

**TO:** Committee of the Whole  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**DATE:** April 7, 2021  
**RE:** **Ordinance 21-24:** Amending the Text of the Zoning Code (City Code Title 10)  
Relating to Signs in the DMU Downtown Mixed Use District, City of Batavia applicant

**Summary:** The Zoning Code limits projecting signs (only allowed in the DMU District) to generally one (1) per building and requires wall signs be adjacent to the business' lease space. Draft Ordinance 21-24 (attached) would amend the Zoning Code to allow additional projecting signs, and to allow wall signs for businesses not adjacent to a street-facing wall. Additional information and the redline edit of the proposed Zoning Code text amendments are provided in the [March 11 staff memorandum to the Plan Commission](#).

**Background:** Ordinance 21-24 would reduce the spacing requirement on a building for projecting sign installation brackets from 50 feet to 20 feet, with an allowance of up to three (3) per building. An upper and lower sign would be allowed on a projecting sign bracket with minimum clearance height from pedestrian and vehicle travel areas as defined in the Ordinance. The glossary definition for a projecting sign would be amended to include its mounting bracket and added provisions to allow the bracket to extend above and beyond the sign(s) can encourage use of decorative brackets.

To address wall sign opportunity for lease spaces not having adjacency to a street-facing wall, Ordinance 21-24 would allow a business in that lease space to have one (1) wall sign up to 24 square feet on a street facing wall. This sign can be a standard (flush-mount) or projecting sign. A new Glossary definition for Non-Frontage sign is proposed.

Staff notes that with almost all properties in the DMU District being in the Historic District, the proposed additional allowed signs will require Historic Preservation Commission approval of Certificate of Appropriateness (COA). For properties not in the Historic District, signs require Administrative Design Review (ADR) approval.

**Plan Commission Review and Action:** At its public hearing during the Commission's March 17 remote meeting, the Commission found the proposed Zoning Code amendments would expand opportunities for lease spaces to display signage, benefitting business tenants. Required COA/ADR approvals can ensure compatibility of signs to the building. No audience members responded to the Chair's request for input from meeting attendees. By a vote of 6-0 (1 seat vacant), the Commission recommended approval of amendments to the text of the Zoning Code to allow the expanded opportunities for signs in the DMU District as presented in Ordinance 21-24.

**Alternatives:** COW can recommend, for draft Ordinance 21-24, approval as presented or with specified changes, or denial. Alternatively, it can continue its review or remand the matter to the Commission if additional information is needed.

**Impacts:** Ordinance approval will expand signage opportunities in the DMU District that can help landlords lease space and their tenants increase their business. Staff anticipates no negative impacts to the properties or the DMU District, or to City services and staff.

**Timeline for Actions:** COW action on Ordinance 21-24 will allow for final City Council action on April 19.

**Recommendation:** Consistent with the Plan Commission recommendation for approval, staff recommends approval of Ordinance 21-24 as presented.

Attachment: Draft Ordinance 21-24

c Mayor  
Department Heads  
Media

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 21-24  
AMENDING THE CITY OF BATAVIA ZONING CODE  
TITLE 10 OF THE CITY CODE**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 19<sup>TH</sup> DAY OF APRIL, 2021**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 20<sup>th</sup> day of April, 2021

Prepared by:  
  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS**  
**ORDINANCE 21-24**  
**AMENDING THE CITY OF BATAVIA ZONING CODE**  
**TITLE 10 OF THE CITY CODE**

**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**, 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 17, 2021 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 (Title 10 of the City Code) is hereby amended in conformance with the terms of this Ordinance.

**SECTION 2:** That the City of Batavia Zoning Code Chapter 4.4: Sign Regulations is hereby amended as follows:

1. Section 4.406.B.1.e is amended as follows: e. Sign Area Allowances per Building Elevation. In addition to Non-Frontage Wall Signs as permitted in 4.406.B.2, Wall Signs are permitted at a rate of:

with subsequent sub-items in e. (1) to (3) to remain unchanged.

2. Sections 4.406.B.1.h (1), (2), and (3) are amended as follows:

- (1) Location. One projecting sign and its bracket are permitted per tenant on each principal building for each street frontage. Up to two (2) signs may be mounted on one

## CITY OF BATAVIA ORDINANCE 21-24

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(1) Bracket. For buildings located at an intersection, one 45-degree projecting corner sign and bracket is permitted in lieu of 2 frontage projecting signs. An additional sign bracket is allowed for a separate tenant space on a street frontage for every 20 feet of additional frontage, up to a maximum of three (3) brackets per street frontage.

(2) Placement. No sign shall project more than 5 feet from the face of the building, nor encroach closer than 2 feet from the face of a curb on a public or private street. The bracket may extend up to six (6) inches beyond the sign. No sign shall be higher than 5 feet below the top of a parapet wall, the top of a hip or gable roof, or 25 feet above grade, whichever is lower. The bracket may extend up to six (6) inches above the sign. Projecting signs and brackets shall be located in such a manner as to complement architectural features of the building.

(3) Clearance. All projecting signs shall maintain a 10-foot vertical clearance from a public sidewalk, walkway or path. A projecting sign shall maintain a 8 foot vertical clearance from a private sidewalk, walkway or path. The clearance shall be a minimum of 16 feet when above an alley, driveway, or other area vehicle travel area.

3. Section 4.406.B.1.h (6) is amended as follows:

(6) Size. Projecting signs shall be subject to the maximum size limitation of Wall Signs and Non-Frontage Wall Signs, and shall be included as part of the total allowed Wall Sign area for a building and for the number of allowed Non-Frontage Wall Signs. Only one side of a projecting sign shall count toward allowable sign area.

4. A new Section 4.406.B.1.h (8) is added as follows: (8) Non-Frontage Signs. An allowed Non-Frontage Sign may be an allowed projecting sign.

5. Section 4.406.B.2 is renumbered 4.406.C. and all subsequent sections are renumbered accordingly.

6. A new Section 4.406.B.2 is added as follows: 2. Wall Signs, Non-Frontage. In the DMU District, a business or tenant may, with landlord approval, have one (1) such sign not to exceed twenty-four (24) square feet in area on one (1) wall facing a street. Such sign shall be subject to the requirements of Sections 4.406.B.1.a, b, c, g, h, and i. No building's street-facing elevation shall have more than two (2) such signs.

**SECTION 3:** That the City of Batavia Zoning Code Chapter 6: Glossary is hereby amended as follows:

1. The definition for *Projecting Sign* is amended as follows: *Projecting Sign*. A sign and its mounting bracket attached to and projecting from a building face or wall by more than fifteen inches (15"). Projecting signs include signs that are totally or partially in the right of way or are totally on public property.

2. A new definition is for *Wall Sign, Non-Frontage* is added as follows: *Wall Sign, Non-Frontage*. A Wall Sign, as defined herein, for a business or tenant that is not adjacent to its lease space due to not having adjacency to an exterior wall facing a street.

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**SECTION 4:** That this Ordinance 21-24 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 19<sup>th</sup> day of April, 2021.

**PASSED** by the City Council of the City of Batavia, Illinois, this 19<sup>th</sup> day of April, 2021.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 19<sup>th</sup> day of April, 2021.

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Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

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Ellen Posledni, City Clerk