

CITY OF BATAVIA

MEMO TO: Plan Commission

FROM: Jerry H. Swanson, Community Development Director

DATE: July 30, 2010

SUBJECT: Public Hearing - Revising Title 10, Chapter 4.4 Sign Regulations to allow Portable Signs in the Downtown Mixed Use District (City of Batavia, Applicant)

A public hearing is scheduled for the Plan Commission meeting of August 4 to consider an amendment to the Zoning Code to allow and regulate portable signs in the downtown area. On June 5th the Community Development Committee directed staff to study this issue. The Plan Commission first discussed it on June 23rd and reviewed a draft of amendments to the Zoning Code July 7th.

The draft amendment to the Zoning Regulations (attached) would allow portable signs in the Downtown Mixed Use zoning district only. Sign height, size, location, and maintenance would be controlled by the amended code. Each sign would require issuance of a permit. Some portable signs will need to be located on public sidewalks in the downtown. Therefore it would be necessary for a business to obtain not only a permit but a license from the City to use public property sidewalk. The license would indemnify the City against liability for general claims and workers compensation claims. The permit and license would be issued together.

At the July meeting, the Commission found the draft amendments to address the issue of portable signs to be satisfactory to advertise for a public hearing. The proposed regulations would balance the desire of property owners to provide additional identification of their business' offerings with streetscape aesthetics. The license would protect the City from liability issues for use of public sidewalks. The Commission suggested a minor refinement to the draft that has been incorporated into the latest version of the draft.

Staff Recommendation

Staff recommends the Commission conduct a public hearing, then recommend Community Development Committee approval of the proposed amendment to the Zoning Code to allow and regulate portable signs in the downtown area.

Attachment: Draft Title 10, Chapter 4, Section 4.407.H: Portable Signs

Cc: City Council
Department Heads
Britta McKenna, Batavia MainStreet
Roger Breisch, Batavia Chamber of Commerce

Attachment 1

H. **Portable Signs.** In addition to other permitted signs, Portable Signs are permitted in the DMU District, subject to the following regulations:

1. *Size.* Portable Signs shall be no greater than 6 square feet in area.
2. *Height.* Portable Signs shall not exceed 4 feet in height.
3. *Number.* No more than one sign shall be permitted per business customer entrance.
4. *Display.* Signs shall be removed:
 - a. When the business is not open for customers.
 - b. When the National Weather Service issues a high wind warning, a tornado or severe thunderstorm watch or warning.
 - c. From public sidewalks during an accumulating snowfall event.
5. *Location.* Signs shall be located:
 - a. At grade level.
 - b. In front of the business property
 - c. No more than 15 feet from the customer entrance to the building for the business being advertised.
 - d. A minimum of 2 feet from back of curb adjacent to parking spaces.
6. *Prohibited Locations.* Signs shall not be located:
 - a. In landscaped areas, other than turf grass.
 - b. In parking aisles or stalls.
 - c. On or anchored to fences, planters, other signs, vehicles, utility facilities, or any structure.
 - d. In streets or alleys.
7. *Right-of-Way Placement.* Signs may be placed on a public sidewalk:
 - a. Pursuant to the issuance of an annual City license,
 - b. Within 15 feet of a customer entrance if no location on private property can meet the standards of this code,

- c. Subject to all requirements for licensing, insurance and indemnification of the City contained in Title 3 Chapter 21 of the City Code.
- 8. *Construction and Maintenance.* Signs shall be:
 - a. Constructed of exterior grade, rigid, weather resistant and durable materials,
 - b. Of sufficient weight and durability to insure the sign remains in place during normal weather conditions, and
 - c. Maintained in a professional manner free of chipping paint, cracks, gouges, loss of letters, and similar defects.
- 9. *Elements Prohibited on Portable Signs.* The following shall be prohibited on Portable Signs:
 - a. Any form of internal or external illumination, including flashing, blinking or rotating lights;
 - b. Animation;
 - c. Reflective materials;
 - d. Attachments, including, but not limited to, sandbags or other items to hold a sign in place, balloons, ribbons, flags, speakers, other copy or graphics, etc.
- 10. *Clearance for Pedestrians.* A clear pedestrian access path shall be maintained as follows:
 - a. Public Sidewalks. A minimum of 4 feet.
 - b. Private Walkways. A minimum of 3 feet.