

TO: Committee of the Whole
FROM: Joel Strassman, Planning and Zoning Officer
DATE: March 24, 2021

SUBJECT: Ordinance 22-18: Amending the Text of the Zoning Code (City Code Title 10)

- Chapter 2.1: Single Family Residential Districts – Attached Garage Setback
- Chapter 4.4: Sign Regulations – Electronic Changeable Message Signs

Summary: The Zoning Code requires attached garages to be set back 6 or 12 feet from the front of single-family residences and does not allow Electronic Changeable Message Signs (ECM) in industrial zoning districts. In accordance with Plan Commission recommendations made at hearings held on March 16, attached Ordinance 22-18 would eliminate the requirement for the garage setback and would allow ECMs in the City's LI Light Industrial and GI General Industrial zoning districts.

Background: Staff initiated the garage setback amendment in the wake of the City's second approval for Winding Creek for which Planned Development relief omitted the garage setback requirement. Adoption of the 2010 Zoning Code established attached garage setbacks from the front of single-family residences. In the years leading up to 2010 to try to improve architectural and neighborhood aesthetics, the City Council approved a few single-family subdivision annexations that required attached garage setbacks when the Zoning Regulations at that time did not require the setback. Among those annexations are Tanglewood Hills (for non-side load garages), Windemere, and Pinegate.

While many subdivisions annexed in the 1990s were still being completed since adoption of the 2010 Code, their annexation agreements froze most zoning requirements to the regulations effective at the time of annexation that did not require the garage setback. Staff has learned from homebuilders that the garage setback requirement though thoughtful to aesthetics, is not what most homebuyers are seeking in a home. This coupled with the recent City Council relief for the setbacks, it is apparent the attached garage setback is a zoning requirement generally no longer supported by the City. Staff is proposing to remove attached garage setback requirements.

Aurora Sign Company, on behalf of its client Priority Trucking located at 1375 Paramount Parkway and zoned GI General Industrial District, has applied for the ECM amendment to allow for Priority Trucking to propose an ECM sign on the property. Staff understands the importance for businesses to provide targeted sign messages effectively and efficiently, which ECMs can do. Using them can reduce clutter of (often illegal) temporary signs. Aurora Sign is seeking to add identical ECM rights and restrictions the Zoning Code now applies to commercially zoned properties.

ECM use is increasing, and staff is concurrently looking to strengthen the existing regulations regarding these signs. Staff is proposing to require the ECM portion (the Zoning now limits ECMs to 50% of the overall sign size) to be lower than the overall sign height, to limit the maximum day and night light intensity and message change time, establish an overnight turn-off, and to require appropriate maintenance. Staff also sought to limit LI & GI ECMs to 40% of the overall sign size due to industrial properties not having the business model of selling to the general public like retail business. Another staff proposed amendment was to establish a minimum message change interval of 30 seconds. ECMs approved for Culver's and Speedway are limited to one (1) minute change intervals. Staff felt 30 seconds is a reasonable compromise to allow faster message change businesses would want while not overly diverting driver attention from the road.

Plan Commission Review and Action: The Commission was generally supportive of removing the garage setback. One Commissioner preferred to require the garage to not be forward of the rest of the house. Two (2) members of the public spoke in support of the setback removal. By a vote of 4-1 (1 absent, 1 vacant), the Commission recommended removing the garage setback requirement as proposed in Ordinance 22-18.

The Commission was supportive of allowing ECMs in the LI and GI districts. The applicant noted difficulties with the staff-recommended 40% size limitation stating the frame for ECMs reduce the display area and a 40% limit would result in a further diminished display area. The applicant also noted that a 30-second change interval is slower than other area municipalities that have 10- and 15-second intervals. The petitioner stated that an interval of longer than 15 seconds is like a business having a static sign being viewed by drivers. The Commission felt allowing up to 50% of LI and GI signs being ECMs would be appropriate. The Commission also felt a shorter change interval than 30 seconds should be established, settling on 15 seconds. By a vote of 5-0 (1 vacant), the Commission recommended amending the Zoning Code to allow ECMs in the LI and GI districts and to add the specifications proposed by staff, except to allow the 50% ECM sign coverage proposed by the applicant and to establish a 15 second ECM change interval. The draft Ordinance includes these Commission recommendations and not the staff-recommended 50% and 30 seconds.

Alternatives: COW can recommend approval or denial of Ordinance 22-18 as presented or with specified changes, including the recommendations by staff. Alternatively, it can continue its review or remand the matter to the Commission if additional information is needed.

Impacts: Ordinance approval will remove a zoning requirement for attached garages that has not been applicable to most residences built since it was instated, and for which the City Council has granted relief through annexation agreements and planned developments. Ordinance approval also would allow ECM signage on industrially zoned properties and appropriately regulate ECMs City-wide. Staff anticipates no negative impacts to properties or to City services and staff with the removal of the attached garage setbacks or allowing ECMs on industrially zoned property, subject to appropriate size and operation restrictions for the latter.

Timeline for Actions: COW action on Ordinance 22-18 will allow for final City Council action on April 4.

Recommendation: Staff has prepared Ordinance 22-18 in accordance with the Commission's recommendations. Staff however recommends the COW recommend a 40% size limit for LI and GI ECM coverage and the 30 second change interval as explained above. If the COW agrees with staff, Ordinance 22-18 would be amended accordingly for City Council action.

Attachments

1. Ordinance 22-18
2. Aurora Sign Co. application
3. Redline Text Amendments

- c Mayor
 Department Heads
 Aurora Sign Company, Applicant
 Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 22-18**

**AMENDING THE ZONING CODE
BATAVIA CITY CODE TITLE 10
RELATED TO GARAGE SETBACK AND ELECTRONIC
CHANGEABLE MESSAGE SIGN REGULATIONS**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 4TH DAY OF APRIL, 2022**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 5th day of April, 2022

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 22-18**

**AMENDING THE ZONING CODE
BATAVIA CITY CODE TITLE 10
RELATED TO GARAGE SETBACK AND
ELECTRONIC CHANGEABLE MESSAGE SIGN REGULATIONS**

WHEREAS, the City of Batavia's Zoning Code (City Code Title 10) contains definitions and provisions relating to the use and development of land in the City of Batavia; and

WHEREAS, the City of Batavia has received an application and has initiated its own application for amendments to certain provisions and requirements; and

WHEREAS, said provisions have been reviewed and it has been determined that these and certain other provisions, and requirements should be amended in order to better regulate the use and development of land in the City of Batavia; and

WHEREAS, public notice of proposed amendments to Title 10 of the Batavia City Code was duly given and published as required by law; and

WHEREAS, the Plan Commission of the City of Batavia did, on March 2, 2022 conduct a public hearing with respect to proposed amendments that would accomplish the appropriate changes to Title 10, and voted to recommend approval of said amendments to Title 10 of the City Code to the City Council's Committee of the Whole; and

WHEREAS, the City Council's Committee of the Whole has received the recommendation of the Batavia Plan Commission and recommended approval of said amendments; and

WHEREAS, the City Council of the City of Batavia has received the recommendation of both the Batavia Plan Commission and the Committee of the Whole, and has considered same; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed Ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That the City of Batavia Zoning Code Chapter 2.1 Single Family Residential Districts, Table 2.104 is hereby amended as follows:

CITY OF BATAVIA ORDINANCE 22-18

Standards	R0	RI-L	RI-M	RI-H	Additional Regulations
Minimum Lot Area (sq. ft.)	14,000	9,500	7,200	5,000	
Minimum Lot Width (ft.)	95	80	60	45	
Maximum Height (ft.)					
House	35	35	30	30	
Accessory Structure	25	25	25	25	
Maximum Floor Area Ratio (FAR)	0.35	0.40	0.45	0.50	
Front Setback (ft.)	30	30	25	20	
House	30	30	25	20	
Rear Setback (ft.)	30	30	30	25	
Interior Side Setback (ft.)	15	12	10	7.5 (LI)	
Corner Side Setback (ft.)	30	30	12	10	
Accessory Structure Setbacks (ft.)					See 2.106.A
Front	30	30	30	30	(A)
Rear	10	6	3	3	(B)
Interior Side	10	6	3	3	(B)
Corner Side	30	30	12	10	(B)
Principal Structure	10	10	10	10	(C)
Maximum Percentage of Building Frontage as Garage with Vehicle Door(s)	50	50	50	50	(D)
(A)	Detached garages shall be located at least 6 feet behind the front plane of the principal structure				
(B)	Rear and interior side setbacks shall be increased by 1 foot for each 1 foot or fraction thereof in excess of 15 feet in height.				
(C)	Structure may be located closer in compliance with applicable Building and Fire codes				
(D)	Unroofed porches wider than the enclosed building shall be excluded from the width of the building frontage				
(LI)	Interior side setbacks on corner lots shall be a minimum of 5 feet				

SECTION 2: That the City of Batavia Zoning Code Chapter 2.1 Single Family Residential Districts, Section 2.106.J is deleted, and subsequent Sections are renumbered accordingly.

SECTION 3: That the City of Batavia Zoning Code Chapter 4.4 Sign Regulations, Section 4.406.B.3.a (2) is hereby amended as follows:

- (2) Height. Signs shall be no greater than 6 feet in height. The height of the display area for Changeable and Electronic Changeable Message signage portions shall be no greater than 4 feet in height.

SECTION 4: That the City of Batavia Zoning Code Chapter 4.4 Sign Regulations, Section 4.406.B.3.f is hereby amended as follows:

- f. *Electronic Changeable Message Signs.* Where permitted by this Chapter (see Section 4.402.L.3), the Plan Commission, through Design Review (or the Historic Preservation Commission through COA where applicable), may approve an electronic *Changeable Message Sign* and may establish operational restrictions in addition to those in this Section. Operational restrictions include, but are not limited to, the frequency and type of message change and intensity of illumination. The Plan Commission (or the Historic Preservation Commission through a COA where applicable) shall consider the visual impacts of the sign on the uses

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surrounding the sign location, and traffic volume, movements and speed in the area of the sign.

Changeable Message Signs operation is regulated as follows:

- (1) **Static.** The Plan Commission, through Design Review approval (or the Historic Preservation Commission through COA where applicable), may establish the minimum time interval permitted between static message changes as a part of the approval of the sign, but in no case shall a message change interval be less than 15 seconds.
- (2) **Fade/Dissolve.** Images that fade and/or dissolve are prohibited.
- (3) **Travel/Scroll.** Travelling and scrolling sign messages are prohibited.
- (4) **Animated.** Animated sign messages are prohibited.
- (5) **Maintenance.** All light emitting elements of the sign shall be fully operational when messages are displayed. Elements failing to emit light shall be replaced in a timely manner. If the display malfunctions beyond individual light emitting elements, the display shall be turned off so that no light emits.
- (6) **Intensity.** The intensity of light emitted by the Electronic Message display area shall be controlled by an integral module to sense ambient light and reduce the intensity of light as ambient light decreases. Information on this control shall be provided with the Design Review (or COA where applicable) application specifying the varying light intensities achieved. Daytime intensity shall be limited to 1,000 nits; nighttime intensity shall be limited to 100 nits. Additional limitations may be established by the Plan Commission (or the Historic Preservation Commission where applicable) when the sign faces or is proximate to property zoned or used as residential.
- (7) **Electronic Changeable Message signs** shall be turned off when the business(es) it advertises is not open. For signs within 200 feet of property zoned or used as residential, the ECM shall not be illuminated between 11:00 pm and 7:00 am.

SECTION 5: That the City of Batavia Zoning Code Chapter 4.4 Sign Regulations, Section 4.407.C.2 is hereby amended as follows:

2. *Freestanding Signs*
 - a. **Monument Signs**
 - (1) **Number.** One Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. Parcels with 600 feet of street frontage are permitted 2 Monument Signs. One additional Monument Sign is permitted for each additional 300 feet of street frontage.
 - (2) **Height.** Signs shall be no greater than 10 feet in height. The height of the display area for Changeable and Electronic Changeable Message signage portions shall be no greater than 6 feet in height.
 - (3) **Area.** Signs shall be no greater than 60 square feet in area.
 - (4) **Setback.** Monument signs shall be set back a minimum of 10 feet from the right-of-way and 5 feet from any curb.

- (5) Changeable and Electronic Changeable Message Signs. Up to one-half (1/2) of the sign face of 1 monument sign in the Light and General Industrial Districts may be a Changeable or Electronic Changeable Message Sign, subject to Design Review approval. Only 1 changeable message sign is allowed per Zoning Lot.
- (6) Electronic *Changeable Message Signs*. Where permitted by this Chapter (see Section 4.402.L.3), the Plan Commission, through Design Review (or the Historic Preservation Commission through COA where applicable), may approve an electronic *Changeable Message Sign* and may establish operational restrictions in addition to those in this Section. Operational restrictions include, but are not limited to, the frequency and type of message change and intensity of illumination. The Plan Commission (or the Historic Preservation Commission through a COA where applicable) shall consider the visual impacts of the sign on the uses surrounding the sign location, and traffic volume, movements and speed in the area of the sign.

Changeable Message Signs operation is regulated as follows:

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- (b) Fade/Dissolve. Images that fade and/or dissolve are prohibited.
- (c) Travel/Scroll. Travelling and scrolling sign messages are prohibited.
- (d) Animated. Animated sign messages are prohibited.
- (e) Maintenance. All light emitting elements of the sign shall be fully operational when messages are displayed. Elements failing to emit light shall be replaced in a timely manner. If the display malfunctions beyond individual light emitting elements, the display shall be turned off so that no light emits.
- (f) Intensity. The intensity of light emitted by the Electronic Message display area shall be controlled by an integral module to sense ambient light and reduce the intensity of light as ambient light decreases. Information on this control shall be provided with the Design Review (or COA where applicable) application specifying the varying light intensities achieved. Daytime intensity shall be limited to 1,000 nits; nighttime intensity shall be limited to 100 nits. Additional limitations may be established by the Plan Commission (or the Historic Preservation Commission where applicable) when the sign faces or is proximate to property zoned or used as residential.

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- (g) Electronic Changeable Message signs shall be turned off when the business(es) it advertises is not open. For signs within 200 feet of property zoned or used as residential, the ECM shall not be illuminated between 11:00 pm and 7:00 am.

SECTION 6: That this Ordinance 22-18 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to the City Council of the City of Batavia, Illinois, this 4th day of April, 2022.

PASSED by the City Council of the City of Batavia, Illinois, this this 4th day of April, 2022.

APPROVED by me as Mayor of said City of Batavia, Illinois, this this 4th day of April, 2022.

Jeffery D. Schielke, Mayor

Ward	Alderman	Aye	Nay	Abstain	Absent
1	Baerren				
1	Solfa				
2	Leman				
2	Wolff				
3	Ajazi				
3	Chanzit				
4	Malay				
4	Connelly				
5	Uher				
5	Beck				
6	Cerone				
6	Russotto				
7	Vogelsinger				
7	Miller				
Mayor	Schielke				
		AYES	NAYS	ABSTAIN	ABSENT
	TOTALS				

total holding office: Mayor and 14 Aldermen

ATTEST:

Kate Garrett, City Clerk

January 28, 2022

Electronic Message Center (EMC) signage is an efficient way for any business to make direct contact to general public, who are existing and potential clients, by providing quickly customizable information to their targeted audience. EMCs give the opportunity to readily announce sales, promote special events, and even seek future employees for the given establishment.

All these necessities are important to both Commercial and Industrial businesses alike, and therefore we are asking for the opportunity to update and amend the present sign ordinance with respect to the needs of Industrial-zoned properties.

At present, the City of Batavia does have clearly defined allowances for the use of EMC signage in Commercial zones (CC, GC, and NC; also, PFI and non-residential MU).

However, the present code does not expressly allow or deny EMC signs for Industrial zones, despite those properties within the LI (Light Industrial) designation have business models analogous to a typical commercial enterprise and would benefit from having an EMC sign.

Thus, on behalf of our client who does fall into this latter category, we propose a freestanding monument sign that features an EMC component. In anticipation of code amendment, we have designed this sign using the same parameters that would have been afforded to clients within a Commercial zone.

We have included the code restriction for 'one-half the sign face may be EMC and the other half static,' also knowing that this design would still be subject to Design Review Approval. Moreover, we have confirmed that our client's subject property is neither adjacent to a residentially zoned area nor will their sign be visible from any residentially zoned areas.

Therefore, we ask for a reasonable reconsideration of the present code, requesting that what is presently allowed for non-electronic changeable message signs for industrially zoned properties also be extended to include EMCs.

*We therefore propose that the Plan Commission should adopt a new section into the Zoning Code, to be referred to as **Section 4.407.C.2(6)**, which would make it possible to include LI- Light Industrial zones for eligible for review and subject to case-by-case approval by the Plan Commission through Design Review to have Electronic Changeable Message Signs.*

This new section would include the same criteria as is currently afforded to Electronic Changeable Message Signs given use-by-right within commercially zoned districts. In reference please see excerpt below for what is permitted currently in zones CC, GC, and NC.

Electronic Changeable Message Signs.

Where permitted by this Chapter, the Plan Commission, through Design Review (or the Historic Preservation Commission through COA where applicable), may approve an electronic Changeable Message Sign and may establish operational restrictions. Operational restrictions include, but are not limited to, the frequency and type of message change and intensity of illumination. The Plan Commission (or the Historic Preservation Commission through a COA where applicable) shall consider the visual impacts of the sign on the uses surrounding the sign location, and traffic volume, movements and speed in the area of the sign.

The operation of electronic Changeable Message Signs subject to regulation are:

- (1) Static. The Plan Commission, through Design Review approval, shall establish the minimum time interval permitted between static message changes as a part of the approval of the sign.
- (2) Fade/Dissolve. Images that fade and/or dissolve are prohibited.
- (3) Travel/Scroll. Travelling and scrolling sign messages are prohibited.
- (4) Animated. Animated sign messages are prohibited.

ATTACHED GARAGE SETBACK

Standards	R0	RI-L	RI-M	RI-H	Additional Regulations
Minimum Lot Area (sq. ft.)	14,000	9,500	7,200	5,000	
Minimum Lot Width (ft.)	95	80	60	45	
Maximum Height (ft.)					
House	35	35	30	30	
Accessory Structure	25	25	25	25	
Maximum Floor Area Ratio (FAR)	0.35	0.40	0.45	0.50	
Front Setback (ft.)	30	30	25	20	
House	30	30	25	20	
Attached Garage	(A)	(A)	(A)	(B)	See 2.106.j
Rear Setback (ft.)	30	30	30	25	
Interior Side Setback (ft.)	15	12	10	7.5 (LI)	
Corner Side Setback (ft.)	30	30	12	10	
Accessory Structure Setbacks (ft.)					See 2.106.A
Front	30	30	30	30	(CA)
Rear	10	6	3	3	(DB)
Interior Side	10	6	3	3	(DB)
Corner Side	30	30	12	10	(DB)
Principal Structure	10	10	10	10	(EC)
Maximum Percentage of Building Frontage as Garage with Vehicle Door(s)	50	50	50	50	(FD)
<p>(A) Attached garages shall be set back a minimum of 6 feet from the front plane of the house.</p> <p>(B) Attached garages shall be set back a minimum of 12 feet from the front plane of the house.</p> <p>(AC) Detached garages shall be located at least 6 feet behind the front plane of the principal structure</p> <p>(BD) Rear and interior side setbacks shall be increased by 1 foot for each 1 foot or fraction thereof in excess of 15 feet in height.</p> <p>(EC) Structure may be located closer in compliance with applicable Building and Fire codes</p> <p>(FD) Unroofed porches wider than the enclosed building shall be excluded from the width of the building frontage</p> <p>(LI) Interior side setbacks on corner lots shall be a minimum of 5 feet</p>					

~~J. Attached Garage Setback:~~

- ~~1. Garages attached to the principal structure shall be set back as set forth in Table 2.104.~~
- ~~2. Attached garages having vehicle doors facing the closest side property line and not on the building frontage:

 - ~~a. may extend up to 10 feet forward from the front plane of the house, provided the building frontage wall of the garage has a minimum of 20 square feet of vision glass window area on the first floor; and~~
 - ~~b. shall not extend into any required setback.~~~~

Electronic Changeable Message Signs

Section 4.406.B.3

3. *Freestanding Signs*

a. Monument Signs

- (1) Number. One on-site Monument Sign is permitted for any lot or parcel with the following minimum street frontages:
 - i. a minimum of 50 feet of street frontage in the DMU district. No additional Monument Sign is permitted.
 - ii. a minimum of 100 feet of street frontage in the PFI, NC, CC, GC districts and MU parcels that contain non-residential uses. One additional Monument Sign is permitted for each additional 300 feet of street frontage on the same lot or parcel.
- (2) Height. Signs shall be no greater than 6 feet in height. The height of the display area for Changeable and Electronic Changeable Message signage portions shall be no greater than 4 feet in height.

- f. *Electronic Changeable Message Signs.* Where permitted by this Chapter (see Section 4.402.L.3), the Plan Commission, through Design Review (or the Historic Preservation Commission through COA where applicable), may approve an electronic *Changeable Message Sign* and may establish operational restrictions in addition to those in this Section. Operational restrictions include, but are not limited to, the frequency and type of message change and intensity of illumination. The Plan Commission (or the Historic Preservation Commission through a COA where applicable) shall consider the visual impacts of the sign on the uses surrounding the sign location, and traffic volume, movements and speed in the area of the sign.

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- (2) Fade/Dissolve. Images that fade and/or dissolve are prohibited.
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- (4) Animated. Animated sign messages are prohibited.
- (5) Maintenance. All light emitting elements of the sign shall be fully operational when messages are displayed. Elements failing to emit light shall be replaced in a timely manner. If the display malfunctions beyond individual light emitting elements, the display shall be turned off so that no light emits.
- (6) Intensity. The intensity of light emitted by the Electronic Message display area shall be controlled by an integral module to sense ambient light and reduce the intensity of light as ambient light decreases. Information on this control shall be provided with the Design Review (or COA where applicable) application specifying the varying light intensities achieved. Daytime intensity shall be limited to 1,000 nits; nighttime intensity shall be limited to 100 nits. Additional limitations may be established by the Plan Commission (or the Historic Preservation Commission where applicable) when the sign faces or is proximate to property zoned or used as residential.
- (7) Electronic Changeable Message signs shall be turned off when the business(es) it advertises is not open. For signs within 200 feet of property zoned or used as residential, the ECM shall not be illuminated between 11:00 pm and 7:00 am.

- g. Gas Station Pump-Topper or Spanner Signs. Pump-Topper and Spanner Signs shall not include illumination and shall be approved by Design Review or Administrative Design Review. Colors, materials, placement, and dimensions shall complement the design and scale of the canopy structure and the main building

Section 4.407.C

2. *Freestanding Signs*

a. Monument Signs

- (1) Number. One Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage.

Parcels with 600 feet of street frontage are permitted 2 Monument Signs. One additional Monument Sign is permitted for each additional 300 feet of street frontage.

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- (3) Area. Signs shall be no greater than 60 square feet in area.
- (4) Setback. Monument signs shall be set back a minimum of 10 feet from the right-of-way and 5 feet from any curb.
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- (c) Travel/Scroll. Travelling and scrolling sign messages are prohibited.
- (d) Animated. Animated sign messages are prohibited.
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