



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, N.Y. 10013-3394

GASTON SILVA, R.A., Commissioner

(212) 312-8100
TTY (212) 312-8188

Barry G. Cox
Deputy Commissioner
Operations & Administration
(212) 312-8004
FAX: (212) 312-8012/8065

ISSUANCE # 517

OPERATIONS
POLICY AND PROCEDURE NOTICE # 1/97

TO: Distribution
FROM: Barry G. Cox
RE: Sign Applications and Permits
DATE: March 6, 1997

PURPOSE: To ensure that signs adjacent to arterial highways comply with applicable zoning resolution and building code provisions.

REFERENCE: Zoning Resolution of the City of New York (ZR) §12-10 (sign definition); ZR Articles 3, 4 and 5 (Chapter 2, Sign Regulations); ZR Appendix C; ZR Special District Regulations; Administrative Code of the City of New York §27-196; Department Directive No. 17/71.

EFFECTIVE: Immediately.

SPECIFICS:

I. Expiration of Outstanding Permits

All outstanding permits for signs expire within one year of issuance, unless the sign has been erected pursuant to the permit. There shall be no renewal or reinstatement of permits unless the application has been reviewed for compliance with applicable laws, particularly with respect to the placement of signs within 200 feet of an arterial highway. Public authorities and entities are not exempt from such compliance.

II. Applications for Signs and Supporting Ground Structures

All sign applications and supporting ground structure applications shall be presented as follows:

- 1) No permit shall be issued for a new or altered supporting ground structure unless there is an approved sign application (PW-1) for the particular location on the zoning lot. Ground structure permits must reflect whether it was issued for a business or advertising sign. To change from a business sign to an advertising sign, or vice versa, a subsequent PW-1 must be approved.
- 2) The sign application shall note whether it is for a business sign or an advertising sign and whether it is to be illuminated.
- 3) The sign application must be signed and authorized by the owner of the zoning lot.
- 4) If the application is for a business sign, the applicant must submit proof that the sign "directs attention to" and is "incidental to and customarily found in connection with" the business, commodity, or service conducted, sold, or offered upon the same zoning lot as the sign. Evidence of the accessory nature of the sign may include copies of leases that indicate that the sign is leased by the same lessee who operates the business use on the zoning lot, and financial records that reflect the revenue generated at the premises for the commodity or service advertised.
- 5) All business sign applications shall include the wording of the proposed sign, as well as the name of the owner of the principal use to which it directs attention.
- 6) For business signs, the name, address, and telephone number of the business owner shall be included on the face of the sign or on its supporting structure.
- 7) An application for a business sign within 200 feet of an arterial highway shall be accompanied by a restrictive declaration in the form set forth in Exhibit 1, attached hereto. The reel, page and liber number of the recorded declaration shall be noted on the work permit and/or Electrical Sign application.
- 8) All PW-1 sign applications shall be accompanied by a survey showing the zoning lot and exact location of the proposed sign. Where the proposed sign will face any road designated as "Arterial Highways" in Appendix C of the Zoning Resolution or a "principal route," "parkway" or "toll crossing" on the Master Plan of Arterial Highways for the City of New York, such distance shall be noted.

- 9) All other signs on the zoning lot must be identified on the plans and survey, and their square footage provided, for the purpose of determining compliance with the limitations on total surface area of signs allowed on a zoning lot.
- 10) Signs filed and accepted under Directive 14 or other self-certification programs shall be audited.

RV/FM

DECLARATION RESTRICTIVE REGARDING BUSINESS SIGNS

DECLARATION, made this _____ day of _____, 199__, at _____

WHEREAS, Declarant is the fee owner of certain real property ("the premises") in the City of New York, Borough of _____, designated as Block _____, Lot _____ on the Tax Map of the City of New York, and more particularly described in Exhibit A annexed hereto;

WHEREAS, the premises is located in an _____ zoning district and is within 200 feet of an arterial highway;

WHEREAS, Section (32-66)(42-53) of the Zoning Resolution of the City of New York prohibits the erection of an advertising sign in an _____ zoning district within 200 feet of an arterial highway, if such advertising sign is within view of such arterial highway;

WHEREAS, Declarant proposes to erect a sign on the premises which directs attention to _____, a profession, business, commodity, service, or entertainment conducted, sold, or offered on the premises; [Cross out inapplicable items]

WHEREAS, the sign as proposed is a business sign which is in compliance with applicable zoning requirements; and

WHEREAS, the Department of Buildings ("the Department") has advised Declarant that in order to insure compliance with Section _____ of the Zoning Resolution of the City of New York, one of the conditions for obtaining a permit for the erection of such business sign is that Declarant must execute a declaration setting forth certain conditions under which the sign must be removed or a new permit obtained from the Department;

NOW, THEREFORE, Declarant does hereby declare the following:

1. If at any time the principal use of the premises is changed and the sign is no longer used as a business sign, the sign must be removed.
2. The sign directs attention to _____, a profession, business, commodity, service, or entertainment conducted, sold, or offered at the premises. [Cross out inapplicable items]. The sign may not be altered in order to direct attention to any other profession, business, commodity, service or entertainment without the prior written consent of the Department.
3. This declaration may not be modified, amended or terminated without the prior written consent of the Department.

4. The covenants set forth herein shall run with the land and be binding upon and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns.

5. The failure to comply with the terms of this declaration may result in the denial or revocation of a permit or certificate of occupancy.

6. This declaration shall be recorded at the county clerk or city register's office and filed with the Department prior to issue of any permits or certificates of electrical inspection by the Department. Reference to the type of declaration, together with the reel, page and liber number and place of filing, shall be noted on the permit issued for the sign.