

## **Chapter 157: Signs**

### **CHAPTER 157: SIGNS**

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***GENERAL PROVISIONS***

**§ 157.01 PURPOSE.**

This chapter is established to create the standards for a comprehensive and balanced system of sign regulations for the following purposes:

(A) To encourage, as a means of communication in the Village, the employment of signs which are:

- (1) Compatible with their surroundings.
- (2) Appropriate to the type of activity to which they pertain.
- (3) Expressive of the identity of individual proprietors.
- (4) Legible in the circumstances in which they are seen.
- (5) Respectful of the reasonable rights of other sign owners.

(B) To preserve, protect and promote the public health, safety and welfare.

(C) To improve pedestrian and traffic safety.

(D) To maintain and enhance the aesthetic environment and the Village's ability to attract sources of economic development by promoting the reasonable, orderly and effective display of signs.

(E) To minimize the possible adverse effect of signs on nearby public and private property.

(F) To preserve the value of private property by assuring the compatibility of signs with surrounding land uses.

(G) To ensure that signs are designed as integral architectural elements of the building and site to which they principally relate.

(Ord. 93-9, passed 12-20-93)

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### § 157.02 SCOPE.

No sign shall be constructed, erected, initially painted, converted, altered, rebuilt, enlarged, remodeled, relocated or expanded until a permit for such sign has been obtained in accordance with the standards and procedures set out in this chapter. However, no permit shall be required for routine maintenance as defined herein.

(Ord. 93-9, passed 12-20-93) Penalty, see § 157.99

### § 157.03 DEFINITIONS.

The definitions noted below apply uniquely to this chapter and supersede any conflicting definitions found in Chapter 158. The rules for interpretation found in Chapter 158 shall be applicable to these definitions.

**ADMINISTRATOR.** The Zoning Administrator of the Village of Deer Park.

**ADVERTISING SIGN.** A sign which directs attention to a business or profession conducted or to a commodity or service sold, offered, or manufactured, or an entertainment offered on the premises where the sign is located or to which it is affixed.

**ANIMATED SIGN.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**AWNING.** Any structure entirely supported by the wall to which it is attached and which has a frame covered by a non-rigid material and/or which can be retracted against the wall by which it is supported.

**AWNING, CANOPY, and MARQUEE SIGN.** A sign that is mounted or painted on, or attached to, an awning, canopy or marquee.

**BANNER.** Any sign of lightweight fabric or similar material that is mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, shall not be considered banners.

**BULLETIN BOARD SIGN.** A sign that identifies an institution or other non-profit organization on whose premises it is located and which contains the name of the institution or non-profit organization and/or movable letters announcing events or activities occurring on the site.

**CANOPY.** Any permanent exterior roof structure attached to a building at the inner end and supported on the outer end in conformance with the Building Code of the Village of Deer Park.

**CHANGEABLE COPY SIGN.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical

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indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy sign for purposes of this chapter.

**COMMERCIAL MESSAGE.** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMPREHENSIVE SIGN PLAN.** A sign plan approved by the Plan Commission indicating the size and location of all signs to be located in a unified business center.

**CONSTRUCTION SIGN.** A temporary sign indicating the name of the future building and/or the names of the architects, engineers, landscape architects, contractors, and similar professionals involved in the design and construction of a structure or project during the period of construction.

**DISPLAY FRONTAGE.** The length of a building the plane of which is within 45° of parallel to and directly exposed to a public street or thoroughfare.

**ERECT.** To build, construct, attach, hang, re-hang, place, affix, or relocate and includes the painting or lettering of signs.

**EXTERNAL ILLUMINATION.** The illumination of a sign which is produced by an artificial source of light which is not contained within the sign itself.

**FACADE.** Any side, surface or wall below the roof of a building which is parallel or within 45° of parallel with a parcel's frontage on a public thoroughfare, which faces toward and relates to that public thoroughfare. If a building has a complex shape, then all walls or surfaces facing in the same direction, or nearly the same direction, are part of a single facade.

**FLAG.** Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**FLASHING SIGN.** A directly or indirectly illuminated sign where the source of illumination is not maintained constant or stationary in the intensity or color at all times when such sign is in use.

**FREESTANDING SIGN.** Any sign supported by structures or supports that are placed on, or anchored in the ground, and that are independent from any building or other structure. Freestanding signs include ground and pole signs.

**GASOLINE STATION.** A premises used primarily to dispense fuels for motor vehicles.

**GROUND SIGN.** Any detached sign which has its bottom portion erected upon or supported directly on the ground.

**INCIDENTAL SIGN.** A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,”

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“telephone,” and other similar directives. No sign with a commercial message legible from a position off the zoning lot on which the sign is located shall be considered incidental.

**IDENTIFICATION SIGN.** A sign where the text gives the name and address of a building, business, development, or establishment. Such a sign may also be wholly or partly devoted to a readily recognized symbol.

**ILLUMINATED SIGN.** Any sign which is illuminated by light sources.

**INTERNAL ILLUMINATION.** The illumination of a sign which is produced by an artificial source of light concealed or contained within the sign itself, and which becomes visible in darkness through the translucent portion of the sign face.

**MARQUEE.** Any hood or roof-like structure of permanent construction supported entirely by the building, and projecting from the building's wall over an entrance, sidewalk or pedestrian thoroughfare.

**MOVIE or LIVE ENTERTAINMENT THEATER.** A fully-enclosed building with fixed or movable seats arranged in an auditorium fashion, where motion pictures or live entertainment acts are presented.

**NONCONFORMING SIGN.** Any sign that does not conform to the requirements of this chapter.

**PERSON.** Any individual, firm, partnership, association, corporation, company, organization, or partnership, singular or plural, of any kind.

**POLE SIGN.** A sign mounted on one or more freestanding pole(s) so that the bottom edge of the sign is a minimum of seven feet above ground level.

**PORTABLE SIGN.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons or inflatable devices; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business, and is not parked in a location visible from the public right-of-way for a duration of greater than 4 hours within a 24 hour period.

**PROJECTING SIGN.** A sign wholly or partly dependent upon a building for support, and which projects more than 12 inches in a perpendicular fashion from such building.

**PYLON SIGN.** A narrow sign which extends higher than five feet, with a fully enclosed and continuous exterior face running from the top of the sign to the ground.

**REAL ESTATE SIGN.** A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures or a portion thereof located thereon.

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**RESIDENTIAL SIGN.** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning chapter.

**ROOF SIGN.** A sign mounted on the roof of a building.

**SIGN.** A name, identification, description, display, message, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business.

**SIGN CONTRACTOR.** A person or entity who performs work for compensation in connection with the erection, construction, enlargement, alteration, repair, moving, improvement, maintenance, conversion or manufacture of any sign.

**SIGN STRUCTURE.** The sign and all parts associated with its mounting.

**SIGN SURFACE AREA.** The total exposed surface within a continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material, or color used as an integral part of the display or to differentiate the sign from the background on which it is placed.

**SIGN SUPPORTS.** All structural features by which a sign is held up, including, for example, poles, braces, guys, and anchors.

**SUSPENDED SIGN.** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**TEMPORARY SIGN.** Any sign or attention attracting device that is to be in existence for a limited period of time, and is not permanently mounted.

**UNIFIED BUSINESS CENTER.** A premises containing three or more individual offices or businesses sharing a common building.

**VILLAGE.** The Village of Deer Park, Lake County, Illinois.

**VILLAGE BOARD.** The President and Board of Trustees of the Village of Deer Park.

**WALL SIGN.** Any sign attached parallel to and supported by a wall or building, and within six inches of such wall, or painted on the wall surface of any building.

**WINDOW AREA.** Any transparent area on a facade through which the interior of a premises may be viewed from outside.

**WINDOW SIGN.** Any sign, either permanent or temporary, which is affixed or placed so that its message or image is read as a part of the total composition of a window area.

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**ZONING LOT or LOT.** A single tract of land which is designated by its owner or developer as a tract to be used, developed or built upon as a single unit, under single control or ownership. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder of Deeds, or it may include parts of or a combination of such parcels when adjacent to one another and used as one lot.

(Ord. 93-9, passed 12-20-93)

### § 157.04 EXEMPTIONS.

The following signs shall be exempt from all but the maintenance and public safety requirements of this chapter:

(A) *Government Signs.* Any public notice, warning, directional, and other instructional or regulatory signs required by a valid and applicable federal, state, or local law, regulation, or ordinance.

(B) *Interior Signs.* Any sign inside a building, not attached to a window or door, which is not able to be read from vehicles passing on adjoining streets.

(C) *Non-sign Decorations.* Temporary displays, including holiday lights, decorations, painted window areas, works of art, flags (not exceeding 50 sq. ft.), memorial signs, religious or historic symbols, and other displays with no commercial message.

(D) *Traffic Control Signs* on private property, such as “Stop,” “Yield,” and similar signs which meet Illinois Department of Transportation standards, and which contain no commercial message.

(E) *Memorial Signs.* Memorial signs or tablets listing names or 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.

(F) *Directional and Warning Signs.* Non-illuminated signs, not exceeding four square feet in area, which provide instruction, direction or warning and are located entirely on the property to which they pertain to identify rest rooms, public telephones, walkways, parking lot entrances and exits, and features of a similar nature or with respect to warnings, “no trespassing,” “no dumping,” and similar warning signs.

(G) *Business Nameplates.* Non-electrical nameplates denoting the business name of an occupation legally conducted on the premises, provided that the sign area does not exceed two square feet in area, provided that no more than one sign per principal use may be erected.

(H) *Bulletin Boards.* Bulletin board signs not exceeding 20 square feet for public, charitable or religious institutions where the same are located on the zoning lot of the institutions.

(I) *Subdivision Identification Signs.* Subdivision and multiple family complex identity signs, provided that:

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(1) Only one sign is erected on each corner at each primary entry to the subdivision or complex; and

(2) If there is more than one primary entrance, the separation between signs along the perimeter of the complex shall be at least 200 feet; and

(3) The sign area of an individual sign does not exceed 50 square feet on both sides of a two-sided sign, or 50 square feet on a one-sided sign; and

(4) The sign contains only the name of the subdivision or complex and appropriate logo, and does not contain a commercial message; and

(5) The sign is located outside of the “vision triangle,” defined in § 157.05(H)(1); and

(6) The sign has a landscaped base.

(J) *“Open” Signs.* No more than two temporary signs which advertise premises open for inspection, provided such signs do not exceed four square feet each, are located with no more than one sign per frontage on the zoning lot to be inspected. and are only in place when the related premises is actually open for inspection.

(K) *Construction Signs.* One sign per frontage denoting the name of the project, the architect, engineer, contractor, and/or lending agency for the project. Such sign shall not exceed 16 square feet, nor shall such signs be erected prior to the beginning of construction for which a valid building permit has been issued. They shall be confined to the site of construction, and shall be removed 10 days after completion of construction or the expiration of the building permit.

(L) *Model Home Signs.* A sign identifying an unoccupied new home used as a demonstration model for the purpose of selling other homes in a residential subdivision of more than four dwelling units. Each model home located within a recorded residential subdivision may have one identification sign not to exceed four square feet in area, located entirely within the lot containing the model.

(M) *Garage Sale Signs.* A sign which advertises a residential garage sale, provided that such signs do not exceed four square feet each, are located with no more than one sign per lot frontage either on the zoning lot containing the sale or on other private property with that property owner’s or tenant’s permission, and are only in place one week prior and during the time the garage sale is actually taking place.

(N) *Management Signs.* Signs not exceeding four square feet which designate the real estate management agent for a premises.

(O) *Real Estate Signs.* One real estate sign per street frontage of a zoning lot, advertising the availability of a sale or lease of premises within said zoning lot. Such signs may not be located in the public right-of-way, nor be directly illuminated. They shall not exceed eight square feet for residential districts, and 24 square feet for commercial districts.

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(P) *Window Signs.* Signs affixed to the inside of a window, advertising commercial situations relating to goods or services sold on premises, provided that the total of all signs in the window area does not exceed 20% of the window area; and, further provided that each window sign has the initial date of display permanently and visibly affixed on its face, and that no window sign is displayed for longer than 30 days.

(Ord. 93-9, passed 12-20-93)

### § 157.05 GENERAL STANDARDS.

(A) *Applicable Regulations.* In addition to the provisions of this chapter, all signs must conform to the regulations and standards of all other applicable chapters of this code.

(B) *Commercial Message Location.* A sign which displays a commercial message is permitted only on the premises where the business, profession, accommodation, commodity, service, entertainment, or other commercial activity represented on the sign is located.

(C) *Interchangeable Noncommercial Messages.* Any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with the other requirements of this section.

(D) *Interchangeable Noncommercial and Commercial Messages.* Any sign that shall display a commercial message may also display any non-commercial message, either in place of or in addition to the commercial message, so long as the sign complies with the other requirements of this section

(E) *Obstruction to Doors, Windows, or Fire Escapes.* No sign or advertising structure shall be erected, relocated or maintained so as to prevent or inhibit free ingress to, or egress from any door, window or fire escape, or inhibit the use of fire protection systems. No sign or advertising structure shall be attached to a standpipe or fire escape. No sign shall interfere with any opening required for ventilation.

(F) *Glass Limitation.* Any glass forming a part of any sign shall be safety glass. If any single piece or pane of glass has an area exceeding three square feet, it shall be a safety glass, or its equivalent as approved by the Administrative Officer, and of such thickness as required to withstand wind loads.

(G) *Movable Sign Parts.*

(1) No sign or its parts shall be permitted to be movable or rotating, nor shall any sign have illuminated effects which convey the illusion of movement.

(2) With the exception of marquee signs, gasoline price signs, changeable copy signs, and exempt signs, no sign may contain movable letters or other changeable copy.

(3) All manually movable items on a sign, such as covers to service openings, shall be secured by latches.

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(H) *Location.*

(1) No sign exceeding 30 inches in height shall be located in any of the following vision triangles formed by intersecting streets. At any intersection where at least one of the intersecting streets is a major or collector street as defined in the official map of the Village, the sides of the triangle formed by the centerlines of the intersecting streets shall be 120 feet in length as measured outward from the point of intersections of the centerlines along such centerlines. At all other intersections, each of such sides shall be 80 feet in length.

(2) No signs shall be painted directly upon the exterior walls of a structure.

(3) No sign shall be allowed to encroach upon the public right-of-way or public property, except as permitted under § 157.15.

(4) No sign facing the side or rear lot line of an abutting residentially zoned lot shall be located within 50 feet of that residential lot line.

(5) No freestanding signs shall be allowed within 20 feet of a principal building(s) on a zoning lot.

(I) *Illuminated Signs.* All illuminated signs shall be subject to the following requirements:

(1) Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residence district or upon any public street or park. Any illuminated sign located on a lot adjacent to or across the street from any residence district, which sign is visible from such residence district, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

(2) Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics.

(J) *Landscaping Requirements.* The following requirements must be included on plans that are submitted as a part of a sign permit application:

(1) For every one square foot of gross sign area, there shall be provided one square foot of landscape area adjacent to the sign.

(2) The required landscape area shall compliment the sign and consist of plantings such as, but not limited to hedges, conifers, flowering plants, ground cover and evergreens. Sodded or seeded areas shall not qualify as part of the landscaped area.

(3) In addition to the plantings described above, the landscaped area shall also contain ground protection such as, but not limited to ground cover plants or mulch.

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(4) It shall be the duty of the owner of such parcel to maintain all such landscaped areas in a neat and proper manner.

(Ord. 93-9, passed 12-20-93) Penalty, see § 157.99

### § 157.06 COMPUTATIONS.

The following principles shall control the computation of sign area and sign height:

(A) *Computation of Area of Individual Signs.* The area of a sign face shall be the total exposed surface within a continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material, or color used as an integral part of the background of the display, or to differentiate the sign from the background on which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning chapter regulations and is clearly incidental to the display itself.

(B) *Computation of Area of Multifaced Signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

(C) *Computation of Height.* The height of a sign shall be the measurement from the top of the highest element of the sign to:

(1) The average level of the finished ground surface, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign, around any sign located more than 25 feet from a street right-of-way;

(2) The established street elevation when the sign is located within 25 feet from one street right-of-way; or

(3) The average of all street elevations when the sign is located within 25 feet from more than one street right-of-way.

(D) *Computation of Maximum Total Permitted Sign Area for a Zone Lot.* The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in § 157.09, "Maximum Total Sign Area," for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, no signs permitted by one frontage may be transferred to another frontage.

(Ord. 93-9, passed 12-20-93)

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**§ 157.07 SIGNS ALLOWED ON PRIVATE PROPERTY.**

(A) Signs shall be allowed on private property in the Village in accordance with §§ 157.08 through 157.12.

(B) *Sign Area Bonuses.* The installation of safe and effective signs shall be encouraged through a bonus system.

(1) The replacement of non-conforming signs shall be encouraged through a bonus of 10% applied to the allowable area for individual signs and 10% applied to the aggregate sign area, if permits for the replacement of all legal non-conforming signs on a premises are requested and approved prior to January 1, 1995.

(2) For every freestanding sign, a one foot height increase is allowed for every 10 feet of additional setback, beyond that required by the section, up to a maximum height of 15.5 feet.

(3) For principal buildings located within 20 feet of a public right-of-way, the permitted area of a wall sign may be increased by 10% of the allowable wall sign area.

(Ord. 93-9, passed 12-20-93)

**§ 157.08 PERMITTED SIGNS BY TYPE AND ZONING DISTRICT.**

<b>Sign Type</b>	<b>R1-R3</b>	<b>GB</b>	<b>OR</b>	<b>INS*</b>	<b>PD**</b>
<i>Freestanding</i>					
Residential (2)	P	N	N	N	P
Other	N	S	S	S	S
Incidental (2)	N	P	P	P	P
<i>Building</i>					
Canopy	N	S	S	P	S
Identification (3)	P	P	P	S	P
Incidental (2)	N	P	P	P	P
Marquee & Awning	N	S	N	N	S
Residential (1)	P	N	N	N	P
Suspended	N	S	N	P	S
Wall	N	S	S	S	S
Window	N	S	N	N	S

P = Allowed without sign permit

S = Allowed only with sign permit

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N = Not allowed

- (1) No commercial message shall be allowed on any sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- (2) No commercial message shall be allowed on a sign.
- (3) Only address and name of occupant allowed on sign.

\* This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential districts (i.e., churches, schools, governmental facilities).

\*\* All signs permitted in the PD - Planned Development District shall be subject to review by the Plan Commission as part of the planned unit development procedures contained in Chapter 153.

(Ord. 93-9, passed 12-20-93; Am. Ord. 99-\_\_\_\_, passed 3-15-99) Penalty, see § 157.99

### § 157.09 MAXIMUM TOTAL SIGN AREA PER ZONING LOT BY ZONING DISTRICT AND STREET CLASSIFICATION.

	R1-R3	GB	OR	INS*	PD
The maximum total area of all signs on a zoning lot for which a permit is required shall not exceed the <u>lesser</u> of the following:					
<b>Maximum Number of Total Square Feet</b>					
Regional Arterial (Rand Road)**	NA	350	200	200	See Note Below
Local Arterial**	NA	200	100	150	See Note Below
Local Collector & Residential Streets**	NA	NA	NA	100	See Note Below
<b>Maximum Square Feet of Signs per Linear Foot of Street Frontage</b>					
Regional Arterial	NA	3.0	1.5	0.25	See Note Below
Local Arterial	NA	1.5	0.5	0.20	See Note Below
Local Collector & Residential Streets	NA	NA	NA	.015	See Note Below

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\* This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential districts (i.e., churches, schools, governmental facilities).

\*\* All street classifications shall be as identified in the Comprehensive Plan of the Village of Deer Park.

Note: For individual free-standing businesses in the PD District, the maximum area of all signs on a zoning lot shall be as required for uses permitted in the GB or O&R Districts as described in the list of permitted and special uses contained in the Zoning Ordinance, Chapter 158.

(Ord. 93-9, passed 12-20-93; Am. Ord. 99-\_\_\_\_, passed 3-15-99)

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**§ 157.10 NUMBER, DIMENSIONS, LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT AND STREET CLASSIFICATION.**

	<b>R1-R3</b>	<b>GB</b>	<b>OR</b>	<b>INS*</b>	<b>PD</b>
Individual signs shall not exceed the applicable maximum number, dimensions or setbacks shown on this table, and on the table in § 157.11.					
<b><i>Freestanding Signs</i></b>					
Square Feet per linear foot of frontage					
Regional Arterial	NA	0.35	0.35	0.15	0.35
Local Arterial	NA	0.20	0.10	0.10	see note below
Local Collectors & Residential Streets	NA	NA	NA	0.05	NA
Height (feet)	4	10	10	6	10
Setback (feet)	5	10	10	15	10
Number Permitted					
Per Zone Lot	1	1	1	1	1
Extra Signs per feet of street frontage (1)	NA	1/500	1/500	1/500	1/500
<b><i>Building Signs</i></b>					
Area (max sq. ft.)	2	NA	NA	50	NA
Wall Sign (percent) (2)	NA	8	5	NA	see note below

\* This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential districts (i.e., churches, schools, governmental facilities).

(1) Lots fronting on two or more streets are allowed the permitted sign area for each street frontage, but signs cannot be accumulated and used on one street in excess of that allowed for lots with only one street frontage.

(2) There shall be no more than one wall sign for each business occupying the premises, except that where a building faces more than one street and is occupied by a single business establishment, there may be one wall sign on each wall of the building facing a street.

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- (3) No permitted free-standing sign shall be required to be less than 25 square feet.
- (4) Freestanding signs shall not exceed 125 square feet in area.
- (5) The area of a building used to calculate the permitted area for wall signs shall be limited to one story, or a height of 12 feet, whichever is less.

Note: For individual free-standing businesses in the PD District, the maximum area of all signs on a zoning lot shall be as required for uses permitted in the GB or O&R Districts as described in the list of permitted and special uses contained in the Zoning Ordinance, Chapter 158.

(Ord. 93-9, passed 12-20-93; Am. Ord. 99-\_\_\_\_, passed 3-15-99) Penalty, see § 157.99

**§ 157.11 NUMBER AND DIMENSIONS OF CERTAIN INDIVIDUAL SIGNS.**

	<b>Number Allowed</b>	<b>Maximum Sign Area</b>	<b>Vertical Clearance from Sidewalk, Private Drive or Parking Area</b>
No sign shall exceed any applicable maximum number or dimensions, or encroach on any applicable minimum clearance shown on this table.			
<b><i>Freestanding</i></b>			
Residential, Other and Incidental	See Table in § 157.10	See Table in § 157.10	NA
<b><i>Building</i></b>			
Canopy Sign	1 per building entrance	25% of vertical surface of canopy	9 ft.
Awning Sign	1 per street frontage	.25 sq. ft. of building frontage, or 50 sq. ft. whichever is lesser	9 ft.
Marquee Sign	1 per building	.25 sq. ft. of building frontage, or 50 sq. ft., whichever is lesser	9 ft.
Suspended Sign	1 per business entrance	NA	9 ft.
Window Sign	NA	25% of total window area	NA

(Ord. 93-9, passed 12-20-93; Am. Ord. 99-\_\_\_\_, passed 3-15-99) Penalty, see § 157.99

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**§ 157.12 PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT.**

	<b>R1-R3</b>	<b>GB</b>	<b>OR</b>	<b>INS*</b>	<b>PD</b>
Changeable Copy	N	S	N	P	see note below
Illumination, Internal (1)	N	S	S	P	S
Illumination, External	N	S	S	P	S
Illumination, Exposed Bulbs or Neon	N	S	N	N	see note below

- P = Allowed without sign permit
- S = Allowed only with sign permit
- N = Not allowed

\*This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential districts (i.e. churches, schools, governmental facilities)

(1) Light shall shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics.

Note: For individual free-standing businesses in the PD District, the maximum area of all signs on a zoning lot shall be as required for uses permitted in the GB or O&R Districts as described in the list of permitted and special uses contained in the Zoning Ordinance, Chapter 158.

(Ord. 93-9, passed 12-20-93; Am. Ord. 99-\_\_\_\_, passed 3-15-99)

**§ 157.13 PERMITTED EXTRA SIGNS.**

(A) *Criteria.* Certain business operations are hereby found to be unique with respect to their sign requirements and therefore justified to be permitted to have extra signs, in addition to those specified in § 157.07, as specified below. These include:

- (1) *Gasoline Service Stations.* Gasoline/Service stations are unique because their primary functions are performed out-of-doors in a manner prescribed by State statutes.
- (2) *Movie and Live Entertainment Theaters.* These theaters are unique because of the rapid turnover of the name of their entertainment product.
- (3) *Unified Business Centers.* Unified business centers are unique because of the concentrated development and their centralized ownership characteristics.

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(4) *Temporary Signage for Retail Business.* Retail businesses are unique because of their need to attract their customer base at key points in their business cycle.

(B) *Gasoline/Service Stations.* In addition to the signs permitted by other sections of this chapter, the following signs are permitted uniquely to gasoline/service stations:

(1) Two signs per pump island which designate the function of the island as “self-service” or “full service.” Such signs shall not have more than two faces and shall not exceed three square feet per face.

(2) One sign per type of fuel sold which designates the price of that fuel. Such signs shall not have more than two faces and shall not exceed six square feet per face. The sign area for more than one type of fuel may be combined into one sign.

(3) One non-illuminated sign identifying the service performed in each service bay may be placed over the opening to each bay. Such signs shall have one face and shall not exceed three square feet each.

(4) One non-illuminated nameplate identifying the owner or operator is permitted adjacent to the doorway of the station. Such nameplate shall have one face and shall not exceed two square feet in area.

(5) Temporary signs advertising batteries, tires, oil or other products directly related to motor vehicles, if the signs are located directly adjacent to a display of the product(s) described. Such signs may have two faces, however, their total area shall not exceed eight square feet.

(6) Any signs required by State or Federal Government.

(C) *Movie and Live Entertainment Theaters.* In addition to the signs permitted by other sections of this chapter, the following signs are permitted uniquely to theaters:

(1) Each theater may have one sign of up to 50 square feet which will accommodate changeable lettering copy.

(2) A theater’s changeable copy sign may have two faces if it is freestanding, but both faces must be parallel and located no more than two feet apart.

(3) A theater’s changeable copy sign may be located on a marquee, provided it does not project above or beyond the structural limits of such marquee, nor does it project closer than two feet from the curb line.

(4) Otherwise, a theater’s changeable copy sign shall conform to the regulations for the sign type to which it most nearly resembles.

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(D) *Unified Business Centers and Planned Development Sign Districts.* In addition to the signs permitted by other sections of this chapter, the following additional signs are permitted uniquely to unified business centers and planned development sign districts.

(1) A unified business center and planned development may have one identification sign for the center in addition to the signs permitted for each separate business. Such identification signs may only include the name and graphic logo of the center, address of the center, and also may include a time and/or temperature sign.

(2) The permitted area of such identification sign shall be based upon a ratio of four square feet per one acre of the site, up to a maximum of 75 square feet. Every unified business center and planned development is permitted an identification sign of eight square feet.

(3) Otherwise, unified business center and planned development identification signs shall conform to the regulations of the sign type to which they most closely resemble.

(4) Unified business centers and planned developments may have common directory signs to guide pedestrians to individual businesses on the site. Such signs shall be limited to one square foot per business listed on the sign. Centers must have a minimum of 10 business to qualify to have one directory sign and may have one additional sign for each 10 businesses.

(Ord. 93-9, passed 12-20-93) Penalty, see § 157.99

(E) *Temporary Signage.* In addition to the signs permitted by other sections of this chapter, the following additional signs are permitted uniquely to retail businesses.

(1) A retail business occupant may obtain a temporary sign permit for signage in conjunction with the initial opening of a business. This permit will be valid for a period of thirty (30) days. The size, construction, material, and location of the signage is to be approved by the Building Officer.

(2) A commercial business occupant may obtain a temporary sign permit for signage in conjunction with annual sales promotions. This permit will valid for ten days. A business may obtain only one (1) such permit in any calendar year. The size, construction, material, and location of the signage is to be approved by the Building Officer.

### § 157.14 UNIFIED BUSINESS CENTER AND PLANNED DEVELOPMENT SIGN PLAN.

No permit shall be issued for a sign to be located in a Unified Business Center until a comprehensive sign plan has been approved for the center and the sign complies with the provisions thereof.

(A) *Unified Business Center and Planned Development Sign Plan Approval.* Approval of a unified business center and planned development sign plan shall be at the discretion of the Village

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Board, after review and recommendation of the Plan Commission, and in accordance with the criteria noted herein.

(B) *Application Content.* In addition to the requirements listed for permit applications in § 157.41(B)(2), the application for a unified business center and planned development sign plan shall include a format for all signs to be used in the center, including their maximum size, color, location, illumination details, lettering type, mounting details, and landscaping details.

(C) *Criteria.* The criteria used by the Village in its review of the proposed unified business center or planned development sign plan shall include:

(1) *Scale and Proportion.* Every sign shall have good scale and proportion in its design and in its visual relationship to the other signs, buildings and surroundings.

(2) *Integral Elements.* The signs in the plan shall be designed as integral architectural elements of the building and site to which they principally relate and shall not appear as incongruous “add-ons” or intrusions.

(3) *Restraint and Harmony.* The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.

(4) *Effective Composition.* The number of graphic elements and letters shall be held to the minimum needed to convey each sign’s message and shall be composed in proportion to the area of the sign’s face.

(5) *Compatibility.* Each sign shall be compatible with signs within the proposed unified business center or planned development.

(6) *Unified Image.* The effect of the signs proposed in the plan shall be the establishment of a unified image for the center.

(D) *Permitted Variations.* In conjunction with the approval of a unified business center or planned development sign plan, the Plan Commission may authorize limited variations to the regulations included in this section. Such variations shall be permitted only when the applicant demonstrates that they are necessary to provide an improved unified business center or planned development sign plan that is consistent with the purposes of this section. The variations permitted are limited to the following:

(1) *Freestanding Signs.* For freestanding signs the Plan Commission may vary the height limitations up to the maximum of 15 feet or the height of the principal building to which the sign pertains (whichever is lower), and may increase the allowable sign area per freestanding sign by 25%, up to a maximum of 100 square feet.

(Ord. 93-9, passed 12-20-93) Penalty, see § 157.99

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### § 157.15 PLANNED DEVELOPMENT SIGN DISTRICTS.

(A) Together with the application for a planned development, the Plan Commission shall also consider the designation of the property covered by the planned development as a special sign district. This special sign district shall be approved by ordinance of the Village Board as a “Planned Development Sign District” for the purpose of improving the overall appearance of signs in the district.

(B) *Initiating a District.* Only the person listed as the applicant for the planned development may initiate the consideration of a special sign district by presenting a request to the Planning Commission as part of the application for the planned development.

(C) *Comprehensive Sign Plan.* No sign for which a permit is required may be erected in a planned development sign district unless it is in conformance with the approved comprehensive sign plan for that district.

(1) *Initial Sign Plan.* Prior to the creation of a planned development sign district the Plan Commission shall examine all proposed signs and recommend to the Village Board a comprehensive sign plan for the District, including special sign regulations where appropriate. The planned development sign district regulations contained in the comprehensive sign plan may supersede regulations found in this section.

(2) *Amendments.* The comprehensive sign plan for a district may be amended by following the same procedure that is used to establish the initial planned development plan.

(Ord. 93-9, passed 12-20-93)

### § 157.16 LEGAL NONCONFORMING SIGNS.

(A) *Legal Nonconforming Signs.* Any sign, not prohibited herein, located within the Village on January 1, 1994, or located in an area annexed to the Village thereafter, which does not conform with the provisions for permitted signs of this chapter, is considered a “legal non-conforming sign.”

(B) *Signs Existing on Effective Date.*

(1) For any sign existing in the Village on January 1, 1994, an application for a sign permit must be submitted to the Administrative Officer before July 1, 1994.

(2) For any sign on property annexed at a later date, applications for sign permits shall be submitted within six months of the effective date of the annexation or within such period as may be established in an annexation agreement between the Village and the landowner.

(3) Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of this ordinance and shall not be entitled to the protection of this section.

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(4) Applications for permits for existing signs submitted before July 1, 1994, shall be exempt from the initial fees adopted under authority of this chapter, but not from renewal and subsequent fees.

(C) *Nonconforming Existing Signs, Permits, and Terms.*

(1) A sign that would be permitted under this chapter only with a sign permit, but which was in existence on January 1, 1994, or on a later date when the property is annexed to the Village, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this chapter, shall be issued a Nonconforming Sign Permit if an application in accordance with division (B)(4) above (division (12)(B) of Ord. 93-9) is timely filed.

(2) Such permit shall allow the sign(s) subject to such permit, which were made nonconforming by the adoption of this chapter, to remain in place and be maintained for a period ending no later than January 1, 1999, provided that no action is taken which increases the degree or extent of the nonconformity. A change in the information on the face of an existing nonconforming sign is allowed.

(D) *Loss of Legal Nonconforming Status.*

(1) A sign loses its legal nonconforming status if one or more of the following occurs:

(a) *Sign Altered.* The sign is altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this chapter than it was before alteration;

(b) *Sign Relocated.* The sign is relocated either on the premises or to another location;

(c) *Sign Unsafe.* The sign fails to conform to the sections of this chapter regarding maintenance and operation, and public safety standards;

(d) *Sign Damaged.* Damage occurs to a sign which requires repairs exceeding 50% of the replacement value of the sign;

(e) *Excessive Maintenance Costs.* When any proposed change, repair, or maintenance would constitute an expense of more than 25% of the replacement value of the sign.

(f) *New Occupancy Permit.* A change in use occurs which requires a new occupancy permit for the premises to which a legal non-conforming sign relates.

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(2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this section with a new permit secured, therefor, or shall be removed within 30 days of that date.

(E) *Continuing Obligation.* Nothing in this section shall relieve the owner or user of a legal non-conforming sign, or owner of the property on which the legal non-conforming 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, sign face or message in such a way which makes the sign more non-conforming.

(Ord. 93-9, passed 12-20-93)

### § 157.17 SIGNS IN THE PUBLIC RIGHT-OF-WAY.

No signs shall be allowed in the public right-of-way, except for the following:

(A) *Permanent Signs*, including:

(1) Public signs erected by or on behalf of a government body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

(2) Informational signs of a public utility regarding its poles, lines, pipes, or facilities.

(B) *Emergency Signs.* Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

(Ord. 93-9, passed 12-20-93) Penalty, see § 157.99

### § 157.18 PROHIBITED SIGNS.

All signs not expressly permitted under this chapter or exempt from regulation under § 157.04, are prohibited in the Village. Such signs include, but are not limited to:

(A) Signs containing statements, words or pictures of an obscene or pornographic nature.

(B) In order to ensure reasonable traffic safety, it shall be unlawful to erect or maintain any fluttering, undulating, swinging, rotating, blinking, or flashing sign or attention gathering device. No sign or advertising structure nor its associated landscaping shall be erected, installed or maintained in such a manner as to obstruct free and clear vision, or as to distract the attention of the driver of any vehicle by reason of position, shape, color or lighting thereof.

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(C) No sign or advertising structure shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or imitate, resemble, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign or advertising structure shall make use of the words “stop,” “go,” “slow,” “look,” “caution,” “warning,” “danger,” or any similar word, phrase, symbol, or character, or employ any red, yellow, orange, green or other colored lamp or light, in such a manner as to interfere with, mislead or confuse traffic.

(D) No person shall, for the flagrant purpose of providing advertisement of products or directing people to a business or activity, park any vehicle or trailer on the public right-of-way, public property, or private property so as to be prominently visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device.

(E) Signs nailed, tacked or otherwise affixed to trees or other vegetation in such a way as to puncture bark.

(F) Handbills, posters, notices, or similar attention gathering devices posted or affixed on traffic control boxes, signs, lamp poles, utility poles, or traffic control support.

(G) Temporary Signs on private property, including Portable Signs.

(H) Beacons, including any rotating or multibeam lights.

(I) Pennants.

(J) Inflatable signs and tethered balloons.

(K) Roof signs.

(L) Projecting signs.

(M) Animated signs.

(Ord. 93-9, passed 12-20-93) Penalty, see § 157.99

### **§ 157.19 MAINTENANCE AND OPERATION.**

(A) *Maintenance and Repair.* Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts, painting, cleaning and other acts required to maintain the sign. advertising structure, marquee, canopy or awning in its originally permitted and installed condition in accordance with the following criteria and with the applicable chapters of this code:

(1) *Paint or Treat.* To prevent rust, peeling, flaking, fading or rotting, the permittee of any sign or advertising structure shall, as required, paint all parts and supports thereof unless the same are galvanized, stainless or otherwise treated.

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(2) *Repairs.* Broken panels, missing letters, defective illumination, torn fabric, flaking or peeling paint and other damage to a sign, advertising structure, marquee, awning, canopy or support structure shall be repaired.

(3) *Clean and Sanitary.* All signs or advertising structures and the area surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all debris, rubbish and obnoxious substances, and any related grassed area or landscaping shall be kept trimmed and in a healthy condition.

(4) *Notification.* Every sign or advertising structure hereafter erected shall have painted or permanently affixed in a conspicuous place thereon and continuously maintained, in legible letters, the date of erection, the name of the permittee, and the voltage of any electrical apparatus use in connection therewith.

(B) *Obsolete or Abandoned Signs.* For any sign or advertising structure now or hereafter existing, which advertises a business, commodity, service, entertainment, activity, or event which has been discontinued, or is located on property which has been vacant and unoccupied, the Administrative Officer shall give written notice requiring removal to the sign to permittee thereof, or if the permittee cannot be located, to the owner, agent or person having the beneficial use of the building, structure or premises upon which it is found. If, after notification, the proper person fails to remove the sign or structure within 60 days after such notice the Administrative Officer is hereby authorized to cause the removal of such sign or advertising structure.

(C) *Unsafe and Unlawful Signs.* For any sign or advertising structure that 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 chapter, the Administrative Officer shall give written notice to the permittee thereof, or if the permittee cannot be located, to the owner, agent or person having the beneficial use of the building, structure or premises upon which it is found. If, after notification, the proper person fails to remove or alter the structure so as to comply with the standards of this section within 30 days after such notice, the Administrative Officer is hereby authorized to cause the removal of such sign or advertising structure. The Administrative Officer may summarily, and without notice, cause the removal of any sign or advertising structure which is an immediate safety hazard to persons or property.

(D) *Lien to Recover Costs.* In the event of failure by any party to reimburse the Village within 60 days for costs incurred for repair or removal ordered by the Administrative Officer, the Village Board shall certify the charges for repair or removal to the Village's legal counsel, who will be then authorized to file a Notice of Lien in the Office of the Lake County Recorder of Deeds to foreclose this lien, and to sue the owner of the real estate, or sign permittee, or their agents, in a civil action to recover the money due for the foregoing services, plus all expenses and reasonable attorney's fees to be fixed by the court. Included in the expenses recoverable by the Village are the costs of filing the notice of lien, foreclosing the lien, and all litigation costs, together with all office and legal expense incurred in connection with the collection of the amount due.

(Ord. 93-9, passed 12-20-93) Penalty, see § 157.99

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**§ 157.20 PROPOSED FEE SCHEDULE.**

The fees for sign permits and plans for the period beginning October 20, 2008 shall be:

Unified Business Center	
Sign Plan, Application Fee.....	\$150
Planned Development	
Sign Plan, Application Fee.....	\$150
Sign Permit: New	
Including inspection per zoning lot.....	\$150
Sign Permit: Temporary .....	\$50
A \$250 cash deposit is also required. This deposit will be returned following removal of the temporary signage. If the signage is not removed immediately upon expiration of the permit, the deposit will be forfeited and a notice of violation will be issued.	
Sign Inspection Fees	
Annual Sign Inspection Fee .....	\$75
Re-inspection Fee.....	\$60

(Ord. 00-5, passed 3-20-00)

(Am. Ord. 08-15, passed 10-20-08)

***ADMINISTRATION***

**§ 157.40 ADMINISTRATIVE OFFICER.**

The Zoning Administrator of the Village is designated to administer this chapter.

(Ord. 93-9, passed 12-20-93)

**§ 157.41 PERMIT REQUIREMENTS AND FEES.**

(A) *Permit Required.* A sign for which a permit is required under § 157.08 must receive that permit prior to being constructed, erected, painted, converted, altered, rebuilt, enlarged, remodeled, relocated or expanded. No permit shall be required for routine maintenance of a sign.

(B) *Permit Application.* Application for permits to erect, construct, or alter a sign shall be submitted on a form and in the manner prescribed by the Administrative Officer. Each application

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shall be signed by the owner of the sign and the owner of the property upon which it is to be located. Applications for permits shall be accompanied by such information as may be required to assure compliance with all applicable regulations, including:

- (1) Name, address and telephone number of the applicant;
- (2) A drawing or drawings indicating the location of the building, structure or lot to which or upon which the sign or advertising structure is to be attached or erected;
- (3) A drawing or photograph showing the position of the sign or advertising structure in relation to structures;
- (4) Two prints of the drawings and specifications, and color renderings for the proposed sign or advertising structure, including the methods of construction, illumination, materials and attachment to the buildings or in the ground. Such drawings must include all text and graphics proposed on the sign, drawn to scale with dimensions;
- (5) If required by the Administrative Officer, a copy of a statement by a registered professional engineer indicating that the sign meets structural and wind pressure requirements, and will not pose a public health or safety threat;
- (6) Name of person, firm, corporation or association responsible for erecting the sign or advertising structure.
- (7) Written consent of the owner or agent of the zoning lot on which the sign or advertising structure is to be erected;
- (8) A completed application for any electrical permit required to be issued for the sign or advertising structure;
- (9) A master sign plan documenting all existing signs on the zoning lot, including their type and area, location, and the occupant of the site to which each sign pertains; and
- (10) Any additional information as the Administrative Officer shall require to show full compliance with this and all other applicable chapters of this code.

(D) *Permit Fees.* Fees to be charged for permits issued shall be as established in a separate resolution which may be, from time to time, amended by the Village Board. Persons guilty of erecting or maintaining a sign without first securing the necessary permit shall be subject to a penalty fee of 50% of the normal fee amount in addition to the obligation to pay the normal fee in addition to any other remedies the Village may have under the this code. No fee for an annual inspection permit shall be charged during the calendar year in which the sign or advertising structure is erected.

(E) *Initial Sign Permit.* An initial sign permit shall be issued by the Administrative Officer covering the period from the date of the inspection of the completed sign installation, construction, or modification through the last day of that calendar year.

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(F) *Annual Inspection Permit.* The Administrative Officer shall direct an inspection annually, and at such other times as the Officer deems necessary, of each sign and advertising structure for the purpose of ascertaining whether the sign is secure, whether it is in need of removal or repair, and whether it is in compliance with the provisions of this chapter.

(1) Sign permits for each subsequent year shall be issued for one calendar year. Except as provided herein, sign permits shall be renewable annually at the beginning of each calendar year upon submission of a renewal application form and the applicable fees. To meet the expense of such inspection, the sign permittee shall pay to the Village Clerk an annual fee, and receive an annual inspection permit.

(2) Renewal applications shall contain a statement by the applicant that no change in the sign(s) under the permit has been made.

(3) In the event that the sign permittee cannot be located, any person, firm, corporation or association owning or in possession, in charge or in control of the sign or advertising structure shall pay the inspection fee after being properly invoiced by the Administrative Officer. In the event an owner or responsible party cannot be found the sign or advertising structure shall be removed.

(G) *Lapse of Sign Permit.* An annual or continuing sign permit shall lapse automatically if not renewed. A sign permit shall also lapse if the business activity on the zoning lot is discontinued for a period of 180 days or more, and is not renewed within 60 days of a notice from the village to the last permittee.

(Ord. 93-9, passed 12-20-93) Penalty, see § 157.99

### **§ 157.42 APPLICATION REVIEW PROCEDURES.**

The following procedure must be followed for approval of a sign permit:

(A) *Plan Commission Approval.* Applications for all new signs, not previously located on the zoning lot, or changes to existing signs, shall be referred to the Plan Commission for review and recommendation. The Plan Commission shall recommend approval or denial, or request certain modifications to the proposed sign(s). Such recommendations shall be referred to the Village Board for final consideration.

(B) *Zoning Board of Appeals.* Appeals from decisions of the Zoning Administrator, and all variances to this chapter shall be considered by the Zoning Board of Appeals. All recommendations of the Zoning Board of Appeals shall be referred to the Village Board for final consideration.

(Ord. 93-9, passed 12-20-93)

### **§ 157.43 INSPECTION PROCEDURES.**

(A) *Pre-Installation Inspection.* The person responsible for the installation of a sign shall schedule with the Administrative Officer a pre-installation inspection prior to installing any sign

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requiring a permit. Such inspection shall include a footing inspection, if applicable, and confirmation of the other details of mounting and placement.

(B) *Final Inspection.* The person responsible for the installation of a sign shall notify the Administrative Officer upon completion of the work for which a permit is required and so schedule a final inspection.

(C) *Six Month Deadline.* If the work authorized under a permit has not been completed within six months after the date of issuance, the permit shall be null and void.

(Ord. 93-9, passed 12-20-93)

### § 157.44 VARIATIONS.

(A) *Intent.* It is the intent of this division to permit variations from the requirements of this chapter only so as to recognize unusual hardships and make reasonable accommodations for them.

(B) *Petition for Variation.* A petition for a variation from any provision(s) of this chapter may be made by any person having a proprietary interest in the sign for which such variation is requested.

(1) *Petition Contents.* A petition for variation shall be filed in writing with the Administrative Officer on a form supplied by him and shall be accompanied by such documents and information as are necessary to clearly exhibit the practical difficulty for which the variation is necessary, including:

(a) The names, addresses, and telephone number of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person responsible for erecting or affixing the sign.

(b) A description of the requested variation, including reference to the section of this chapter from which relief is requested.

(c) Justification of the requested variation.

(d) The location of the premises on which the sign is to be erected or affixed.

(e) A site plan of the premises involved, showing accurate placement thereon of the proposed sign.

(f) A print of the drawings and specifications describing the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such drawings and specifications shall include details of dimensions, materials, color, and weight.

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(g) The written consent of the owner of the premises on which the sign is to be erected or affixed.

(h) A fee, as determined by ordinance adopted by the Village Board from time to time, to be paid at the time of filing of the petition for variation.

(2) *Hearing.* The Zoning Board of Appeals shall hold a public hearing on the petition for variation within 30 days of receipt of a completed written application.

(a) *Hearing Notice.* Notice shall be given of the time, place and purpose of the public hearing in accordance with the procedures set forth in § 158.105.

(b) *Required Attendance.* The petitioner or its authorized representatives shall attend the meetings of the Board at which the variation is to be heard.

(c) *Decision.* Within 15 working days of the close of the required public hearing on the variation, unless otherwise agreed to by the petitioner, the Zoning Board of Appeals shall prepare and submit written findings, and by a majority vote, issue a decision to grant, deny, wholly or in part, or modify the variation.

(3) *Appeals from Decision of Zoning Board of Appeals.* Decisions of Zoning Board of Appeals may be appealed to Village Board by applicant. The Village Board shall, at its next regular meeting following filing of the appeal decide whether to hear the appeal and set a hearing date for the appeal hearing.

(4) *Standards.* Variations shall only be approved to overcome an exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent the display of a sign as intended by this chapter. No variation shall be granted unless the Board finds that the petition meets each of the following standards:

(a) *Unique Hardship.* The proposed variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship which would result if the strict letter of the regulations were carried out and which is not generally applicable to other property within the Village.

(b) *Reasonable Return.* The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in this chapter.

(c) *Hardship Not Self-Created.* The alleged hardship has not been created by the petitioner nor any person presently having a proprietary interest in the premises.

(d) *Consistent with Public Welfare.* The proposed variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood. The proposed variation will not by itself or

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with other signs contribute to the creation of visual distraction which may lead to personal injury or a substantial reduction in the value of property.

(e) *Graphic Effectiveness Demonstrated.* The petitioner has demonstrated that all reasonable efforts (utilizing color, contrast, lettering legibility, illumination, and graphic composition) have been made to increase the reading effectiveness of the proposed sign within the normal requirements of this chapter.

(f) *Consistent With Sign Chapter Intent.* The proposed variation is in harmony with the intent, purpose, and objectives of this chapter.

(g) *Special Site Conditions.* The petitioner has demonstrated that the natural or man-made characteristics of the site development plan, including, but not limited to the amount of landscaped area and landscape materials, berms screens, buffers, the setbacks of the proposed sign, buildings and parking areas, and the visual relationship between the proposed variation and other site improvements are such as to mitigate the impact of the proposed variation.

(5) *Conditions.* Such conditions and restrictions may be imposed on the premises to be benefitted by a variation as may be necessary to comply with the standards set forth herein, to reduce or minimize any injurious effect of such variation on other property in the neighborhood, and to implement the general intent, purpose, and objectives of this chapter.

(6) *Revocation.* In any case where a variation has been granted, and where no work pertinent thereto has been initiated within one year from the date of approval of the requested variation, then without further action by the Zoning Board of Appeals, the variation shall become null and void.

(Ord. 93-9, passed 12-20-93)

### § 157.98 VIOLATIONS.

(A) Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this section, by the zoning chapter, and by state law:

(1) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located;

(2) To install, create, erect, or maintain any sign requiring a permit without first securing such a permit;

(3) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which sign is located;

(4) To fail to remove any sign that is installed, created, erected, or maintained in violation of this chapter, or for which the sign permit has lapsed; or

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(5) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

(B) Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this chapter.

(Ord. 93-9, passed 12-20-93) Penalty, see § 157.99

### **§ 157.99 PENALTY.**

(A) Any violation or attempted violation of this chapter, or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this chapter shall be considered a violation of Chapter 158. The remedies of the village shall include the following:

(1) Issuing a stop-work order for any and all work on any signs in the same zoning lot;

(2) Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;

(3) Imposing any penalties that can be imposed directly by the village under Chapter 158;

(4) Seeking in court the imposition of any penalties that can be imposed by such court under Chapter 158; and

(5) In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the village under the applicable provisions of Chapter 158 and building code for such circumstances.

(Ord. 01-22, passed 4-23-01)

(B) The village shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the zoning chapter.

(C) All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

(Ord. 93-9, passed 12-20-93)