

Chapter 78

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***Editor's note**—Ord. No. 2011-29, § 1(Exh. 1), adopted May 24, 2011, amended chapter 78 in its entirety to read as herein set out. Former chapter 78, §§ 78-1—78-3, 78-31, 78-32, 78-71—78-73, 78-106—78-115, 78-126—78-130, 78-141—78-148, 78-161—78-166, 78-176, 78-177, 78-191—78-196, 78-216, 78-217, 78-241—78-243, pertained to similar subject matter, and derived from §§ 3-11—3-23 of the 1965 Code; Ord. No. 2006-39, § 1, 9-26-06; Ord. No. 2009-25, § 1, 6-24-09; Ord. No. 2009-35, § 1, 7-29-09.

State law reference—Powers of home rule units, Ill. Const. art. VII, § 6.

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ARTICLE I. IN GENERAL

Sec. 78-1. Statement of purpose.

This chapter creates the legal framework for commercial signage regulations that are intended to facilitate an easy and agreeable communication between people. It recognizes the need for a well-maintained and attractive appearance in a community and the need for adequate business identification, advertising and communication. While this chapter does not attempt to legislate the full extent of aesthetics and design quality for signage since individual opinions vary and general public opinions vary from one era to another, it is recognized that a great percentage of that which is unattractive can be eliminated by sensible quality control through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter. The purpose of this legal framework is to create a system of sign controls that will:

- (1) Protect the health, safety, and general welfare;
 - (2) Protect the constitutional right to free speech while not creating a nuisance to neighboring properties and upon the village as a whole;
 - (3) Support the desired visual character of the village; and
 - (4) Prevent traffic hazards.
- (Ord. No. 2011-29, § 1, 5-24-11)

Sec. 78-2. Scope.

This chapter does not in any manner regulate the written or depicted copy on any individual sign, but only the height, area, location and other similar aspects of signs and sign structures. The scope of this chapter addresses and authorizes the use of signs intended to be viewed external to a building and to be viewed by the public provided the signs are:

- (1) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- (2) Legible, readable and visible in the circumstances in which they are used.

- (3) Respectful of the reasonable rights of other advertisers whose messages are displayed.
- (Ord. No. 2011-29, § 1, 5-24-11)

Sec. 78-3. General sign design intent.

The following are general sign design guidelines that supplement the purpose of this chapter and provide direction on the general goals for the function and visual character of signage.

- (1) Legibility of signs:
 - a. Signs should be adequately legible under the circumstances in which they are primarily seen. The legibility of signs is related to:
 1. The speed at which they are viewed;
 2. The context and surroundings in which they are seen; and
 3. The design, colors and contrast of the sign copy and sign face.
 - b. The design of the sign including copy, lettering size and style, and colors should logically relate to the predominant speed of traffic which will see it. Signs should legibly convey their messages without being distracting or unsafe to motorists reading them.
 - c. The number of different lettering styles on a sign or on a series of signs within a complex of buildings should be minimized and should relate to the overall architectural concept for the property.
 - d. Lettering and copy should not be crowded onto the surface of a sign or building surface and shall be composed to leave ample space around the copy to preserve legibility.
- (2) Relationship of signs to their surroundings:
 - a. Signs should not detract from the general appearance and architectural character of their surroundings including streets, buildings and other signs in the area.

- b. Signs should not be designed to compete with one another but shall contribute to the composite legibility and attractiveness of streets within the village.

(3) Relationship of signs to the building and site locations:

- a. Signs should be an integral architectural element of the building and site locations upon which they are located and their design shall be consistent with, and not detract from, the overall architectural concept of their site.
- b. The scale of signs should be compatible and harmonious with the building or site locations and the signs should not be of such a size that they visually overpower the buildings on the site.
- c. The outlined shapes of wall signs should be compatible with the building façade they are mounted on and should limit any disruptions in the architectural order of the building façade.

(4) The quality and craftsmanship of signs:

- a. Signs should be carefully crafted, durable and consistent with the quality and character of their building and site location.
- b. All signs should be regularly maintained and repaired or replaced in response to the aging and weathering of their materials.

(Ord. No. 2011-29, § 1, 5-24-11)

Sec. 78-4. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign which no longer correctly directs or exhorts any person, advertises

a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.

A-board sign means a temporary two-sided sign usually in the form of an "A", also known as a sandwich board sign.

Activity. See the word "premises."

Animated sign means any sign which includes action or motion. For purposes of this chapter, this term does not refer to flashing signs, changeable copy signs—manual, or electronic message center signs, which are separately defined.

Architectural projection means any projection not intended for occupancy, not including signs, canopies or marquees.

Area of sign means the entire area within a single, continuous perimeter, composed of the smallest geometric square or rectangle which enclose the extreme limits of the advertising message, announcement, graphics or decorations and as determined according to the provisions of article II of this chapter.

Automobile service station means any commercial establishment where gasoline and other motor fuel products are sold as the principal use of the property.

Awning means a temporary shelter supported entirely from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

Awning sign means any sign attached to or constructed on an awning.

Banner sign means a temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

Billboard means a signboard for advertising which may be located either on the premises of the activity to which it refers or off-site. See "off-premises sign" definitions.

Building face or wall means all window and wall area of a building in one place (plane) or elevation.

Bunting means strings of cloth or paper decorations for hanging outdoors.

Canopy or marquee means a permanent roof-like shelter extending from part or all of a building face and constructed of some durable material such as metal, glass or plastic.

Canopy or marquee sign means any sign attached to or constructed in or on a canopy or marquee.

Changeable copy sign—manual means a sign on which copy is changed manually in the field, e.g., reader boards with changeable letters or changeable pictorial panels.

Comprehensive sign plan means a master plan detailing the dimensions, design, and location for all proposed or existing signs to be permanent signage for a common development.

Construction sign means a temporary sign identifying a site which has a construction project actively underway on the property where the sign is located.

Copy means the portion of the sign area containing the advertising message, announcement, graphics or decorations.

Directional sign means any sign which serves solely to designate the location or direction of any place or area.

Directly illuminated sign means any sign designated to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.

Director of community development for purposes of this chapter the Director of Community Development or his designee is the administrator.

Drive-through sign means a sign which lists menu items or services rendered that can be ordered from a drive-through facility.

Electric sign means any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

Electronic message center means a sign with a fixed or changing display/message composed of a series of lights that may be changed through

electronic means. A time and/or temperature sign shall not be considered an electronic message center.

Embellishment means elements of a sign which are decorative in nature and not part of the sign copy, such as borders, shapes or architectural features.

Erected means attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs, but does not include copy changes in any sign.

Exempt signs means signs exempted from normal permit requirements.

Flashing sign means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classified as changing copy signs, not flashing signs.

Frontage—Right-of-way (R.O.W.) means the length of the property line of any one premises parallel to and along each public right-of-way, exclusive of alleyways, it borders.

Frontage—Wall means the width of the building wall occupied by a tenant at the location of the tenant's primary entrance.

Governmental sign means a sign erected by a government entity and pertaining to a government function or regulation or otherwise required to be posted by a governmental entity.

Ground level means established top of curb level.

Ground sign means a sign erected on a free-standing frame, mast or pole and not attached to any building.

Height of sign means the vertical distance measured from the established curb level to the highest point of the sign.

Identification sign means a sign which is limited to the name, address and number of a build-

ing, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.

Illuminated sign means any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign faces.

Incandescent lamp means an electric lamp that produces light from an electronically heated filament.

Incidental sign means a sign generally informational, that has a purpose secondary to the use of the premises on which it is located.

Indirectly illuminated sign means any sign which reflects light from a source intentionally directed upon it, for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.

Inflatable means any balloons or other air- or gas-filled figures.

Instructional sign means any sign that provides information not pertaining to the primary activity of the premises, such as the location of restrooms and loading areas.

Interior property line means property lines other than those fronting on street, road or highway.

LED tubing. See "Neon, LED tubing, series lighting, and other similar applications".

Lot means an area of land which is delineated on any of the following requirements:

- (1) A subdivision map recorded with the assessment department or land registry office;
- (2) A record of survey map approved by resolution of the Board of Trustees.
- (3) A parcel of land (whether legally so described or subdivided as one or more lots or parts of lots) located within a single block, occupied by, or intended for occupancy by, one principal building or principal use, and having its principal frontage upon a street.

Lot line means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

Lot line, front means that boundary line of any lot which is along an existing or dedicated street lot line is the front lot line, and on corner lots the front lot line shall be the boundary line along such street lot line that is established at the time of application for a building permit as the front lot line.

Lot line, rear means that boundary of a lot which is most distant from, and is, or is approximately parallel to the front lot line. If the rear lot line is less than ten feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line ten feet in length within the lot parallel to, and at the maximum distance from the front lot line.

Lot line, side means any boundary of a lot which is not a front or rear lot line.

Marquee or canopy means a permanent rooflike shelter extending from part or all of the building face and constructed of some durable material such as metal or plastic.

Marquee sign or canopy sign means any sign attached to or constructed in or on a canopy or marquee.

Message means the wording on a sign.

Message center means a sign which contains a changing message within the copy area, which remains on for a specified minimum period of time and blacks out for a specified minimum of time between messages.

Monument sign means a ground sign where the base of the sign structure is on the ground. Typically constructed of brick, wood, stone, or metal, monument signs have a base that is at least 80 percent of the width of the top of the sign structure. See the terms "ground sign".

Multi-tenant commercial area means a grouping of commercial uses and/or buildings, either under single, joint or separate ownership, designed and developed to offer a safe, efficient and

attractive commercial area, and which may include such features as parking areas, controlled access and uniform, compatible signing.

Nameplate means a nonelectric sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. If any premises includes more than one occupant, nameplate refers to all names and occupations or professions as well as the name of the building and directional information.

Neon, LED tubing, series lighting, and other similar applications means lighting or tubing produced by a gaseous element or semi-conductors in tube form that glows brightly.

Nonconforming sign means any sign which was erected and maintained prior to such time as it came within the purview of this chapter and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this chapter, or a nonconforming sign for which a special permit has been issued.

Nonelectrical sign means any sign that does not contain electrical wiring or is not attached to an electrical energy source.

On-premises sign (on-site) means any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

Off-premises sign (off-site sign) means a sign that advertises goods, products, services or facilities or directs persons to a different site from where the sign is installed.

Owner means a person recorded as such on official records and including a duly authorized agent or notary, a purchaser, devisee or fiduciary, and persons having a vested or contingent interest in the property in question.

Painted wall sign means any sign which is painted directly on any building, fence, chimney, roof or other similar structure.

Parapet or parapet wall means that portion of a building wall that rises above the roof level.

Pennant means a small narrow triangular shaped flag on a string or wire.

Pole or pylon sign means a ground sign that is mounted on a pole(s) or other support, with or without a skirt.

Portable sign means any sign not permanently attached to the ground or to a building.

Premises means an area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting sign means a sign, other than a wall sign, which is attached to and projects from a structure or building face in a manner such that the area of the sign is not parallel to the structure or building.

Public right-of-way width means the particular distance across a public street, measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the Director of Public Services.

Public service information sign means a sign which provides general public service information to the public, such as time, date, temperature, weather, or directional information or to the traveling public which are commonly used to augment business identification signs.

Real estate or property "for sale" or "for lease sign" means any sign pertaining to the sale or lease of land or buildings.

Revolving beacon light means a light on top of a hill or structure that shines and rotates.

Right-of-way (R.O.W.) frontage. See "frontage—right-of-way (R.O.W.)".

Roof sign means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

Roofline means the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Rotating sign means any sign or portion of a sign which moves in a revolving or similar manner.

Sandwich board sign. See A-board sign.

Searchlight means an apparatus for projecting a high-intensity beam of light in any direction.

Seasonal or holiday signs means signs used for a historic holiday, such as Thanksgiving decorations, and installed for a limited period of time.

Series lighting. See "Neon, LED tubing, series lighting, and other similar applications".

Sign means any identification, description, illustration or device, illuminated or nonilluminated, which is visible from any public place or is located on private property and exposed to the public, which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

Sign structure means any structure which supports, has supported or is capable of supporting a sign, including decorative cover.

Special use means a use that owing to some special characteristics attendant to its operation or installation is allowed only after review by the Zoning Board of Appeals and approved by the Village Board of Trustees.

Street means a public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from property line to property line.

Swinging sign means a sign installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Temporary sign means a sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nations), searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air- or gas-filled figures.

Temporary window or building sign means a sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window or

displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.

Under canopy or marquee sign means a sign suspended below the ceiling or roof of a canopy or marquee.

Underwriters' Laboratories (48) means, in the United States, a nonprofit organization which establishes standards for electrical and mechanical equipment and materials and is commonly referred to as "UL." The electrical section is known as "Underwriters' Laboratories (48)."

Unlawful sign means a sign which contravenes this chapter or which the Director of Community Development may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment, or a nonconforming sign for which a permit required under a previous sign code was not obtained.

Use means the purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

Valance means that portion of any awning hanging perpendicular to the ground.

Vehicular sign means a sign which is attached to, mounted upon, or painted or lettered on a vehicle for the purpose of advertising or directing attention to a product, service, place or activity.

Video sign means any sign which uses lights, video, a TV screen, cathode ray tubes or other similar items to display message, image, moving picture, or video.

Wall frontage. See "frontage—wall".

Wall sign means a sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

Window sign—Permanent means any sign attached to, painted on, or displayed inside within five feet of the window which remains erected for more than 30 days.

Window sign—Temporary means any sign attached to, painted on, or displayed inside within five feet of the window which remains erected for 30 days or less.

Zoning Board of Appeals means the village's appointed administrative advisory body for the review of appeals regarding the provisions and enforcement of this chapter.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Cross reference—Definitions generally, § 1-4.

Secs. 78-5—78-25. Reserved.

ARTICLE II. SIGN AREA

Sec. 78-26. General sign area dimension computations.

The following provides examples for determining the sign area for most signs covered by this chapter. Additional provisions may be provided under other sections of this chapter based upon specific conditions and sign types. The Director of Community Development of this chapter shall have final determination on the area of all signs. (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-27. Computation of sign area for a one sided sign.

The sign area of one side shall be calculated by means of the smallest square or rectangle encompassing the extreme limits of the entire sign copy

area of adjacent elements, in no case passing through or between adjacent elements, viewable only from one direction.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-28. Computation of sign area for a sign with more than one side.

The area of a sign with more than one side shall be computed as a one sided sign if the faces of the sign are parallel or the interior angle formed between two faces is 30 degrees or less. If the faces are of unequal area, the area of largest side shall be the area of the sign. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-29. Computation of maximum allowable sign area.

The maximum allowable sign area shall consist of the total enumerated sign area for any one particular site or sign type as detailed in the provisions of this chapter.

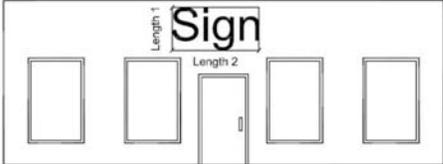
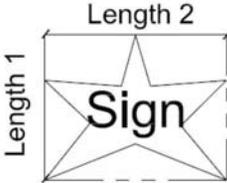
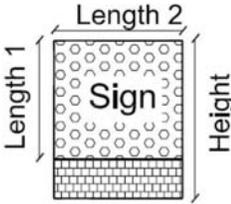
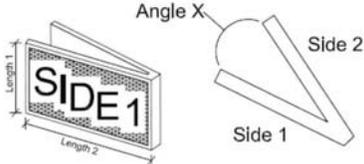
(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-30. Neon, LED tubing, or other linear light accent elements.

After the first five lineal feet of this type of linear embellishment, one lineal foot of neon, LED tubing, or other light accent elements used as embellishments on signs or structures shall represent the equivalent of one square foot of sign area.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Calculating Sign Area Examples

 <p>Area of Wall Sign = Length 1 x Length 2</p>	 <p>Area of Irregular Shaped Sign = Length 1 x Length 2</p>
 <p>Area of Monument Sign = (Length 1 x Length 2) Height of Ground Sign = (Measured from Ground Level to Top of Sign Including All Embellishments)</p>	 <p>If Angle X = 30 Degrees or :Less Area of Multiple Faced Sign = (Length 1 x Length 2) If Angle X = Greater than 30 Degrees Area of Multiple Faced Sign = (Area of Side 1) + (Area of Side 2)</p>

Secs. 78-31—78-40. Reserved.

ARTICLE III. PROHIBITED SIGNS

Sec. 78-41. Generally.

The tacking, pasting or otherwise affixing of signs other than those allowed by this chapter, visible from a public right-of-way, located on the walls of buildings, trees, poles, posts, fences, curbs, sidewalks, hydrants or other structures is prohibited. Signs located within the public right-of-way are prohibited except those allowed by this chapter.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-42. Specifically prohibited signs.

The following specific types of signs are prohibited:

- (1) Abandoned signs.
- (2) Billboards/off-premises signs.
- (3) Flashing signs.
- (4) Neon, LED tubing, series lighting, and other similar applications window trimming.
- (5) Projecting signs.
- (6) Roof signs.
- (7) Vehicular signs, unless such signs conform to the following restrictions:
 - a. Vehicular signs shall not be parked on a public right-of-way, public prop-

erty or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property. Special exception may be made where parking is restricted and customer parking takes priority at the discretion of the Director of Community Development

- b. Vehicular signs shall contain no flashing or moving elements.
 - c. Vehicular signs shall have no element with a luminance greater than 500 Nits.
 - d. Vehicular signs shall not project beyond the surface of a vehicle for a distance in excess of 18 inches.
 - e. Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle.
 - f. Vehicular signs shall not be on vehicles which are inoperable.
- (8) Video signs (except in conjunction with automobile service station fuel pumps)
- (9) Signs, which:
- a. Bear or contain statements, words or pictures of an obscene or pornographic character, or which contain advertising matter which is untruthful.
 - b. Are painted on or attached to any fence or any wall which is not structurally a part of a building, except to identify the fence manufacturer or residence structure by means of posting the name of the occupant or structure and the street address, which exempt signs shall not exceed a maximum of 24 square inches.
 - c. Operate or employ visible moving parts, or any portion of which moves or gives the illusion of motion, except as allowed in this chapter.

- d. Emit audible sound, odor or visible matter.
- e. Purport to be, or are an imitation of, or resemble an official traffic sign or signal, or which bear the words "stop," "go slow," "caution," "danger," "warning" or similar words.
- f. By reason of their size, location, movement, content, coloring or manner of illumination may be confused with or constructed as a traffic control sign, signal or device, or the light of any emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- g. Resemble any official marker erected by the village, state or other governmental agency.
- h. Are permanent and made of plywood, pressed board, MDO or non-exterior grade wood products.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-43—78-60. Reserved.

ARTICLE IV. EXEMPT SIGNS

Sec. 78-61. List of exempt signs.

The following signs are exempt from the permit requirements of this chapter and are allowed in all districts except as otherwise indicated:

- (1) *Construction signs.* One nonilluminated construction sign per construction project shall be allowed not exceeding six square feet of sign area in single-family residential districts or 32 square feet of sign area in multi-family residential districts and nonresidential districts provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed five days after issuance of an occupancy permit.

(2) *Celebratory signs.*

- a. Celebratory of a singular event. No sign limit, and a time limit of seven days (week).
- b. Celebratory extolling a positive relationship between a resident and a local institution (such as church, school, fraternal organization) shall be allowed but not exceed 30" W x 24" H in size, and the top of sign shall not be more than 6 feet above grade and shall be maintained in good condition.

(3) *Drive-through signs.* One drive-through reader board sign incidental to a drive-through facility with an attached sign shall be allowed provided that:

- a. The attached sign is not greater than six square feet in area;
- b. The entire sign is internal to the lot; and
- c. The lot upon which the sign is located does not abut a lot zoned in a residential district.

(4) *Flags.* The flags, emblems or insignia of any national or political subdivision shall be allowed. Corporate and business flags shall be counted against the maximum allowable signage of any particular site. Two flag poles with no more than two flags per pole displayed at one time shall be allowed within a residential zoning district, and three flag poles with no more than two flags per pole displayed at one time shall be allowed within a non-residential zoning district. Displaying of flags shall meet all federal statutes. The height of display poles and size of exempt flags shall conform with the following provisions:

Exempt Flag Size Standards:

<i>Maximum Pole Height—Residential District</i>	<i>Maximum Pole Height—Nonresidential District</i>	<i>Flag Dimensions—All Districts</i>
25'	Flag pole height not to exceed ten feet above building roofline.	Flag length should at maximum be ¼ the length of the flag pole.

- (5) *Governmental signs.* Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty shall be allowed.
- (6) *Holiday decorations.* Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday shall be allowed. With weather permitting, decorations shall not be erected 45 days before the first day of the holiday they commemorate, and they shall be removed no later than 90 days following the last day of the holiday they commemorate.
- (7) *House numbers and nameplates.* House numbers and nameplates shall be required. In R1 and R2 districts, a nameplate shall not exceed 48 square inches in area, and shall indicate only the name and address of the occupant and, if any, a permitted home occupation. There shall be not more than one such nameplate for each dwelling. In R3 and R4 districts, only such a nameplate shall be allowed for a single-family or a two-family dwelling; but for a multiple-family dwelling, a nameplate may be not more than three square feet in area, provided it indicates

- only the name or name and address of the dwelling; such a nameplate may be located in a front yard not less than four feet from the front lot line, or one-half the depth of the front yard, whichever is greater; nor be higher than one story, or 20 feet above curb level, whichever is lower. In all other areas of the village, alphabetic or numeric signs not in excess of 24 square inches which indicate the name and/or the address of the occupant are allowed.
- (8) *Incidental signs.* Up to two incidental signs internal to a property may be attached to a freestanding ground sign or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards accepted, official notices of services required by law, or trade affiliations. Such signs shall not include any advertising of products sold on the premises. The area of each sign may not exceed two square feet; the total area of all such signs may not exceed five square feet.
 - (9) *Instructional location signs.* Signs which provide instructional information and are located entirely on the property to which they pertain shall be allowed provided that they are signs identifying restrooms, public telephones, walkways and others of similar nature.
 - (10) *Interior signs.* Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater, that are not visible from the public right-of-way shall be allowed. This does not, however, exempt such signs from the structural, electrical or material specifications set out in this chapter and applicable building codes. An electric permit is required for an electric sign.
 - (11) *Light pole banners.* Banners affixed to parking lot light poles shall be allowed under the following conditions:
 - a. Only on light poles bordering or parallel to the street with a maximum of one per 30 lineal feet with a maximum of 18 total banners per lot;
 - b. Banners shall be allowed on interior parking lot light poles;
 - c. All banners must be maintained in a safe and aesthetically pleasing condition. Banners which become illegible, are damaged or otherwise in poor condition, must be removed;
 - d. Banners may not exceed 21 square feet per face and shall have no more than two sides. Only the area of the actual boulevard banners itself shall be counted in determining the area of the sign face;
 - e. Banners shall only be displayed on light poles and shall not extend higher than the light poles. The lower bracket used to display the banners must be installed at a height of at least eight feet in an area accessible to pedestrians; or 12 feet in an area accessible to vehicles; and
 - f. Any banners that exceed these requirements shall be regulated under the provisions of article V.
 - (12) *Memorial signs.* Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building, or when constructed of bronze or other incombustible material shall be allowed.
 - (13) *Notice bulletin boards.* Notice bulletin boards not over 16 square feet in area for medical, public, charitable or religious institutions where the same are located on the premises of the institution, are not illuminated and do not project over a public right-of-way shall be allowed.
 - (14) *No trespassing or no dumping signs.* No trespassing or no dumping signs not to exceed eight square feet in area per sign and not exceeding two in number per lot shall be allowed, except that special permission may be obtained from the Director of Community Development for additional signs under proven special circumstances.

- (15) *On-site directional signs.* Any directional sign not readable from any public right-of-way, on which the names and locations of the occupants, uses, and/or function of a building, group of buildings, or building element is given.
- (16) *Plaques.* Plaques or nameplate signs not more than 24 square inches in area which are fastened directly to the building shall be allowed.
- (17) *Political and campaign signs.* Political signs shall be allowed but not exceed 30" W x 24" H in size, and the top of sign shall not be more than six feet above grade and shall be maintained in good condition.
- (18) *Public notices.* Official notices posted by public officers or employees in the performance of their duties shall be allowed.
- (19) *Public notice board kiosks.* Freestanding public notice board kiosks may be constructed by the village, governmental body, or other public/semi-public organization with the consent of the Director of Community Development provided that:
- It may provide only temporary display of any particular business or commercial establishment;
 - No temporary sign remains posted for more than 30 days;
 - It does not create hazardous or unsafe conditions; and
 - Complies with all other requirements of this chapter.
- (20) *Public signs.* Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination or animation, required by the law, statute or ordinance under which the signs are erected shall be allowed.
- (21) *Public/quasi-public signs—Existing.* Any sign lawfully established prior to May 24, 2011 on a lot that is owned by a public/quasi-public agency or organization (e.g. governmental body; elementary, middle, or high school, library, etc.) and does not provide commercial advertising shall be allowed. Any structural or visual change which tends to make the sign less in compliance with the requirements of this chapter than it was before the alteration shall require a special use permit approved by the Board of Trustees.
- (22) *Real estate signs.* One real estate sign on any lot or parcel, or two signs per corner lot one facing each street, shall be allowed, provided such signs are located entirely within the property to which the sign applies, are not directly illuminated, and is removed within seven days after the sale, rental or lease has been accomplished. The maximum area allowed shall be: nine square feet for single-family residential districts and 32 square feet for multi-family residential and non-residential districts. No sign shall be closer than eight feet to any side and rear lot line, and four feet to the front lot line, or one-half the depth of the front yard, whichever is greater; nor project higher than one story, or 20 feet above curb level, whichever is lower.
- (23) *Symbols or insignia.* Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies shall be allowed, provided that no such symbol, plaque or identification emblem shall exceed four square feet in area and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.
- (24) *Warning signs.* Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of the danger shall be allowed.
- (25) *Window signs—Temporary.* For each ground floor occupancy of a building not more than two temporary signs may be displayed from the inside surface of any window, showcase or other similar facility, provided that:
- They are not erected and maintained for more than 30 days;

- b. The total area of all temporary window signage does not exceed more than 50 percent of the total window area, except for grocery stores which may have a total area of all temporary window signage displayed on up to 75 percent of the total window area;
 - c. No window display may be maintained which has the effect of circumventing the intent of this section with respect to signage. If material purporting to be a window display has such effect, it shall be deemed to be a window sign and not a window display; and
 - d. They comply with all other requirements of this chapter.
- (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-62—78-70. Reserved.

ARTICLE V. SIGNS REQUIRING PERMITS

DIVISION 1. GENERALLY

Sec. 78-71. Generally.

All non-exempt signs shall require an approved sign permit before being erected. Maximum surface area of signs, maximum height standards for signs, maximum number of signs and allowed sign types are established for each zoning district. Signs may be erected, altered and maintained only for a permitted or special use in the district in which the signs are located.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

DIVISION 2. SIGNS IN RESIDENTIAL DISTRICTS

Sec. 78-72. Districts enumerated.

The following are the residential districts:

- (1) R1 single-family.
- (2) R2 single-family.
- (3) R3 general residence.

- (4) R4 general residence.
- (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-73. Signage.

- (1) *Permitted signs.*

- (a) *Neighborhood identification signs.* In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood, tract, or residential development identification, provided that the copy of such sign or display shall consist only of the neighborhood, tract, or residential name and be consistent with the character of the area for which it identifies. Any sign for a residential subdivision or development with an oversight body, such as a homeowner's association or condominium board, shall have written approval for the design and construction of the sign from said oversight body. The maintenance and upkeep of the appearance of the sign shall be the responsibility of the erecting party.

- (2) *Special use signs.*

- (a) *Subdivision development signs.* The Zoning Board of Appeals may issue a special use permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision. Such permit will state the conditions under which the signs may be displayed, including, but not limited to, time limit, type of sign, sign size and height and location.

- (b) *Any sign that does comply with subsection 78-61(21).*

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-74—78-90. Reserved.

DIVISION 3. SIGNS IN BUSINESS DISTRICTS

Sec. 78-91. Districts enumerated.

The following are the business districts:

- (1) B1 retail business.

(2) B2 service business.
(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-92. Signage.

(1) *Maximum gross surface area of all permitted and special use signage.* The total gross surface area of all signs for a single building shall not exceed three times in square feet the total wall frontage expressed in linear feet, up to a maximum of 500 square feet for a building with one frontage, 800 square feet for a building with two frontages, and 1,000 square feet for a building with three or more frontages. If a single building is a multi-tenant commercial area and is so used, the formula to be applied in ascertaining the permitted gross surface area for each individual establishment shall be determined by three times in square feet the total wall frontage expressed in linear feet of the individual establishments. For sites that do not qualify for a ground sign, the total gross surface area of all signs for a single building shall not exceed two and a half times in square feet the total wall frontage expressed in linear feet, up to a maximum of 500 square feet for a building with one frontage, 800 square feet for a building with two frontages, and 1,000 square feet for a building with three or more frontages.

Any signage exceeding this amount will require a special use permit.

(2) *Comprehensive sign plan.* A comprehensive sign plan is required with any application for a permanent sign permit for a commercial use.

(3) *Permitted signs.*

(a) *Wall signs.*

- a. *Amount:* Each business shall be allowed wall signage on a R.O.W. or wall frontage provided it does not have an awning, canopy, or marquee sign along that frontage.

Wall signs may be erected on the lower plane of a mansard-style roof or mansard wall facing, provided the angle of such mansard roof or wall facing is constructed at any angle of not less than 70 degrees from the horizontal plane.

- b. *Area:* The total wall sign area for each business shall be within the limits for total signage allowed upon a site. See subsection (1).

For any business with multiple wall signs on separate wall frontages or R.O.W. frontages, any wall sign after the first shall be 50 percent the size of the first sign.

- c. *Height:* The top of any sign shall be a minimum of half (0.5) a foot below the roofline/parapet wall of the building. No wall sign shall extend above the roofline/parapet wall of a building.
- d. *Location:* No wall sign shall extend more than 12 inches perpendicular to the wall to which it is attached. No signage from one business may be placed or stacked above the signage of any other business along a common wall.

(b) *Awning, canopy, and marquee signs.*

- a. *Amount:* Each business shall be allowed awning, canopy, or marquee signage on a R.O.W. or wall frontage provided it does not have a wall sign along that frontage.
- b. *Area:* The total awning, canopy, or marquee sign area for each business shall be within the limits for total signage allowed upon a site. See subsection (1).

Not more than 35 percent of an awning or canopy may be used for the copy of the sign.

- c. *Height:* Signs or letters placed on the vertical facade of a canopy or marquee sign may not extend above or below the canopy or marquee. No portion of an awning, canopy, marquee, or any sign or appurtenance attached thereto shall be less than seven and one-half feet above the level of the ground over which it projects.

d. *Location:*

Awning sign: The part of the awning which is at an angle to the street may be used for the copy of sign. Signage letters of four inches or less in height may be allowed on the valance of awnings without counting against the maximum signage area.

Canopy or marquee sign: Only the vertical façade portion of the canopy or marquee may be used for copy of the sign.

(c) *Ground signs.*

a. *Amount:* The following is the criteria for the quantity of ground signs allowed per public R.O.W. frontage.

0—99 feet of R.O.W. frontage:	No sign
100—599 feet of R.O.W. frontage:	One sign
600 feet of R.O.W. frontage:	Two signs

Where a site abuts on more than one public right-of-way or street, the sum total of such frontage may be considered in applying the provisions of this section.

b. *Area:* As allowed within the restrictions of the maximum gross surface area for signage on a particular site. See subsection (1).

c. *Height:*

i. No ground sign shall exceed a height of 20 feet above ground level for a lot with less than ten tenants and less than 120,000 square feet of gross leasable area; 22 feet above ground level for a lot having ten or more tenants and more than 120,000 square feet of gross leasable area; or 36 feet above ground level for lots with over 200,000 square feet of gross leasable area.*

ii. No ground sign shall exceed a height of 20 feet above ground level when located on a lot abutting an R1 or R2 district.

iii. Any outlot that is part of a shopping center which already has a ground sign shall not have a monument sign that exceeds ten feet in height.

iv. No sign shall extend three feet above any roof or facade line of the associated building.

v. Ground sign height may be increased as part of a planned unit development or site plan approval.

*A 20 percent variation for existing signs may be obtained through the Plan Commission and Zoning Board of Appeals with the approval of the Village Board.

d. *Setback and location:* Where only one ground sign is allowed, such sign shall be located as close to the centerline of the frontage of the activity as is practical. Each sign must be at least 100 feet apart from any other ground sign. No sign shall be allowed within 50 feet of any property in a residential district. No sign shall be allowed to project over the public right-of-way.

A ground sign may be located in any required yard subject to any conditions contained in the zoning ordinance (appendix B). All ground signs over 30 inches in height shall not be located within a 15-foot sight triangle in any direction along the property line from any vehicular access drive or public thoroughfare and shall not create any dangerous sight obstructions at other locations on the site, including visual obstructions of, or to, pedestrian traffic on designated public or private sidewalks.

- e. *Landscaping:* Ground signs shall be landscaped at their base in a manner harmonious with the landscape concept for the whole site. Landscaping shall form an attractive, dense cluster at the base of the sign that is equally attractive in winter and summer. Planting beds shall extend one and one-half feet from the sign base on all sides. The landscape area shall be curbed at the perimeter when the sign is incorporated into a hard-surfaced parking area.

The types of landscaping shall be as follows:

- i. *Pole signs:* Shrubs or other ground covers shall be a minimum of four feet in height at planting. If decorative casing for poles or pylon structures is proposed, the Director of Community Development may grant partial relief of the landscaping requirement.
- ii. *Monument signs:* Shrubs or other ground covers shall be a minimum of 60 percent of the height of the base at planting without blocking the sign copy for the purpose to cover or soften the base. If the proposed sign base is visually enhanced, the Director of Community Development may grant partial relief of the landscaping requirement.
- f. *Materials and design:* The structural elements of monument signs should be built with decorative, durable materials, such as brick, decorative masonry blocks, stone, or other such materials. Signs should incorporate a color scheme of no more than four colors. All ground signs shall contain the address or address ranges for the site. For multi-tenant commercial areas, all signs shall contain the name of the development or building in a display at least as large

as the largest portion of the sign for any tenant, and signage for separate businesses should have symmetrical arrangements with other businesses advertised on the same structure.

- (d) *Window signs—Permanent.*
- a. *Area:* As allowed within the restrictions of the maximum gross surface area for signage on a particular site. See subsection (1). The reasonable application of lettering or decals giving the address, hours of business, entrance or exit information, professional or security affiliations or memberships, the acceptance of credit cards or other similar information, shall not be considered as the display of signs for purposes of permanent window signage.
- b. *Materials and design:* Signs with neon, LED tubing, series lighting, and other similar applications are allowed provided that they do not consist of more than 15 percent of the total permanent window signage. Neon, LED tubing, series lighting, and other similar applications used for trimming of windows is prohibited.
- (e) *Directional signs.* One such directional sign is allowed near each driveway ingress/egress. The area of each sign may not exceed six square feet. The maximum allowed height shall be four feet. Advertising shall not be allowed on such signs; however, the name of the activity, in letters not exceeding six inches, or a logo or symbol, may be included on each directional sign. Such signs shall not count against the maximum gross surface area for signage on a particular site (See subsection (1)).
- (f) *Changeable copy signs—Manual.* A ground sign may have a portion of it used as a changeable copy sign - manual provided that the area of such sign does not exceed 25 percent of the area of the ground sign to which it is part.

- (g) *Public service information sign.* A ground sign may have a portion of it used as a public service information sign provided that the area of such sign does not exceed 25 percent of the area of the ground sign to which it is part.
- (h) *Electronic message center.* A ground sign may have a portion of it used as an electronic message center provided that:
 - a. The electronic message center area shall not exceed 25 percent of the area of the ground sign to which it is part. The electronic message center area shall be integrated into the design of the overall ground mounted sign.
 - b. The subject property shall have no less than 200 feet of R.O.W. frontage on which the sign is to be located.
 - c. Anything displayed on the lines of text on the sign shall be displayed monochromatically, and shall not change in color, intensity, brightness, shade or color gradient.
 - d. The copy, logo or display of the sign shall remain static and unchanging for a period of no less than ten seconds.
 - e. The sign may be used to advertise commercial products available at the businesses located on the premises, noncommercial messages from not-for-profit or governmental organizations located within the village, and advertisements for public meetings and noncommercial public events in the village.
 - f. The message shall not consist of flashing, scintillating, chasing or animated lights, or include animated pictorial graphics.
 - g. The illumination of the sign shall not exceed an intensity of 0.5 foot-candles as measured with a portable hand-held sensor at either the property line or ten feet from the sign, whichever is lesser.
- h. The sign shall incorporate automatic dimmer software or solar sensors with maximum settings of 5,000 nits during daylight and 500 nits between dusk and dawn. If the village finds that the sign causes glare or otherwise impairs the vision of the driver of a motor vehicle, the owner of the sign, within 24 hours of a request by the village, shall reduce the intensity of the sign to a level acceptable to the village.
 - i. The sign is prohibited within 100 feet of a principal residential structure if any part of the sign face would be visible from the principal residential structure.
 - j. Sign shall only operate between one-half hour before the premises are opened, or 6:00 a.m., whichever is earlier and one-half hour after premises is closed to the public, or 11:00 p.m., whichever is later.
 - k. If at any time, more than 30 percent of the display lights malfunction or are no longer working, the owner of the sign shall make repairs to the sign within 60 days or the sign will require removal. All electronic message center signs must be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction in electronic programming occurs.
- (i) *Automobile service station signs.*
 - a. *Information on gasoline pumps:* Signs appearing on gasoline pumps shall not be considered as signs for purposes of this chapter. This provision shall include video signs provided that they meet the performance standards of the village's zoning ordinance.
 - b. *Ground sign allowed:* Each service station shall be allowed one ground sign regardless of frontage, provided that no sign exceeds 64 square feet

in area. Ground signs may contain electronic message center signs for the display of fuel prices without requiring special use approval, provided that they are used for the exclusive display of fuel prices solely with no other content allowed and with the fuel price display being monochromatic and static without scrolling, movement, or flashing. The maximum height for any sign is 20 feet.

- c. *Price sign:* All price signs must reflect full service or miniservice and the current price per unit of gasoline sold at the station. No element of the cost to the customer of gasoline shall be omitted from the statement of the price per unit of measurement. Failure to maintain posted prices shall require that the sign be removed from the location.
- d. *Signable areas of building:* Automobile service stations which include interior facilities for the servicing of automobiles or a canopy for gasoline

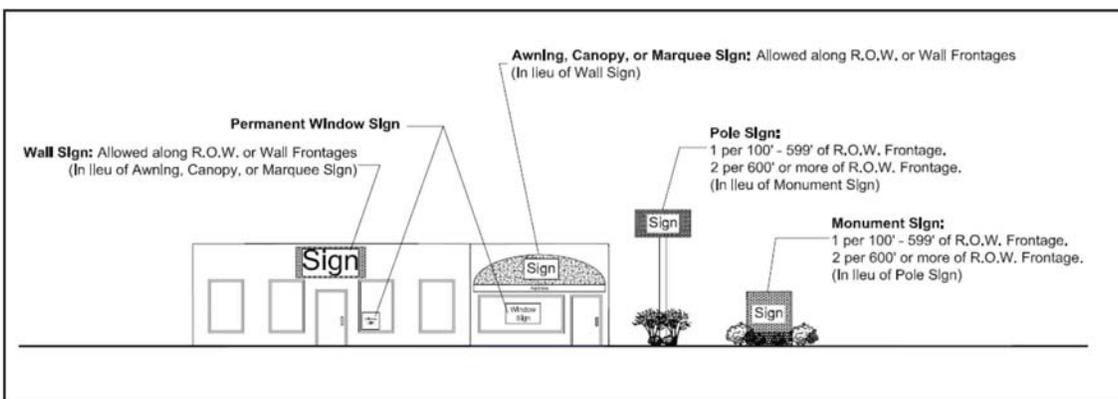
pumps shall be treated as consisting of two buildings, each with its own wall sign calculation area.

- e. *Incidental signs:* Automobile service stations may display a maximum of six incidental signs with a total area of 20 square feet. Such signs shall relate only to affiliation with a motor club, acceptance of designated credit cards or automobile-related services provided by the station such as towing, mechanical work, etc. Matters appearing on outdoor vending machines as purchased or installed shall not be counted as signs for purposes of this section.

(4) *Special use signs.*

- (a) Any signs beyond the allowed signs described in this chapter.
- (b) Any drive-through sign that does not meet the provisions of section 78-61(3).
- (c) Electronic message center signs that do not comply with section 78-92(3)(h).
- (d) Painted wall signs.

**Permitted Signage in Business Districts Examples
Maximum Area of Signage Allowed Per Sec. 78-92(1)**



(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-93—78-100. Reserved.

DIVISION 4. SIGNS IN MANUFACTURING DISTRICTS

Sec. 78-101. Districts enumerated.

M limited manufacturing is the sole manufacturing district.
(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-102. Signage.

(1) *Maximum gross surface area of all signs.*

(a) Same as those allowed under article V, division 3, signs in business districts.

(2) *Comprehensive sign plan.* A comprehensive sign plan is required with any application for a permanent sign permit for a manufacturing use.

(3) *Permitted signs.*

(a) Same as those allowed under article V, division 3, signs in business districts.

(b) Ground signs shall be allowed to a maximum of 20 feet in height.

(4) *Special use signs.*

(a) Same as those allowed under article V, division 3, signs in business districts.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-103—78-110. Reserved.

DIVISION 5. SIGNS IN PUBLIC USE DISTRICTS

Sec. 78-111. Districts enumerated.

P1 public land use is the sole public use district.
(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-112. Signage.

(1) *Maximum gross surface area of all signs.*

(a) Same as those allowed under article V, division 3, signs in business districts.

(2) *Comprehensive sign plan.* A comprehensive sign plan is required with any application for a permanent sign permit for a public use.

(3) *Permitted signs.*

(a) Same as those allowed under article V, division 3, signs in business districts.

(4) *Special use signs.*

(a) Any sign that does comply with section 78-61(21).

(b) Same as those allowed under article V, division 3, signs in business districts.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-113—78-120. Reserved.

DIVISION 6. TEMPORARY SIGNS

Sec. 78-121. Signage.

The following signs will be allowed for a specified amount of time with an approved temporary sign permit issued by the Director of Community Development or designee as outlined in section 78-122.

(1) Banners.

(2) Bunting.

(3) Flags.

(4) Inflatables.

(5) Pennants.

(6) Portable signs.

(7) Sandwich board, A-board, and sidewalk/curb signs within ten feet of the primary building entrance.

(8) Searchlights.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-122. Conditions.

The following are the conditions for granting a temporary sign permit:

(1) Public interest signs publicizing a charitable or nonprofit event of general public interest. Such sign may be erected only on private property. The signs shall be no larger than 32 square feet. Public interest signs shall be allowed 14 days before the event and removed within seven days after the event to which it pertains.

- (2) Grand opening. New or expanding business signs of a temporary nature shall conform to the following:
 - a. No more than one sign per frontage may be erected in a commercial, office or industrial district and must conform to the location and construction requirements of this chapter;
 - b. Any such sign may be displayed for 90 days. The Director of Community Development may extend the time limit for an additional period of 90 days upon written request of the business licensee;
 - c. The maximum size of a freestanding sign shall be 32 square feet; and
 - d. The maximum size of a wall-mounted sign shall be equal to the maximum allowed wall signage for the subject building or unit.
- (3) Special event is an event of less than four weeks' duration sponsored and/or run by a commercial enterprise in connection with seasonal sales or other special offers; all listed temporary signs in section 78-121 are allowed, provided they may be allowed for a maximum four-week period no more than four times a year and a minimum of one month between events. The maximum area of signs shall be no larger than 32 square feet. Inflatable figures may not exceed ten feet in width or depth. All signs shall comply with all setbacks, height maximums, and other regulations in this chapter. At the discretion of the Director of Community Development, special event signs may be displayed for up to eight weeks provided that the same entity does not exceed the total annual allotment of special event signage (16 total weeks).

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-123—78-140. Reserved.

ARTICLE VI. CONSTRUCTION SPECIFICATIONS

Sec. 78-141. Compliance with building code.

All signs shall comply with the appropriate detailed provisions of the village building code

relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable electrical code and the additional construction standards set forth in this division.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-142. Construction of signs; auxiliary specifications.

(a) *Identification and marking.* Each sign hereafter erected or remodeled shall bear, in a permanent position thereon, a clearly legible identification plate stating the name and address of the owner of the sign, and the person responsible for its construction, erection and the date of erection.

(b) *Obstruction to exits.* No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

(c) *Obstruction to ventilation.* No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provisions of the building or fire prevention codes.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-143. Structural design.

(a) *General.* Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this section. All bracing systems shall be designed and constructed to transfer horizontal forces to the foundations. For signs mounted on buildings, the vertical and horizontal loads shall be transmitted through the structure of the building to the ground in such a manner as not to overstress any of the elements thereof. The overturning moment produced from horizontal forces acting on a sign shall in no case exceed two-thirds of the dead load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structure of the supporting building. The weight of earth superimposed over footings may be used in determining the dead load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(b) *Wind loads.* Signs and sign structures shall be designed and constructed to resist wind forces as specified in the building code as adopted by the village.

(c) *Combined loads.* Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used.

(d) *Non-electric ground signs.* Seismic or wind loads need not be considered in the design of non-electric ground signs 50 square feet or less in sign area and eight feet or less in height to the center of gravity. Vertical loads shall be assumed to act simultaneously with wind or seismic loads in designing signs and their supports.

(e) *Allowable stresses.* The design of wood, concrete, aluminum or steel members shall conform to the requirements of the building code as adopted by the village. Vertical and horizontal loads exerted on the shell shall not produce stresses exceeding those specified in the building code as adopted by the village. The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners. Working stresses for wind or seismic loads combined with dead loads may be increased as specified in the building code as adopted by the village.

(f) *Anchorage.* Members supporting unbraced signs shall be so proportioned that the bearing load imposed on the soil in either horizontal or vertical directions shall not exceed allowable values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out equivalent to a force 25 percent greater than the required resistance to overturning. Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of approved metal anchors, bolts or expansion screws of sufficient size and strength to support the loads applied. No wood blocks, plugs or anchors of wood used in connection with screws or nails shall be considered an adequate connection, except in the case of signs attached to wood framing. No anchor or support for any sign shall be connected to, or

supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in the building code as adopted by the village. (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-144. Construction and material standards.

(a) *General.* The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this chapter.

(b) *Materials.* Materials of construction for signs and sign structures shall be of a quality and grade allowed for buildings in the building code as adopted by the village. If the frame or cabinet of a sign is to be fabricated of steel, the steel shall be galvanized or painted with rust-inhibiting paint. Anchors and supports of wood, when embedded in the soil or within six inches of the soil, shall be pressure-treated with an approved preservative. Such treated wood members shall be marked or branded by an approved agency.

(c) *Restrictions on combustible materials.* All signs and sign structures shall have structural supports of incombustible materials. Ground signs may be constructed of any material meeting the requirements of this chapter. Wall signs and signs on marquees shall be constructed of incombustible materials. Combustible materials other than approved plastics shall not be used in the construction of electric signs.

(d) *Nonstructural trim.* Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics or any combination thereof.

(e) *Wooden signs.* In Fire Zone 1, temporary wooden signs may be installed provided structural supports are at least three inches by three inches in cross section and that the surface is at least three-quarters inch thick plywood. (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-145. Required clearances.

(a) *General.* All types of signs shall conform to the clearance and projection requirements of this section.

(b) *Clearance from high voltage power lines.* Signs shall be located not less than six feet horizontally or eight feet vertically from overhead electrical conductors which are energized in excess of 750 volts. The term "overhead conductors," as used in this section, means any electrical conductor, either bare or insulated, installed above the ground except such conductors that are enclosed in approved metal conduits.

(c) *Clearance from low voltage power lines.* Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 24 inches in any direction to any conductor or public utility guy wire.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-146. Plastic.

The Director of Community Development shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material, and if it is determined that the evidence submitted is satisfactory for the use intended, he may approve its use. Manufacturer's recommendations will be utilized when available and applicable. The following requirements represent the minimum acceptable, for normal conditions:

- (1) *Acrylic plastic.* Acrylic plastic shall have a minimum thickness of 0.125 inches.
- (2) *Fiberglass.* Fiberglass shall have a minimum thickness of 0.080 inches.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-147. Steel decorations and trim.

All grades of steel shall be galvanized or properly primed and top-coated for corrosion resistance.

- (1) *Edge-retaining angle.* The depth of edge engagement must be sufficient to provide for thermal expansion and contraction. The frame depth shall be one-quarter inch, plus one-eighth inch per running foot of plexiglass in length and width. To provide expansion clearance, the flat

plexiglass sheet shall be cut 1/16-inch per running foot shorter than the sign cabinet retainer in both dimensions.

- (2) *Hanging bar.* Any plastic sign face that is two feet by six feet or larger shall have a hanging bar.
- (3) *Ribs.* Ribs shall be a minimum of 0.250 of an inch thick and three inches deep. The ribs will run parallel to the short dimension and extend to the edges of the face.
- (4) *Bumpers.* Bumpers shall be designed to resist buckling under the positive design wind load and with a resilient tip. The tip of the bumper shall be positioned at least one inch from the face. Each bumper shall be positioned for equal design loading.
- (5) *Tiebacks.* A sign face larger than six feet by seven feet shall use tiebacks approximately four feet on center. The tiebacks shall be attached to a structural part of the sign cabinet.
- (6) *Channel letters.* This section does not apply to channel letters where the plexiglass is glued to the retainer.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-148. Electrical work.

(a) The electrical supply for a directly illuminated sign shall be a separate circuit or circuits, not connected to other building wiring. Such wiring shall comply with the National Electrical Code and shall be authorized by electrical permit.

(b) All directly illuminated signs shall be approved and labeled by Underwriters' Laboratory or other approved testing laboratory.

(c) The electrical wiring for and labeling of illuminated signs shall comply with the National Electrical Code as adopted by the village.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-149. Lighting requirements.

(a) The provisions of this section shall apply to the erection, installation and construction of electric signs.

(b) All electric signs constructed, erected, altered, repaired or installed under the jurisdiction of this chapter, all exterior stationary electric lighting or illumination systems or any interior lighting or illumination systems which are intended to be viewed from a public street, highway or other public thoroughfare used by vehicular traffic, and any such signs and lighting installations which are installed that are intended to be viewed from a main-traveled roadway or a free-way shall be installed in conformance with the applicable provisions set forth in this division.

(c) No person shall construct, establish or create, and no person shall maintain any stationary exterior lighting or illumination system or any interior system which is intended to be viewed from a public street, highway or other public thoroughfare used for vehicular traffic, which system contains or utilizes:

- (1) Any exposed incandescent lamp with a wattage in excess of 40 watts when such sign is within 15 feet of a street;
- (2) Any exposed incandescent lamp with an internal metallic reflector;
- (3) Any exposed incandescent lamp with an external reflector;
- (4) Any revolving beacon light; or
- (5) Any continuous or sequential flashing operation in which more than one-third of the lights are turned on or off at one time.

(d) Exceptions. The provisions in subsection (c) of this section shall not apply to:

- (1) Lighting systems owned or controlled by any public agency for the purpose of directing or controlling navigation, traffic or for highway or street illumination;
- (2) Aircraft warning lights;
- (3) Electronic information systems which display the time of day and/or the atmospheric temperature or programmable electronic messages of a public service or commercial nature; or
- (4) Temporary lighting used for repair or construction as required by governmental agencies.

(e) No person shall erect or maintain any electric sign or similar device that interferes with the visibility of any official traffic control or warning signal. This section shall not apply to lights used to identify public fire alarm boxes.

(f) Exterior signs may be illuminated until 11:00 p.m. or the close of business, whichever is later. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential building, or into a residential district, or into a street. A sign in direct line of vision of any traffic signal shall not have red, green or amber illumination. (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-150. Sign lettering.

The predominant commercial sign of a business shall be written in English. (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-151—78-170. Reserved.

ARTICLE VII. NONCONFORMANCE

Sec. 78-171. Legal nonconforming signs.

(a) *Notification of nonconformity.* The Director of Community Development or designee shall survey the village for signs which do not conform to the requirements of this chapter. Upon determination that a sign is nonconforming, the Director of Community Development or designee shall use reasonable efforts to so notify personally and in writing the user or owner of the property on which the sign is located of the following:

- (1) The sign's nonconformity; and
- (2) Whether the sign is eligible for characterization either as legal nonconforming or unlawful. Failing determination of the sign owner, user or owner of the property on which the sign is located, the notice may be affixed in a conspicuous place to the sign or to the business premises with which the sign is associated.

(b) *Signs eligible for characterization as legal nonconforming.* Any sign which does not conform with the provisions of this chapter is eligible for

characterization as a legal nonconforming sign and is allowed, provided it meets one of the following requirements:

- (1) The sign was erected or installed pursuant to a sign permit or variance prior to April 26, 2011;
- (2) The sign was in all respects in compliance with the applicable law in effect prior to May 24, 2011; or
- (3) Where property is annexed to the village, the amortization period for a nonconforming sign shall commence from the date that such annexation is effective.

(c) *Amortization of nonconforming signs.* Every sign or other advertising structure in existence on April 26, 2011, which violates or does not conform to the provisions hereof, shall be removed, altered or replaced so as to conform with the provisions of this chapter, in accordance with the following schedule:

- (1) Neon window borders: By January 1st, 2016.
- (2) Abandoned signs: sixty (60) days.
- (3) All other nonconforming signs: By January 1st, 2026.

(d) *Loss of legal nonconforming status.* A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

- (1) The sign is altered in any structural or visual way which tends to or makes the sign less in compliance with the requirements of this chapter than it was before the alteration;
- (2) The sign is relocated to a position making it less in compliance with the requirements of this chapter;
- (3) The sign is replaced; or
- (4) The sign is not properly maintained or is damaged to the extent of 20 percent of its replacement value.

If a legal nonconforming sign loses its nonconforming designation, as set forth in this subsection, such sign shall be removed within 30 days; pro-

vided, however, that a permit may be sought to relocate or rehabilitate the sign to comply with this article.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-172. Maintenance and repair.

Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the legal nonconforming sign is located from the provisions of this chapter regarding safety, maintenance and repair of signs; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming, or the sign may lose its legal nonconforming status.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-173—78-180. Reserved.

ARTICLE VIII. REMOVAL AND DISPOSITION

Sec. 78-181. Maintenance and repair.

Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required to keep the sign and the area surrounding the sign in a safe, neat and orderly condition and appearance, free and clear from all obnoxious substances, rubbish and waste. The Director of Community Development shall require compliance with all standards of this chapter. If the sign is not made to comply with adequate safety standards, the Director of Community Development shall require its removal in accordance with this section.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-182. Abandoned signs.

Except as otherwise provided in this chapter, any on-premises sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event or purpose which no longer applies shall be deemed to have been

abandoned. Multi-tenant signs with changeable panels shall insert a blank panel within one month of the vacancy of a building space. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises within ten days after written notification from the Director of Community Development.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-183. Dangerous or defective signs.

If the Director of Community Development shall find that any sign or other advertising structure regulated in this article is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this article, he shall order such sign removed in accordance with section 78-185. The Director of Community Development may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice. If a fire has caused immediate peril to persons or property, then the fire chief, or in his absence, the senior fire officer present, may order the removal of the sign.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-184. Unlawful signs.

No person shall erect on any premises owned or controlled by him any sign which does not comply with the provisions of this chapter.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-185. Removal of signs by the Director of Community Development.

The Director of Community Development shall cause to be removed any sign that endangers the public safety or a sign for which no permit has been issued. The Director of Community Development shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten days, the

sign shall be removed in accordance with the provisions of this section. All notices mailed by the Director of Community Development shall be sent by certified mail to the last address furnished to the village by the sign owner or user. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-186. Fees for disposal of signs.

Any expense resulting from the removal of a sign by the Director of Community Development pursuant to the provisions of this division shall be paid by the owner, agent or person having the beneficial use of the building, structure or premises on which such sign is found. If such payment is not made within 30 days of notice by the Director of Community Development, then the cost of the sign removal shall become a lien upon the real estate as provided in this Code.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Secs. 78-187—78-200. Reserved.

ARTICLE IX. ADMINISTRATION AND APPEALS

Sec. 78-201. Enforcement officer.

The Director of Community Development or his designee appointed by the village president with consent of the Board of Trustees is designated as the enforcement officer for this chapter. In furtherance of his authority as such director, he shall have the following duties and powers:

- (1) Review plans and specifications submitted by persons desiring to erect, alter or move signs;
- (2) Issue sign permits;
- (3) Conduct inspections of signs and issue notices of noncompliance when required; and
- (4) Maintain all records necessary to the appropriate administration and enforcement of this chapter, including applications for variations and appeals.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-202. Penalty for violations.

(a) *Failure to obtain permit.* Any person who erects, alters or moves a permanent sign without obtaining a permit as required by this chapter is subject to a penalty as set in appendix D of the Municipal Code for each and every day such violation exists.

(b) *Display of nonconforming signs.* Any person who displays a nonconforming sign following the receipt of a notice of nonconformity is subject to a penalty of as set in appendix D of the Municipal Code for each day in which such sign is displayed.

(c) *Failure to maintain or repair.* Any person who fails to properly maintain a sign or the area immediately surrounding a sign or who fails to repair a damaged sign within 30 days of notice by the Director of Community Development or designee is subject to a penalty as set in appendix D of the Municipal Code for each day of continued violation.
(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-203. Required.

(a) Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, change permanent copy, move or convert any sign in the village or cause the same to be done, without first obtaining a sign permit for each such sign from the Director of Community Development as required by this article. These directives shall not be construed to require any permit for a change of copy on any sign, or for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this chapter on May 24, 2011 unless and until the sign is altered or relocated.

(b) Every sign permit issued by the Director of Community Development shall become null and void if erection of the sign is not commenced within 120 days from the date of such permit. If work authorized by such permit is suspended or

abandoned for 120 days at any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half the amount required for a new permit for such work, provided that no changes have been made in the original plans. Such permit may not be unreasonably withheld, providing that proper application and payment of the permit fee is made.
(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-204. Exemption from fees.

A permit shall not be required for changing of the temporary copy of a sign, bulletin board, poster board, display encasement, marquee or maintenance or changing of interchangeable letters on signs designed for use of interchangeable letters.
(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-205. Fees.

(a) *Sign permit fee.* Sign permit fees are as follows:

- (1) For each sign erected, installed, affixed, structurally or electrically altered, relocated or created by painting, the sign permit and sign permit fee shall be as set in appendix D of the Municipal Code.
- (2) For each sign erected, installed, affixed, structurally or electrically altered, relocated or created by painting, without first obtaining a sign permit, the fee shall be twice the amount specified in section 78-202(a).

(b) *Annual registration fees.* The Director of Community Development shall inspect annually and at such other times as he deems necessary, each sign, other advertising structure, marquee, canopy or awning for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair. To meet the expense of such inspection, the permittee thereof shall pay to the village an annual registration fee. Any person owning, in possession, charge or control of any sign, other advertising structure, marquee, canopy or awning, now in existence or hereafter erected, shall pay the an-

nual inspection fees as set in appendix D of the Municipal Code for illuminated and nonilluminated signs.

(c) *Field-fabricated sign inspection fee.* Each sign fabricated in the field shall have a special inspection by the building official for which an inspection fee shall be paid. The fee shall be as set in appendix D of the Municipal Code. This shall be in addition to the other prescribed fees.

(d) *Other inspection fee.* The fee for any inspection not otherwise designated shall be as set in appendix D of the Municipal Code per hour or fraction thereof, of inspection time, with a minimum fee as set in appendix D of the Municipal Code.

(e) *Temporary sign fees.* Temporary sign fees are as follows:

- (1) For each group of banners, pennants, buntings and flags or carnival-type signs installed at each premises or tenant's location, the use permit fee shall be as set in appendix D of the Municipal Code for each 30 days or less. Banners, pennants, buntings and flags or carnival-type signs may not be displayed for more than 30 consecutive days.
- (2) For temporary signs of 50 square feet or less in area, the fee shall be as set in appendix D of the Municipal Code for that time allowed in article V, division 6 or any portion of that time.
- (3) For temporary signs of more than 50 square feet in area, the fee shall be as set in appendix D of the Municipal Code for that time allowed in article V, division 6 or any portion of that time.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-206. Special sign districts.

(a) *Submission of regulations.* A shopping center or any group of merchants doing business within a specific area within the village may establish regulations for such shopping center or area. Such regulations called local sign regulations in this section may be submitted to the Board of Trustees for approval. If, and to the extent that, local sign regulations are approved

by the Board of Trustees, by ordinance, such local sign regulations shall be observed by the persons affected in lieu of compliance with this chapter.

(b) *Conditions for approval.* No local sign regulations will be approved by the Board of Trustees unless the regulations are binding upon all persons in the specific area within the village to which the regulations are intended to apply.

(c) *Approval procedure.* Persons desiring to obtain approval of a special sign district pursuant to this section shall submit the regulations to the Zoning Board of Appeals, together with any additional material requested by the Director of Community Development. The Zoning Board of Appeals shall review the regulations and transmit them to the Board of Trustees with their comments and recommendations as to whether approval should or should not be granted under this section.

(d) *Private signage agreements.* Nothing in this section or elsewhere in this chapter shall prevent any building owner or association of merchants from establishing by lease or other form of agreement sign regulations which are more stringent than those set forth in this article.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-207. Planned unit developments.

All signage included as part of a planned unit development (P.U.D.) shall be as detailed in the P.U.D. agreement approved by the Board of Trustees and shall be allowed to depart from the provisions of this chapter. Any changes to the signage of an approved P.U.D. agreement shall be governed by the procedures for a minor change as outlined in the zoning ordinance.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-208. Standards for special use.

(a) The Zoning Board of Appeals shall not recommend a special use unless it shall make findings of fact based upon evidence presented at the hearing in any given case that:

- (1) The special use will serve the public convenience at the location of the subject sign(s); or that the establishment, maintenance or operation of the special use

will not be detrimental to or endanger the visibility, public safety, comfort or general welfare.

- (2) The sign(s) will be in harmony and scale with the architecture of the building(s) in this development and with other signs in the neighborhood.
- (3) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity of the subject property for the purposes already permitted; nor substantially diminish and impair other property valuations within the neighborhood; nor impair the visibility of adjacent signs.
- (4) The nature, location and size of the sign(s) involved with the establishment of the special use will not impede, substantially hinder, or discourage the installation of signs on adjacent property in accordance with the sign ordinance.
- (5) The special use shall in all other respects conform to the applicable regulations of the sign ordinance except as such regulations may, in such instance, be modified as provided by this chapter.

(b) The Zoning Board of Appeals may recommend imposing such conditions and restrictions upon the subject sign, the location, the construction and design, and use of the property benefited by such special use as may be necessary or appropriate to comply with the foregoing standards and to protect adjacent property and improve property values and the quality of development.

(c) The terms of the special use so granted shall be specifically set forth in a conclusion or statement which is supported from the findings of fact of the Zoning Board of Appeals. The subject property for which the special use has been granted shall not be used in violation of the specific terms and the findings of fact unless such use is allowed by further findings of fact or additional approval, pursuant to additional hearings or appeal therefor.

(Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-209. Right of appeal and requests for variances to Zoning Board of Appeals.

(a) All requests for variances of the requirements of this chapter or appeals from any rulings of the Director of Community Development shall be directed to the Zoning Board of Appeals within ten days of the decision of the Director of Community Development. Applications for appeals or variances shall be made in writing on forms provided by the village. Copies of all notices, reports and actions pertaining thereto shall be attached to each application. A uniform filing fee as set in appendix D of the Municipal Code shall be paid to the village upon filing of each application for appeal or variance for the purpose of defraying expenses resulting from the proceedings. Such notice shall be transmitted immediately to the Zoning Board of Appeals. A hearing date shall be set for the appeal or request for variance within 30 days thereafter. The Director of Community Development shall take no further action on the matter, pending the board's decision, except for unsafe signs which present an immediate and serious danger to the public, as provided in section 78-183.

(b) The Zoning Board of Appeals shall hold public hearings on all appeals and requests for variances and shall permit all interested persons to offer oral or written testimony. The board shall serve or mail written notices of appeals and public hearings to adjacent owners and to all known interested persons at least seven calendar days prior to the hearing. If mailed, such notice shall be deemed to be served and delivered when deposited in the United States Mail, addressed to the person at his last known address, with postage thereon prepaid.

(c) A variance from the provisions or requirements of this chapter may be granted where:

- (1) The literal interpretation and strict application of the provisions and requirements of this chapter would cause undue and unnecessary hardship because of unique or unusual conditions pertaining to the specific building parcel or property in question;

- (2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity;
- (3) The unusual conditions applying to the specific property do not apply generally to other properties in the village; and
- (4) The granting of the variance would not be contrary to the general objective of this chapter of moderating the size, number and obtrusive placement of signs and the reduction of clutter.

(d) Where there is insufficient evidence, in the opinion of the board, to support a finding of undue and unnecessary hardship under subsection (c) of this section, but some hardship does exist, the board may consider the requirement fulfilled if:

- (1) The proposed signing substantially enhances the architectural integrity of the building; or
- (2) The signing is in conformity with nearby structures. In granting a variance, the board may attach thereto such conditions regarding the location, character and other features of the proposed sign as it may deem necessary to carry out the spirit and purpose of this chapter in the public interest.

(e) Appeals without petition for variance. In appeals to the board from a decision of the Director of Community Development denying a sign permit in connection with which no petition for variance has been filed, the board's scope of review shall be limited to determining whether or not the Director of Community Development's decision is in accordance with the requirements of this chapter and accordingly, affirming or reversing his decision. No variance from the requirement of this chapter shall be granted or allowed. If the Director of Community Development's decision is reversed, the board shall direct the Director of Community Development to issue a permit in accordance with its decision. If the Director of Community Development fails to do so for five days from receipt of the direction from the board, the board may issue the permit.

In appeals from failure of the Director of Community Development to grant a permit within 30

days of application, the board shall determine whether the sign and the application meet the requirements of this chapter. If so, the board shall grant the permit; if not, the board shall deny the permit. No variance from the requirements of the chapter shall be granted or allowed.

(f) After the close of the hearing, the Zoning Board of Appeals, by a majority vote, may affirm, annul or modify the order or action of the Director of Community Development, or the board shall recommend to the corporate authorities that it grant or deny the variance requested. (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-210. Board of Trustees review of Zoning Board of Appeals decisions.

(a) *Variations.* Any decision by the Zoning Board of Appeals which results in a variance of ten percent or greater from the requirements of this chapter shall be submitted to the Village Board of Trustees for final review at the next regularly scheduled Village Board meeting. Any such variance shall be granted only by the adoption of an ordinance by the Board of Trustees.

(b) *Appeals.* Any person may appeal the decision of the Zoning Board of Appeals directly to the Board of Trustees upon written notice to the Village Clerk within ten days after the decision. The Village Board may accept, reject or modify the findings and recommendations of the Zoning Board of Appeals and may grant or deny a variance to this chapter as it may determine. The decision of the Board of Trustees shall be final and binding on all parties. (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

Sec. 78-211. Effect of variances.

All actions of the corporate authorities taken under this article shall be construed as administrative actions for the purpose of ensuring that inequities in specific situations may be avoided by granting a variance and shall not be construed as amendments to the provisions of this chapter unless otherwise provided by the corporate authorities. (Ord. No. 2011-29, § 1(Exh. 1), 5-24-11)

