

ORDINANCE 2010-O-1

**AN ORDINANCE ADOPTING CHAPTER 158
OF THE MUNICIPAL CODE OF WINTHROP HARBOR
CONSISTING OF A NEW SIGN CODE**

WHEREAS, the current Municipal Code of Winthrop Harbor has old and long-outdated sign regulations set forth in sections 154.160 through 154.171 thereof, and

WHEREAS, a comprehensive and modern sign code, that includes appropriate fees, penalties, permitted signs, exempt signs and non-permitted signs as well as grandfather provisions and other regulations intended to ease understanding, streamline the permitting process and ensure that the public safety is safeguarded is something that the Village Board finds to be in the best interests of the citizens of this Village, and

WHEREAS, attached hereto as Exhibit A is a draft sign code which meets all of the foregoing specifications and which the Village Board finds should be adopted as it fairly strikes an appropriate balance between the need for safe and sightly signage within the Village with the right of business owners, property owners and all other persons to advertise their products, services, political statements or events, and

WHEREAS, prior to considering the adoption of this draft sign code, the Village Board asked the Planning and Zoning Board to consider the same and the draft attached as Exhibit A hereto is virtually the same draft document recommended to the Village Board by the PZB with certain additional provisions for effective date, fees and enforcement added by the Village Attorney following the recommendation of the PZB and discussions involving the same at several committees of the whole meetings of the Village Board, and

WHEREAS, the Exhibit A draft code incorporates an appropriate grace period in which the public and business community can be duly and properly informed of the adoption of this code and the regulations and requirements set forth herein,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Chapter 158 of the Winthrop Harbor Municipal Code is hereby added and it shall hereafter read as set forth on Exhibit A hereto.

SECTION TWO: Sections 154.160 through 154.171 of the Winthrop Harbor Municipal Code are hereby repealed.

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP
HARBOR, ILLINOIS, ON THIS 5TH DAY OF JANUARY, 2010.**

APPROVED:

ROBERT D. LOY, MAYOR

ATTEST:

JANA J. LEE, VILLAGE CLERK

AYES: Braden, Luke, Marabella, Neargarder, Swindle

NAYS: None

ABSENT: Robards

FIRST READING: Waived October 6, 2009

SECOND READING: Waived January 5, 2010

ORDINANCE PASSED: January 5, 2010

EXHIBIT A

Chapter 158 SIGN CODE

- 158.01 Authority and Purpose
- 158.02 Definitions
- 158.03 Prohibited Signs
- 158.04 Exempt Signs
- 158.05 Permitted Signs - General Provisions
- 158.06 Permitted Signs in Residential Zoning Districts
- 158.07 Permitted Signs in Non-Residential Zoning Districts
- 158.08 Temporary Signs
- 158.9 Construction Specifications
- 158.10 Illumination
- 158.11 Maintenance
- 158.12 Administration
- 158.13 Enforcement (including “grandfathering”)
- 158.14 Variations
- 158.15 Fees
- 158.16 Penalties
- 158.17 Effective Date

158.01 AUTHORITY and PURPOSE

- A. Authority: This Chapter is enacted by ordinance pursuant to the police powers granted to the Village by the Illinois Compiled Statutes, 65 ILCS 5/11-13-1, et. seq.
- B. Purpose: All signs which are located within the corporate limits of the Village shall be located, constructed, erected, displayed, placed, designed, altered, used, removed and maintained in accordance with the provisions set forth in this Chapter.
- C. Legislative Intent: The regulations of this Chapter are intended to coordinate the use, placement, physical dimensions, and design of all signs within the Village, as well as protect public health, safety and welfare, to preserve and enhance the image of the community and to develop a satisfactory visual appearance within the Village by:
 - 1. Promoting the objectives, principles, and standards identified in the Winthrop Harbor Comprehensive Plan and in this Code for residential, commercial and industrial development; and
 - 2. Protecting the public from damage or injury caused by signs which are poorly designed or maintained, and from distractions or hazards to pedestrians or motorists caused by the indiscriminate placement or use of signs; and
 - 3. Maintaining property values by eliminating signs that are incompatible with the surrounding land uses; and
 - 4. Encouraging a viable economic environment through uniform control of

signs; and

5. Facilitating effective communication between the public and the environment through signs which are appropriate for the type of street and site upon which they are located; and
6. Encouraging quality sign design to promote a better visual environment; and
7. Enhancing the physical appearance of the Village through a program which ensures the removal of inadequately maintained, illegal and nonconforming signs within a reasonable time period.

D. **Scope and Application:** The regulations set forth in this Chapter shall govern the location, construction, erection, display, placement, design, structural or graphic alteration, use, removal and maintenance of all signs within the Village. It shall be unlawful to locate, construct, erect, display, place, design, structurally or graphically alter, use, remove, relocate or maintain any sign except in accordance with the provisions of this Chapter.

158.02 DEFINITIONS

The following definitions, whether capitalized or not, are in addition to those terms defined in Appendix A of this Code.

Appearance: The outward aspect visible to the public.

Architectural Concept: The basic aesthetic idea of buildings or structures, including the site and landscape development which produces the architectural character.

Architectural Style: The characteristic form and detail, such as buildings of a particular historic period.

Awning: A roof-like cover structure that is temporary or removable in nature, generally made of cloth, plastic or other pliable material, and that projects from part of a wall of a building in such a manner that the structure may or may not be raised or retracted to a position against the building. Such a structure may be installed for the purpose of providing shade or shielding a doorway or window from the elements.

Balloon and/or Balloon Sign: See sign, inflatable.

Billboard: See sign, off-site.

Building Commissioner: As used in this Chapter, the Building Commissioner shall be that member of Village Staff assigned as the head of the Building Department, irrespective of his or her formal title and any other assigned duties or positions within the

hierarchy of the Village Staff.

Building Decoration: The painting or affixing of a pattern, stripe, series of stripes, or other design on a building in such a manner, including the use of color, so as to create a contrast to the general character of the building's architectural style or to highlight or frame a signable wall area. Such a building decoration shall be deemed a wall sign, and its surface area calculated upon the entirety of the decoration if, and only if, the decoration meets the definition of a "graphic".

Building Front: That portion of a building where the primary building entrance is located. Where more than one primary building entrance is provided, the building front shall be that portion of the building facing toward the street to which the legal address has been assigned. Corner lots shall have only 1 building front. For the purposes of this definition, the terms building front and building facade shall be deemed synonymous.

Bulletin Board: A sign which identifies an institution or organization and which is located on the premises of said institution or organization, which contains the name and address of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring on the premises, or similar messages. Such a sign may contain a changeable copy board within the structure of the sign provided that the board is enclosed behind a glass case or door.

Canopy: A structure, other than an Awning, permanent in nature, of hood or roof-like construction typically made of metal, wood or other non-pliable material which may be free-standing or attached to a building, which is either supported by frames which are attached to a wall of a building, or by frames affixed to the ground, or both, for the purpose of providing shade, shelter or protection from the elements.

Compatible/Compatibility: Harmony in the appearance of a majority of external design features, including form, colors, materials, textures, scale, size, height and landscaping in the same vicinity.

Comprehensive Plan: The Village of Winthrop Harbor Comprehensive Plan.

Decorative Facade: A projection of the facade above the roof line of a building wherein the projection serves no structural purpose or is not required for structural support of any portion of the building. A parapet fire break shall not be deemed a decorative facade.

Establishment: Any institution, organization, business, commercial, retail, office, service or industrial activity that is the sole occupant of 1 or more buildings; or any institution, organization, business, commercial, retail, office, service or industrial activity that occupies a portion of a building such that the activity is a separate and distinct business from the other activities within the building.

Flag, Advertising: Any sign typically constructed of, or printed or painted on cloth, plastic, canvas, paper or other light material which contains any or all of the following features, including but not limited to: distinctive patterns, shapes, slogans, symbolic

devices, or colors (solid or mixed), which is typically designed to move when subject to pressure by the wind, and used for attracting the attention of the public. See also sign, pennant.

Flag, Ancillary/Corporate: Any sign typically printed, painted or woven on cloth, canvas, paper or other light material depicting any corporation or institution through symbols, characters, colors, designs, letters, logos or trademarks, typically designed to move when subject to pressure by the wind, and which may be hung without a frame, or flown from a staff or flagpole.

Flag, Official: Any sign typically printed, painted or woven on cloth, canvas, paper or other light material depicting any nation, state, county, municipality or other political subdivision, taxing body or unit of government duly created by law, or any organization or activity officially designated by such unit of government, through symbols, characters, colors, designs or letters and numbers, typically designed to move when subject to pressure by the wind, and which may be hung without a frame, or flown from a staff or flagpole.

Grade: Established or finished grade or elevation measured at the level of the adjacent street.

Grand Opening: An event or occasion marking the opening of a new retail or service operation. A grand opening must occur at or near the beginning of an operation and can only occur once during the lifetime of the operation. For the purposes of this definition, however, if a change of ownership or of general management of an operation occurs, an Under New Ownership or Under New Management event or occasion, respectively, shall be deemed to be equivalent to a grand opening.

Grace Period: The period of time between the effective date of this Chapter and the date(s) upon which compliance with the provisions hereof is/are required. This term shall further include any period of time between the adoption of this Chapter and its effective date if necessary to give context to any clause or provision herein.

Ground Clearance: The measurement from the bottom portion of a sign face to grade. If the subject sign is built over or upon a planter, ground clearance shall still be measured to the surrounding grade.

Graphic: One or more pictures or words intended to convey a recognizable image of or to invite an inquiry into or purchase of a product or service. Does not include mere stylized painting or other abstract decoration of a building or other structure.

Landscaping: Plant materials, topography and other natural physical elements combined in relation to one another and to man-made structures.

Logograph: A sign which consists of symbols, words, pictures, letters, colors or other graphic elements arranged in a generally recognizable fashion used to represent a

particular trade, corporation, organization, profession or business; including but not limited to corporate emblems, trademarks, logos and barber poles. Any words or letters included in a logograph shall be incidental to the graphic elements.

Lot: A designated parcel of land identifiable as a single separate tract which is generally established as part of a subdivision, the plat of which has been approved by the Village and recorded or registered with the appropriate county office, or the deed to which has been recorded or registered with the appropriate county office, which is intended to be used, developed or built upon as a unit, having its principal frontage upon a street or upon an official approved place, and which is occupied or intended for occupancy by a use permitted in this Code. For the purposes of this definition, the terms lot of record and zoning lot shall be deemed synonymous.

Lot, Corner: A lot abutting upon 2 or more streets at their intersection or junction. **Lot, Interior:** A lot other than a corner lot, or a reversed corner lot.

Lot Line: A recorded property boundary line of any single lot which divides 1 lot from another lot or from a right-of-way, street or any public place. For the purposes of this definition, the term property line shall be deemed synonymous.

Lot Line, Front: In the case of an interior lot abutting upon only 1 street, the line separating such lot from such street; in the case of a double frontage lot, each line separating from a street shall be considered a front lot line; in the case of a corner lot, the shorter lot line separating such lot from a street shall be considered to be the front lot line.

Lot Line, Rear: That lot line which is parallel to and most distant from the front lot line of the lot; provided, however, that in the case of an irregular, triangular or pie-shaped lot, a line 10 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front lot line shall be considered to be the rear lot line.

Lot Line, Side: Any lot line other than a front or a rear lot line.

Lot Line, Through: Any interior lot which has a pair of lot lines along 2 substantially parallel streets.

Marquee: A structure, other than an awning, permanent in nature, of roof-like construction made of metal, wood or other non-pliable material attached to and extending from part of a wall of a building, but not supported by a frame affixed to the ground.

Monument Sign: See sign, ground.

Multiple Business Center: A development containing 2 or more indoor, individual establishments or offices developed under 1 ownership, with an integrated building and site arrangement and overall Architectural concept, which is primarily devoted to the provision of services, research or other non-retail uses.

Outlot: A lot of record located adjacent to or as part of a shopping center where the primary means of access to the lot is provided through the ingress/egress aisles of the shopping center parking facilities.

Person: Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, organization, corporation (public or private) or a receiver, trustee, conservator or other representative appointed by order of any court.

Planter: Any structure, object, or container constructed of brick, masonry, wood, stones or other material set upon the ground and located at the base of a sign or sign support pole(s) or pylon(s), designed for the purpose of holding flowers, shrubs or other landscape materials.

Pole: A post, pole, brace, standard or other upright member, usually made of metal, used singly or in combination to structurally support a free-standing sign. As modified by an adjective (e.g. flagpole, light pole), the term pole shall refer to the upright member used to support or display the object so described.

Premises: Within the boundaries of all property lines of a lot or outlot, or within the confines of an establishment.

Proportion: Balanced relationship of parts of a building, sign, landscape or structure to each other and to the Architectural concept as a whole.

PUD. A planned unit development or planned development, as defined in the Zoning Code.

Pylon: A column used singly or in combination to structurally support a free-standing sign that is substantially wider than a pole, and which consists of a pole that has been “boxed in” with a metal pole cover or completely concealed by surrounding masonry, stone or other secure, permanent material, or a masonry or stone column.

Raceway (Electrical): A boxed container, usually of metal, placed behind the lettering of a sign which houses electrical wiring for the illumination of the sign, and to which the sign or sign letters may be affixed.

Roof Line: The top of the parapet of a building with a flat roof, the top line of a building with a mansard roof, or the eave line of a building with a gable, gambrel or hip roof.

Scale: The proportional relationship of the size of parts to one another and to the human figure using a standard form of measurement.

Setback: The horizontal distance between the building or structure or sign (as may apply) and the property line.

Shopping Center: A development containing 2 or more indoor, individual

establishments developed under 1 ownership, with an integrated building and site arrangement and overall Architectural concept, which is primarily devoted to the sale of retail goods or provision of personal services directly to the consumer. See also multiple business center.

Sight Triangle: A triangular area established at the intersection of 2 streets or a street and a driveway in which nothing is erected, planted, placed or allowed to grow so as to limit or obstruct the sight distance of motorists. Such a triangle shall have legs of 25 feet along the rightsof-way when 2 streets intersect and 10 feet along the right-of-way and driveway when a street and driveway intersect, measured along each curb or equivalent of the intersecting streets or driveways and from the point where said curb lines or extension thereto intersect.

Sign and/or Signage: Any surface, object, device, display, structure, fabric or advertising symbol which may or may not contain words, figures, letters, printing, pictures, designs, symbols, fixtures, colors, illumination, projected images, forms shaped to resemble any human, animal, product or object, or combinations thereof, which is calculated by any means to direct or attract the attention of the public and used to advertise, announce, identify or display an object, person, institution, organization, business, product, service, event or location, which may be constructed from material of any kind or character whatsoever, and placed on the ground or on any pole, building, structure, wall or thing whatsoever. The term “placed,” as used in this definition, shall include erecting, locating, constructing, posting, painting, printing, nailing, tying, gluing, carving, molding, weaving or other fastening, attaching, affixing or making visible in any manner whatsoever. For the purposes of this definition, the use of terms including, but not limited to, attach, affix, place, locate, display, erect and construct shall be deemed to be synonymous. A sign shall be deemed to be an accessory use to a principal use.

Sign, A-Frame: Any sign of a structural framework with steeply angled sides meeting at the top like the sides of the letter A. Such signs may also be known as sandwich board signs.

Sign, Awning: Any sign that is painted, printed, woven or otherwise placed on the outer surface of an awning in such a manner that the awning forms the background surface of the sign.

Sign, Backlit Awning/Canopy/Marquee: Any awning, canopy or marquee that is constructed substantially of transparent or translucent material and directly illuminated artificially from the interior side of the material in such a manner that the awning, canopy or marquee is made visible or luminous.

Sign, Banner: Any sign printed or painted on cloth, plastic, paper or canvas and used for attracting the attention of the public. All banner signs shall be deemed to be temporary signs.

Sign, Beacon Light: An apparatus containing a light and/or reflector for projecting a

strong, farreaching beam of light in any direction, which is designed so that the beam of light may generally move in an arc pattern. Such a sign is used in the nature of advertisement, announcement or directions calculated to attract the attention of the public located some distance away from the location of the beacon. Such an apparatus may also be known as a beam or as a searchlight.

Sign, Canopy: Any sign that is fastened, affixed, painted, printed or otherwise attached to the outer surface of a canopy in such a manner that the canopy becomes the supporting structure or forms the background surface of the sign, and which does not project more than 6 inches from the canopy surface.

Sign, Changeable Copy: Any permanent sign that is predominantly or entirely designed or used in such a manner that characters, letters or symbols can be manually changed or re-arranged without altering the surface of the sign. The term changeable copy board shall mean a changeable copy portion of a sign subordinate in surface area and position to the principal surface area and characteristics of the sign. For the purposes of this definition, the terms reader board and attraction panel shall be deemed synonymous. See also sign, portable. A changeable copy sign is not a bulletin board.

Sign, Dimensional: A type of wall sign which consists of 3-dimensional letter forms individually applied directly to a building or raceway.

Sign, Directional: See sign, instructional.

Sign, Electronic Message Center: Any sign which uses changing (also known as traveling) lights or the electronic data display commonly known as pixels to form a sign message or messages, or symbols or characters or pictures in motion or animation, wherein the sequence of messages, characters and symbols and the rate of change is electronically, electrically, or automatically programmed and may be modified by electronic, electric, or automatic processes. For the purposes of this Chapter, a time and temperature sign shall not be defined as an electronic message center sign.

Sign, Entrance/Exit: Any sign which is located on the premises that denotes an entrance to or exit from parking facilities.

Sign, Exterior: Any sign that is attached to an exterior wall or otherwise located on the outside of a structure, or placed in a yard or upon vacant land.

Sign, Flashing: Any illuminated sign on or in which such illumination is not kept stationary or constant in intensity and color at all times, and shall include blinking, strobing, flashing, animated, scintillating, alternating, fading-in-and-out and other similar operations of lights or light sources. For the purposes of this definition, a blinking warning light(s) on an antenna as required by law shall not be deemed a flashing sign. For the purposes of this Chapter, a time and temperature sign or a beacon light sign shall not be defined as flashing signs.

Sign, Free-standing: Any permanent sign not attached to a building; primarily ground signs, pole signs and pylon signs.

Sign, Garage/Yard Sale: Any sign used in residential zoning districts to advertise the sale of used, unwanted household goods originating from the specific residence where the sale occurs.

Sign, Grand Opening: Any sign used for a grand opening. All grand opening signs shall be deemed to be temporary signs.

Sign, Ground: Any sign not supported by visible posts, poles, pylons, uprights, braces, standards or other supports designed to raise the sign face above the ground; where the bottom side of the sign is set completely on the ground or mounted on a base that is permanently set on the ground that is at least as wide as the bottom side of the sign. Ground signs are also commonly known as monument signs.

Sign, Illuminated: Any sign which is lit by artificial (usually electric) lighting or luminous devices, whether by lights or devices on or within the sign or directed toward the sign, including such chemical or physical properties which cause or effect a reflection. This definition shall include exterior strings of lights or exposed light bulbs. Signs which are made visible due to ambient conditions arising from the use of adjacent artificial lighting, such as general lighting from fixtures used primarily to illuminate parking facilities, shall not be considered as illuminated signs.

Sign, Inflatable: Any sign or inflatable device of more than 2 cubic feet in capacity designed to be filled with air or a gas lighter than air, used singly or in clusters, displayed to attract the attention of the public. This definition shall include balloons and balloon signs.

Sign, Instructional: Any sign which provides instructions to guide persons to facilities intended to serve the public, including but not limited to those signs stating that a business or establishment is open or closed; identifying restrooms, public telephones, public walkways and other similar facilities; and to provide directions or warnings, including but not limited to towing, no trespassing, no dumping, no parking and no stopping or standing signs. Such signs may also be known as directional signs.

Sign, Interior: Any sign which is fully located within the interior of a building and which is not readily or obviously visible from the exterior.

Sign, Legal Non-Conforming: Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign non-conforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

Sign, Marquee: Any sign that is fastened, affixed, painted, printed or otherwise attached to the outer surface of a marquee in such a manner that the marquee becomes the

supporting structure or forms the background surface of the sign, and which does not project more than 6 inches from the marquee surface.

Sign, Menu Board: Any sign which directs attention to a restaurant menu as an accessory structure to the restaurant with drive-through facilities. Such a sign may be illuminated and freestanding, and contain a two-way communication system for the purpose of food ordering only.

Sign, Motor Vehicle: Any sign painted on or otherwise attached to a motor vehicle (whether operable or inoperable), or on a trailer or similar movable unit designed to be transported by a motor vehicle which is parked or stored on a public right-of-way, public property or private property so as to be visible from a public right-of-way for the primary purpose of displaying the sign in order to advertise a product or service, or to attract the attention of the public to a business or activity located on the property or off-site.

Sign, Moving: Any sign that has any external or visible part or parts that move, rotate, spin, swing or assume a non-stationary position by electrical or mechanical means, or under normal wind currents. flags shall not be deemed moving signs.

Sign, New Development Identification: Any temporary sign which advertises a new development or new subdivision within the corporate limits of the Village that has received approval to begin construction or is under active construction.

Sign, Non-conforming: Any existing sign which does not conform to all the standards and regulations of this Chapter.

Sign, Obsolete: Any sign which identifies an occupant or advertises a business conducted, product sold or service rendered which is no longer bonafide or operational. An obsolete sign shall be deemed to be abandoned.

Sign, Off-site: Any general outdoor advertising sign, which is designed to advertise or direct attention to a business or activity conducted or a product, commodity, service, real property, entertainment or facilities offered or sold elsewhere than on the same lot or within the same building upon which the sign is located or to which it is affixed, or which directs persons to a location different from where the sign is installed. The term billboard shall be included in this definition.

Sign, Outlot: Any free-standing sign located on the premises of an outlot or any wall sign located upon an outlot building.

Sign, Pennant: Any sign printed or painted on cloth, plastic, paper, canvas or other light material with distinctive colors, patterns or symbolic devices, typically designed to move when subject to pressure by the wind, and used for attracting the attention of the public. A pennant sign is usually, but not limited to being long, narrow and triangular in shape. For the purposes of this Chapter, the term and concept of pennant signs shall include, but not be limited to such devices as spinners, propellers, ribbons, streamers, garlands,

bunting and the like, which are mounted singly or in a chain-like series and/or fastened or hung extended in such a manner that the device moves, rotates or spins when subjected to pressure by the wind.

Sign, Permanent: Any pole, pylon, or ground sign which is substantially anchored to the ground with concrete piers or foundations or the equivalent, or any wall sign substantially attached to a building with bolts, rivets or the equivalent which is of more than nominal value, or any Awning, canopy, marquee or under-canopy sign, or any other sign which by its definition and application in this Chapter is designed, constructed and intended to be so located or affixed for an indefinite time into the future. Any banner, beacon light, garage/yard sale, grand opening, inflatable, Motor Vehicle, pennant, political, portable, real estate and special event sign shall not be considered as a permanent sign, as well as any other sign which by its definition and application in this Chapter is designated as a temporary sign.

Sign, Pole: Any free-standing sign supported by 1 or more poles, which pole(s) extend(s) from the ground or from an object on or in the ground.

Sign, Political: Any sign displayed in conjunction with an official election or referendum, used on behalf of candidates for elected public office or to advocate a position on referenda.

Sign, Portable: Any sign designed to be moved from place to place which is not securely attached to the ground or any other structure, such as a sign mounted on a trailer or on a frame with wheels attached. Any such sign which has had any features removed (such as wheels, frame hitch or other devices that enable it to be moved) in order to attach it to the ground or any other structure shall still be deemed to be a portable sign. Such signs may also be known as movable signs. Although portable signs often share features of changeable copy signs, for the purposes of this Chapter, this definition of portable sign shall govern.

Sign, Projecting: Any sign other than a wall sign that is fastened, affixed or attached directly to an outside wall of any building, generally but not always perpendicular to the plane of the wall, which projects outward 8 inches or more from the face of the wall.

Sign, Public: Any sign required and erected by governmental bodies or specifically authorized for a public purpose by any law, statute, ordinance or other official action. Such signs shall include, but not be limited to: traffic control signs; parking control signs; legal notices; railroad crossing signs; warning, danger and temporary emergency signs; street name signs; identification of public sites and facilities or of institutions; announcements of community events as designated by the governmental body; and the like.

Sign, Pylon: Any free-standing sign supported by a single pylon, the width of which is greater than 33.3 percent of the width of the bottom side of the sign face, or supported by a maximum of 2 pylons, the combined width of which is greater than 33.3 percent of the

width of the bottom side of the sign face, and which pylon(s) extend(s) from the ground or from an object on or in the ground.

Sign, Real Estate: Any temporary sign used to offer the sale, lease, sublease or rental of real property. A residential real estate sign shall specifically mean a real estate sign used for property located in a residential zoning district. A commercial real estate sign shall specifically mean a real estate sign used for property located in non-residential zoning districts.

Sign, Roof: Any sign erected, constructed or maintained wholly or partially upon or above the roof line or over the roof of any building in any fashion. This definition shall include signs upon penthouses or upon screening devices for mechanical and HVAC equipment. In addition, the direct artificial illumination of a roof or portion of a roof shall be deemed to transform the roof into a roof sign. Any sign attached to a mansard roof shall be deemed to be a wall sign.

Sign, Special Event: Any temporary sign used to promote a special event. For the purposes of this definition, a special event sign shall be applicable to the activities of a non-profit organization, and a Special Promotion sign shall be applicable to the activities of a for-profit organization, although in intent these 2 terms shall be deemed to be interchangeable.

Sign, Subdivision Identification: Any permanent sign designed to identify a parcel consisting of multiple lots, buildings or dwelling units. A residential subdivision identification sign is used for the stated purpose in residential zoning districts. A non-residential subdivision identification sign is used for the stated purpose in non-residential zoning districts.

Sign, Temporary: Any sign designed, constructed or erected for display for a limited and usually fixed duration of time. Such signs include but are not limited to: banner, beacon light, garage/yard sale, grand opening, inflatable, political, portable, real estate and special event signs, as well as any other sign which by its definition and application in this Chapter is designated as a temporary sign.

Sign, Time and Temperature: Any sign or portion of a sign designed specifically to display only the current time and/or temperature at that location, employing a panel of changing light bulbs or visible elements to display numerals as well as Fahrenheit, Centigrade, A.M., P.M. and degree symbols in combination with the numerals as applicable.

Sign, Under-Canopy: Any sign that is attached to the bottom side of the roof portion of a canopy that is attached to a building, and positioned between the building wall and the outermost edge of the canopy, designed solely for pedestrian visibility and use.

Sign, Vending Machine: Any permanent, non-flashing sign or signage on vending machines, gasoline pumps, ice containers, automatic teller machines and other similar

machines.

Sign, Wall: Any sign which is attached directly to the building wall and which does not extend out more than 8 inches from the face of the wall. This definition shall include any architectural feature or design that includes all or part of an exterior wall where the wall sign is affixed, but only to the extent that the same constitutes a graphic. See Building decoration.

Sign, Window: Any sign that is applied upon, attached to, painted upon the interior or exterior of, or located within 12 inches of the interior side of a window or glass door, and/or is located within a building such that the sign is intended to be viewed from the exterior of such building. Such signs shall not be illuminated unless otherwise provided for.

Sign Face: The surface or surfaces used for the display of a sign message as seen from any one direction, including the area of copy and all borders, but not the supports. Within this meaning, a single-face sign shall not have any copy on its reverse side, or its reverse side is not visible; a double-faced sign shall have the faces placed back-to-back; and a multi-faced sign has more than 2 visible faces, or is erected in a V-shape or is otherwise deemed to be irregular.

Sign Frieze: The signable wall area delineated by a clearly defined portion of a building facade designed or designated for the placement of signage. The terms sign course, sign board, sign panel and the like shall be considered as synonymous.

Signable Wall Area: The entire area within a square or rectangle which encompasses a single continuous portion of a building facade, unbroken by windows, doors, arches, gables, stripes or other major architectural interruptions or extensions of the building surface. Signable wall areas shall not extend above the roof line of the building or beyond the premises or frontage of a particular establishment.

Special Event: An event, activity, sale or service or other occasion that is temporary or seasonal in nature, is limited in duration and is not regularly repeated within the same calendar year. For the purposes of this definition, a Special Promotion or other similar occasion shall be deemed to be synonymous. A slogan (e.g. *the store with the best bargains*) shall not be deemed a special event.

Standards of Consistency: The underlying characteristics of a common signage plan which relates the building design to a unified color scheme; use of materials; lettering or graphic style; consistent location of each sign on the building; and consistent proportions, surface area and other measurements; as well as which relates the design to a multiple-user development.

Surface Area of a Sign: The entire area within a single continuous square or rectangular perimeter enclosing the extreme limit of a sign, but in no case shall this perimeter pass through or between any adjacent elements of the same. See also sign face.

Wall: Any of the exterior sides of a building or structure upon which the roof rests.

Window: An opening in the wall of a building for admission of light, containing transparent or translucent material such as glass.

Window Surface Area: The area of a building facade which is occupied by a window(s) or glass door(s).

Zoning District, Non-Residential: Any current or newly-created non-residential zoning district or any newly-created district predominantly established for non-residential uses, as defined in the Zoning Code.

Zoning District, Residential: Any current or newly-created residential zoning district as defined in the Zoning Code.

158.03 PROHIBITED SIGNS

The following signs are specifically and expressly prohibited from being located, constructed, erected, displayed, placed, structurally or graphically altered, used, maintained or relocated within the Village unless otherwise provided for in this Chapter:

1. Specific types of Signs (as defined in Section 158.02):
 - a. Any a-frame sign.
 - b. Any advertising flag, except as provided for grand openings.
 - c. Any back-lit awning/canopy/marquee sign.
 - d. (intentionally deleted)
 - e. Any electronic message center sign.
 - f. Any flashing sign.
 - g. Any inflatable sign.
 - h. Any motor vehicle sign, except:
 - i. Signs that are placed upon or behind the windshield or other glass surfaces of a vehicle at a retailer of new or used automobiles and/or trucks;
 - ii. Signs that are affixed to delivery vehicles for the primary purpose of identifying them to the public; and.

iii. Signs identifying the owner, address, telephone number and profession of any business affixed by magnetic films or sheets, which do not provide any further information.

- i. Any moving sign.
- j. Any obsolete sign.
- k. Any off-site sign.
- l. Any pennant sign.
- m. Any portable sign.
- n. Any projecting sign, except as provided for in Section 158.07-F.
- o. Any roof sign, including any sign placed on a decorative facade which extends above the roof line, except for mansard roof signs as provided for in Section 158.07-E(10) and/or 158.09(I).
- (intentionally deleted)
- (intentionally deleted)
- r. Any pylon sign, except as specifically permitted in Section 158.07.
- s. Any pole sign, except as specifically permitted in Section 158.07.

2. Other signs:

- a. Any sign which is determined by the Building Commissioner and/or the Chief of Police to constitute a traffic or pedestrian hazard by reason of size, location, color, condition or type of illumination.
- b. Any sign which is located in or extends over public property or the public right-of-way, except public signs as provided for herein.
- c. Any sign which resembles, simulates or imitates official traffic control signs or devices.
- d. Any sign which obstructs traffic sight lines, sight triangles, traffic control signals or public signs at street intersections or railroad crossings.
- e. Any sign for which a permit is required, but for which no permit was applied for or issued.
- f. Any sign painted on an exterior building wall, fascia, parapet, chimney, on a fence or fence-type wall, retaining wall, bench, fence post,

refuse enclosure, utility box, storage shed, bus shelter, satellite dish, antenna or other accessory structure, except wall signs as permitted elsewhere in this Ordinance.

h. Any sign attached, painted on, nailed, or otherwise affixed to trees, other vegetation, landscaping, stones or natural materials.

g. Any sign attached to a chimney, on a fence or fence-type wall, retaining wall, bench, fence post, refuse enclosure, utility box, storage shed, bus shelter, satellite dish, antenna or other accessory structure. tion, landscaping, stones or natural materials.

i. Any sign attached, painted on, or otherwise affixed to tents, except those that are specifically permitted in conjunction with a special event approved by the Village Board.

j. Any sign which uses exposed exterior neon tubing and/or exposed light bulbs.

k. Any exterior string of lights or exposed light bulbs, except those that are temporarily displayed in conjunction with traditionally accepted civic, patriotic or religious holidays for a duration not to exceed 60 days.

l. Any sign painted on, attached, or otherwise affixed to flag poles or light poles, except public signs and instructional signs attached to light poles as permitted in Section 158.04.

m. Any additional or subsequent sign painted on, attached, or otherwise affixed to poles or pylons of permitted signs.

n. Any additional sign attached or otherwise affixed to the face of a sign of which any portion extends beyond any edge of the sign.

o. Any sign which emits sound, odor, or visible matter.

158.04 EXEMPT SIGNS

The following signs are exempt from the provisions of this Chapter, except for such instances where a sign listed herein is found to be unsafe or unlawful as provided in Section 158.13 or as otherwise provided for in this Chapter. Such signs are defined as exterior signs unless stated otherwise. Such signs shall not be illuminated unless otherwise specifically provided for. Such signs are exempted from all permit requirements herein, except that illuminated signs shall be subject to application for and receipt of an electrical permit.

1. Specific types of Signs (as defined in Section 158.02):

a. Bulletin Boards: Bulletin boards shall be exempt, provided that they are located on the premises of charitable or religious institutions only, and do not exceed 16 square feet in surface area. bulletin boards may be internally illuminated.

b. Garage/Yard Sale Signs: garage/yard sale signs shall be exempt, provided that:

i. The sign shall not exceed 4 square feet in surface area if the sign is singlefaced or 8 square feet in surface area if the sign is double-faced.

ii. Only 1 sign shall be permitted for each lot where the garage/yard sale is being held; provided, however, that 1 sign shall be permitted along each side of a lot abutting a public street up to a maximum of 2 signs per lot.

iii. The sign shall not exceed 5 feet in height from grade.

iv. The sign shall not be placed or erected for more than 4 consecutive days at the location of the sale.

v. The sign shall be placed on private property on the premises of the sale and set back from any public right-of-way.

c. Instructional Signs: Instructional signs shall be exempt, provided that:

i. Such signs shall not exceed 2 square feet in surface area and shall be single-faced.

ii. Such signs shall not exceed 8 feet in height from grade if placed on walls or on light poles or other similar single standards, and otherwise shall be constructed as free-standing signs which shall not exceed 6 feet in height.

iii. Such signs shall contain no advertising, logos or other promotional information.

iv. Such signs shall be located within the interior of any parking lot or facility, or adjacent to a pedestrian walkway leading to the building or use so identified, or otherwise set back a minimum of 5 feet from any property line or service drive.

v. Such signs shall not include those signs accessory to

parking areas or facilities as specifically provided for in Section 158.07.

vi. Such signs shall not exceed 2 in number per lot or complex in residential zoning districts.

vii. Such signs shall not exceed 4 in number per lot in non-residential zoning districts.

viii. The Building Commissioner may authorize additional signs of this type if determined to be warranted.

d. Interior Signs: Interior signs shall be exempt except as otherwise provided for in this Chapter.

e. Political Signs: Political signs shall be exempt, provided that:

i. There shall be no limit on the number of signs permitted for each building, dwelling unit, or lot; provided, however, that the quantity of signs displayed does not create a safety hazard to traffic by distracting motorists or interfering with safe pedestrian flow, in which case the Chief of Police and/or the Building Commissioner shall be authorized to require that the number of signs be reasonably reduced or relocated.

ii. The signs may be installed no earlier than 30 days prior to the election or referendum, and shall be removed within 7 days after the election or referendum.

iii. In a residential zoning district, the sign does not exceed 16 square feet in surface area if the sign is single-faced, or 32 square feet in surface area if the sign is double-faced, and said signs do not obstruct traffic sight lines, sight triangles, traffic control signals, or public signs at street intersections or railroad crossings.

iv. In a non-residential zoning district, the sign does not exceed 16 square feet in surface area if the sign is single-faced, or 32 square feet in surface area if the sign is double-faced.

v. In a residential zoning district, the sign does not exceed 4 feet in height from grade.

vi. In a non-residential zoning district, the sign does not exceed 6 feet in height from grade.

vii. The sign shall be placed on private property and set back from

any public right-of-way.

- f. Public Signs: Public signs shall be exempt. Such signs may be illuminated.
- g. Residential Real Estate Signs: Residential real estate signs shall be exempt, provided that:
 - i. The sign content shall be limited to the words “For Sale,” “For Lease,” “For Rent,” “Open House” or “Sold” or substantially similar terminology; the name, address and phone number of the individual realtor or agent; and the name and logo of the realtor’s franchise or brokering office.
 - ii. The sign is located upon the property that is offered for sale, lease or rent, or has been sold.
 - iii. Only 1 sign shall be permitted for each building, dwelling unit or lot.
 - iv. The sign shall be removed within 7 days after the real estate closing, or lease or rental transaction is completed, except that "Open House" signs shall be erected and removed on the day of the event.
 - v. The sign does not exceed 6 square feet in surface area if the sign is singlefaced, or 12 square feet in surface area if the sign is double-faced.
 - vi. The sign does not exceed 4 feet in height from grade.
 - vii. The sign shall be placed on private property and set back from any public right-of-way.
- h. Vending Machine Signs: Vending machine signs shall be exempt, provided that:
 - i. Such signs shall indicate only the contents of such devices, the pricing of the contents contained within, directional or instructional information as to use, and other similar information.
 - ii. Signage shall be limited to the signage originally furnished with the machine and shall relate to that product or item which is dispensed by that machine.
 - iii. Logos, names or other promotional information shall be

considered the permitted sign.

iv. Such signs may be illuminated only on the front of the machine.

v. Such signs shall be set back a minimum of 5 feet from any public right-of-way.

i. Window Signs - Residential Zoning Districts: Window signs in residential zoning districts shall be permitted only as temporary signs and shall be exempt, subject to the provisions of Section 158.08.

j. Window Signs - Non-Residential Zoning Districts: Window signs in nonresidential zoning districts shall be exempt, provided that:

i. Location: Window signs may be permanently affixed or applied to window glass of buildings where such windows or glass doors face the principal street frontage(s). Such signs to be affixed shall consist of high-quality design and copy, such as pre-cut decals, professionally-applied or painted copy using permanent-type inks, paints or gilding, and the like. Such signs may be affixed on the interior or the exterior surface of the glass.

ii. Surface Area: The surface area of a permanent window sign shall not exceed 50 percent of the window surface area, exclusive of superficial borders and trim. This standard shall be consistent from window to window, or window pane to window pane as the case may apply, where a building has more than 1 qualifying window or window pane.

iii. Illumination: Window signs shall not be illuminated except those that are instructional, those that state whether the business or establishment is open or closed or those which state only the name of the business or establishment.

iv. Portability of Surface Area: A permanent window sign shall be permitted in addition to a permitted wall sign or projecting sign, provided that the surface area of all window signs shall be counted towards the maximum permitted surface area for the wall sign or projecting sign based on the signable wall area or the linear footage of the building front of the building.

v. Displays: The display of merchandise shall not be construed as a window sign, nor any signs identifying or promoting merchandise or services, so long as the signs are located more than 12 inches back from the interior surface of the glass.

vi. Temporary Window Signs: A window sign that is not permanently affixed to window glass shall be deemed a temporary sign and shall be subject to the provisions of Section 158.08.

2. Other signs:

a. Name Plate Signs: Name plate signs shall be exempt, provided that:

i. They are wall signs not exceeding 1 square foot in surface area indicating the name of the occupant of the premises in a residence, and not exceeding 2 square feet in surface area indicating the name of the occupant of the premises in a commercial or institutional establishment.

ii. One sign shall be permitted for each building or dwelling unit, except for businesses or institutions that have more than 1 entrance for the general public, in which case 1 sign shall be permitted for each general public entrance.

b. Address Signs: Address signs shall be exempt, provided that:

i. They are wall signs not exceeding 1 square foot in surface area for a residence, and not exceeding 2 square feet in surface area for a commercial or institutional establishment, indicating the legal address of the premises, limited to the display of address numerals and street name.

ii. A combination of a name plate sign and an address sign is permitted, provided that such sign does not exceed 2 square feet in surface area for a residence and does not exceed 4 square feet in surface area for a commercial or institutional establishment.

iii. One address sign shall be required for each building or dwelling unit, except for businesses or institutions that have more than 1 entrance for the general public, in which case 1 sign shall be permitted for each general public entrance.

c. Plaques: Plaques, memorial signs or tablets, names of buildings and date of erection, and similar types of identification and information when cut into any masonry surface or when constructed of bronze or other non-combustible material shall be exempt.

d. Occupational Signs: Occupational signs shall be exempt, provided that:

- i. They denote only the name and profession of an occupant in a commercial or institutional building and do not exceed 2 square feet in surface area.
 - ii. A combination of an address sign and an occupational sign is permitted, provided that such sign does not exceed 4 square feet in surface area. The use of an occupational sign shall forfeit the right to use a name plate sign.
 - iii. One sign shall be permitted for each building, except for buildings that have more than 1 entrance for the general public, in which case 1 sign shall be permitted for each general public entrance.
- e. Service Entrance Signs: Signs designating the service or delivery entrance to a building or an individual unit in a building shall be exempt, provided that:
- i. There shall be a limit of 1 service entrance sign per delivery entrance to a building, or to an individual unit in a building.
 - ii. Such sign shall be a wall sign, or painted or decaled upon a door.
 - iii. Such sign shall not exceed 2 square feet in surface area.
 - iv. Such sign shall not be illuminated.
 - v. Such sign shall not be located above the height of the adjacent door, or 7 feet above the threshold, whichever is less.
 - vi. Such sign shall contain information limited to the name and address numerals of the individual tenant, and delivery instructions.

158.05 PERMITTED SIGNS

A. Signs shall be classified and permitted in accordance with the regulations set forth in this Chapter. This Chapter shall be strictly construed, wherein signs not specifically permitted shall be prohibited. The classification for signs hereafter set forth shall be in accordance with the various zoning districts designated now or hereafter established in the Zoning Code. All such permitted signs shall require an application for and issuance of a sign permit indicating that the sign conforms to the provisions of this Chapter before they may be erected.

B. No Portability of Surface Area: There shall be no portability of unused permitted surface area for any sign to any other permitted sign unless otherwise provided for in this Chapter.

C. PUD Signage: The Village may permit additional or different signage, or require different standards for signage as part of final approval of a PUD at the time of such approval.

D. Calculation of the Surface Area of a Sign: The total surface of a sign shall be calculated based upon the perimeter of the sign as defined in “surface area of a sign” in Section 158.02. The width of a frame shall be included in the area of calculation. Should letters or graphics be mounted directly on a wall or in any such way as to be without a frame, the dimensions for calculating the square footage shall be the area contained within the periphery formed around such letters or graphics bounded by straight lines connecting the outermost points thereof. All sides of a multi-faced sign structure shall be used in computing total surface area. Signs 18 inches or less in depth that do not contain advertising or promotional information on the sides that constitute such depth are considered flat surface signs for the purpose of calculating gross square footage. Signs over 18 inches in depth are considered multi-faced or irregular-shaped signs and shall be computed on the basis of the sum of the square foot area of each surface face, excluding the top and the bottom edges. When measuring the surface area of pole or pylon signs, the surface area of poles or pylons supporting the sign shall not be included in the total surface area, provided that no lettering, graphics, logos or other copy is affixed to or displayed upon such supports.

E. Calculation of Sign Height: The total sign height of a free-standing sign shall be calculated to be the vertical distance of the sign structure measured from grade to the highest point on the sign if it is on level or essentially level ground, or at the middle point of the sign if it is located on a slope. All measurements shall be made only upon private property under the ownership of the permittee establishment. Under no circumstances shall artificial slopes, berms or other artificial means of raising the base elevation be created upon which signs are to be erected in order to increase the effective height of the sign beyond that which is permitted by this Chapter. Height calculations where planters are employed shall begin at the base, and not at the top of such planters.

F. Private Sign Covenants: Nothing in this Chapter shall be construed to prevent the owner or property manager of a shopping center, multiple business center or other similar multitenant or multi-user property, or other business, industrial or institutional use to impose and enforce private sign covenants upon such property which may be more restrictive or which may set higher standards than the provisions of this Chapter. However, in the case of conflict between the Village’s regulations and the private sign covenants, the more restrictive regulations or the higher standards shall govern. The Village shall not be responsible for enforcement of private sign covenants.

158.06 PERMITTED SIGNS IN RESIDENTIAL ZONING DISTRICTS

The following signs shall be permitted within the Village as accessory uses in residential zoning districts, and shall be subject to all applicable standards:

1. Exempt signs as specified in Section 158.04.
2. Temporary signs as specified in Section 158.08.
3. Official flags.
4. One identification sign, not to exceed 32 square feet in total surface area if single-faced, or 45 square feet in total surface area if double-faced, for the following uses: religious institution, private or public school and facilities constructed and maintained by any taxing district. Such a sign shall be erected solely for the purpose of displaying the name and address of the institution and its activities or services. Such a sign may be illuminated, shall not exceed 6 feet in height, and shall be set back a minimum of 10 feet from any lot line.

158.07 PERMITTED SIGNS IN NON-RESIDENTIAL ZONING DISTRICTS

A. The following signs shall be permitted within the Village as accessory uses in non-residential zoning districts, and shall be subject to all applicable standards:

1. Exempt signs as specified in Section 158.04.
2. Temporary signs as specified in Section 158.08.
3. Official flags.
4. Ancillary and/or corporate flags.

B. General Provisions: The standards in this Section shall apply to all general business, industrial and institutional establishments. Additional or different regulations for certain types of non-residential uses are contained in separate subsections of Section 158.07 below.

C. All signs shall relate to the name and/or use of the establishment, facility, premises or center.

D. Free-standing Signs: free-standing signs shall be permitted, subject to the following provisions:

1. Number: There shall be a limit of 1 free-standing sign per lot, shopping center, shopping center outlot or multiple business center, which shall be erected for the purpose of identifying the establishment.
2. Height: No ground sign shall exceed 12 feet in height from grade.

3. Surface Area: No ground sign shall exceed a maximum surface area of 50 square feet if single-faced or 100 square feet if double-faced.

4. Setback: No ground sign shall be located closer than 5 feet to any property line. Such signs shall be placed no closer than 18 feet to any building or structure it identifies and shall not obscure any architectural features of a building, such as entrances, display windows or decorative cornices when viewed from any street.

5. Illumination: Ground signs may be internally or externally illuminated.

6. Bonus Provisions: A 15 percent bonus of square footage per face may be added to the permitted surface area of a ground sign if a permanent help wanted sign is incorporated into the overall sign design, or a 15 percent bonus of square footage per face if a permanent leasing sign is incorporated into the overall sign design, but only a maximum of a 25 percent bonus if both help wanted and leasing signage are incorporated into the overall sign design, provided that such square footage is used solely to advertise the availability of job openings, or the availability of leasable space, respectively, and is not appropriated for identification or promotional purposes. The use of this additional square footage shall permanently forfeit the right to construct any separate temporary or permanent help wanted or leasing signs on the property. Failure to comply with these requirements shall justify an order from the Village that the entire sign be removed. Small, removable and professionally-designed temporary shingle-style help wanted signs may be fastened to the bottom of free-standing signs if compatible with the design of the sign.

7. Tenant Identification Panels: Provision for identifying tenants within a shopping center or multiple business center as part of the permitted square footage of the sign identifying the shopping center or multiple business center as a whole shall be permitted, provided that there shall be a limit of 2 panels or divisions of said sign for such purposes.

8. Menu Board Signs: In addition to the 1 permitted free-standing sign, 1 free-standing single-faced menu board sign shall be permitted per lot or outlot for restaurants with drive-through facilities, provided that such sign does not exceed 24 square feet in surface area or 8 feet in height. Such sign may only be internally illuminated. Menu board signs shall be permitted only in business zoning districts.

E. Wall Signs: Wall signs shall be permitted, subject to the following provisions:

1. Location: A wall sign shall be erected upon the wall of the building facade having its principal frontage upon a public street. A wall sign may be on the building facade other than the principal frontage if it faces a nonresidential district and the total square footage does not exceed the total permitted on the principal frontage. In no case shall a wall sign be permitted that faces the side of any

adjoining lot located in a residential zoning district.

2. Number: A maximum of 1 wall sign per establishment shall be permitted, erected for the purpose of identifying the establishment, subject to the following provisions:

a. No wall signs shall be permitted for individual tenants in a multi-story or multi-tenant office building, unless specifically authorized as part of an approved PUD at the time of approval of said PUD

b. A corporate logo shall be permitted, but shall count as the permitted wall sign if it is not incorporated into the wall sign. The square footage of the logo shall be calculated along with the remainder of the sign copy to determine the overall surface area of the sign.

3. Height: The maximum height of a wall sign shall be 30 feet from grade, or 2 stories, whichever is less, but in no case shall any portion of such sign be extended above the roof line.

4. Signable Wall Area: A wall sign shall be located within a selected signable wall area.

5. Surface Area: The surface area of a wall sign shall not exceed 1½ square feet per 1 linear foot of building front, or 150 square feet, whichever is less. In addition, the following provisions or additional size limitations shall apply:

a. Signage shall not occupy more than 70 percent of the width of the building front or the frontage of the establishment in a multi-tenant building;

6. Projection: No wall sign shall project from the building wall more than 12 inches.

7. Overhang: The edges of wall signs shall not overhang the top of bays or equivalent architectural features of building facades.

8. Illumination: Wall signs may only be internally illuminated.

9. Corner Units, Outlot Buildings and Corner Buildings: Establishments occupying a corner unit in a multi-tenant building, or single-tenant outlot buildings or single-tenant free-standing buildings at a corner intersection of 2 public streets shall be entitled to have 2 wall signs, 1 per wall, each adhering to all of the other standards in this Section, provided that:

a. The primary wall sign shall be deemed to be that which is located on the side of the unit or building that has the legal address or the principal

entrance for the general public.

b. The surface area of the secondary wall sign shall not exceed that of the primary wall sign, and that the same style, color and content is used.

c. The location of the secondary wall sign is not adjacent to any residential dwelling unit or vacant property located in a residential zoning district.

d. Both sides of a corner unit in a multi-tenant building face a public street. Signs facing a service drive, loading dock entrance or the like shall be prohibited.

e. In the event that there is a conflict between the allowable surface area of a sign based on the signable wall area for the primary wall sign and that for the secondary sign, the computation of the maximum surface area permitted for the total of both signs shall be as follows:

i. For corner units in a multi-tenant building: the smaller signable wall area shall be used for computing the maximum permitted surface area for each of the 2 signs;

ii. For single-tenant outlot buildings or single-tenant free-standing buildings at a corner intersection of 2 public streets: the width of the longest side of the building shall be used to compute the maximum surface area permitted for the total of both signs, and that total surface area may be allocated between the 2 permitted signs as long as all other standards of Section 158.07 are met.

10. Signs to be erected upon mansard roofs shall be treated as wall signs, and shall be single-faced, subject to construction specifications as listed in Section 158.09. In no case shall the roof or a portion of the roof itself be illuminated.

F. Canopy, Under-Canopy, and Marquee Signs: Canopy, under-canopy and marquee signs shall be permitted subject to the following provisions:

1. Number: There shall be a limit of 1 Canopy or 1 marquee sign per lot or per establishment, erected for the purpose of identifying the establishment, except as otherwise provided for in this Section, and provided that no wall signs are directed to the same street frontage.

2. Location: Canopy/marquee signs may be mounted on the face (vertical edges only) of the canopy/marquee proper. signs shall not be erected above the roof line of the canopy/marquee.

3. Signable Area: The signable area for canopy/marquee signs shall not ex-

tend beyond the canopy/marquee face on which the sign is located. No sign or portion of a sign shall exceed the borderline of any outer edge of said canopy/marquee. No sign shall be placed on or over the roof of said canopy/marquee.

4. Surface Area: The surface area of a canopy/marquee sign shall not exceed 10 square feet or 30 percent of the signable wall area of a canopy/marquee attached to the building front, whichever is greater. A multiple-bay canopy/marquee, such as drive-up lanes at a financial institution, may have a sign for each bay, provided that the sum total of all such signs does not exceed 30 percent of the surface area of the face of the canopy/marquee that faces a public street or private drive.

5. Projection: No canopy/marquee sign shall project more than 8 inches from the canopy/marquee proper.

6. Ground Clearance: A clearance of 8 feet shall be maintained from the lowest point on the canopy/marquee to the grade or walkway under said canopy/marquee.

7. Material: Canopy/marquee signs shall be constructed of a non-combustible type material.

8. Illumination: Canopy/marquee signs may only be internally illuminated, except for backlit canopy/marquee signs, which are prohibited.

9. Under-Canopy Signs: In addition to the signage permitted in this Section, 1 under-canopy sign shall be permitted to be erected above a general public entrance into the establishment in order to identify said establishment, provided that:

- a. A minimum clearance of 8 feet from the walkway is maintained.
- b. Such signs shall be placed perpendicular to the building, with the top edge of the sign fastened to the bottom edge of the canopy.
- c. Such signs shall not exceed 3 square feet in surface area if the sign is single-faced or 6 square feet in surface area if the sign is doublefaced.
- d. Such signs may only be internally illuminated.
- e. A limit of 1 sign per establishment shall be permitted.

G. Awning Signs: Awning signs shall be permitted in order to identify the establishment, subject to the following provisions:

1. Location: Individual letters, words or symbols may be directly affixed or applied to any surface of an Awning, generally by painting, printing or weaving. Signs shall not be constructed of or applied to other material which are then fastened to the Awning.
2. Surface Area: The surface area of an awning sign shall not exceed 20 percent of the exterior surface area of the awning.
3. Ground Clearance: A clearance of 8 feet shall be maintained from the lowest point on the Awning to the grade or walkway under said Awning.
4. Illumination: Awning signs shall not be illuminated.
5. Portability of Surface Area: An awning sign shall be permitted in addition to a permitted wall sign, provided that the surface area of all awning signs shall be counted towards the maximum permitted surface area for the wall sign based on the signable wall area of the building.

H. Automobile Service Station Signs: The following additional or different sign requirements shall apply to automobile service stations:

1. Free-standing signs:
 - a. Number: There shall be a limit of 1 ground sign or pylon sign on the property.
 - b. Height: No ground sign shall exceed 12 feet in height from grade. No pylon sign shall exceed 24 feet in height from grade.
 - c. Surface Area: A bonus of 8 square feet per face may be added to the permitted surface area to incorporate a changeable copy board into the overall sign design for the purpose of providing gasoline pricing information, provided that the changeable copy is limited to identification of the various grades of fuel offered for sale and their associated prices. The use of this additional square footage shall permanently forfeit the right to erect any separate gasoline pricing signs on the property.
2. Wall Signs, Number: A maximum of 2 wall signs per automobile service station shall be permitted, placed on separate walls of the building, provided that the signage shall otherwise conform to the provisions for wall signs for corner units, outlot buildings or corner buildings as stated in Section 158.07-E(9). A logo counts as 1 of these permitted signs.
3. Canopy Signs, Number: A maximum of 2 canopy signs per automobile service station shall be permitted, placed on separate edges of the canopy, provided that the canopy is free-standing. Signs shall not be erected above the

roof line of the canopy.

4. Car Wash Buildings: If a detached car wash building is provided, 1 additional wall sign shall be permitted on that building, provided that it conforms to all other provisions for wall signs as stated in this Section.

5. Service Bays: If an automobile service station is of the full-service variety that contains bays in active use for the servicing of vehicles, service bay identification signs providing directions or instructions to customers visiting the establishment shall be permitted, provided that:

- a. Such signs shall contain no advertising, logos, or promotional information.
- b. One identification sign shall be permitted for each service bay entrance.
- c. Such signs shall be wall signs.
- d. Such signs shall not exceed 6 square feet in surface area.
- e. Such signs shall not extend above the roof line.
- f. Such signs shall not be illuminated.
- g. Such signs shall otherwise conform to all other provisions for wall signs as stated in this Section.

6. Service Island Instructional Signs: Service island instructional signs indicating the type of service or products offered and other instructional information to assist customers in using the facility shall be permitted, provided that:

- a. Such signs shall contain no advertising, logos or promotional information.
- b. One service island instructional sign shall be permitted for each approach for each island.
- c. Such signs may be placed upon fuel pumps or upon support posts for free-standing canopies.
- d. Such signs shall not exceed 5 square feet in surface area.
- e. Such signs shall not be illuminated.
- f. Other fuel pump signage consistent with the exemptions stated in

Section 158.04.

g. Special instructional signs mandated by units of government (e.g. no smoking, licensing, inspection, etc.) shall be exempt from the provisions of this Chapter.

7. Pump Advertising Signs: One sign, which may be single-faced or double-faced, used for instructional or promotional purposes not to exceed 2 square feet in surface area per face, shall be permitted on top of each fuel pump machine.

I. Parking Lot Entrance/Exit and Instructional Signs: Certain signs related to the use of parking facilities accessory to the main use of the premises shall be permitted subject to the following requirements. Such signs shall be permitted only in non-residential zoning districts.

1. Entrance/Exit Signs: Such signs shall be limited to 1 sign for each entrance/exit. Such signs shall not exceed 3 square feet in surface area if the sign is single-faced or 6 square feet in surface area if the sign is double-faced. Such signs shall not exceed 3 feet in height, shall be set back a minimum of 5 feet from any property line and may be illuminated. Such signs shall be limited in content to directional arrows, a single logo and the words “entrance” or “enter” or “exit” as applicable. Such signs shall not contain advertising, names/addresses of the establishment or other promotional information.

2. Instructional Signs: Signs designating the conditions of use or identity of parking facilities shall be limited to 2 signs per parking facility. Such signs shall not exceed 3 square feet in surface area if the sign is single-faced or 6 square feet in surface area if the sign is double-faced. Such signs shall not exceed 3 feet in height, shall be located within the confines of the facility, and may be illuminated. Such signs shall contain no advertising, logos or other promotional information.

J. Changeable Copy Signs: Changeable copy signs shall be subject to the following provisions:

1. Such signs shall be permitted only if incorporated into free-standing signs used for identification of an establishment, and hereafter in this Section such features shall be referred to as changeable copy boards. Such changeable copy boards may be permitted as part of wall signs only if erection of a free-standing sign is prohibited.

2. Changeable copy boards on a sign face shall be composed in proportion to the entire sign face with a border or similar treatment around the board to integrate it into the sign face.

3. Changeable copy boards shall be limited to 33 percent of the permitted surface area of a free-standing sign if the background upon which letters and

numerals are placed is white or ivory. Backgrounds shall not be yellow or any other intense color. Such boards may occupy 40 percent of the permitted surface area of a free-standing sign if the background is opaque (i.e. that only the letters and numerals appear when the sign is backlit, and that any excess spaces after the copy is applied are filled in with opaque blocks).

4. Copy on a changeable copy board shall be of a single, easily legible lettering style, and shall be of uniform color and size throughout the board.
5. Changeable copy boards may only be internally illuminated.
6. No provisions herein shall abrogate any other requirements for free-standing signs as provided for in this Chapter.

K. Seasonal Signs: No sign that otherwise meets the requirements of this section shall be deemed to be non-conforming hereto if it is designed to be taken down and re-erected seasonally. (By way of example, an ice cream stand may have a sign that otherwise conforms to this chapter, but the shop closes for 6 months of the year due to climate conditions. The owner's removal and storage of the sign each year for 6 months does not make it a non-conforming sign)

158.08 TEMPORARY SIGNS

A. General Provisions:

1. Purpose: Temporary signs shall be used only for the purpose of announcing a special event or special promotion, unless otherwise provided for in this Chapter.
2. Duration: Temporary signs, except for commercial real estate signs, grand opening signs, new development identification signs and window signs, may be displayed a maximum of 2 times per calendar year upon the same premises, and the non-renewable period of duration shall not exceed 30 calendar days each time. The 2 periods shall not be immediately sequential.
3. Number: There shall be a maximum of 1 temporary sign upon the same premises at any time, except for window signs and grand opening signs.
4. Location: All temporary signs shall be erected only on the property of the permittee, unless the permittee is a non-profit organization, and shall be set back a minimum of 5 feet from any public right-of-way.
5. Permit Required: No person shall erect, construct, display, alter or relocate any temporary sign, except window signs, without first obtaining a permit. A permit shall be required each time a temporary sign is displayed.

6. Limitations on Applicants: Applicants for temporary signs shall be limited to either for-profit or non-profit organizations. Permit fees (but not permits) for non-profit organizations (e.g. civic groups, religious institutions or charitable organizations) shall be waived, provided that evidence of formal incorporation or tax-exempt status is shown at the time a permit application is submitted.

7. Illumination: No temporary sign shall be illuminated.

8. Conformance to Other Provisions: Temporary signs shall otherwise conform to all other applicable provisions of this Chapter.

B. Temporary Sign Types: Temporary signs shall be limited in use to the following types of signs:

1. Banner Signs: Banner signs shall be subject to the following provisions:

a. Location: Banner signs shall be affixed only to building walls in a non-projecting manner.

b. Height: Banner signs shall not exceed the height of the first floor of the building, or 12 feet from grade, whichever is greater.

c. Surface Area: Banner signs shall not exceed 32 square feet in surface area, and shall only be single-faced.

2. Commercial Real Estate Signs: Such signs may be erected subject to the following requirements. Such signs are permitted in all non-residential zoning districts.

a. Number: A maximum of 1 sign per street frontage is permitted.

b. Height: Such signs shall not exceed 8 feet in height from grade.

c. Surface Area: Such signs shall have a maximum surface area of 32 square feet if single-faced, and 64 square feet if double-faced.

d. Setback: Such signs shall be set back a minimum of 10 feet from any property line.

e. Material: Such signs shall be made of good, weather-resistant, low-maintenance material.

f. Removal: Such signs shall be removed within 10 days of the real estate closing or the consummation of the lease transaction.

3. Grand opening signs and opening signs shall be subject to the following provisions:
 - a. Types: Grand opening signs may be banner signs or advertising flags.
 - b. Placement: Grand opening signs may be displayed as follows:
 - i. Banner Signs: Affixed only to building walls in a non-projecting manner, and not exceeding the height of the first floor of the building, or 12 feet from grade, whichever is greater.
 - ii. Advertising Flags: Affixed only to light poles in a parking facility.
 - c. Number: Grand opening signs shall be limited to 2 banner signs and 1 advertising flag per light pole up to a limit of 6 light poles.
 - d. Surface Area: Grand opening signs shall be limited in size as follows:
 - i. Banner signs shall not exceed 32 square feet in surface area, and shall only be single-faced.
 - ii. Advertising flags shall not exceed 15 square feet in surface area and may be single or double-faced.
 - e. Duration: Grand opening signs shall be displayed for a maximum period of 30 calendar days, and may only be erected on or after the date of issuance of a Certificate of Occupancy, with the first day of such period commencing on the date of erection of the signs regardless of the date that the establishment is first open to the general public thereafter.
 - f. Under new ownership or under new management signs shall be governed by the same time, place, and manner regulations as grand opening signs.
4. New development identification signs are subject to the following provisions:
 - a. All such signs shall be located only on the subject property and shall identify only the development on the property.
 - b. New Development Identification Signs: Signs announcing the impending construction of a project, limited to displaying the name of the project, the developer, the architect, the financial institution providing the

financing, a phone number where more information may be obtained and a date announcing the planned completion of the project may be erected as follows:

- i. Residential Zoning District: 1 sign per development on the road frontage for each subdivision development, set back a minimum of 10 feet from any property line, with a maximum surface area of 96 square feet, limited to single-faced pole or ground signs only, with a maximum height of 10 feet, and required to be removed within 30 days after 80 percent of the lots have been sold.
 - ii. Non-Residential Zoning District: 1 sign per development on the road frontage for each development site, set back a minimum of 10 feet from any property line, with a maximum surface area of 96 square feet, limited to single-faced pole or ground signs only, with a maximum height of 10 feet, and required to be removed within 30 days after the initial Certificate of Occupancy is issued.
- c. For Sale/For Lease Signs: Signs announcing the availability of lots or space for lease, limited to displaying the name of the project, the developer, a phone number where more information may be obtained, a logo and the nature of the property/amount of the space being offered may be erected as follows:
- i. Residential Zoning District: 1 sign per single family building site, set back a minimum of 10 feet from any property line, with a maximum surface area of 50 square feet if single-faced or 100 square feet if double-faced, limited to pole or ground signs only, with a maximum height of 15 feet, and required to be removed within 30 days after the final Certificate of Occupancy has been issued.
 - ii. Non-Residential Zoning District: 1 sign per development on the site, set back a minimum of 10 feet from any property line, with a maximum surface area of 100 square feet or 150 square feet if double-faced, limited to pole or ground signs only, with a maximum height of 15 feet, and required to be removed within 30 days after initial occupancy of the property if all the space is sold or leased. Otherwise, for sale/for lease signs shall be reduced in size to a maximum total of 32 square feet in size, whether single-faced or double-faced, and to a maximum height of 10 feet after 12 months has elapsed since the initial Certificate of Occupancy was issued for any owner or lessee on the property. Such reduced sign

shall be removed within 30 days after all the space is sold or leased. For ongoing lease activities, see Section 158.07.

d. Residential Model Area Signs: Signs displayed for the purpose of identifying model areas wherein dwelling units within a new subdivision or rental complex are offered for sale or rent, as applicable, may be erected in residential zoning districts as follows, and shall be removed within 10 days after the issuance of the Certificate of Occupancy for the last unit to be finished in the subdivision:

i. Sales Office Signs: 1 sign may be erected, set back a minimum of 5 feet from any property line, with a maximum surface area of 20 square feet whether single-faced or double-faced, limited to wall, pole or ground signs only, with a maximum height of 10 feet, and with the contents limited to the name of the development, the name of the developer, a logo, appropriate telephone numbers and hours of operation. Such signs shall not be illuminated.

ii. Model Unit Signs: 1 sign for each model unit offered for sale may be displayed, erected only in a front yard, with a maximum surface area of 4 square feet, limited to single-faced pole or ground signs only, with a maximum height of 5 feet and with the contents limited to the name of the model unit. Such signs shall not be illuminated.

iii. Model Area Parking Lot Entrance/Exit Signs: 1 sign for each parking lot may be erected, set back a minimum of 5 feet from any property line, with a maximum surface area of 4 square feet if single-faced or 8 square feet if double-faced, limited to pole or ground signs only, with a maximum height of 5 feet and with the contents limited to the logo and name of the subdivision, the word “parking” and a directional arrow. Such signs shall not be illuminated.

iv. Construction Office Signs: 1 sign for a construction office or trailer on the property may be erected, set back a minimum of 5 feet from any property line, with a maximum surface area of 20 square feet, limited to single-faced pole, ground, or wall signs only, with a maximum height of 8 feet and with the contents limited to the logo and name of the subdivision, the name of the developer and the words “construction office.” Such signs shall not be illuminated.

5. Special Event Signs: Special event signs may be of any type enumerated in this Section and subject to the specific provisions therein. In addition, the following provisions shall apply:

- a. Free-standing signs shall also be permitted, provided they are constructed of wood, metal or other durable material and reasonably supported in or on the ground by adequate bracing.
- b. Height: Free-standing signs shall not exceed 8 feet in height from grade.
- c. Surface Area: Free-standing signs shall not exceed 32 square feet in surface area per face, and may be single-faced or double-faced.
- d. Free standing signs are to be removed within 24 hours of the ending of the event.

6. Window Signs, Non-Residential Zoning Districts: Window signs in nonresidential zoning districts shall be subject to the following provisions:

- a. Material: Such signs shall be constructed of paper, plastic, cloth or other pliable material, or painted on windows with watercolor-type paint in neatly-executed style. Soap or chalk type paint with a typically fuzzy white appearance shall be prohibited.
- b. Location: Such signs shall be affixed only to the interior surface of the glass and shall not be located on any windows above the first floor of the building.
- c. Surface Area: Such signs shall not exceed 50 percent of the window surface area for each first floor window. Signs shall not be affixed in such a manner that a safety hazard to customers or staff of the establishment is created by the obstruction of vision. The Chief of Police shall be empowered to require the removal or relocation of any such sign deemed to be a safety hazard.
- d. Duration: Such signs shall be used only for special promotions, shall be displayed for periods not to exceed 30 calendar days, and shall be removed thereafter. Replacement signage may be displayed on a continuous basis so long as all other provisions of this Chapter and Section are met.

158.09 CONSTRUCTION SPECIFICATIONS

- A. Compliance with Applicable Codes: All signs shall be constructed in accordance with applicable provisions of building and electrical codes as designated in the Winthrop Harbor Municipal Code and/or any codes that are adopted by reference therein.
- B. Obstruction to Exits: No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, door opening or wall opening intended as a means of ingress or egress.
- C. Obstruction to Ventilation: No sign shall be erected, constructed, or maintained so as to interfere with any opening or window required for light or ventilation.
- D. Clearance from Electrical Power Lines and Communications Lines: All signs shall be located in such a way that they maintain horizontal and vertical clearance of all electrical power lines and communications lines in accordance with the applicable provisions of this Code. However, in no instance shall a sign be erected or constructed within 8 feet of any electrical power line, conductor or service drop or any communications line, conductor or service drop.
- F. Underground Electrical Service: All electrical service to free-standing signs shall be underground.
- G. Clearance from Surface and Underground Facilities: All signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, gas, electricity or communications equipment or lines. In addition, the placement of all signs and their supporting structures shall not interfere with natural or artificial drainage of surface or underground water.
- H. Supports and Other Hardware: Primary supports for permanent signs shall be of the same material or of a coloring the same as or compatible with the sign material in order to harmonize with the sign. Secondary supports and hardware, such as angle irons, braces, brackets and frame members shall be concealed. Pieces of electrical hardware, such as raceways, switch boxes, junction boxes and the like, shall be painted the same color as the support, building or portion of the sign to which they are affixed (as the case may apply) in order to conceal or subdue their appearance.
- I. Mansard Roof Signs: A sign located on a decorative mansard shall be mounted directly vertical as a wall sign, with no visible angle-iron, guy wires, braces or secondary supports. All hardware shall be concealed. Roof signs that project out from the surface of the roof shall be enclosed on all sides perpendicular to the sign face with a treatment to match the color, texture, and appearance of the roof materials. No sign on a mansard roof shall project from the building surface more than 12 inches as measured at the front edge of the sign. Such signs shall be constructed of a non-combustible type material.

158.10 ILLUMINATION

All signs permitted to be illuminated under the regulations of this Chapter shall be installed or applied such that signs shall meet the following standards:

1. Wall signs, if illuminated, may be illuminated internally. Internal illumination means that the light source is contained within the sign and is visible only through a translucent surface, or is otherwise recessed into the sign structure using concealed fixtures so that no reflectors, extension arms, floodlights, light bulbs or fixtures are visible from direct view. In the case of dimensional signs or individually applied letters, numbers, logos or other copy, illumination may also be placed behind said elements in outline form such that the light source is not visible from direct view.
2. Ground signs, if illuminated internally, shall meet the same standards as wall signs.
3. Externally Illuminated Signs: Externally illuminated signs shall have lighting fixtures designed and installed only in such a manner that the direct rays of such lights shall be concentrated on the sign and be prevented from causing a glare on or striking the street or nearby property, or the reflector shall be provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare on the street or nearby property.
4. Flashing Signs and Devices: Flashing signs and devices shall be prohibited.
5. Exposed neon tubing and exposed light bulbs shall be prohibited. Neon tubing used for internal illumination shall be concealed behind translucent covering.

158.11 MAINTENANCE

Maintenance of signs shall be required, according to the following standards:

1. The owner of a sign and the owner of the premises on which such sign is located shall be jointly and severally liable to maintain such sign and its illumination sources (if applicable) in neat and orderly condition, in good repair, and in good working order at all times, to replace burnt-out light bulbs, and to prevent the development of any rust, corrosion, rotting, peeling of paint or other deterioration in the physical appearance, structural integrity or safety of such sign.
2. The owner of any sign regulated by this Code shall be required to have properly painted or finished all parts and supports of said sign when necessary, unless the same are galvanized or otherwise treated to prevent rust or deterioration.

3. Nothing in this Section shall be construed to permit as “maintenance or repair activities” the changing of a sign face by replacement or repainting of copy with new copy, except for the changeable portion of changeable copy signs.

158.12 ADMINISTRATION

A. Permit Required:

1. Unless otherwise exempted in this Chapter, no person, firm or corporation shall erect, construct, locate, display, place, structurally or graphically alter, relocate or maintain any sign without having first obtained a valid permit for such sign, issued by the Village with the approval of the Building Commissioner as required in this Chapter.

2. An application for a permit under this Chapter shall be made upon forms provided by the Village for this purpose, which are available at the Building Department.

3. No permit shall be required for repainting, cleaning, and other normal maintenance or repair of a sign structure, provided that such maintenance does not alter the original copy displayed on the sign face(s), the surface area, height, or otherwise in any way render the sign non-conforming.

4. Permits shall be required for the removal or demolition of permanent signs.

5. Illuminated signs shall require both a sign permit and an electrical permit, provided that the Building Commissioner may waive the requirement of an electrical permit where the sign operates on 110 VAC current, is approved by Underwriter’s Laboratory and is plugged directly into pre-existing hard-wired 110 VAC duplex outlet.

6. Each sign proposed to be erected shall require a separate permit.

7. Property owners or tenants, or their sign companies or agents are advised in the case of questions about these sign regulations to consult with the Building Department in advance of submitting a permit application.

B. Permit Fees: Every applicant, before being granted a permit hereunder, shall pay to the Village a fee for each proposed sign or sign structure (e.g. flagpole) as established by the fee schedule set forth in section 158.15.

C. Submission Requirements: Materials required to be submitted in order to review a permit application shall be in accordance with administrative procedures issued by the Building Department.

D. Standards for Review and Approval: All sign permit applications will be reviewed according to the physical parameters and design standards contained in this Chapter. Upon receipt of a complete application, staff will rule on the permit within 21 business days,

1. A sign permit will be issued if such application is complete, accurate, conforms to the standards of this Chapter and is in accordance with all other applicable requirements of this Code and Village ordinances.

2. If the work authorized under said permit has not been completed within 90 days following the permit issue date, said permit shall become null and void. If 90 days has elapsed, a new application shall be required if the permittee desires to erect the sign originally contemplated. However, such application shall be reviewed according to the standards of the Village then in force, and no rights to previous standards under which the original permit was issued shall exist.

3. If any sign is erected, altered or relocated without receipt of a valid permit, the specified permit fees shall be doubled. However, such payment shall not relieve any person of any requirement or penalties prescribed in this Chapter, nor shall the expense of erecting or the existence itself of the sign be deemed a justifiable hardship warranting waiver of any requirement or penalty, whether the sign is conforming or non-conforming. Failure to pay the fees shall result in enforcement by the Village to obtain said fees or the removal of said sign. Nothing in this Section shall be construed to mandate the retroactive payment of sign permit fees that were not required prior to adoption of this Chapter.

158.13 ENFORCEMENT

A. Obsolete Signs: Any obsolete sign shall be removed by the owner, agent or person having the beneficial use of the building, structure or lot upon which such sign is located within 10 days after the cessation of such business or sale of such product that renders the sign obsolete. Such a sign shall be deemed abandoned. If such sign is not removed within 10 working days of being abandoned, the Building Commissioner shall give written notification to the owner or agent of such failure, and 10 working days hence shall cause removal of such sign. The expense incident thereto shall be paid by or be recoverable from the owner of the building, structure or lot upon which the sign is located; and said expense shall be a lien upon such premises until paid.

B. Unsafe Signs: Any unsafe sign shall be removed by the owner, agent or person having the beneficial use of the building, structure, or lot upon which such sign is located immediately after written notice is given by the Village to said owner, agent or person.

C. Removal by Village:

1. If any obsolete or unsafe sign is not removed by the date specified, the Village shall give written notice to the owner, agent or person having the

beneficial interest in the building, structure or lot on which such sign is located to require the removal within 10 days. If such sign is not removed or repaired (if applicable) after the conclusion of such 10-day period, the Building Commissioner is hereby authorized to cause the sign to be removed forthwith at the expense of the owner, agent or person having the beneficial interest in the building, structure or lot on which such sign is located.

2. Notwithstanding the foregoing provision, the Building Commissioner is authorized to cause any sign to be removed summarily and without notice, at the sole expense of the owner, agent or person having the beneficial interest in the building, structure, or lot on which such sign is located, whenever the Building Commissioner determines that such sign is an immediate peril to persons or property.

3. The Building Commissioner shall refuse to issue any sign or building permit to any permittee or owner who refuses to pay costs of any sign removal or repair so assessed.

D. Non-Conforming Signs (Includes “Grandfather” provisions):

1. Legal Non-Conforming Signs: Any sign lawfully existing as of the date of the adoption of this Chapter which does not conform to 1 or more of the provisions contained herein shall be deemed to be a legal non-conforming sign and may be continued in operation and maintained subject to the following requirements:

a. Legal Non-Conforming Signs that are Permanent Signs:

i. The owner or beneficial user shall maintain such sign in good condition and repair;

ii. Such sign shall not be changed or altered in any manner, except face changes (i.e. replacement or repainting of copy with new copy); shall not be changed to any other nonconformity; shall not be expanded; shall not be structurally altered to prolong its useful life; and shall not be moved in whole or part to any other location where it would remain nonconforming;

iii. Cosmetic-type non-conforming features (such as painting, concealment of electrical fixtures with landscaping and the like) shall be rendered conforming within 120 days after the date of adoption of this Chapter, weather permitting;

iv. Burial of electrical drops providing electrical energy to existing signs shall not be required until such time as the sign is otherwise required to be brought into compliance with the current

code provisions unless the drops are allowed to deteriorate into a condition that is considered to constitute a genuine danger to public safety.

- b. Legal Non-Conforming Signs that are not Permanent Signs:
 - i. The owner or beneficial user shall maintain such sign in good condition and repair;
 - ii. Such sign shall not be changed or altered in any manner, including face changes; shall not be changed to any other nonconformity; shall not be expanded; shall not be structurally altered to prolong its useful life; and shall not be moved in whole or part to any other location where it would remain nonconforming;
 - iii. Such sign shall not be continued in use after change of occupancy of the business, owner or activity to which the sign pertains;
 - iv. Such sign shall be removed within 120 days after the date of adoption of this Chapter.
 - v. Wall signs that have a nominal value of less than \$150 shall not be deemed to be permanent signs and shall be subject to the provisions of this Section. The Building Commissioner shall be solely responsible for setting values for any and all such signs.
- c. Any violation of any of the provisions of this Chapter at any time shall immediately terminate the right to maintain the existence of a legal non-conforming sign.
- d. If during the grace period (defined in section 158.02) any legal non-conforming sign is damaged or destroyed, by any means whatsoever, to the extent that its repair or replacement cost exceeds 50 percent of its replacement cost as of the date it became non-conforming, the right to maintain the existence of a legal non-conforming sign shall be immediately terminated, and the sign may not be rebuilt or used thereafter. In the event the damage or destruction of the legal non-conforming sign is less than 50 percent of its replacement cost, the sign may be rebuilt to its original condition and may continue to be displayed until the end of the grace period. The funds and effort expended on such rebuilding, however, shall not be grounds to justify a waiver of the requirement for the sign to conform, or to extend the time that the sign may remain non-conforming.

e. Normal maintenance of legal non-conforming signs, necessary non-structural repairs and incidental alterations which do not extend or intensify the non-conforming features of the sign, shall be permitted during the grace period.

f. Legal non-conforming signs that are permanent signs which are within 10 percent of compliance of any height, surface area or location requirements, and which otherwise conform to all other provisions of this Chapter, shall be deemed to be conforming for the purposes of these regulations without further review.

3. Non-Conforming Signs: Any sign not lawfully existing as of the date of the adoption of this Chapter which does not conform to the provisions contained herein shall be deemed to be a non-conforming sign and shall be removed within 30 days after the date of adoption of this Chapter.

4. Any legal non-conforming sign that has not been removed, altered, or relocated by the applicable time frame stated herein so as to render it conforming shall thereafter be deemed a non-conforming sign, and such sign shall then be subject to removal by the Village or to prosecution by the Village in the Village's Adjudication Court or in an applicable court of jurisdiction to achieve its removal.

5. Incentives: For property owners that convert non-conforming signs into signs that meet all the requirements of this sign code prior to the expiration of the grace period (as defined in section 158.02) or before the sign otherwise becomes non-conforming due to a change in occupancy of the business, owner or activity, the following incentives shall be provided:

a. No building permit fees, as provided for in Section 158.15 shall be assessed.

b. For non-conforming pole and pylon signs that are converted to a conforming ground sign, the sign surface area or height of the converted ground sign may exceed the maximum height and surface area standards noted in the Section 158.07 by up to 20 percent.

E. Confiscated Signs: Any signs in violation of any provision of this Chapter within the public right-of-way at any time may be removed by the Village and placed into temporary storage. Confiscated signs from the public right-of-way will be released upon payment of a storage fee of \$25 per sign, payable to the Village. The Village shall not be responsible for loss of or damage to any confiscated sign while in storage. The Village shall not be responsible to notify the owner or agent of said sign that it was confiscated and placed into storage. The Village shall not be obligated to keep said sign in storage beyond 5 working days, after which time it may be discarded.

F. Notice: The owner of the premises on which the sign is located shall be the responsible party for the purpose of receiving notice under any section of this Chapter.

158.14 VARIATIONS

A. If specific standards or requirements contained in this Chapter 158 preclude a proposed sign from being erected, the applicant may request a variation. Such a variation requires a public meeting on the matter before the Village's Planning and Zoning Board ("PZB"). A petitioner shall file in the office of the Village Clerk a written petition requesting such a meeting and setting forth a brief statement of the grounds. At the time of filing said petition, a sign Variation Review Fee as found in Section 158.15, shall be submitted. Upon receipt of such petition the Village Clerk shall set a time and place for such meeting before the Village Board, and give the petitioner notification thereof. At such meeting, the petitioner shall be given an opportunity to be heard and show why relief from such provisions should be granted. When considering a petition for such a variation, the PZB shall consider the general objectives outlined in Section 158.01-C as well as the standards for a variation outlined in Sections 32.01 through 32.07 of the Winthrop Harbor Municipal Code, including demonstration of a hardship that was not created by the applicant, as to why the variation should be granted. In granting such a request, the PZB shall have the right to impose any and all such further conditions upon the erection and display of such signs as they may deem to be in the best interests of the Village. If granted, a variation must be acted upon within 6 months, as demonstrated by the issuance of a valid sign permit, or the variation shall become null and void.

B. Appeals: Appeals of the interpretation of this Chapter by the Building Commissioner are heard by the Planning and Zoning Board ("PZB"), and all hearings and determinations shall be subject to all provisions of sections 32.01 through 32.07 of the Winthrop Harbor Municipal Code.

158.15 FEE SCHEDULE: The Building Commissioner shall assess and collect the following fees for sign permits issued at any time after the effective date of this chapter, consistent with the provisions hereof:

- A. Temporary signs: \$30.00 per sign and per period of display.
- B. Permanent signs: 2% of the cost of the sign, including its installation, base and all other component parts as well as the labor to install it, with a minimum fee of \$50.00.
- C. Variations: \$100.00 per variation sought (paid to the Village Clerk at the time of filing of the variation request).

158.16 PENALTIES:

- A. Nuisance Declared: Notwithstanding any other provisions of this chapter, the Village Board finds and declares that obsolete, abandoned, structurally unsound and illegal non-conforming signs are a public nuisance.
- B. General Penalty: Any person found to be in violation of any provision of this chapter for which a specific penalty is not prescribed shall be fined \$100.00 upon conviction or assessment of guilt by an adjudication court.
- C. Continuing Penalty: Each day that a sign is allowed to exist following written notice to the landowner or occupant to remove or repair it constitutes a separate violation and a continuing nuisance subject to the general penalty provided for herein.
- D. Injunction: Because of the inherent danger of unsound signs and the continuing nature of the nuisance caused by obsolete, abandoned and illegal non-conforming signs, the Village shall have the right to obtain an injunction from the Circuit Court requiring the demolition of any sign, or any portion of any sign, deemed to be existing in violation of this chapter upon a verified petition stating the basis therefore.
- E. Attorney's Fees and Costs: In any action involving this chapter brought in the local adjudication court, in the Circuit Court or in any other court, the Village shall be entitled to recoup the entire amount of its attorneys' fees and costs from the party opposing the Village and the same shall be added to any judgment rendered in favor of the Village.

158.17 EFFECTIVE DATE: This chapter is adopted by an ordinance passed by the Village Board during the autumn of 2009. As this chapter implements a series of significant changes to the permitted signs and affects existing signage within the Village, the effective date is established to be January 1, 2010. For this reason, the 120 day grace period defined in 158.02 and referred to throughout this chapter shall run from January 1, 2010 through and including May 1, 2010.

ORDINANCE 2010-O-2

**AN ORDINANCE AMENDING §158.17
OF THE MUNICIPAL CODE OF WINTHROP HARBOR**

WHEREAS, the corporate authorities had intended to adopt the revised sign code during the autumn of 2009, and

WHEREAS, there were unanticipated delays in adopting the sign code, resulting in the ordinance adopting the code being approved on January 5, 2010, and

WHEREAS, the language of §158.17 of the sign code was based on an anticipated adoption prior to the end of 2009, and

WHEREAS, the delayed adoption requires that §158.17 be amended to reflect the actual date of adoption,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Section 158.17 of the Winthrop Harbor Municipal Code is hereby amended and shall hereafter read as follows:

158.17 EFFECTIVE DATE: This chapter is adopted by an ordinance passed by the Village Board on January 5, 2010. As this chapter implements a series of significant changes to the permitted signs and affects existing signage within the Village, the effective date is established to be January 10, 2010. For this reason, the 120 day grace period defined in 158.02 and referred to throughout this chapter shall run from January 1, 2010 through and including May 10, 2010.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 19TH DAY OF JANUARY, 2010.

APPROVED:

ROBERT D. LOY, MAYOR

ATTEST:

JANA J. LEE, VILLAGE CLERK

AYES: Braden, Luke, Robards, Swindle

NAYS: None

ABSENT: Marabella, Nearingder

FIRST READING: January 19, 2010

SECOND READING: Waived January 19, 2010

ORDINANCE PASSED: January 19, 2010