded by its intersection with the City line to the east and its intersection with Central Avenue to the west, not to exceed a distance of 75 feet from the state right-of-way.

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B. The area along Interstate 787 bounded on the south by a line drawn in a generally easterly direction from its intersection with Clinton Avenue and the City line north, not to exceed a distance of 75 feet from the state right-of-way.

C. The area along Interstate 787 bounded by its intersection with Route 9 to Madison Avenue on the north, not to exceed a distance of 75 feet from the state right-of-way.

(iv) Notwithstanding the provisions of Subsection (7)(a)(ii) above, no off-premises sign visible from a public right-of-way shall be constructed at any location having principal frontage on any street within 150 feet of any property that is used for public parks, schools and churches, having its principal frontage on the same street.

(b) Maximum size and height.

(i) The maximum area for any one face of an off-premises sign shall be 700 square feet, inclusive of any border and trim but excluding the base or apron, supports and other structural members. Cutouts not exceeding 20% of the maximum areas may be added to each face of an off-premises sign.

(ii) The maximum height for any off-premises sign, exclusive of cutouts, shall be 60 feet. All measurements are to be taken from the grade level at which the sign is located.

(11) Severability. If any decision, subsection, sentence, phrase or portion of this § 375-409 is for any reason held in-valid or unconstitutional by any court of competent jurisdiction, that portion of these regulations shall be deemed separate and distinct, and any such holding shall not affect the validity or constitutionality of the remaining portions of this § 375-409, which shall remain in full force and effect.

Section 3. Subparagraph (ii) of paragraph (a) (Applicability) of subsection (15) (Sign permit) of section 375-505 (Specific procedures) of Article V (Administration and Enforcement) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

(ii) A sign permit is not required for those signs listed in § 375-409(4) 375-409(7)(a)(iv) (Signs that may be erected without a permit).

Section 4. Subsection (6) (Legally nonconforming signs) of section 375-506 (Preexisting development and nonconformities) of Article V (Administration and Enforcement) of Chapter 375

(Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

(6) Legally nonconforming signs

- (a) All signs that have been lawfully erected shall be deemed to be legal and lawful signs and shall be maintained or repaired subject to the provisions of this section.
- (b) On-premises signs legally erected before the adoption of this USDO that do not conform to the provisions of § 375-409 may ~~continue to be maintained as long as the specific business or use to which any sign pertains continues to operate at the same property; however, they shall not be enlarged, increased in height, redesigned or altered in any way, unless to conform to the requirements of this USDO remain in use, provided that the sign is not altered to increase the degree of nonconformity or to create a new nonconformity. A nonconforming sign may be otherwise maintained or repaired, and the sign face and sign message may be changed, so long as such alterations do not increase the size, height, or degree of illumination of the sign.~~
- (c) Off-premises signs in existence on December 7, 1992, that have been legally erected and maintained, but that do not comply with the provisions of § 375-409(10), may continue to be maintained and repaired in place, so long as the size of the sign is not increased in terms of faces, length, height, or illumination levels.
- (ed) A pole sign, as defined in § 375-602409(4)(b)(i), legally erected prior to the adoption of this USDO, may continue to be maintained as long as the specific business or use to which the sign pertains continues to operate at the same property; however, they shall not be enlarged, increased in height, redesigned or altered in any way, unless to conform to the requirements of this USDO.
- (de) No on-premises nonconforming sign may be relocated in whole or in part to any other location on the same lot or any other lot, unless the sign conforms to the standards of this USDO.
- (f) Off-premises signage removed from prohibited areas may be relocated and reconstructed in the areas listed in § 375-409(10)(a)(iii).

Section 5. The definition of “Sign” in section 375-602 (Definitions) of Article VI (Rules of Construction; Definitions) of Chapter 375 (Unified Sustainable Development Ordinance) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

SIGN

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Any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interest of any business or persons when the same is placed in view of the general public.

(1) **AWNING SIGN**

~~Any sign or graphic attached to, painted on or applied to an awning, awning canopy or fuel canopy~~

MENU BOARD SIGN

A permanently mounted variable-message sign used to display items and prices for a drive-through facility.

(2) **FREESTANDING SIGN**

~~Any sign supported by structures or supports that are placed on, or anchored in, the ground, and that are independent from any building or any other structure.~~

(3) **MONUMENT SIGN**

~~Signage constructed on a monument base identifying the name of the business or retail center on the premises upon which the sign is placed. A sign face manufactured and constructed clearly to be a portable sign shall not be used in any form to be made into a permanent sign.~~

(4) **POLE SIGN**

~~Any freestanding sign in which the sign face is supported by a single post, pole or support, and the area between the sign face and the ground is not opaque or enclosed, so that the sign face support structure is visible.~~

(5) **OFF-PREMISES SIGN**

A sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.

(6) **POST AND PANEL SIGN**

~~Any freestanding sign in which the sign face is supported by two poles, posts, or supports, generally located at or near either end of the sign face, and between which poles, posts, or supports the sign face is visible.~~

(7) **PROJECTING SIGN**

~~Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall.~~

(8) **WALL SIGN**

~~A sign attached to the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of said wall, not extending beyond the ends or~~

~~over the top of the wall to which the sign is attached, nor more than nine inches from the face of the building or structure to which the sign is attached.~~

Section 6. This ordinance shall take effect immediately.

**APPROVED AS TO FORM THIS
23RD DAY OF OCTOBER, 2024**

Corporation Counsel

To: **Shaniqua Jackson, City Clerk**

From: **Brett Williams, Esq., Sr. Asst. Corporation Counsel**

Re: **Common Council Legislation**
Supporting Memorandum

Date: **October 23, 2024**

Sponsor: **Balarin, on behalf of the Committee on Planning, Economic Development and Land Use**

ORDINANCE 65.111.24

TITLE

AN ORDINANCE AMENDING CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO REQUIREMENTS FOR SIGNS

GENERAL PURPOSE OF LEGISLATION

This ordinance clarifies existing signage regulations in the USDO by removing ambiguities and providing clear methods for calculating sign area across different sign types. While maintaining essential standards, these revisions introduce measured flexibility to better address varying building sizes and street frontages, ensuring that signage is appropriately scaled without compromising the integrity of the city's zoning goals.

NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW

The sharp increase in area variance requests for signage—95 since 2021, with over 80% approved—points to challenges with the current regulations. The proposed changes aim to reduce the need for variances by addressing common difficulties and misconceptions in the code, creating a more balanced approach that upholds zoning objectives while responding to practical needs.

FISCAL IMPACT

None.