

TO: Plan Commission

FROM: Joel Strassman, Planning and Zoning Officer

DATE: March 9, 2021

RE: **Public Hearing:** Amendments to the Text of the Zoning Code, Chapter 4.4: Sign Regulations
Regarding Electronic Changeable Message Signs
Michelle Forays, Aurora Sign Co., applicant

Background: The Zoning Code does not allow Electronic Changeable Message Signs (ECMs) in employment zoning districts (O Office, SB Service Business, LI Light Industrial, GI General Industrial). The Zoning Code allows ECMs on properties with non-residential uses in commercial districts, the MU Mixed Use District, and in the PFI Public Facilities and Institutional District. ECMs are expressly prohibited in the Historic District and on landmarked properties, except for fuel price and drive-through restaurant menu signs. A public hearing is scheduled at the March 16th Plan Commission meeting to consider a proposal to add allowances for ECMs in the LI and GI districts.

Summary of Information and Analysis: Applicant Michelle Forays of Aurora Sign Co. represents a business whose owner desires an ECM at its location in one of the City's industrial zoning districts. Explained in Ms. Forays' application material (attached) is ECMs' efficiency in providing customizable messages to targeted audiences, an important ability for all businesses.

Ms. Forays proposes the same ECM rights and restrictions for commercial districts be applied to the LI and GI Districts. The rights and restrictions for ECMs are in Zoning Code Section 4.406.B.3.f (see page 16 in Zoning Code [Chapter 4.4: Sign Regulations](#)). Attached is a redline draft of applicable sections and new sections of the Zoning Code to include adding ECMs to industrial districts along with several additional amendments proposed by staff as explained below.

Staff understands the importance for businesses to provide targeted sign messages effectively and efficiently, and ECMs have become increasingly capable of doing that economically. Using them can reduce clutter of (often illegal) temporary signs. While industrial businesses typically are not selling products to the public, they do frequently seek signage announcing employment opportunities or to raise brand awareness. Staff generally supports adding allowances for industrial properties to display an ECM.

Use of ECMs is increasing and therefore Zoning Code rights and restrictions for such signs should be strengthened. With this request to amend the Zoning Code regarding ECMs, staff reviewed the Code's current ECM rights and restrictions. Currently where allowed, changeable messages are limited to 50% of the proposed sign area. Staff feels this is a generous percentage for commercial properties but could be reduced to 40% for industrial properties given industrial properties generally are not selling products to the public. For both types of businesses, staff feels the business' name and primary functions should be more prominent on the sign therefore staff is proposing ECM portions of a monument sign to be lower than the current height limit for the overall monument sign. Commercial properties allow monument signs up to 6 feet; ECM portions would be limited to 4 feet in height. Industrial properties allow monument signs up to 10 feet; ECM portions would be limited to 6 feet in height.

Staff is proposing operational requirements to both the commercial and industrial ECM Code sections. While the Commission has limited the frequency of message change with Design Review approvals, staff is proposing requirements for ECM maintenance and light intensity, and specific times when the ECM portion must be turned off.

Staff feels the proposed Zoning Code text amendments would allow for increased sign opportunities for industrially zoned businesses while minimizing impacts of ECMs and providing reasonable ECM operation standards for all businesses. These proposed amendments also would allow Ms. Forays' client an opportunity to display an ECM sign.

Staff Recommendations: Staff recommends the Commission open and conduct the public hearing. The Commission should consider the applicant's proposed amendments to the Zoning Code and those proposed by staff. The Commission can take positive or negative action on any or all the amendments in the attached draft.

Staff recommends the Commission recommend approval of amendments to the Zoning Code as written in the attached Draft Amendments to the Zoning Code. The Commission may continue the hearing to a date certain and give direction to staff to revise the amendments if needed.

Attachments

1. Application submittal
 2. Draft of proposed amendments to Zoning Code Chapter 4.4: Sign Regulations
- c Mayor and City Council
Applicant
Media

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.

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.

Changeable Message Signs operation is regulated as follows:

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

- (1) Static. The Plan Commission, through Design Review approval (or the Historic Preservation Commission through COA where applicable), ~~shall~~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 30 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.
- 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.

- (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 40%~~One-half (1/2)~~ of the sign face of 1 monument sign in the General Industrial District may be a 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:

- (a) *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 30 seconds.
- (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.
- (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.