



# Village of Brookfield

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## REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

### AGENDA

July 25<sup>th</sup>, 2019 - 7:00 P.M.

Edward Barcal Hall - 8820 Brookfield Avenue  
Brookfield, IL 60513

- I. **Call to Order**
- II. **Roll Call**
- III. **Staff Update**  
Local Planning Initiatives and Updates
- IV. **Public Hearings**  
PZC Case 19-05 – Sign Ordinance
- V. **New Business**  
Approval of Minutes
- VI. **Old Business**
- VII. **Next Meeting**
- VIII. **Public Comment**
- IX. **Adjournment**

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Village of Brookfield (708) 485-7344 prior to the meeting. Wheelchair access may be gained through the front (south) entrance of the Village Hall.

VILLAGE OF BROOKFIELD  
BROOKFIELD, ILLINOIS 60513

JOURNAL OF THE PROCEEDINGS OF THE  
PLANNING AND ZONING COMMISSION

HELD ON THURSDAY, MAY 23<sup>rd</sup>, 2019  
IN THE BROOKFIELD VILLAGE HALL

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**MEMBERS PRESENT:** Chairman: Charles Grund; Commissioners: Jennifer Hendricks; Karen Ann Miller; Todd Svoboda; Mark Weber; and Christopher Straka

**MEMBERS ABSENT:** Patrick Benjamin

**ALSO PRESENT:** Michael Garvey, Village Trustee; Elyse Vukelich, Village Planner; Nicholas Greifer, Director of Community and Economic Development

On Thursday, May 23<sup>rd</sup>, 2019, Chairman Grund called the meeting of the Planning and Zoning Commission to order at approximately 7:00 P.M. Secretary Weber conducted the roll call.

**Staff Update**

Village Planner Elyse Vukelich stated that the Village will be discussing an amendment to the 8 Corners TIF District and the creation of a new Downtown TIF District at a Village Board meeting in June. They will be discussing the start of the public hearing process. Vukelich also mentioned that staff attended a groundbreaking ceremony for the new multi-family building at 8917 Grant.

**Public Hearings**

PZC Case 19-03 – Map Amendment for 9037-49 Monroe Avenue.

Motion to open the public hearing by Commissioner Straka, seconded by Commissioner Svoboda. The motion carried 6-0, with Commissioner Benjamin absent. The public is sworn in.

STAFF PRESENTATION: Village Planner Elyse Vukelich gave a presentation on the proposed map amendment. She explained that the applicant is proposing a map amendment to change the zoning on the property at 9037-49 Monroe Avenue from A-1 Single Family Residential to C-3 General Commercial. The building is a multi-tenant commercial building and is non-conforming in the A-1 District, which only permits single family homes and community residences. The non-conforming uses in the building are legally allowed to continue until the use of land is discontinued or abandoned for a period of 12 consecutive months. However, this poses a challenge to the building owners, because if one of their tenants leaves and is not replaced by a similar tenant within 12 months, the space can never be filled.

She explained that the uses in the C-3 General Commercial District were recently amended and discussed what is permitted there. This change will permit higher intensity uses on the site, but there are higher intensity uses located across the street. She mentioned that any new business that comes into the building will need to meet the minimum parking requirements per the zoning code.

Vukelich went on to explain that the Comprehensive Plan states that one of its goals is to “prioritize the 8 Corners area and the Downtown Brookfield Metra Station as the Village’s primary mixed-use pedestrian oriented environments.” If 50% or more of the existing building were destroyed by a natural disaster or demolished, the current zoning would only allow for the rebuilding of a single family home with a 25 foot setback, which is less pedestrian friendly than the existing building’s form.

Village Planner Elyse Vukelich finished her presentation by stating that staff recommends approval of the map amendment as requested.

Commissioner Weber asked how many parking spaces the building has. Vukelich responded that the spaces are not marked but that there is a parking area measuring 4,432 square feet. Chairman Grund asked if the existing businesses that are listed as special uses in the C-3 District would need to obtain a special use. Vukelich said no, they will be considered non-conforming uses.

APPLICANT PRESENTATION: Judi Harvin, who owns the building at 9037-49 Monroe Avenue, stated that she is currently trying to sell the building, and that it was represented as being zoned C-3 General Commercial on a re-sale inspection report when she purchased the building in 2007. She is pursuing the map amendment in order to make the building easier to sell.

**PUBLIC COMMENT:**

There was no public comment on this case.

Motion to close the public hearing by Commissioner Miller, seconded by Commissioner Straka. The motion carried 6-0, with Commissioner Benjamin absent.

**COMMISSIONER DELIBERATION:**

Commissioner Miller said that the proposal makes sense to her. Commissioners Svoboda and Hendricks agreed.

Chairman Grund said that the comment about the inspection report was good information, but did not have any bearing on the result of the case. Commissioner Straka agreed.

Commissioner Miller made a motion, seconded by Commissioner Straka, to approve PZC case 19-03. The motion carried 6-0, with Commissioner Benjamin absent.

PZC Case 19-04 – Map Amendment for 3650 Grand Blvd.

Motion to open the public hearing by Commissioner Svoboda, seconded by Commissioner Miller. The motion carried 6-0, with Commissioner Benjamin absent. The public is sworn in.

STAFF PRESENTATION: Village Planner Elyse Vukelich gave a presentation on the proposed map amendment. She explained that the applicant is proposing to re-zone the property from A-1 Single Family Residential to SA4a General Mix District. The building was previously a mixed-use building, with a doctor's office on the first floor and an apartment on the second. The use was non-conforming but preceded the existence of the current zoning ordinance. When the applicants purchased the building in 2017, they planned to open a wellness or yoga studio on the first floor and continue renting the apartment. However, more than 12 months have passed since the building was occupied, which means the non-conforming status has been lost.

She explained that the adjacent SA 4a district allows for mixed use buildings. The change would permit higher intensity uses, but any business coming in will need to meet the minimum parking requirements per the zoning code. Vukelich also mentioned that the Comprehensive Plan lists one of its strategies to "expand the SA 4 zoning district along Grand Boulevard to permit the development of rowhomes and townhomes to better connect 8 Corners and Downtown." This map amendment will help achieve that strategy.

APPLICANT PRESENTATION: John Chapple and Diane Viverito, the applicants, spoke about their desire to re-zone the building. They said they do not intend to use the building differently than it was used for the past 40 years. Their architect, Stephen Flint, described the renovation the applicants are doing on the building.

Chairman Grund asked if the basement of the building could be used as a dwelling. Village Planner Elyse Vukelich said that it could if it met the building code requirements.

PUBLIC COMMENT:

Pat Hannah of 9019 Grant Avenue said she was concerned about the parking in the neighborhood.

Chris Molner of 3637 Sunnyside Avenue said he wanted to know if a 24 hour business could potentially move into the space if the map amendment was approved. Village Planner Elyse Vukelich said she would follow up on that question.

Motion to close the public hearing by Commissioner Miller, seconded by Commissioner Hendricks. The motion carried 6-0, with Commissioner Benjamin absent.

Commissioner Hendricks said the proposed map amendment made sense to her. Commissioner Straka said that if this was further up Grand Boulevard he may be concerned about spot zoning but that it makes sense as it is right across the intersection from the SA 4a district.

Commissioner Hendricks made a motion, seconded by Commissioner Svoboda, to approve PZC case 19-04. The motion carried 6-0, with Commissioner Benjamin absent.

**New Business**

Director of Community and Economic Development Nick Greifer spoke about the inspection report that was referenced in PZC Case 19-03, and mentioned it was from 2007.

**Old Business**

Approval of Minutes for April 25<sup>th</sup>, 2019. Motion by Commissioner Straka, seconded by Commissioner Svoboda. The motion carried 6-0, with Commissioner Benjamin absent.

**Next Meeting:**

Scheduled for Thursday, June 27<sup>th</sup>, 2019.

**Adjournment**

At approximately 7:40 p.m. there was a motion made by Commissioner Miller to adjourn, seconded by Commissioner Straka. Motion carries, unanimously.

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Charles Grund  
Chairman  
Planning & Zoning Commission  
Village of Brookfield  
Brookfield, Illinois

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# Village of Brookfield

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## Planning and Zoning Commission Staff Report

**TO:** The Village of Brookfield's Planning and Zoning Commission

**HEARING DATE:** July 25<sup>th</sup>, 2019

**FROM:** The Village of Brookfield's Community and Economic Development Department (CEDD)

**PREPARED BY:** Elyse Vukelich, Village Planner

### TITLE

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**PZC 19-05 – Sign Code Amendment:** The Village of Brookfield, Illinois requests text amendments to Chapter 42 (Signs) of the Village Code of Ordinances. The text amendments include updates to the types of allowed signage in various zoning districts located in the Village of Brookfield.

### GENERAL INFORMATION

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**APPLICANT:** The Village of Brookfield  
8820 Brookfield Avenue  
Brookfield, IL 60513

**APPLICATION/NOTICE:** The application has been filed in conformance with applicable procedural and public notice requirements.

### PROPERTY INFORMATION

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**EXISTING ZONING:** N/A  
**EXISTING LAND USE:** N/A  
**PINs:** N/A

## ANALYSIS

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### SUBMITTALS

This report is based on the following documents, which are on file with the Community and Economic Development Department:

1. Application for a Text Amendment to the Sign Code
2. Certification of a Legal Notice Published July 10, 2019 in the *Riverside Brookfield Landmark*
3. Signage Review Document

### BACKGROUND

The Village of Brookfield requests text amendments and updates to Chapter 42 (Signs) of the Village Code of Ordinances. An update and revision of the sign ordinance was identified in the Comprehensive Plan as Strategy 6 for Goal 10-2. Strategy 6 states that the Village should “Revamp [its] signage code and enforcement program to combat obsolete signage, signage in disrepair and outdated signage (e.g. pole signs) especially along Ogden Avenue.” (p. 209).

According to an article titled *Best Practices in Developing Sign Regulations* (included in Appendix B of the Signage Review document), there are indicators that necessitate sign ordinance changes, for example, changes in law pertaining to signage and sign technology. Both have occurred in the time since the Village last completed a comprehensive sign code update. In particular, the United States Supreme Court case of *Reed v. Gilbert* (135 S.Ct. 2218 2015) and the rise of digital and electronic signage have encouraged other municipalities to update their sign. The goal of this petition for a text amendment is to update the standards and ensure that new signage regulations contribute to strong commercial corridors within the Village.

The amendment process began in February 2019 with a review of the existing conditions of signs in the Village. The purpose of this review was to examine the existing signage in and around the areas of Ogden Avenue, 8 Corners and Downtown to explore the type of signage the current code has permitted, and any issues that have arisen as a result. The existing conditions report, which can be found on page 4 of the Signage Review document, highlighted 11 categories of challenges or problems related to signage.

The categories found in the existing conditions report were utilized to create 12 recommendations. The recommendations, found on page 9 of the Sign Review document, outline what village staff believes needs to be updated and changed in the current sign code. In addition to the recommendations, a survey and an in-depth review of peer communities’ regulations were completed. The information gained by the survey and peer review, together with the recommendations, assisted in formulating the key components of the draft amendment.

The Signage Review document, which includes the draft amendment, was presented to the Planning, Zoning and Economic Development Committee on June 24<sup>th</sup>, 2019.

### PUBLIC COMMENT

The Village of Brookfield held a meeting of the Planning, Economic Development and Zoning Committee of the Village Board on June 24<sup>th</sup>, 2019. A few members of the public did attend but other than Village staff and trustees, nobody provided comment.

Since no public comments are on record with the Village, Village staff attended the Brookfield Chamber of Commerce’s board meeting on July 18<sup>th</sup> to give a brief overview of the proposed changes and to solicit comments and questions. Any comments that are submitted to staff after

the dissemination of this memo will be presented at the Planning and Zoning Commission public hearing on July 25<sup>th</sup>, 2019.

**DISCUSSION**

The draft amendment in the Signage Review document proposes several changes to Chapter 42. While the draft amendment needs to be read fully to understand the proposed changes, presented below, is an explanation of the major updates and new regulations as the following categories:

*Code Formatting*

Under Article IV (District Regulations), the existing sign code regulates signs by the following categories: Residential Districts and Commercial Districts. This means that currently, all signs in all commercial districts in the Village are regulated the same way. The same types and sizes of signs are allowed on 31<sup>st</sup> Street, Broadway Avenue, and Ogden Avenue. The industrial districts are also treated like the three commercial districts just mentioned. The Station Area districts are subject to the sign code but also have an extra set of regulations as contained in the Village’s Zoning Modernization document (p. 55).

Recommendation #2 from the Signage Review document is to differentiate permitted sign types by zoning district. Sign regulations should be differentiated between pedestrian oriented areas, like the C-3 District, and auto-centric corridors like Ogden Avenue. Two (2) new sections will be created to fulfill this recommendation – Section 42-85 (Permanent Sign Types by District) and Section 42-87 (Temporary Sign Types by District). Presented below is the table included in Section 42-85 which provides a visual aid to explain which permanent signs are permitted in the individual zoning district in the Village.

Exhibit 1 - Table from p. 40 of the Signage Review document

Sign Type	Residential Districts	Station Area Districts		Commercial Districts			Industrial Districts	Open Space Districts
		SA 1, SA 2, SA 3, SA 4	SA 5, SA 6	C-1	C-3	C-4, C-5		
	A, A-1, A-2, A-3, B, B-1	SA 1, SA 2, SA 3, SA 4	SA 5, SA 6	C-1	C-3	C-4, C-5	I-1, I-2	S-1, S-2
Awning Signs	○	●	○	●	●	●	●	
Changeable Copy Signs	○		○					
Freestanding Signs				●				
Monument Signs		□		●		●	●	
Nameplate Signs for Multi-Family Buildings	●	●	●		●	●		
Projecting Signs	○	●	○	●	●	●	●	
Wall Signs	○	●	○	●	●	●	●	
Window Signs		●		●	●	●	●	

- = Permitted
- = Permitted for non-residential uses
- = Permitted for non-residential uses in SA 3 only

In proposed Section, 42-86.1 (Permanent Sign Regulations), there are three (3) new regulations which will apply to all permanent signs in the Village. The first two relate to sign copy and face, and sign aesthetics.

Section 42-86.1.C of the draft amendment states that “Each lot is permitted to have two (2) permanent sign types, provided they are both permitted.”

In the current code, there is no limit on the number of signs that can be located on a property, however, there are limits established for square footage of sign area under the existing code section 42-144 (Area and Size of Signs), and it states:

*“The total aggregate area for all permanent freestanding, wall and window identification signs any single parcel of property shall not exceed two times the lineal front footage of the principal display side of the property and no single freestanding wall or window identification sign shall exceed in any event an area of 100 square feet total face area.”*

This section of the current code was called out in the Existing Conditions section (p. 4) of the Signage Review document as an existing regulation that contributes to excess square footage of signs. The proposed change in regulation to allow two (2) sign types per lot will limit excess square footage. Proposed Section 42.86.2 is a list of all permanent sign types with limits as to the square footage of sign area. These limits were based upon the comprehensive review of sign regulations of the peer communities. (p. 18 of Signage Review document).

Proposed Section 42-87 (Temporary Signs Permitted by District) includes a table which shows which types of Temporary Signs are permitted in each zoning district.

Exhibit 2 - Table from p. 45-46 of the Signage Review document

Sign Type	Residential Districts	Station Area Districts			Commercial Districts			Industrial Districts	Open Space Districts
		SA 1, SA 2, SA 3, SA 4	SA 5, SA 6	C-1	C-3	C-4, C-5			
	A, A-1, A-2, A-3, B, B-1								
A-Frame Signs		●	○		●	●			
Banner Signs	○	●	○	●	●	●	●		
Temporary Residential Signs	●	●	●	●	●	●			

- = Permitted
- = Permitted for non-residential uses

Similar to the previous section, this table in the draft amendment demonstrates where the three (3) permitted temporary sign types will be allowed. All other temporary signage will not be allowed.

Overall, the proposed exhibit makes clear which sign types are allowed and in which districts, and provides a visual aid for users of the code. Ideally, this will make it easier for local businesses and sign companies to determine whether a desired sign type will be allowed. Most importantly, permitted signage is separated by zoning district which will help to ensure that the type of permitted signs are appropriate for the district.

### *Obsolete Signs*

An obsolete sign is defined as:

*“A sign which advertises a business which is not being presently conducted upon the premises or advertises a service, commodity or activity not sold or offered upon the premises on which the sign is located.”* (p. 34 of Signage Review document)

Obsolete signs are typically left by a previous business that has moved out. They include the face of a sign, but not the structure. One of the reasons that the Village has struggled with enforcing the removal of obsolete signs is that the current code, under Section 42-63.8 (Prohibited and Restricted Signs) states that “obsolete signs are prohibited and to be removed within six (6) months from date of certified notification”. This means that a sign advertising a business that is no longer there does not need to be removed until six (6) months after the Village writes a citation. If the Village is late in its citation, the sign can remain for an inordinately long period of time.

In the draft amendment, the removal requirement has been changed to read “Obsolete signs, to be removed within 30 days from the date the corresponding business discontinues its operations at the site.” (p. 40 of the Signage Review document). If approved, this amendment would require the removal of these signs at a much quicker pace. This change would serve to enact recommendation #3 from the Signage Review document.

### *Non-Conforming Signs*

Under the current code, non-conforming signs that have been discontinued or abandoned for six (6) months need to be removed. Under the draft amendment, this time period would be changed to 30 days and will include the sign structure as well as the face. Section 42-170 of the draft amendment (p. 53 of the Signage Review document) states:

*“Whenever a non-conforming sign structure has been discontinued or abandoned for a period of 30 days, or when the corresponding commercial use has discontinued its operations at the subject premises, the non-conforming sign structure shall be removed. Subsequent businesses’ signs on the property shall hereafter be in conformity with the regulations of this Code.”*

This change in regulation will allow the Village to require the removal of non-conforming signage much faster than it currently does, which will have a very positive visual impact on the community.

### *Sign Height*

A critical look at the permitted heights of signs in the Village was essential in constructing this code amendment. In the current code, freestanding signs are permitted to be 35 feet in height. This is extremely high compared to the peer group, and even out of scale with most of the existing buildings within the Village. According to current code, the only commercial area where a 35 feet high freestanding sign would not be allowed is in the Station Area Districts.

After researching other municipal regulations, staff is proposing to reduce the permitted height of a freestanding sign to 15 feet. The current code does not distinguish between freestanding signs and monument signs. The draft amendment will permit freestanding signs only in the C-1 District, but will permit monument signs in C-1, C-4, C-5, I-1, and I-2. Monument signs are permitted to be eight feet (8') in height.

### *Content Neutrality*

In 2015, the United States Supreme Court heard a case called *Reed v. Town of Gilbert* (135 S.Ct. 2218 2015) which involved signage. The Supreme Court ruled that Gilbert, Arizona’s sign code violated a local church’s first amendment rights. In essence, the court found that “if you have to read the content of a sign in order to figure out how to regulate it, the regulation violates the First Amendment”.

This ruling became a catalyst for many municipalities to amend their sign codes. Now, any sign regulation category that references the sign type by the content of the sign needs to be eliminated. For example, the current code has sign categories titled “church identification signs” and “real estate signs”. Those categories are used to regulate the sign based on its content, and that is no longer constitutional.

The draft amendment is content neutral. It divides regulations into categories of “temporary” and “permanent” which are not content based. It also includes a category called “temporary residential signs,” which is intended to include real estate signs, school sports signs, political signs, or yard sale signs. Creating content neutral sign code provisions fulfills recommendation #10.

#### *Historic Sign Designation*

There are instances where an obsolete sign adds character to a community due to its historic nature. As a result, many municipalities offer protections for historically valued signs. The draft amendment proposes to do this by adding a designation for certain historic signs to “offer protection and continuance of obsolete or non-conforming signs that reflect the historic character of the Village.”

New Section 42-208 of the draft amendment (p. 56 of the Signage Review document) outlines the proposed requirements and process for historic sign designation. Similar to a variance or special use, the sign would need to meet specific standards and the Planning and Zoning Commission would take on the responsibility of hearing these cases. The petitioner would also need to provide a maintenance plan for the upkeep of the sign and structure.

#### **CONCLUSION**

The proposed text amendments to Chapter 42 (Signs) of the Village’s Code of Ordinances will provide a more rational and detailed approach to regulating signage. The individual provisions of the amendment, when implemented, will have a strong visual impact on the Village’s commercial areas by encouraging the propagation of high quality signage within the Village.

## **RECOMMENDATIONS**

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Staff recommends approval of the text amendments as presented. These amendments support and implement recommendations from the Village’s Comprehensive Plan. If Commissioners are in agreement with the staff’s findings and recommendations, they may adopt them as presented or edit them as appropriate.

The Planning and Zoning Commission has the option to recommend that Village Board of Trustees adopt the amendments, adopt the amendments with modification or deny the request for amendments.

Staff Report Approved By:



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Martin Bourke  
Village of Brookfield  
Interim Community and Economic Development Director



Village of Brookfield
Planning and Zoning Commission Application Packet

Text and Map Amendment

Applicant Information:

- 1. Name and Phone Number of contact person for application process
2. Petitioner's Name: Village of Brookfield
3. Petitioner's Address: 8820 Brookfield Avenue, Brookfield, IL 60513
4. Phone Number: 708-485-1445
5. Email Address
6. Fax Number
7. Owner of Record Name
8. Owner of Record Address

Property Information:

- 9. Common Street Address: N/A
10. Legal Description
11. Permanent Tax Index Number: N/A
12. When did the owner acquire the property?: N/A

13. Is the petitioner in the process of purchasing/leasing the property? Yes [ ] No [ ]
If so, is the purchase/lease contingent on approval of the map amendment? Yes [ ] No [ ]

14. Is your property use presently (check one): Conforming [ ] Non-conforming [ ]

15. If the property is a non-conforming use, please explain: N/A

16. Surrounding Zoning and Land Use:

Table with 2 columns: Zoning District, Land Use. Rows: North, South, East, West. All cells contain N/A.

**Text Amendment Application, continued**

17. What is the Zoning Classification of the subject property? N/A

18. What is the requested text/map amendment and why? (Please attach another sheet if necessary)

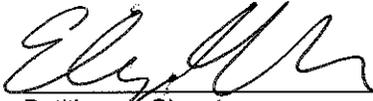
Requested text amendment to Chapter 42 - Signs of the Code of Ordinances of the Village of Brookfield

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Please note that additional information may be required upon staff review.

Any person who shall knowingly make or cause to be made, or conspire, combine, aid or assist in, agree to, arrange for, or in any way procure the making of a false or fraudulent application, affidavit, certificate, or statement, shall be guilty of a misdemeanor as provided by statute by the State of Illinois.

  
\_\_\_\_\_  
Petitioner's Signature

7/18/19  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature (or authorized agent)

\_\_\_\_\_  
Date

VILLAGE OF BROOKFIELD  
SIGNAGE REVIEW

JULY 2019

# TABLE OF CONTENTS

<b>Section</b>	<b>Page</b>
Executive Summary	3
Existing Conditions	4
Recommendations	9
Survey Results	10
In-Depth Review of Peer Communities' Sign Regulations	18
Draft Amendment	32
Appendix A – Example Sight Triangle Illustrations	58
Appendix B – Best Practices and Other Resources	61

# EXECUTIVE SUMMARY

The Department of Community and Economic Development presents the following internal signage review. The Village of Brookfield’s 2018 Comprehensive Plan identified one of its strategies to “Revamp signage code and enforcement program to combat obsolete signage, signage disrepair, and outdated signage (e.g. pole signs), especially on Ogden Avenue.” The Community and Economic Development Department had a 2019 fiscal year goal to “Critically review the Village’s sign regulations.” This report and draft amendment serve to complete those goals and strategies.

Steps taken to produce this document were:

- A comprehensive study of the existing signage in Brookfield as a result of the current sign ordinance
- Attendance at an APA Illinois Signage Seminar that covered topics like Reed v. Gilbert (a Supreme Court case from 2015 that changed the way government is allowed to regulate signage) and new technologies in the sign industry.
- Extensive research on and outreach to communities in the region that are similar to Brookfield or have recently redone their sign ordinances
- A re-write and re-structuring of the existing sign ordinance to incorporate the recommendations and findings

Included in this report are:

- An existing conditions report on signage in the Village of Brookfield
- A list of recommendations resulting from the findings of the existing conditions report
- Survey results from an online survey distributed to other communities in the West Central Municipal Conference about their sign regulations
- An in-depth review of peer communities’ sign regulations
- A draft amendment incorporating the list of recommendations and necessary updates to the sign code.

This report will serve as the start of the public hearing process to revise and to eventually approve an updated sign code.

# EXISTING CONDITIONS

## *Results of the Current Ordinance*

The existing conditions section of this report contains a list of results of the current sign ordinance. Each result represents a particular challenge or problem that is exhibited by signs in the Village of Brookfield, and an evaluation of the sections of the sign code that pertain to that challenge or problem. This culminates in a list of recommendations on page 9.

## *Height*

There are several signs in the 8 Corners district and along Ogden Avenue that are taller than many of the buildings in the area. Section 42-141, which covers Freestanding Signs states “Height: Freestanding business signs shall be no higher than 35 feet above curb level.” When the buildings located in these commercial areas are nowhere near 35 feet in height, the presence of these signs creates an out-of-scale experience for pedestrians. Moreover, Ogden Avenue and 8 Corners are currently regulated the same way, despite Ogden being an auto-oriented state route and 8 Corners being a pedestrian scale commercial district.

Signs that are 35 feet high are distracting, imposing, and unnecessary. Allowing this kind of signage will continue to enforce the lack of pedestrian consideration on Ogden Avenue, and is already not appropriate for 8 Corners.

## *Excess Square Footage*

Several businesses on Ogden Avenue and in 8 Corners have three or more signs that are visible from the public right of way. Section 42-144 covers the requirements for the area and size of all signs, and states:

*“The total aggregate area for all permanent freestanding, wall, and window identification signs on any single parcel of property shall not exceed two times the lineal foot frontage of the principal display side of the property and no single freestanding wall or window identification sign shall exceed in any event an area of 100 square feet, total face area.”*

This section of the code may have been overlooked during reviews in the past, because the 100 square feet maximum is not listed in the freestanding signs section. Though this section applies to all signage, it is located in the sign ordinance between “Real Estate Signs” and “Business Signs at Automobile Service Stations.”

Better organization of the code and enforcement of unauthorized signs could assist the problem without changing the lineal frontage requirement.

## *Obsolete Signs*

The Village has an enforcement issue when it comes to obsolete signs. Under Section 42-2, obsolete signs are defined as “signs which advertise a business which is not being presently conducted upon the premises or advertises a service, commodity or activity not sold or offered upon the premises on which the sign is located.” When a business leaves Brookfield, they are required to take their sign down.

Section 42-63, which covers prohibited and restricted signs, prohibits “obsolete signs, to be removed within six months from date of certified notification.” This means that businesses are not obligated to take their signs down after they vacate the premises until the Village notifies them, and then they are given six more months to remove it. As a result, the Village cannot cite them for an inordinate amount of time. This requirement is far too lenient. The Village should require a much shorter timeline for businesses to remove obsolete signs.

## *Non-Conforming Sign Structures*

As mentioned, the obsolete sign regulations require that an obsolete sign be removed within 6 months after notification from the Village. Currently, this only requires the removal of the sign face, and not the structure. The rationale behind leaving a blank sign structure is so that the next business to occupy the site has the ability to use it. This results in a blank sign structure until the building is reoccupied.

In the new ordinance, the Village should require the removal of non-conforming sign structures upon vacancy. This would be an effective way to make visible changes on Ogden Avenue, 8 Corners, and Downtown without doing anything to require existing business to make changes to their signage, which would likely be challenging.

For example, the proposed sign ordinance will likely reduce the height requirements of signs. When a business vacates a site that has a sign that is too high according to the new ordinance, they would be required to remove the entire structure instead of just the sign face. This should eliminate these blighted looking signs and quickly make visible changes.

## *Temporary Signs*

The regulations on temporary signage are unclear and contradictory. Section 42-2 of the Sign Ordinance defines temporary signs as “A sign, as defined in this section, displayed for a limited period of time.” The definition itself is broad, and is complicated by the fact that “portable signs” are defined and regulated separately even though both terms describe the same kind of signs.

Section 42-147 states that in the commercial districts “There shall be permitted a maximum of one [temporary] sign at any time during any period, and no limit on the number of periods per year, provided the total amount of calendar days shall not exceed 90 days in any calendar

year.” The interpretation of this has been that temporary signs are permitted for 90 days at a time. However, Section 42-147 also states “All other temporary signs shall be allowed for a maximum of 30 days unless otherwise specifically provided in this chapter.” These two statements contradict each other, which leads to confusion in permitting and enforcement.

In addition, the time limits placed on temporary signs are not always adhered to and are not always tracked during the permitting process. This results in temporary banners that have been serving as permanent signs and “clustering” of temporary signs.

The number of options for temporary signage has diversified in the last several years. Banner flag or feather flag signs, banners, and A-frame signs are all different, inexpensive ways for a business to advertise. The new signage ordinance should differentiate between the different kinds of temporary signs, and potentially regulate them differently based on the zoning district they are located in.

## *Aesthetic Challenges*

The Village’s sign ordinance does not currently have any regulations on aesthetic aspects of signs. Specifically, the Village has no control over color, font choice, or materials of signage. This has led to some signs placed in prominent commercial districts that clash, contain outlandish colors, and are conspicuous. A successful commercial district should have quality signage that varies in style, but does not detract or demand attention from the rest of the corridor.

While *Reed v. Town of Gilbert* (a Supreme Court case from 2015 relating to sign regulations) found that municipalities are not allowed to regulate based on content, there are no definitive court rulings that prevent aesthetic control over signage. At the same time, too many regulations on aesthetics would not be business friendly and could add too many layers to the approval process.

The addition of one generalized aesthetic regulation could help the Village prevent signs with too many colors, bright colors, or loud illustrations from approval. Furthermore, the Village could add that awnings need to be a single color to avoid multi-colored, patterned awnings.

## *Visibility Obstruction*

The regulations for visibility within the current sign ordinance are non-specific and do not correlate well with the sign permit review process. Section 42-61 titled “Location Restrictions” states: “Any sign which from the street is in direct line of vision of any traffic sign or signal is prohibited.” This section also provides a timeline for the removal of signs that are deemed to be a traffic hazard.

From a plan reviewer's perspective, it is not always clear on a sign plan when a sign will obstruct visibility. Even if the location of the sign is indicated on a plan, the applicant does not always draw to scale, or indicate the location of street signs and other traffic control devices.

In addition, the above statement only references traffic signs or signals. It does not reference the actual flow of traffic, which is more likely to be obstructed by a large monument sign on a busy thoroughfare.

## *Window Sign Coverage*

Transparency on ground floor windows is essential for creating a pedestrian friendly street, particularly in the 8 Corners and Downtown Brookfield areas. However, Section 42-142 states "Window signs shall be permitted on commercial districts, provided that the sum total of all window identification and window promotional signs shall not exceed 40 percent of the total area of the windows in which they are located."

Forty percent is an extremely high allowance for window sign coverage. It is not consistent with the spirit of the zoning requirements for the station area districts, which dictates the transparency of ground floor windows on new construction. However, the window sign coverage requirements from Section 42-142 also apply to the station area districts. Consistency and ground floor transparency across the districts could be easily achieved by amending this section to mandate a lower percentage.

## *Empty Sign Area*

Sign ordinances have the ability to regulate how much of the sign contains empty space. There can be a distinction between sign copy (the size of the logos and lettering on a sign) and sign face (the size of the sign and background).

Currently, the Village's sign ordinance does not make that distinction. This results in signs which are oversized for the graphics and logos, and contain excessive blank space. This could easily be amended by adding new definitions for sign copy and sign face, and requiring that a certain percentage of coverage be met.

## *Content Regulation*

The Supreme Court decision in *Reed v. Town of Gilbert* (2015) completely changed the way municipalities must regulate signage. The court case related to the first amendment and signage. The decision ruled that if someone needs to *read* a sign in order to figure out how to *regulate* it, the subsequent regulation violates the first amendment.

The Village needs to ensure that the new sign ordinance meets these requirements. There are requirements for "real estate signs" and "church identification signs" within the current ordinance – this is not compliant with *Reed v. Gilbert* because in order to regulate a real estate

sign, you need to *read it* to know that it is a real estate sign. The existing code needs to be filtered for instances like this and the new code should be content neutral.

## *Historic Sign Preservation*

Though the obsolete signs restrictions need to be tightened, there are occasions where an obsolete sign has aesthetic and historic value. Historic signs are typically not protected by municipalities, though they can add character to the community rather than adding blight.

To prevent the removal of historic signs in Brookfield, the Village could add a landmark style designation for historic signs that will offer protection. To ensure that this designation is only given to signs that truly add character to the Village, this designation could be the responsibility of the Planning and Zoning Commission. The designation would then require consent of the property owner and a public hearing. Signs that receive this designation should be required by the owner to maintain and repair the sign so that it does not contribute to a blighted appearance.

# RECOMMENDATIONS

1. Evaluate the height restrictions and the use of freestanding signs.
2. Differentiate permitted sign types by zoning district. The kinds of signs allowed on Ogden Avenue vs. 8 Corners need to be evaluated and differentiated.
3. Provide a stricter timeline for businesses to remove obsolete signs. Rather than allowing obsolete signs to continue until the Village notifies the property owner whose site is now vacant, require that the business or property owner remove the signage within 4 -8 weeks after the business vacates the site. It must be remembered that the ultimate responsibility for property maintenance, including illegal signage, is the property owner.
4. Require the removal of non-conforming sign structures upon the vacancy of a business to prevent businesses from reusing non-conforming signs. Differentiate between sign structure and sign face in the definitions section of the code.
5. Overhaul the temporary signage restrictions. Include definitions and different regulations based on the type of temporary signage. The Village Planner needs to keep track of when temporary signs need to be removed, via a master spreadsheet or separate calendar. The Building Inspector should be informed of temporary signs that need to come down. Discuss consequences for temporary signage that is not taken down when the business is notified.
6. Develop a generalized regulation on the aesthetics of signage. The regulation should prohibit signage that is not harmonious with the style of the community, and should focus on loud or excessively bright colors in particular. Include a regulation that requires monochromatic awnings.
7. Include a sight triangle illustration and requirement in the sign ordinance. See Appendix A for example illustrations.
8. Reduce the window sign coverage requirement to 20%, and do not allow existing window signs to be grandfathered into the code. The average business owner does not apply for a permit to put up a window sign, and the cost of taking them down is minimal. Requiring business owners to comply with the 20% requirement will instantly enhance the appearance of the Village.
9. Add definitions for “sign copy” and “sign face.” Insist on a requirement for the percentage of sign area on the sign face to avoid large signs with empty space.
10. Wipe the sign code of regulations that are based on sign content, as they are no longer constitutional and may leave the Village open to litigation.
11. Develop ordinance language to protect historic signs. This will include developing standards with which to evaluate whether or not a historic sign should be protected that the Planning and Zoning Commission will use to evaluate these cases. Require maintenance and repairs to ensure the historic signs continue to add to the Village’s character.
12. Re-evaluate the sign permit application to ensure it includes all the information needed. Require a Plat of Survey and dimensions of all structures and other signs on the property with the sign permit submission so that the Village Planner can be sure they are meeting the lineal frontage/square footage requirements.

# SURVEY RESULTS

The following section contains the results of the online survey that was distributed to communities in the West Central Municipal Conference. Responses to each question are listed below.

## Q1 – MUNICIPALITY

Schiller Park

Lombard

Westchester

Bensenville

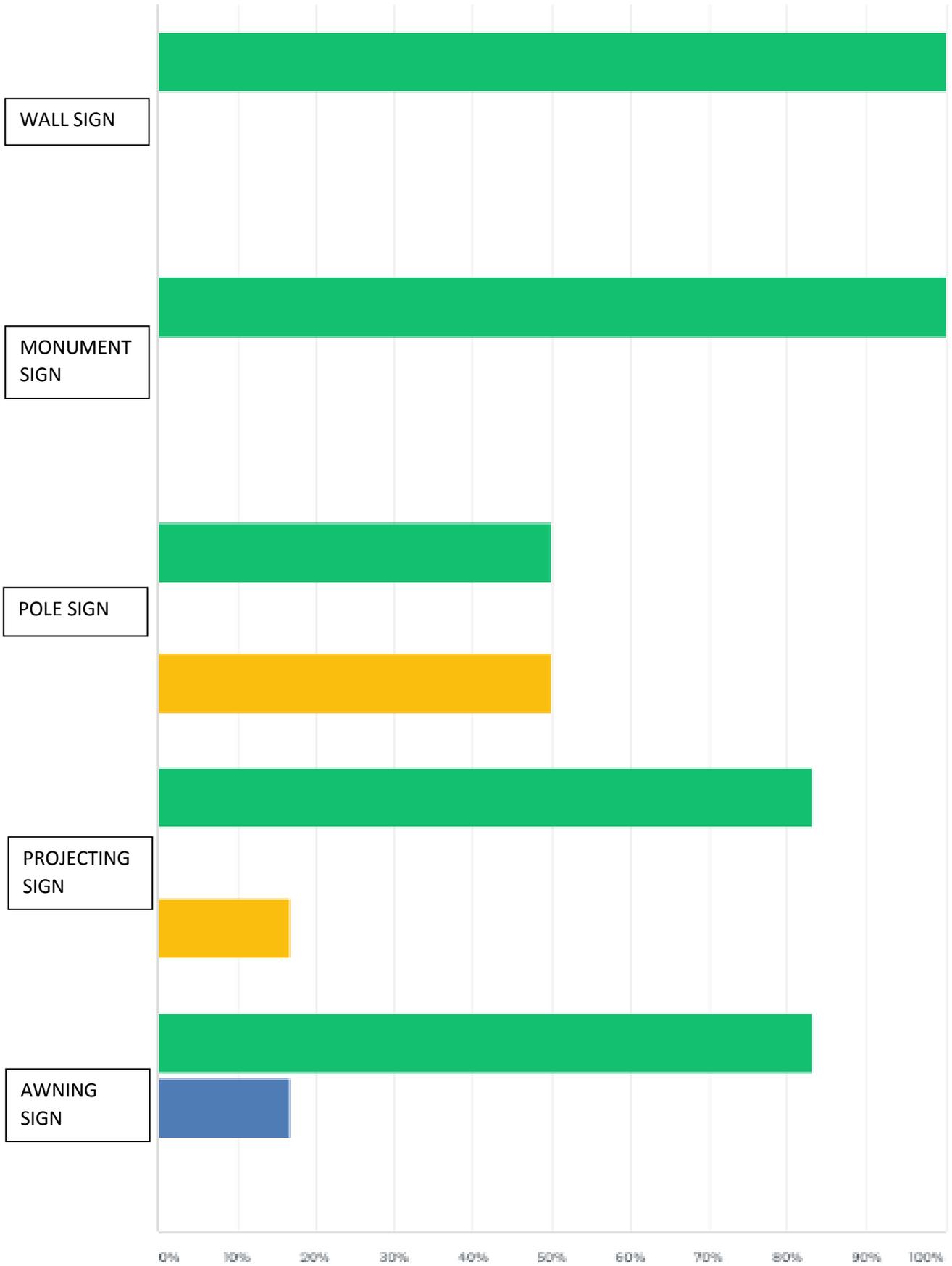
Riverside

La Grange

## Q2 – SIGN TYPE

Please indicate if your municipality regulates the following type of signs with respect to size (e.g., square feet).

*(Question results on next page)*



Yes No Not applicable

### Q3 – SIZE LIMIT

If yes, what is the size limit (e.g., square feet maximum)?

#### WALL SIGN:

- 100
- Depends on the zoning district
- We allow a lump sum of signage per property that can be divided however the property owner would like, there is a max width for a wall sign of 30' and a max area of 200 sf for an individual sign
- 1.5 sq ft per lineal foot; 40 sq ft max
- 1 sq ft per lineal foot of street frontage with not to exceed 25 sq.ft. (B2) or 100 sq.ft. (B1)
- 75% of the length of the building and 5 ft or less height

#### MONUMENT SIGN:

- 100
- Depends on the zoning district
- We allow a lump sum of signage per property that can be divided however the property owner would like, there is a max width for a freestanding sign of 15' and a max area of 200 sf for an individual sign
- 50 sq ft
- B1 32 sq.ft. B2 16 sq.ft.
- 50 sf per sign face, no more than 2 faces

#### POLE SIGN

- 100
- NA
- We allow a lump sum of signage per property that can be divided however the property owner would like, there is a max width for a freestanding sign of 15' and a max area of 200 sf for an individual sign
- Prohibited
- Not allowed in B2 max 40 sq.ft. in B1
- Not permitted

## PROJECTING SIGN

- 40
- Depends on the zoning district
- We don't allow signs to project above the roof line. we allow a lump sum of signage per property that can be divided however the property owner would like, there is a max width for a wall sign of 30' and a max area of 200 sq ft for an individual sign
- 16 sq ft
- 6 sq ft
- Not permitted

## CANOPY SIGN

- 40
- Depends on the zoning district
- We don't allow signs to project above the roof line. we allow a lump sum of signage per property that can be divided however the property owner would like, there is a max width for a wall sign of 30' and a max area of 200 sq ft for an individual sign
- 16 sq ft
- 6 sq ft
- not permitted

## Q4 – OTHER SIZE REGULATIONS

Please describe any other method for regulating the size of signs. For example, does the size limit apply to each sign or is there an aggregate limit (for a given business)?

- For wall signs, Sign area shall not exceed the lesser amount: 100 sq ft or 15% of the horizontal area below any second story windows. Areas containing windows and doors may be included in the calculation, provided that they do not project more than 12 inches beyond the facade.
- Zoning district, parcel size
- Aggregate limit for the entire site and if it's a multitenant building the owner can determine how much signage each tenant gets.
- Each sign has a limit. 6 items of information max. Director has sign design review authority.
- In B1 there is an aggregate limit of 2 sq ft per linear feet of zoning lot frontage. In B2 they are limited to 1 primary sign and 1 secondary sign per business (unless a corner building or unit then they are allowed 2) Each sign type is limited as outlined in previous question.
- Aggregate limit of 1.5 sq ft per foot of lot frontage or 200 sf, whichever is less

### Q5 – AESTHETIC STANDARDS

If your community regulates signs based upon aesthetic standards (e.g., the color, material or font of signs), please describe.

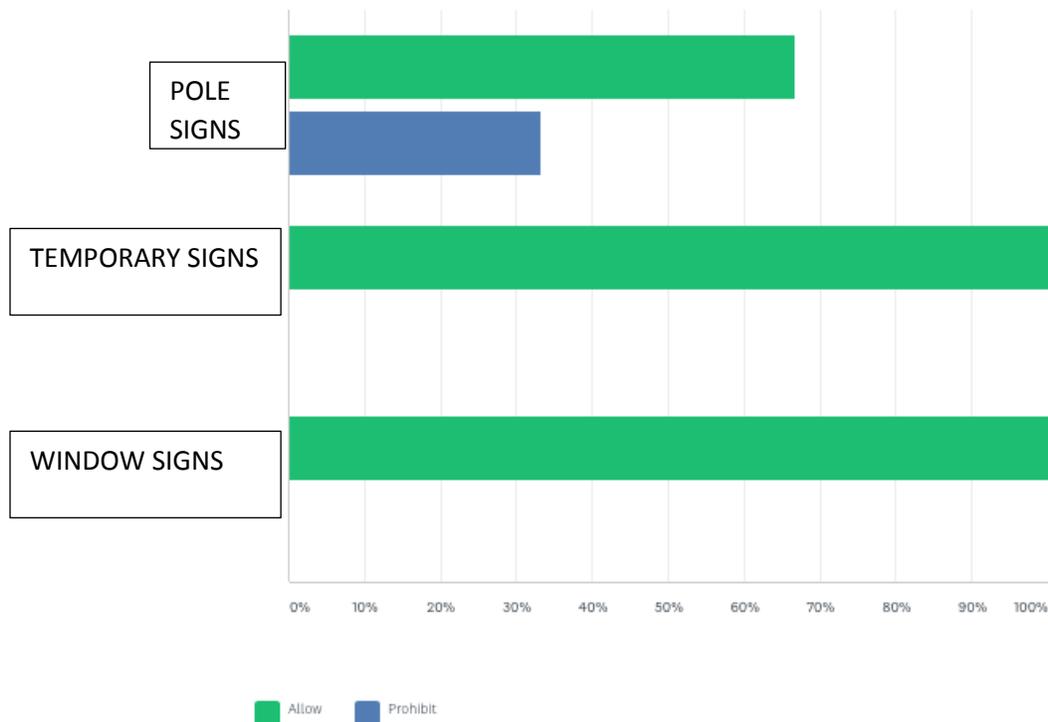
- Temporary signs exceeding 60 sq ft must be made of a rigid material such as fiberboard. All pole, wall, and monument signs must be a non-combustible material. No real mention of aesthetics.
- No
- We don't have any design guidelines in place at this time
- Not necessarily. director has ultimate review authority but it is used more to make suggestions. Master Sign plans, if required, would typically handle more design elements.
- In B2 there are design restrictions including wall signs must be either individual pin set letters or a name plate. Canopies or awnings must be a solid color and lettering or graphics must be monochromatic. Projecting signs (blade signs) cannot be made of formed plastic or injection molded plastic. Must use a decorative metal bracket (i.e. no wood or plastic brackets). Monument signs must be landscaped.
- n/a

### Q6 – PROHIBITED SIGNS

Does your municipality allow or prohibit the following types of signs?

Does your municipality allow or prohibit the following types of signs?

Answered: 6 Skipped: 0



## Q7 – ADDITIONAL LIMITATIONS

### POLE SIGNS – HEIGHT LIMITS

- 25' above grade
- Height depends on the zoning district
- 25' above grade
- Only allowed in B1 (not CBD) max height 20 ft.

### TEMPORARY SIGNS – TIME LIMIT

- Real estate signs must be removed as soon as premises are leased or sold. Open house signs only allowed between 11am and 6pm. A-Frames shall not be displayed before sunrise and shall be taken down by 10pm.
- Depends on the type of temporary sign, banners are at 120 days/year, feather signs are 14 consecutive days/year
- 2 weeks and can be renewed for three two week periods
- Two 30 day periods per year for banner signs - requires permit. temp window signs allowed if rotated regularly i.e. grocery stores. A-frames allowed close to door and brought in daily.
- banners 1 week , temp window signs 30 days
- depends on type - most 30 days

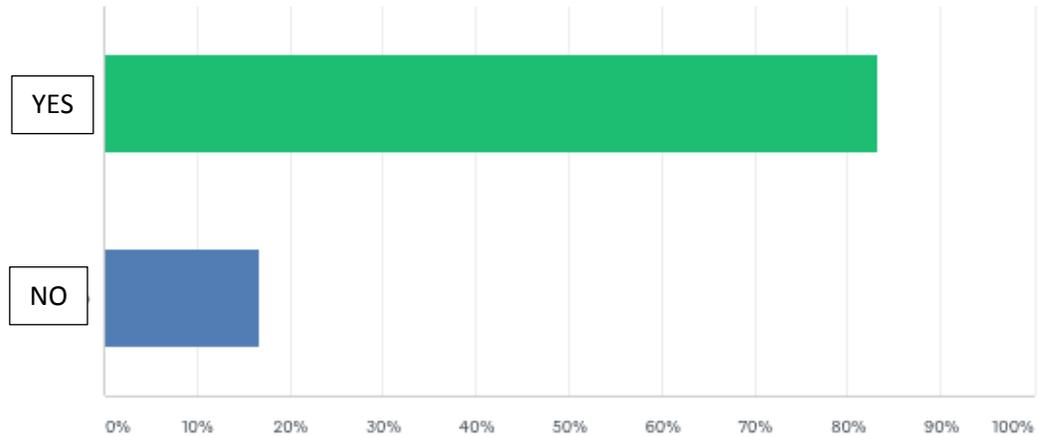
### WINDOW SIGNS – LIMIT ON % OF WINDOW COVERED

- 50%
- 20%
- 50%
- 25%
- 10% except that grocery stores may cover 50%
- 25%

## Q8 – SIGNS OF DEFUNCT BUSINESSES

Does your municipality required a sign to be removed once a business is closed or vacated?

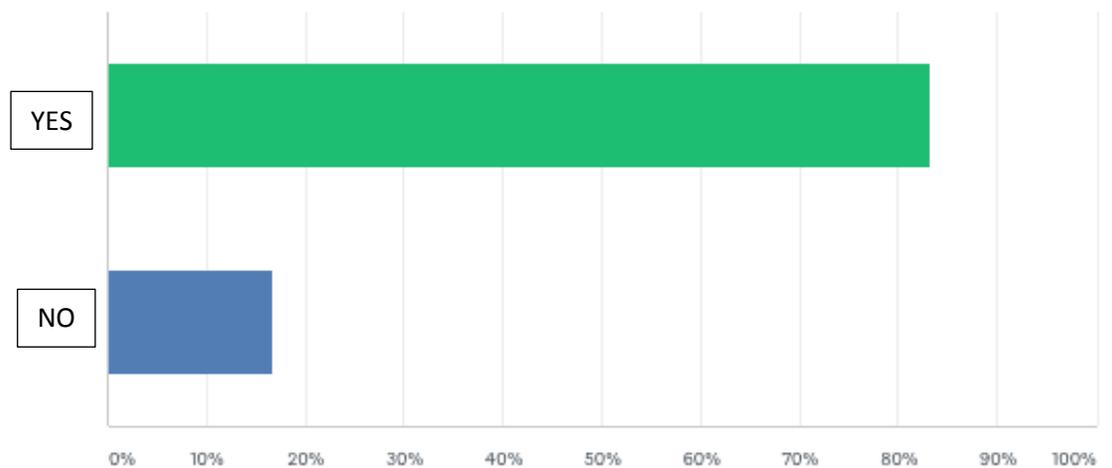
Answered: 6 Skipped: 0



## Q9 – REMOVAL OF SIGNS OF DEFUNCT BUSINESSES

Does your municipality require existing non-conforming signs to be removed upon the abandonment/vacancy of a business or transfer to a new owner?

Answered: 6 Skipped: 0



## Q10 – REGULATION OF ILLUMINATED SIGNS

How do you regulate the illumination/brightness of signs (e.g., in terms of foot candles, lumens, nits, etc.)\*\*? Please describe.

- No illuminated signs shall be of the flashing or intermittent intensity type. No indoor illumination of any type or illuminated sign, when viewed from the outdoors, shall be of the flashing or intermittent intensity type. It shall be unlawful to maintain any sign which is wholly or partially illuminated by floodlights or spotlights unless such lights are completely concealed from view from street levels.
- 0.3 foot candles at a property line adjacent to residential, but never exceeding 250 foot lamberts
- Built into code/illumination standards 10-10-2.D
- Level Of Illumination: No illuminated sign may exceed a maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or nits during evening. All artificial illumination shall be so designed, located, shielded, and directed as to illuminate only the sign face or faces and to prevent the casting of glare or direct light upon adjacent property or streets.
- Foot candles - max. 50 foot candles at distance from sign equal to the narrowest dimension of the sign face

\*\* Foot candle – a measurement of light intensity. One foot candle is equal to the illuminance of one-square foot of surface from a uniform source of light

Lumen – The standard unit for measuring the brightness of a light, equal to the amount of light hitting one square foot of surface one foot away from the light.

Major difference between lumens and foot candles – A foot candle measures the intensity of light falling on an object, while a lumen quantifies the amount of light energy emitted by a light source.

Nits – A unit of measurement of luminance where one nit is equal to one candela per square meter (CD/M<sup>2</sup>).

# IN-DEPTH REVIEW OF PEER COMMUNITIES SIGN REGULATIONS

The following section contains the result of an in-depth review of other communities' sign regulations. The purpose of this review was to gain insight on how other communities handle some of the issues related to signage that were identified in the existing conditions report. The communities that were selected for this review were strategically chosen as communities that:

- Are adjacent, similar in size to Brookfield, or are a similar distance to Chicago (Elmhurst, Riverside, LaGrange, LaGrange Park, Oak Park)
- Have sign ordinances that were completed recently and were recommended as source material by CMAP (Bensenville, Berwyn, South Elgin)
- Have large planning departments or an internal legal team (Naperville, Downers Grove, Schaumburg)

Included are questions that were similar to the survey distributed to the West Central Municipal Conference and answers that were achieved by researching these communities' ordinances or having direct conversations with the planners who use them.

## BENSENVILLE

1. *Does your community regulate signage based on aesthetics? If so, how?*

**Awning signs shall not be displayed on round, arched, bubble, box, or waterfall awnings. Monuments signs are limited to high quality materials like masonry, stone, wood, metal, and must be landscaped at the base. The Zoning Administrator has design review power over the code, so something that was outlandish in color or design could theoretically be denied that way.**

2. *Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?*

**Each sign type has their specific limits based on square footage. However, there is no total limit for maximum square footage for all signage. The sign types overlap to a point where it would be unlikely that a business would install one of every single sign type to maximize their signage.**

**However, the Zoning Administrator has final review and authority, so theoretically if a business wanted to install a monument, wall, canopy, marquee, and hanging sign, the Zoning Administrator could deny it.**

<b>Sign Type</b>	<b>Size Limit</b>
Wall Sign	<b>1 square foot of sign area per linear foot of the building façade or 40 square feet, whichever is greater.</b>
Monument Sign	<b>50 square feet.</b>
Pole Sign	<b>Prohibited.</b>
Projecting Sign	<b>16 square feet.</b>
Awning Sign	<b>Sign cannot exceed 50% of the area of the awning</b>

3. *Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?*

**No, pole signs are not permitted.**

4. *Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?*

**Yes, sign copy pertaining to a use that has vacated the premises must be removed within 30 days. If new sign copy has not been installed within 6 months, the sign shall be deemed abandoned. An abandoned non-conforming sign needs to be removed within 3 months.**

5. *Do you allow window signs? If so, what percentage of the windows are allowed to be covered?*

**Yes, window signs cannot occupy more than 25% of the ground floor windows, and 25% of the above stories.**

6. *Do you allow temporary signs? If so, for how long?*

**The code differentiates between different types of temporary signs, and they have allowable display periods ranging from every day during business hours (A-Frame Signs) to 30 days (Temporary Banner Signs).**

7. *How do you regulate the illumination/brightness of signs?*

**LED illuminated signs cannot exceed 5,000 nits of luminance from dawn to dusk, and no more than 150 nits of luminance from dusk to dawn. Non-LED signs cannot exceed one foot candle at any time of day at the property line.**

8. *Do you have any protections for historic or landmark signs?*

**No.**

# BERWYN

1. Does your community regulate signage based on aesthetics? If so, how?

**No.**

2. Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?

**They are all regulated differently. All sign types are permitted in every district. There is no overarching square footage limit for total sign area.**

Sign Type	Size Limit
Wall Sign	One and one half square feet of sign area per linear foot of zoning lot.
Monument Sign	32 or 48 square feet, depending on zoning district
Pole Sign	40, 48 or 56 square feet, depending on zoning district
Projecting Sign	16 or 24 square feet, depending on zoning district
Awning Sign	No more than 50% of the area of the awning

3. Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?

**Yes, they are not allowed to exceed 20 feet in height in certain zoning districts, and 32 feet in height on Ogden Avenue.**

4. Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?

**No. However, non-conforming signs may not remain in use if the property is vacant and unoccupied for a period of six months or more.**

5. Do you allow window signs? If so, what percentage of the windows are allowed to be covered?

**Yes, no more than 20% of the ground floor windows are permitted to be covered.**

6. Do you allow temporary signs? If so, for how long?

**Yes, all types of temporary signs have different permitted lengths of time**  
**Banner signs – 30 days, no more than 4 times per year.**  
**Inflatable devices – 7 days, no more than 2 timers per year.**  
**Pennant signs – permitted at all times on Ogden Avenue.**  
**A-Frame signs – permitted on a daily basis, limited to business hours.**

7. *How do you regulate the illumination/brightness of signs?*

**LED illuminated signs cannot exceed 5,000 nits of luminance from dawn to dusk, and no more than 150 nits of luminance from dusk to dawn. Non-LED signs cannot exceed one foot candle at any time of day at the property line.**

8. *Do you have any protections for historic or landmark signs?*

**Yes – Section 1476.09 titled “Classic Sign Designation” lays out the procedure for designating a sign that meets specific standards regarding age, significance, use, design, and maintenance. The Zoning, Planning, and Development Commission reviews and votes on the designation.**

## DOWNERS GROVE

1. *Does your community regulate signage based on aesthetics? If so, how?*

**No.**

2. *Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?*

**Sign types are all regulated differently, but the maximum allowable sign area may not exceed 1.5 square feet per linear foot of tenant frontage. No single tenant may exceed 300 square feet in total sign surface area.**

<b>Sign Type</b>	<b>Size Limit</b>
Wall Sign	<b>100 square feet per sign.</b>
Monument Sign	<b>24 – 60 square feet depending on the lot width.</b>
Pole Sign	<b>N/A</b>
Projecting Sign	<b>6 square feet</b>
Awning Sign	<b>No square footage limit.</b>

3. *Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?*

**Pole signs that have a base of less than 2 feet in width are prohibited, which results in monument sign types. The maximum height for monument signs are 8 feet for a lot less than 100 feet in width, 10 feet for a lot that is 100 – 259 feet in width, and 15 feet for a lot that is 260 feet in width and measures 2.5 acres.**

4. *Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?*

**Yes, vacated businesses must remove their signage within 30 days.**

5. *Do you allow window signs? If so, what percentage of the windows are allowed to be covered?*

**Yes, no more than 25% of the first floor windows are permitted to be covered.**

6. *Do you allow temporary signs? If so, for how long?*

**They are restricted from downtown business districts. Temporary sign permits are valid for 7 days, and cannot be issued more than 8 times in a calendar year.**

7. *How do you regulate the illumination/brightness of signs?*

**There is no specific threshold or measurement of brightness. The code just states that “Signs may be illuminated only by steady, stationary light sources directed solely at the sign or internal to it so that the light intensity or brightness does not create a nuisance to adjacent property or a traffic hazard”**

**And**

**“Signs may not be illuminated by reflective type bulbs, exposed neon, fluorescent, incandescent, or strobe lights.”**

8. *Do you have any protections for historic or landmark signs?*

**No.**

## ELMHURST

1. *Does your community regulate signage based on aesthetics? If so, how?*

**No.**

2. *Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?*

**Sign types are regulated differently. All sign types are capped at a certain number of square feet (no formula) and this is dependent on the zoning district.**

<b>Sign Type</b>	<b>Size Limit</b>
Wall Sign	<b>12 -25 square feet per face</b>
Monument Sign	<b>25-50 square feet depending on district</b>
Pole Sign	<b>N/A</b>
Projecting Sign	<b>N/A</b>
Awning Sign	<b>N/A</b>

3. *Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?*

**No, pole signs are not permitted.**

4. *Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?*

**Yes, as part of the sign permit the applicant is required to sign a statement agreeing to remove the sign at their own expense in the event the sign is not maintained, abandoned, or pertains to a use no longer conducted on the premises. (Section 22.254).**

5. *Do you allow window signs? If so, what percentage of the windows are allowed to be covered?*

**Yes, 25% of the window can be covered.**

6. *Do you allow temporary signs? If so, for how long?*

**Yes, for 30 days.**

7. *How do you regulate the illumination/brightness of signs?*

**Illuminated signs are not allowed to exceed 50 foot candles at the source.**

8. *Do you have any protections for historic or landmark signs?*

**Yes – The York Theater marquee is specifically exempt from the sign code due to its “special architectural and/or historical significance.” (Section 22.258 of the Sign Code).**

## LA GRANGE

1. *Does your community regulate signage based on aesthetics? If so, how?*

**Yes, but only in a “Comprehensive Building Sign Plan” submission, which is for buildings with multiple uses. This is reviewed by the Village’s Design Review Commission.**

2. *Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?*

**There is no overarching limit on the square footage of signage, but there are limitations on the number of each sign type you can have, and limitations on the square footage of each sign type.**

Sign Type	Size Limit
Wall Sign	Maximum is 75% of the length of the building face x 5 feet in height.

Monument Sign	<b>(Ground Sign) 50 square feet</b>
Pole Sign	<b>(Ground Signs)</b>
Projecting Sign	<b>Prohibited.</b>
Awning Sign	<b>60% of the length of the awning x 6 feet in height.</b>

3. *Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?*

**Ground signs are permitted but their pole or support cannot exceed four feet above grade.**

4. *Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?*

**Yes, businesses have 30 days to remove their signage after they vacate the site.**

5. *Do you allow window signs? If so, what percentage of the windows are allowed to be covered?*

**Yes, not to exceed more than 25% of the window area.**

6. *Do you allow temporary signs? If so, for how long?*

**Yes, only in connection with an event. Limited to 30 days.**

7. *How do you regulate the illumination/brightness of signs?*

**Signs cannot exceed 50 foot candles at the source of the light.**

8. *Do you have any protections for historic or landmark signs?*

**No.**

## LA GRANGE PARK

1. *Does your community regulate signage based on aesthetics? If so, how?*

**Awnings are required to be a color “compatible with the overall color scheme of the façade.”**

2. *Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?*

**Each type of sign is regulated differently. Sign types are allowed in certain districts. There is no overarching square footage limit for total sign area.**

<b>Sign Type</b>	<b>Size Limit</b>
Wall Sign	<b>1 square foot per linear foot of zoning lot frontage. Minimum of 25 square feet, maximum of 100 square feet.</b>
Monument Sign	<b>Maximum of 32 square feet.</b>
Pole Sign	<b>Prohibited.</b>
Projecting Sign	<b>Maximum of 24 square feet.</b>
Awning Sign	<b>Lettering on awning sign cannot exceed 10 inches in height.</b>

3. *Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?*

**No, they are prohibited.**

4. *Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?*

5. *Do you allow window signs? If so, what percentage of the windows are allowed to be covered?*

**Yes. Temporary and permanent window signs are not permitted to occupy more than 40% of each window area.**

6. *Do you allow temporary signs? If so, for how long?*

**Yes, temporary sign time limits vary by sign type. Banners are permitted for 30 days in association with an event. A-Frame signs are permitted during business hours. Temporary signs do not need a permit as long as they comply with requirements.**

7. *How do you regulate the illumination/brightness of signs?*

**Illumination cannot exceed 1 foot candle at the property line.**

8. *Do you have any protections for historic or landmark signs?*

**No.**

## NAPERVILLE

9. *Does your community regulate signage based on aesthetics? If so, how?*

**If a raceway is visible it needs to match the color of the exterior of the building. Awnings and canopies are limited to two colors excluding logos.**

10. *Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?*

<b>Sign Type</b>	<b>Size Limit</b>
Wall Sign	<b>1.5 square feet for each linear foot of façade, not to exceed 300 square feet</b>
Monument Sign	<b>Size is dependent on posted speed limit 45-120 square feet</b>
Pole Sign	<b>120 square feet</b>
Projecting Sign	<b>8 square feet per side</b>
Awning Sign	<b>1.5 square feet for each linear foot of façade, not to exceed 300 square feet</b>

11. *Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?*

**Only permitted in the “Tollway Corridor” and cannot exceed 25 feet in height.**

12. *Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?*

**Yes, signs must be removed within 180 days after the business vacates the tenant space.**

13. *Do you allow window signs? If so, what percentage of the windows are allowed to be covered?*

**No more than 50% of the total window surface area per storefront elevation.**

14. *Do you allow temporary signs? If so, for how long?*

**Yes. Not allowed for more than 4 one week periods during a calendar year.**

15. *How do you regulate the illumination/brightness of signs?*

**Illumination not to exceed 30 foot candles four feet from the sign.**

16. *Do you have any protections for historic or landmark signs?*

**No.**

## OAK PARK

1. *Does your community regulate signage based on aesthetics? If so, how?*

**Yes, there are “Design Criteria” that each sign must meet. Colors, materials and lighting of every sign shall be restrained and harmonious. Awnings must be one color. Graphic elements of signs must be minimized as much as possible and text should be kept to a minimum.**

2. *Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?*

Surface area of all exterior signs shall not exceed 3 times the lineal foot of width of the lot for the first hundred lineal feet, and one square foot per lineal foot of width of lot for each lineal foot in excess of 100.

Sign Type	Size Limit
Wall Sign	1 square foot per lineal foot of frontage, maximum of 40 square feet.
Monument Sign	24-50 square feet depending on the district.
Pole Sign	24-50 square feet depending on the district.
Projecting Sign	24-32 square feet depending on the district.
Awning Sign	Up to 30% coverage on the side of the awning.

3. *Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?*

**Yes, varies from 5-20 feet depending on the district.**

4. *Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?*

**Obsolete or abandoned signs need to be removed within 20 days of notice from the Building Department. If it is not removed in 20 days, the Building Department is authorized to remove it.**

5. *Do you allow window signs? If so, what percentage of the windows are allowed to be covered?*

**Window signs must not occupy more than 50% of the total window area.**

6. *Do you allow temporary signs? If so, for how long?*

**Yes, temporary banners are allowed for up to 7 days in reference to an event, no more than 4 times per year.**

7. *How do you regulate the illumination/brightness of signs?*

**Sign illumination shall not exceed one foot candle at the property line.**

8. *Do you have any protections for historic or landmark signs?*

**Yes, they are referred to as "Classic Signs." Must be 25 years old and be voted on at a public hearing by the Community Design Commission.**

# RIVERSIDE

1. Does your community regulate signage based on aesthetics? If so, how?

**Awnings are required to be monochromatic.**

**Section 4-3-4 states that “Signs and graphics shall have a harmonious relationship to the building to which they relate and the architectural and historical character of the surrounding area and the Village, in terms of size, shape, materials, color, texture, lettering, arrangement, lighting and the like.”**

**And**

**“Colors shall be used with restraint and excessive brightness shall be avoided.”**

2. Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?

**Signage is regulated specifically by type: Wall, Monument, Window, Awning, and Blade. The formula is different for each They are also regulated by whether it is the primary or secondary sign on the site**

<b>Sign Type</b>	<b>Size Limit</b>
Wall Sign	<b>1 square foot per linear foot of building frontage, maximum depends on the district.</b>
Monument Sign	<b>32 square feet</b>
Pole Sign	<b>40 square feet</b>
Projecting Sign	<b>6 square feet</b>
Awning Sign	<b>30% of the awning surface area</b>

3. Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?

**Pole signs aren’t allowed in downtown Riverside. On Harlem Avenue, pole signs are permitted but they can’t exceed 20 feet in height. They require 8’ of clearance.**

4. Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?

**Non-conforming signs are required to be removed after the existing business utilizing the sign vacates the site. No specific time period given. (Section 4-3-11)**

5. Do you allow window signs? If so, what percentage of the windows are allowed to be covered?

**Yes, there are regulations for both temporary and permanent window signs. Temporary window signs are not allowed to cover more than 10% of the area of the window, except grocery stores are allowed to have 50% of the windows covered. Temporary and permanent**

**window signs together cannot exceed 20% of the window, except grocery stores are permitted to have 50% of the window covered.**

6. *Do you allow temporary signs? If so, for how long?*

**Temporary signs are permitted in association with an event but must be removed 7 days after the event.**

7. *How do you regulate the illumination/brightness of signs?*

**Regulated by nits. No illuminated sign may exceed a maximum luminance level of 750 nits during evening. Lighting can only illuminate the sign face.**

8. *Do you have any protections for historic or landmark signs?*

**No.**

## SCHAUMBURG

1. *Does your community regulate signage based on aesthetics? If so, how?*

**In the “Olde Schaumburg Centre” there are design specific regulations including materials, colors, font sizes and types.**

2. *Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?*

**Each sign type is regulated differently.**

<b>Sign Type</b>	<b>Size Limit</b>
Wall Sign	<b>Square footage not to exceed 10% of the area of the building wall to which the sign is affixed, or 200 square feet.</b>
Monument Sign	<b>100 square feet</b>
Pole Sign	<b>N/A</b>
Projecting Sign	<b>N/A</b>
Awning Sign	<b>Sign cannot exceed 50% of the surface area of the awning, or 10% of the wall space with a maximum of 200 square feet.</b>

3. *Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?*

**Pole signs are not permitted.**

4. *Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?*

**Yes, signage must be removed within 90 days upon the cessation of business.**

5. *Do you allow window signs? If so, what percentage of the windows are allowed to be covered?*

**Yes, window signs cannot cover more than 50% of the window.**

6. *Do you allow temporary signs? If so, for how long?*

**Yes, not to exceed 10 days for each sign, no more than 6 times per year.**

7. *How do you regulate the illumination/brightness of signs?*

**Signs cannot exceed 75 foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign.**

8. *Do you have any protections for historic or landmark signs?*

**No.**

## SOUTH ELGIN

1. *Does your community regulate signage based on aesthetics? If so, how?*

**No.**

2. *Does your community regulate the square footage for wall signs, monument signs, marquee signs, projecting signs, and canopy signs using the same formula?*

**Each sign type is regulated differently.**

<b>Sign Type</b>	<b>Size Limit</b>
Wall Sign	<b>Not to exceed 1.5 square feet of sign area per linear foot of the building façade or 40 square feet, whichever is greater</b>
Monument Sign	<b>40-75 square feet depending on the district</b>
Pole Sign	<b>40-75 square feet depending on the district</b>
Projecting Sign	<b>24 square feet</b>
Awning Sign	<b>30% of the size of the awning.</b>

3. *Does your sign ordinance allow freestanding pole signs? If so, what is the height limit?*

**Yes, 20 feet.**

4. *Does your sign ordinance require signage to be removed once a building becomes vacant? If so, for how long?*

**A legal non-conforming sign may not remain in use if the property on which the sign is located is vacant and unoccupied for a period of 60 days or more.**

5. *Do you allow window signs? If so, what percentage of the windows are allowed to be covered?*

**Yes, no more than 25% of the total ground floor window area.**

6. *Do you allow temporary signs? If so, for how long?*

**Yes, 30 days per calendar year.**

7. *How do you regulate the illumination/brightness of signs?*

**LED lighting cannot be greater than 5,000 nits from dawn to dusk, and no greater than 150 nits of luminance from dusk to dawn. Non-LED lighting cannot exceed more than 1 foot candle at the curb line.**

8. *Do you have any protections for historic or landmark signs?*

**No.**

# DRAFT AMENDMENT

Chapter 42 - SIGNS<sup>11</sup>

Footnotes:

--- (1) ---

**State Law reference**— Highway Advertising Control Act, 225 ILCS 440/1 et seq.; municipal authority to regulate all street advertising and adult entertainment advertisements, 65 ILCS 5/11-80-15; authority for removal of unauthorized signs and billboards constituting obstructions, 605 ILCS 5/9-112.

ARTICLE I. - IN GENERAL

Sec. 42-1. - Purpose.

This chapter is adopted for the following purposes:

- (1) To preserve and protect the public health, safety and welfare by regulating outdoor advertising and signs of all types.
- (2) To maintain the inherent right of business to communicate reasonably, and identify their products and services by promoting the reasonable, orderly and effective display of signs and outdoor advertising.
- (3) To enhance the physical appearance of the village, making it a more enjoyable and pleasing community.
- (4) To reduce the sign or advertising distractions which may increase traffic accidents and result in visual congestion for pedestrians.
- (5) To acknowledge the appropriate display of signs as necessary to public service and to the conduct of competitive commerce.

(6) To protect the right of free speech as exercised through the use of signs.

(Code 1964, § 31-1; Ord. No. 1983-12, 6-27-1983) -

Sec. 42-2. - Definitions.

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

A-Frame sign means any sign that is not permanently affixed to a building structure, or the ground; a sign designed to be moved from place to place. A-Frame signs primarily include signs attached to wood or metal frames designed to be self-supporting and movable; and paper, cardboard, or canvas signs wrapped around supporting poles.

*Ad bench sign* means a bench sign used for advertising.

*Animated sign* means a sign or part of a sign which changes physical position by any movement or rotation or any sign which presents the illusion of movement.

*Attention-getting device* means any propeller, spinner, streamer, search light, balloon and similar device or ornamentation designed for purposes of promotion or advertising or attracting of promotion or advertising or attracting attention.

*Awning sign, marquee sign or canopy sign* means any fixed, retractable or removable awning, marquee or canopy sign projected over, suspended above, or erected upon any public thoroughfare.

~~Banner flag sign or feather flag sign means a sign made of lightweight fabric or other flexible material that is mounted to a pole and is easily movable.~~

~~Banner sign means a sign typically made of lightweight fabric or other flexible material with or without a frame.~~

*Billboard or poster board* means a single- or double-faced sign permanently erected on the premises, including changeable copy signs, used for the display of information not associated with the establishment located on the same premises as such sign.

*Business sign* means a sign that directs attention to or advertises a business or profession conducted upon or to a commodity, service or entertainment sold or offered upon the zoning lot upon which such sign is erected.

*Changeable copy sign* means a sign wherein provision is made for the manual ~~or electronic~~ change of letters or characters in the field in or upon the surface area of the sign.

~~Commercial districts means those parcels, tracts or lots zoned as C Business and D Light Manufacturing according to the village zoning map.~~

~~Discontinuance means the discontinuance or abandonment is the cessation or termination of a use or activity for a period of time as specified in article IV of this chapter, regardless of any intent to resume or not to abandon such use; such use shall not thereafter be reestablished or resumed. The continuance of public utilities: water, refuse service, gas, electricity or telephone, shall not automatically be considered a continuance of the use or activity. Any subsequent use or occupancy of such land or structure shall comply with the use regulations of the zoning district in which such land or structure is located. Any period of such discontinuance caused by government action other than involved in enforcing criminal codes, strikes, material shortages, or acts of nature, and without any contributing fault by the nonconforming user shall not be considered in calculating the length of discontinuance for purposes of this definition.~~

*Erect* means to build, construct, attach, hang, place, suspend, or affix and shall also include the painting of all signs.

*Externally illuminated sign* means a sign illuminated by a source of light which is cast upon, or falls upon, the surface or face of the sign to illuminate by reflection only.

~~Festoon lighting means a group of two or more incandescent light bulbs hung or strung overhead, not on a building or structure, which are exposed to persons on a public right of way, or which are not shaded or hooded to prevent the direct rays of light from being visible from the property line.~~

*Flashing sign* means any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

*Freestanding sign or ground sign* means a sign completely or principally self-supported by posts or other supports independent of any building or other structure and anchored in or upon the ground.

*Identification sign* means a sign which states the company name of any business including both national company and/or proprietor.

*Internally illuminated sign* means a sign, all or any part of the letters or design of which is made of incandescent, neon, or other types of lamps; a sign with painted, flush or raised letters lighted by an electric lamp attached thereto; a sign having a border of incandescent or fluorescent lamps thereto attached and reflecting light thereon; or a translucent sign, whether lighted by electricity or other illuminant.

~~Monument sign or ground sign means a sign completely or principally self-supported by posts or other supports independent of any building or other structure and anchored in or upon the ground. The sign face of a monument sign is low to the ground.~~

~~Nameplate means a sign which is affixed to or in front of a multi-family development displays only the name or address, or both, of the occupant, is nonelectrical, and does not exceed two square feet in area.~~

**Commented [EV1]:** Adding a definition for banner flag or feather flag signs, which I am proposing we choose to prohibit.

**Commented [EV2]:** Removing electronic, which currently permits electronic message boards in this category.

**Commented [EV3]:** Irrelevant – refers to non-existent zoning districts.

**Commented [EV4]:** Adding the same definition for discontinuance as is present in the zoning code. This is the definition that the zoning code relies on to determine if a use has been discontinued. This will be necessary to enforce the proposed standards around non-conforming signage when a business vacates the site.

**Commented [EV5]:** Removing definition for festoon lighting because it is not signage and regulations related to festoon lighting are being eliminated.

*Nonconforming sign* means a sign, lawful at the time of the enactment of this chapter, which does not comply with all of the regulations of this chapter or any amendment hereto governing the use of signs.

*Obsolete sign* means a sign which advertises a business which is not being presently conducted upon the premises or advertises a service, commodity or activity not sold or offered upon the premises on which the sign is located.

*Off-premises sign* means a sign which directs attention to or advertises a use, business, commodity, service or activity not sold or offered upon the premises where the sign is located. (The term "off-premises sign" also includes those signs commonly known as business signs, billboards and poster panels.)

*Permittee* means a person to whom a permit has been issued pursuant to the provisions of this chapter.

~~*Political sign* means a sign announcing candidates seeking public political office or any sign concerning political issues and other issues pertinent thereto.~~

~~*Portable sign or sandwich sign* means any sign that is not permanently affixed to a building structure, or the ground; a sign designed to be moved from place to place. Portable signs primarily include, but are not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; and paper, cardboard, or canvas signs wrapped around supporting poles. Also included are those signs, commonly trailer mounted, which are designed to be moved from place to place.~~

*Projecting sign* means a sign supported by a wall which projects more than 12 inches over any street, public sidewalk, alley or public way or public easement; or which projects more than 12 inches from the face of any building, structure or supporting wall. Any sign suspended under a marquee and in a place approximately perpendicular to the wall of the adjoining building shall not be deemed to be a projecting sign.

~~*Real-estate sign* means a sign located for purposes of advertising a parcel of land or a building as available for sale, rental or lease.~~

*Roof sign* means a sign erected, constructed or maintained in whole or in part upon or over the roof of a building or structure. Roof signs shall not include those signs maintained upon the lower slope of a mansard roof which do not extend above the uppermost point of the lower slope. Such signs shall be classified as wall signs.

*Shopping center* means any concentration of retail stores and service establishments in one or more buildings under single ownership or management with common parking facilities.

*Sign* means any object, device, display, or structure or part thereof including any supports or appurtenant members which is used primarily to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, project, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion illumination, or projected images. The term "sign" includes, but is not limited to, every projecting sign, wall sign, roof sign, billboard, poster board, free-standing sign, ground sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, illuminated sign, flashing sign, animated sign, temporary sign, portable sign, banner, pennant, valance, or other attention getting device, or other display whether affixed to a building or separate from any building.

*Sign surface area* is the total exposed surface devoted to the sign's message, including all ornamentation, embellishment and symbols, but excluding the supporting structure which does not form part of the sign proper or of the display. The area of a sign composed of characters or words attached to a wall and/or window surface shall be the smallest rectangle which encloses the whole group. In the case of a ground sign designed with more than one exterior surface containing items of information, the sign surface area shall be computed as including only the maximum single display surface which is visible from any one ground position.

~~*Sign base* means the sign structure beneath a freestanding, ground or monument sign.~~

~~*Sign copy* is measured as the area of a sign that is occupied by text, pictures, logos or symbols, but excluding the supporting structure of the sign and any part of the sign face that is not occupied by text, pictures, logos or symbols.~~

**Commented [EV6]:** Removing this and similar definitions because they are not content neutral.

Sign face is the area of a sign that includes sign copy and background. Sign face does not include any supporting structures, framework or bracing unless such structures are part of the sign copy or face.

**Commented [EV7]:** Adding definitions for “sign copy” and “sign face” as part of the recommendation from the existing conditions report.

Sign structure means any structure or material which supports, has supported or is capable of supporting or helping maintain a sign in a stationary position.

*Temperature signs* are devices that periodically display the current temperature.

Temporary residential sign means a sign displayed for a limited period of time on a residential lot. These signs typically are made of a lightweight fabric or paper material. They shall not be permanently affixed to the lot. The sign structure shall be easily removable.

*Temporary sign* means a sign, as defined in this section, displayed for a limited period of time.

*Time sign* means a device that periodically displays the time of day.

*Wall sign* means a sign mounted ~~or~~ attached to; ~~or painted on~~ the exterior wall of a building or structure in a plane parallel to that of the supporting wall. A wall sign may not project more than 12 inches from the plane of the structure to which it is attached.

*Window ~~identification~~ sign* means ~~a an identification sign painted on~~, affixed to or placed against any window or which is placed in a display case for view from the outdoors through a window which such sign is visible from any public right-of-way.

~~*Window promotional sign* means a sign painted on, affixed to or placed against any window, or which is placed in a display case for view from the outdoors through a window when such sign is visible from any public right of way and which is displayed for the specific purpose of attracting the attention of the passerby to a sale, or to promotional items, or to other products or services.~~

(Code 1964, § 31-2; Ord. No. 1983-12, 6-27-1983; Ord. No. 1990-8, 2-12-1990; Ord. No. 1997-31)

Sec. 42-3. - Applicability; exceptions.

The following are not regulated by this chapter:

- (1) Signs not visible beyond the boundaries of the lot or parcel upon which they are situated or from any public thoroughfare or right-of-way.
- (2) Official signs of any public or governmental agency.
- (3) Any sign of any official court or public office notices thereof, or any flag, emblem or insignia of a government, school, or religious group.
- (4) Any sign which is located completely within an enclosed building, and which sign is not visible from outside of the building.
- (5) Any official traffic signs authorized by state law.
- (6) Signs on a truck, bus, trailer, or other vehicle used in the normal course of a business which is not primarily the display of such signs.

~~(7) Changing of the copy of a sign, bulletin board, display encasement, marquee or maintenance where no structural changes are made, or changing of interchangeable letters on signs designed for use of interchangeable letters.~~

~~(7<sup>9</sup>)~~ Private (noncommercial) nameplate identification signs or street address identification signs when such signs do not exceed two square feet in area.

~~(8<sup>9</sup>)~~ Tablets, such as memorials, cornerstones, name of a building, or date of erection, when built into the walls of the building or affixed thereto.

**Commented [EV8]:** As of now, the ordinance does not regulate the “changing of the copy of the sign” – I am proposing we remove this. Even if someone is just changing the face of the sign I think it’s important for the Village to have the chance to look at the design of the new sign face.

~~(940)~~ No trespassing signs, warning signs (e.g., "Beware of Dog") and other such signs regulating the use of property when such signs do not exceed two square feet in area.

~~(1044)~~ Advertisement signs for businesses sold by groups or associations organized for the purpose of sponsoring or promoting youth sports in the village, provided that such signs shall not exceed three feet by five feet in area, shall only be affixed to fences and backstops associated with athletic fields used by the sports organizations and that such signs shall not be posted for more than 120 consecutive days in a calendar year.

(11) Wayfinding Signs

(Code 1964, § 31-3; Ord. No. 1983-12, 6-27-1983; Ord. No. 04-17, 2-23-2004)

Sec. 42-4. - Administration; conflicting provisions.

It shall be the duty of the Department of Community and Economic Development ~~code enforcement officer~~ to administer and enforce the provisions of this chapter, the same to be done in conjunction with the building codes of the village. In case of a conflict between any of the provisions of this chapter and those of the building code, in a given instance, the more restrictive of the two shall govern.

(Code 1964, § 31-11(a); Ord. No. 1983-12, 6-27-1983; Ord. No. 89-58, 12-7-1989; Ord. No. 2006-64, 9-11-2006)

Secs. 42-5—42-26. - Reserved.

ARTICLE II. - PERMITS

Sec. 42-27. - Required.

Before erecting, converting, enlarging, reconstructing, structurally altering or rearranging any sign, other than those signs for which permits are not required by this chapter, application shall be made in writing upon a form furnished by the Department of Community and Economic Development ~~code enforcement department~~.

(Code 1964, § 31-10; Ord. No. 1983-12, 6-27-1983)

~~Sec. 42-28. - Preliminary conference; advice of plan commission.~~

~~Prior to making application, a preliminary conference shall be conducted with the code enforcement officer. The purpose of the conference is to advise the applicant, or licensed sign erector, of the provisions of this chapter. The code enforcement officer may, at his discretion, seek the advice of the village planning and zoning commission.~~

(Code 1964, § 31-10; Ord. No. 1983-12, 6-27-1983; Ord. No. 2013-69, § 13, 12-16-2013)

Sec. 42-~~28~~9. - Application contents.

The application shall include the following information and is subject to change:

- (1) Name, address and telephone number of the permittee and the sign erector.
- (2) The location by street and number, dimensions, height, design of the sign, proposed placement and color.
- (3) Plans showing the definite dimensions, method of construction, type of material utilized and installation and support.

**Commented [EV9]:** Removing a lot of procedural information in this chapter that is no longer relevant.

- (4) Any other pertinent data as may be required by the village building codes and permit applications to provide for the enforcement of this chapter.

(Code 1964, § 31-10; Ord. No. 1983-12, 6-27-1983)

Sec. 42-~~2930~~. - Fees.

The application for a permit under this article shall be accompanied by a permit fee in the amount provided in the village fee schedule.

(Ord. No. [2018-54](#), § 7, 6-25-2018)

~~Sec. 42-31. - Issuance; referral to plan commission.~~

~~After the preliminary conference, the code enforcement officer may issue the permit for said sign, reject such permit when the sign is in conflict with the requirements of this chapter, or the code enforcement officer or the village manager may direct the application to the village planning and zoning commission for further recommendation. Such procedure shall, however, in no case extend beyond 90 days.~~

(Code 1964, § 31-10; Ord. No. 1983-12, 6-27-1983; Ord. No. 2013-69, § 14, 12-16-2013)

~~Sec. 42-32. - Term of permit; annual inspections.~~

~~Permits, when issued, will be valid as long as inspections prove that this sign continues to comply with this Code. Inspections shall coincide with annual fire inspections.~~

(Code 1964, § 31-10; Ord. No. 1983-12, 6-27-1983)

~~Sec. 42-33. - Additional requirements for portable signs.~~

~~Applications for the use of portable signs shall be referred to the chief code enforcement officer for processing, together with a \$50.00 bond that shall be held as guarantee of the removal of such signs. Failure of compliance with the terms of this chapter shall result in the forfeiture of said bond; however, such forfeiture shall not relieve the applicant from any and all responsibilities and costs associated with the removal of the sign.~~

(Code 1964, § 31-2(i); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)

Secs. 42-34—42-54. - Reserved.

### ARTICLE III. - CONSTRUCTION AND MAINTENANCE

Sec. 42-55. - Compliance with building and zoning regulations required.

- (a) All signs shall be constructed of approved materials and shall comply with the requirements of village building codes and any amendments thereto as adopted by the village from time to time.
- (b) All signs in which any electrical wiring or connections are to be used shall comply with the village electrical code and any amendments thereto as adopted by the village from time to time.
- (c) No sign shall be permitted in any zoning district except in conformity with the zoning requirements of the village.

(Code 1964, § 31-4(a), (b), (i); Ord. No. 1983-12, 6-27-1983)

~~Sec. 42-56. - Metal signs.~~

~~A metal sign shall have its face or background constructed of metal not thinner than No. 28 B&S gauge, which may cover a wood frame and may be provided with letters, figures, characters, borders or moldings of wood. The border, if of wood, shall not exceed four inches in width.~~

**Commented [EV10]:** Removed per direction from Building Inspector.

(Code 1964, § 31-4(c); Ord. No. 1983-12, 6-27-1983)

Sec. 42-567. - Illumination.

- (a) Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, or internal to it, without creating a traffic hazard for motorists or pedestrians. Illuminated signs shall not produce more than 30 foot candles of illumination four feet from the sign. Bare neon signs are prohibited.
- (b) It shall be unlawful for any person to maintain any sign which is wholly or partially illuminated by floodlights or spotlights unless the source of lighting is not visible from any right-of-way. In addition, all light sources shall be so shielded so as not to cause direct light upon adjacent properties.

(Code 1964, § 31-4(d), (g); Ord. No. 1983-12, 6-27-1983)

~~Sec. 42-58. - Wind pressure and dead load requirements.~~

~~Every sign shall be designed and constructed to withstand a wind pressure of 30 pounds per square foot and shall be constructed to receive dead loads as required in the village building codes and any amendments thereto or other applicable ordinances. An engineered drawing with seal must be provided upon request.~~

**Commented [EV11]:** Removed per direction from Building Inspector.

(Code 1964, § 31-4(f); Ord. No. 1983-12, 6-27-1983)

Sec. 42-579. - Safety glass and shatterproof plastic required.

Any glass forming a part of any sign shall be safety glass. Any plastic forming a part of any sign shall be of a shatterproof material.

(Code 1964, § 31-4(h); Ord. No. 1983-12, 6-27-1983)

Sec. 42-5860. ~~-- Sign Maintenance Painting and other maintenance.~~

- (a) The owner of any sign shall paint and maintain all parts and supports thereof as necessary to prevent rusting, rotting, cracking, or deterioration.
- (b) If a deteriorated sign and supporting members are not brought into a state of code compliance within 45 90 days from time of notification, the sign shall be subject to normal code enforcement procedures.
- (c) ~~or~~ If such sign is declared by the Chief Building Inspector code enforcement officer to be an immediate hazard affecting the health, safety and general welfare of the public, orders shall be issued to remove the sign and supporting members immediately. If the responsible party does not take action, the sign is subject to immediate removal by the village at the sign owner's expense.

(Code 1964, § 31-4(e); Ord. No. 1983-12, 6-27-1983)

Sec. 42-5964. - Location restrictions.

(a) Signs within the village shall be subject to the following requirements:

- (1) No sign shall be erected in a location prohibited by this chapter. No sign shall be erected so as to prevent free ingress to or egress from any door or window, or any other way required by the building code of the village and amendments thereto, or by the fire department regulations.
  - (2) No person shall paint, mark, write on, or pose or otherwise affix, any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or cable communications or telephone or telegraph pole, or wire appurtenance therefore, or upon any fixture of the fire alarm or police telegraph or communications system or upon any lighting system, public bridge, drinking fountain, life buoy, life preserver, life boat or other life saving equipment, street sign or traffic sign.
  - (3) No sign shall be located, erected or maintained upon any right-of-way or parkway for any purpose, except:
    - a. Street identification signs, public information directional signs and traffic control signs conforming to the Manual of Uniform Traffic Devices erected by the village of other governmental entity having jurisdiction of the right-of-way; or
    - b. In commercial zoning districts, banners erected by the village of uniform size not greater than 42 inches by 84 inches attached not less than eight feet above grade level to street lighting standards.
  - (4) Any sign which from the street is in direct line of vision of any traffic sign or signal is prohibited.
  - (5) All signs which are declared to be a traffic hazard by the ~~Chief of Police or Village Engineer village code enforcement officer~~ shall be relocated or rearranged in accordance with safety standards within ~~45 90~~ days from the time of notification, unless such sign is declared by the ~~Chief of Police or Village Engineer code enforcement officer~~ to be an immediate hazard affecting the public health, safety and general welfare.
  - (6) No sign permitted under this chapter shall be allowed or maintained if the sign shall in any way violate the Highway Advertising Control Act of 1971, 225 ILCS 440/1 et seq.
  - (7) No sign shall be located so as to project above the top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette, but in any case should not exceed a maximum of 35 feet from the ground to the top of the sign.
- (b) Any sign erected in violation of this section is subject to immediate removal by the village at the sign owner's expense. Any signs removed by the village and not reclaimed by the sign owner within 90 days are subject to disposal by the village.

**Commented [EV12]:** This is a good location for a sight triangle illustration (see Appendix)

(Code 1964, § 31-5; Ord. No. 1983-12, 6-27-1983; Ord. No. 97-32, 6-23-1997; Ord. No. 2007-31, § 2, 4-9-2007)

**Sec. 42-62. - Insurance required for certain signs on or above public ways.**

The owner of any sign overhanging or situated upon a street, public sidewalk, alley or public way or easement shall be required to post and maintain a certificate of insurance covering liability as long as the sign remains in place.

**Commented [EV13]:** Currently, certificates of insurance are not required as part of the application for signs overhanging the public way. We either need to remove this from the code or start requiring COIs.

(Code 1964, § 31-4; Ord. No. 1983-12, 6-27-83)

**Sec. 42-63. - Prohibited and restricted signs.**

The following signs are prohibited, or restricted as provided in this section, unless otherwise specifically provided in this chapter:

- (1) Animated signs.

(2) Attention-getting devices (except as otherwise provided in section 42-148).

~~(3) Banner flag signs~~

~~(4) Billboards or poster boards.~~

~~(4) Festoon lighting for periods not to be used in excess of 30 days.~~

(5) Flashing signs.

(6) Marquee signs.

(7) Portable signs (except as may be herein allowed pursuant to section 42-148).

(8) Obsolete signs, to be removed within ~~30 days six months~~ from the date ~~the corresponding business discontinues its operations~~ at the site. ~~of certified notification.~~

(9) Off-premises signs.

(10) Roof signs.

(11) Signs that move or have moving parts, with movement caused by the wind or mechanically.

(12) Signs in conflict with traffic signals.

(13) Signs painted on the walls of a building.

(Code 1964, § 31-7; Ord. No. 1983-12, 6-27-1983; Ord. No. 1990-8, 2-12-1990)

Secs. 42-64—42-84. - Reserved.

ARTICLE IV. - DISTRICT REGULATIONS

DIVISION 1. - GENERALLY

Secs. 42-85—42-111. - Reserved.

Section 42-85 Permanent Signs Permitted by District

(1) The following types of permanent signs are permitted in the following districts:

Sign Type	Residential Districts	Station Area Districts		Commercial Districts			Industrial Districts	Open Space Districts
		SA 1, SA 2, SA 3, SA 4	SA 5, SA 6	C-1	C-3	C-4, C-5		
	A, A-1, A-2, A-3, B, B-1						I-1, I-2	S-1, S-2
Awning Signs	○	●	○	●	●	●	●	
Changeable Copy Signs	○		○					
Freestanding Signs				●				
Monument Signs		□		●		●	●	

**Commented [EV14]:** These are temporary flag signs that are often installed at car dealerships. They are a temporary sign type that tends to be hard to regulate due to their portable nature. Since we already have a difficult time removing temporary signs, I am recommending we prohibit these.

**Commented [EV15]:** Removing this because festoon lighting is popular and used in pedestrian friendly environments/downtowns.

**Commented [EV16]:** Currently obsolete signs (signs that reference former businesses that have since moved on) only need to be removed within 6 months from the day the Village gives them a certified notification. This makes the quick removal of obsolete signs extremely hard.

I am changing this read 30 days from the date the business leaves the site. That way, it doesn't fall on the Village to notify them for removal. We can simply point to an obsolete sign and say "That business left over 30 days ago, it needs to come down."

**Commented [EV17]:** A definition for "discontinuance" has been added to the sign ordinance.

**Commented [EV18]:** This table and these sections are a new addition to the sign code. The intention is to regulate signage based on the zoning district, not just whether it is residential or commercial. It adds a visual element that should help the reader categorize permitted and prohibited sign types. A description of each sign type with specific regulations follows.

**Commented [EV19]:** Leaving this category here shows that no commercial signs are permitted in these districts. "Official signs of any public or governmental agency" are not regulated and do not require a permit per Section 42-3. That means we can still install "Welcome to Brookfield" signs and park identification signs in these areas.

**Commented [EV20]:** Signs in these categories that are permitted for "non-residential uses" really pertain to churches, libraries, and any non-conforming commercial uses.

Nameplate Signs for Multi-Family Buildings	●	●	●		●	●		
Projecting Signs	○	●	○	●	●	●	●	
Wall Signs	○	●	○	●	●	●	●	
Window Signs		●		●	●	●	●	

● = Permitted

○ = Permitted for non-residential uses

□ = Permitted for non-residential uses in SA 3 only

Section 42-86 Permanent Sign Regulations

(1) Regulations for All Permanent Sign Types

A. Sign Copy and Sign Face

All permanent signs shall have at least 50% of the sign face occupied by sign copy.

B. Aesthetics

All permanent signs shall uses colors which are restrained or harmonious with each other and to the building which they reflect.

C. Total Number of Signs

Each lot is permitted to have two permanent sign types, provided they are both permitted.

(2) Permanent Sign Types

A. Awning Signs

Awning signs shall be permitted subject to the following:

1. Location:
  - (a) Awning signs are permitted in the SA 1, SA 2, SA 3, SA 4, C-1, C-3, C-4, C-5, I-1 and I-2 District. They are also permitted in the A, A-1, A-2, A-3, B, and B-1 District for non-residential uses.
  - (b) There shall be established a minimum of seven feet of clearance from ground level to the lowest element of the awning or canopy sign.
  - (c) The top of any awning or canopy, including its structural elements, shall be no higher than the height of the building or 15 feet above grade, whichever is lower.
2. Size:

**Commented [EV21]:** The Zoning Modernization document specifically allows monument signs in SA 3 but no other SA district.

**Commented [EV22]:** This was a recommendation of the existing conditions report. This will eliminate the possibility of a sign containing more than 50% blank space and will encourage signage that is balanced between copy and blank space.

**Commented [EV23]:** This was a recommendation of the existing conditions report. This language was borrowed from peer communities' but will now give staff the option to deny a sign based on colors that are excessively bright, detract attention, or does not mix with the rest of the corridor. This regulation will likely not be used on a regular basis, but will act as a failsafe to prevent signage that will clash and detract from the rest of the corridor.

**Commented [EV24]:** This is a new way to regulate sign area. Instead of regulating the area of all signage, each lot will now only be allowed to have two permitted sign types. Within the section below, some sign types are not permitted with others (for example, you are only permitted to have one monument sign or freestanding sign – you cannot have both). In addition, businesses are limited to what is permitted in their zoning district. Each sign type is limited to a certain size, so while the overall aggregate signage is not explicitly limited, there are limitations.

This was inspired by the CMAP recommended sign ordinances included in the review of peer communities' signage.

(a) Neither the body of the awning or canopy nor its supports shall be allowed to project more than five feet from the wall of any building; however, in no case shall such projection be permitted to infringe on any adjacent lot, parcel or tract.

(b) Lettering, numbers, symbols, characters, trademarks, and the like appearing upon the body or apron of any awning shall not exceed 30% of the area of the awning, 18 inches in height.

(c) There is hereby established a limit of two lines ~~one line~~ of letters and numeric characters permitted upon any awning or canopy. ~~No use of symbols, characters, trademarks, pictures or similar illustrations or pictorial representations shall be permitted as any matter of right under the terms of this subsection, except as may be allowed on the line of permitted lettering.~~

**Commented [EV25]:** 18 inches in height looks strange depending on the size of the awning. 30% is close to what a lot of our peer communities use, and will keep the size of the lettering in check.

**Commented [EV26]:** Expanding the number of lines of lettering to two will allow for exceptions when a business can't fit it all on one or wants to use a logo.

**Commented [EV27]:** Deleting this requirement because this has been a huge constraint for businesses that would like to use a logo in addition to letter. The 30% requirement will still keep the size of the logo in check.

3. Display Standards

(a) Awnings must be one color and compatible with the color scheme of the facade.

**Commented [EV28]:** Adding this as part of the recommendation to include some aesthetic standards for signage. This is also a common regulation included by many of our peer communities.

B. Changeable Copy Signs

Changeable copy signs shall be permitted subject to the following: Church, religious group, school and civic group changeable copy signs shall be permitted in residential districts, subject to the following:

**Commented [EV29]:** Electronic message boards were previously permitted for this sign type – I have deleted it in the definition. These were also previously distinguished as “church, religious group, school and civic changeable copy signs” – this is not content neutral so it needs to be removed.

1. Location:

(a) Changeable copy signs are permitted in the A, A-1, A-2, A-3, B, B-1, SA 5, and SA 6 zoning districts for non-residential uses.

(b) No sign shall be located closer than 15 feet to any other lot, parcel or tract.

2. Size:

(a) There shall be no more than one changeable copy sign per lot, parcel or tract.

(b) No sign shall exceed 30 square feet in area.

(c) No sign shall project higher than 72 inches above the ground level at the base of the sign.

C. Freestanding Signs

Freestanding signs shall be permitted subject to the following:

1. Location:

(a) Freestanding signs are permitted in the C-1 zoning district.

(b) Freestanding signs shall be permitted in front yards only.

(c) No freestanding sign may be erected on, over or within five feet of any public right-of-way.

2. Size

- (a) There shall be no more than one freestanding sign or monument sign per lot, parcel or tract.
- (b) No freestanding sign shall exceed 50 square feet in area.
- (c) Freestanding ~~business~~ signs shall be no higher than 15~~35~~ feet above the curb level.
- (d) The base of all freestanding signs must measure at least 2 feet in width.

**Commented [EV30]:** 35 feet in height is significantly taller than most communities allow. I am changing this to 15 because that allows a sign to be slightly taller than a one story building, which is the typical height for a building on Ogden Avenue. Nick has recommended eliminating pole signs entirely – if that is the direction that the Board wants to go in, we can incorporate it. However, many of our peer communities with auto-centric corridors like Ogden and Harlem do still permit pole signs but have a much smaller height limit.

A.D. Monument Signs

Monument signs shall be permitted subject to the following:

1. Location

- (a) Monument signs are permitted in the C-1, C-4, C-5, I-1 and I-2 zoning districts. Monument signs are also permitted in the SA 3 zoning district for non-residential uses.
- (b) Monument signs shall be permitted in front yards only.
- (c) No monument sign may be located within five feet of any public right-of-way.

**Commented [EV31]:** Adding a regulation that requires the base of a freestanding sign to measure at least 2 feet in width will eliminate the prominent pole sign type on Ogden Avenue which includes a skinny pole, then a big, boxy sign at the top.

**Commented [EV32]:** There are currently not regulations for monument signs. I am creating a distinction between freestanding signs, which are only allowed in C-1, and monument signs, which will be a permitted sign type for the industrial districts, C-1, C-4, and C-5 zoning district. The SA 3 District also permits monument signs.

2. Size

- (a) There shall be no more than one monument or freestanding sign per lot, parcel, or tract.
- (~~a~~)(b) No monument sign shall exceed 40 square feet in area.
- (c) Monument signs shall be no higher than 8 feet in height.
- (d) The base of all monument signs must measure at least 2 feet in width.

**Commented [EV33]:** The area of a monument size will be 40 SF, which is on par with peer communities' regulations.

**Commented [EV34]:** A maximum height of 8 feet for monument signs is on par with peer communities' regulations.

3. Display Standards

- (a) Monument signs shall have landscaping around the base of the sign. This should be indicated on the rendering of the sign or by a list of plantings included with the sign permit application.

**Commented [EV35]:** The area of a monument size will be 40 SF, which is on par with peer communities' regulations.

**Commented [EV36]:** Requiring monument signs to have landscaping around the base will be one way for the Village to enforce landscaping standards.

E. Nameplate Signs for Multi-Family Buildings

Nameplate signs for multi-family buildings shall be permitted subject to the following:

1. Location

- (a) Nameplate signs for multi-family buildings are permitted in the A, A-1, A-2, A-3, B, B-1, SA 1, SA 2, SA 3, SA 4, SA 5, SA 6, C-3, C-4 and C-5 zoning districts.
- (b) Nameplate signs shall be affixed to the building or located in front yards only.
- (c) No nameplate sign shall be located less than 15 feet from the property line.

**Commented [EV37]:** Nameplate Signs for Multi-Family Buildings are a type of sign that is currently regulated in the code. We have no real reason to eliminate this, but we do need to make sure it is content neutral. As a result we can call it a "nameplate sign" but we can't dictate what the sign displays.

According to the code right now, these are permitted to be affixed to the building or freestanding. They cannot exceed 2 square feet in area.

I eliminated an option for a secondary identification sign displaying the name of the management of the development because it was not content neutral.

~~(d)~~ No nameplate sign shall project higher than 7 feet above ground level at the base of the sign.

2. Size

(a) There shall be no more than one nameplate sign for each dwelling unit, ~~indicating the name and address of each occupant.~~

(b) No nameplate sign shall exceed 2 square feet in area.

**Commented [EV38]:** This needs to be removed because it is not content neutral.

F. Projecting Signs

Projecting signs shall be permitted subject to the following:

1. Location

(a) Projecting signs are permitted in the SA 1, SA 2, SA 3, SA 4, C-1, C-3, C-4, C-5, I-1 and I-2 zoning districts. Projecting signs are also permitted in the A, A-1, A-2, A-3, B, B-1, SA 5 and SA 6 zoning districts for non-residential uses.

~~(b) No projecting sign in the SA zoning districts shall be mounted higher than 16 feet from the ground level. No projecting sign in all other districts shall extend to a height greater more than 35 feet above from the ground level. to the top of the sign.~~

(c) No projecting sign shall extend higher than the roof of a building except in the case of one-story buildings, where signs shall be permitted to exceed the roof height by two feet.

(d) No projecting sign shall be lower than 13 feet from the ground to the bottom of the sign.

**Commented [EV39]:** These regulations are taken from both the current sign ordinance and the Zoning Modernization code, which has specific requirements for projecting signs in the SA districts.

2. Size

(a) A maximum of one pedestrian scaled projecting sign is permitted for every 30 feet of storefront façade.

(b) There shall be no more than one projecting sign on buildings with frontage on one street. Corner buildings with frontage on two streets shall not have more than two projecting signs.

~~(c) No projecting sign in the SA 1, SA 2, SA 3, SA 4, SA 5, or SA 6 zoning districts shall exceed 7 square feet in area. No projecting sign in any other district shall exceed 20 square feet in area.~~

**Commented [EV40]:** Zoning Modernization currently limits projecting signs in the SA districts to 7 SF in area. The code currently limits projecting signs in all other districts to 50 SF in area. 20 SF is on par with peer communities, and gives businesses the option to scale these signs to meet their building's needs.

G. Wall Signs

Wall signs shall be permitted subject to the following:

1. Location

(a) Wall signs are permitted in the SA 1, SA 2, SA 3, SA 4, C-1, C-3, C-4, C-5, I-1 and I-2 districts. Wall signs are also permitted in the A, A-1, A-2, A-3, B, B-1, SA 5 and SA 6 zoning districts for non-residential uses.

(b) Wall signs shall be no higher than the height of the building or 15 feet above grade level, whichever is lower; and no lower than seven feet, six inches above grade level.

(c) Wall signs shall be located within or shall not extend more than 12 inches from the wall of the building. Any sign attached to the wall of a building shall be attached in such a manner that the face of the sign is substantially parallel to the wall.

2. Size

(a) -The maximum overall vertical dimension of wall signs shall be four feet.

(b) No wall sign shall exceed 1 square foot per linear foot of zoning lot frontage, or 100 square feet, whichever is less.

3. Display Standards

(a) If a raceway is visible as part of a wall sign, the color of the raceway must match the color of the exterior of the façade.

**Commented [EV41]:** This regulation is on par with our peer communities. Currently wall signs are limited to a maximum of four feet in height and a maximum of 100 square feet in area.

**Commented [EV42]:** Adding in a requirement that raceways match the color of the exterior of the façade, which was borrowed from peer communities' regulations. This is another way to monitor sign aesthetics and clashing colors.

H. Window Signs

Window signs shall be permitted subject to the following:

1. Location

(a) Window signs are permitted in the SA 1, SA 2, SA 3, SA 4, C-1, C-3, C-4, C-5, I-1 and I-2 zoning districts.

2. Size

(a) Window signs shall not exceed 20% of the window area. This shall be enforceable for temporary and permanent window signs, and shall be enforceable regardless of when the window signs were installed.

**Commented [EV43]:** Currently the maximum coverage for window signs is 40%. I am proposing to reduce this to 20%, which is closer to peer communities' regulations. This should be enforceable regardless of when the window signs were put up. The reasoning behind this is that they are not hard to install or take down, so existing windows should be come into conformity via enforcement ASAP if this ordinance is approved.

Section 42-87 Temporary Signs Permitted by District

(1) The following types of temporary signs are permitted in the following districts:

**Commented [EV44]:** Similar to the previous table, I have added a table that shows which temporary sign types are allowed, and where. In the current ordinance, "temporary signs" include any sign that is put up for a temporary period of time. These are challenging to regulate and can turn into an unsightly problem. The recommendations from the existing conditions report stated that the temporary signage restrictions need to be overhauled. With the addition of this table, only three types of temporary signs will now be permitted. If a temporary sign does not fit into one of these categories, it will not be allowed.

I have also removed content regulation by creating the category of "Temporary Residential Signs" which is intended to include political signs, yard sale signs, and real estate signs while remaining content neutral.

Sign Type	Residential Districts	Station Area Districts		Commercial Districts			Industrial Districts	Open Space Districts
		SA 1, SA 2, SA 3, SA 4	SA 5, SA 6	C-1	C-3	C-4, C-5		
A-Frame Signs	A, A-1, A-2, A-3, B, B-1	•	○		•	•		

Banner Signs	○	●	○	●	●	●	●	
Temporary Residential Signs	●	●	●	●	●	●		

● = Permitted

○ = Permitted for non-residential uses

Section 42-88 Temporary Sign Regulations

(1) Temporary Sign Types

Each business is permitted have one temporary sign type at a time.

A. A-Frame Signs

A-Frame signs shall be permitted subject to the following:

1. Location

(a) A-Frame signs are permitted in the SA 1, SA 2, SA 3, SA 4, C-3, C-4, and C-5 districts. They are also permitted in the SA 5 and SA 6 district for non-residential uses.

(b) A-Frame signs may be located on the sidewalk, but at least four feet of sidewalk must be maintained so as not to interfere with pedestrian traffic or accessibility.

2. Size

(a) A maximum of one A-Frame sign shall be permitted per business.

(b) A-Frame signs shall not exceed 4 feet in height.

(c) A-Frame signs shall not exceed 8 square feet in area.

3. Display Standards

(a) A-Frame signs may be displayed on a daily basis.

(b) A-Frame signs must be removed during times when the business is closed.

B. Banner Signs

Banner signs shall be permitted subject to the following:

1. Location

(a) Banner signs are permitted in the SA 1, SA 2, SA 3, SA 4, C-1, C-3, C-4, C-5, I-1 and I-2 districts. They are also permitted in the A, A-1, A-2, A-3, B, B-1, SA 5, and SA 6 districts for non-residential uses.

(b) Banner signs shall be no higher than the height of the building or 15 feet above grade level, whichever is lower; and no lower than seven feet, six inches above grade level.

**Commented [EV45]:** Under the current code, A-Frame Signs (sandwich boards) are regulated under “portable signage,” which includes other types of signage that is easily moved. I am proposing to pare this down to A-Frames which can be a positive addition to pedestrian oriented corridors.

2. Size

(a) A maximum of one banner sign is permitted per business.

(b) No banner sign shall exceed 80 square feet.

3. Display Standards

(a) Banner signs shall be displayed for no more than one 30 day period in one calendar year.

(b) If the sign refers to a specific event or occurrence, the sign shall be removed within three days after said event or occurrence.

C. Temporary Residential Signs

Temporary residential signs are permitted without a permit if they conform to the standards listed in this section. If they do not, they are subject to removal by the Village. Temporary residential signs shall be permitted subject to the following:

1. Location

(a) Temporary residential signs are permitted in the A, A-1, A-2, A-3, B, B-1, SA 1, SA 2, SA 3, SA 4, SA 5, SA 6, C-1, C-3, C-4, and C-5 districts.

(b) Temporary residential signs shall be located no closer than 3 feet from the property line. Signs shall also be located at least 15 feet from any other lot, parcel or tract.

2. Size

(a) A maximum of two temporary residential signs are permitted per property.

(b) No temporary residential sign shall exceed 6 square feet in area.

(c) No temporary residential sign shall project higher than 42 inches above the ground level at the base of the sign.

3. Display Standards

(a) Temporary residential signs not associated with an event or sale are limited to 90 days per calendar year.

(b) If the sign is associated with an event or sale, the sign shall not be allowed to be maintained for more than three days after the event, closing of the sale or rental of the property.

**Commented [EV46]:** This category refers to any temporary sign on residential property. This could be a for sale sign, a political sign, a youth sports sign, construction sign, or a yard sale sign. Due to Reed v. Gilbert, the regulations have to be content neutral. There will not require a permit, but will be subject to removal if they do not conform.

**Commented [EV47]:** This was initially a maximum of one sign, but was changed to two after input from PZED.

**Commented [EV48]:** Limiting these to 90 days if not associated with a sale or event because they could be political in nature, associated with a sports season, or something along those lines. I don't think these signs should require a permit but they should be subject to removal if they do not comply.

~~DIVISION 2. RESIDENTIAL DISTRICTS~~

~~Sec. 42-112. Applicability.~~

~~This division shall apply to signs in residential districts and only those classes of signs specified in this division shall be permitted in those districts; provided, however, that signs identified as unregulated in section 42-3 are also permitted in residential districts.~~

~~(Code 1964, § 31 8(a); Ord. No. 1983 12, 6 27 1983; Ord. No. 1990 8, 2 12 1990; Ord. No. 97 32, 6 23 1997)~~

~~(Code 1964, § 31 8(b); Ord. No. 1983 12, 6 27 1983; Ord. No. 1990 8, 2 12 1990; Ord. No. 97 32, 6 23 1997)~~

~~Sec. 42 114. Real estate Signs.~~

~~Real estate signs shall be permitted in residential districts subject to the following:~~

- ~~(1) *Area and number.* There shall be not more than one such sign for each lot, parcel or tract. No sign shall exceed six square feet in area. In computing the area of a real estate sign, the structural supports adjacent to and coterminous with the sign face, if any, shall be considered part of the display and thus of the sign surface area.~~
- ~~(2) *Height.* No sign shall project higher than 42 inches above the ground level at the base of the sign.~~
- ~~(3) *Location.* No sign shall be located closer than 15 feet to any other lot, parcel or tract.~~
- ~~(4) *Removal.* Signs shall not be allowed to be maintained for more than three days after the closing of the sale or rental of property.~~

~~(Code 1964, § 31 8(c); Ord. No. 1983 12, 6 27 1983; Ord. No. 1990 8, 2 12 1990; Ord. No. 97 32, 6 23 1997)~~

~~Sec. 42 115. Parking area signs.~~

~~Parking area signs shall be permitted in residential districts, subject to the following:~~

- ~~(1) *Area and number.* Signs designating parking area entrances or exits are limited to one sign for each such exit or entrance and to a maximum size of four square feet each. In addition, one sign designating the existence per parking area and limited to a maximum size of four square feet shall be permitted.~~
- ~~(2) *Height.* No sign shall project higher than seven feet above the ground level at the base of the sign.~~

~~(Code 1964, § 31 8(d); Ord. No. 1983 12, 6 27 1983; Ord. No. 1990 8, 2 12 1990; Ord. No. 97 32, 6 23 1997)~~

~~Sec. 42 116. Church identifications signs.~~

~~Church identification signs shall be permitted in residential districts, subject to the following:~~

- ~~(1) *Area and number.* There shall be no more than one sign per lot, parcel or tract. No sign shall exceed 30 square feet in area.~~
- ~~(2) *Height.* No sign shall project higher than seven feet above the ground level at the base of the sign.~~
- ~~(3) *Location.* No sign shall be located closer than 15 feet to any other lot, parcel or tract.~~

~~(Code 1964, § 31 8(e); Ord. No. 1983 12, 6 27 1983; Ord. No. 1990 8, 2 12 1990; Ord. No. 97 32, 6 23 1997)~~

~~Sec. 42 117. Religious, educational and civic group changeable copy signs.~~

~~Church, religious group, school and civic group changeable copy signs shall be permitted in residential districts, subject to the following:~~

- ~~(1) *Area and number.* There shall be no more than one sign per lot, parcel or tract. No sign shall exceed 30 square feet in area.~~
- ~~(2) *Height.* No sign shall project higher than 72 inches above the ground level at the base of the sign.~~
- ~~(3) *Location.* No sign shall be located closer than 15 feet to any other lot, parcel or tract.~~

~~(Code 1964, § 31 8(f); Ord. No. 1983 12, 6 27 1983; Ord. No. 1990 8, 2 12 1990; Ord. No. 97 32, 6 23 1997)~~

~~Sec. 42 118. Temporary signs.~~

- ~~(a) *Generally.* Temporary signs shall be allowed for a period not to exceed 30 days. If the sign refers to a specific event or occurrence, the sign shall be removed within three days after said event or occurrence.~~
- ~~(b) *Construction signs.* In connection with the construction or remodeling of a building, there shall be permitted one sign not exceeding eight square feet in area. Construction signs shall be removed within two weeks after completion of the work indicated. Construction signs shall not be illuminated.~~
- ~~(c) *Rummage or garage sale signs.* Temporary signs erected in connection with a rummage sale or garage sale shall be permitted in residential districts limited to one sign not exceeding eight square feet in area, and no such sign shall continue to be used for more than three days. Rummage and yard sale signs shall not be illuminated.~~

~~(Code 1964, § 31 8(g); Ord. No. 1983 12, 6 27 1983; Ord. No. 1990 8, 2 12 1990; Ord. No. 97 32, 6 23 1997)~~

~~Sec. 42 119. Prohibited advertising signs.~~

~~Notwithstanding any other provision of this division, any sign, permanent or temporary, which advertises one or more products or services are prohibited in all residential districts except for signs advertising the sale of real estate located upon the lot for sale, garage or rummage sale signs located on the premises of the garage or rummage sale, or construction signs located on the premises being built or remodeled.~~

~~(Code 1964, § 31 8(h); Ord. No. 1983 12, 6 27 1983; Ord. No. 1990 8, 2 12 1990; Ord. No. 97 32, 6 23 1997)~~

~~Sec. 42 120. Setback requirement.~~

~~No sign shall be located closer than ten feet to any other lot, parcel, or tract.~~

~~(Code 1964, § 31 8(g); Ord. No. 1983 12, 6 27 1983; Ord. No. 1990 8, 2 12 1990; Ord. No. 97 32, 6 23 1997)~~

~~Secs. 42 121 – 42 138. Reserved.~~

~~DIVISION 3. COMMERCIAL DISTRICTS~~

~~Sec. 42 139. Applicability.~~

~~This division shall apply to signs in commercial districts and only those classes of signs specified in this division shall be permitted in those districts.~~

~~Sec. 42 140. Wall signs.~~

~~Wall signs shall be permitted in commercial districts subject to the following:~~

- ~~(1) *Location.* All wall signs shall be located within, or shall not extend more than 12 inches from the wall of any building; and any sign attached to the wall of a building shall be attached in such a manner that the face of the sign is substantially parallel to such wall and shall not include any message on that portion of the sign extending from the building. The maximum overall vertical dimension of wall signs shall be four feet.~~
- ~~(2) *Height.* Wall signs shall be no higher than the height of the building or 15 feet above grade level, whichever is lower; and no lower than seven feet, six inches above grade level. Any sign which projects~~

again not greater than 12 inches from the face of the wall shall be at least seven feet, six inches above grade level.

(Code 1964, § 31-2(a); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)

Sec. 42-141. Freestanding signs.

Freestanding signs shall be permitted in commercial districts subject to the following:

- (1) ~~Number.~~ Only one such sign per business establishment shall be permitted.
- (2) ~~Location.~~ Freestanding business signs shall be permitted in front yards only. No freestanding business sign may be erected on, over, or within five feet of any public right-of-way.
- (3) ~~Height.~~ Freestanding business signs shall be no higher than 35 feet above the curb level.

(Code 1964, § 31-2(b); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)

Sec. 42-142. Window signs.

Window signs shall be permitted on commercial districts, provided that the sum total of all window identification and window promotional signs shall not exceed 40 percent of the total area of the windows in which they are located. A series of windows which are separated by frames and supporting material less than six inches in width shall be considered as a single window for the purposes of computation.

(Code 1964, § 31-2(c); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)

Sec. 42-143. Real estate signs.

Real estate signs shall be permitted in commercial districts subject to the following:

- (1) ~~Area and number.~~ No such sign erected upon property in any commercially zoned district by the terms of village zoning regulations shall exceed 16 square feet in area. No such sign erected upon property in any industrial zoned district by the terms of village zoning regulations shall exceed 32 square feet in area. There shall be not more than one such sign for each lot, parcel or tract, except that on a corner lot one such sign is permitted for each of two intersecting streets. Further provided that where parcels exceed 50 lineal feet in street right-of-way frontage, one sign may be permitted for each 50 foot frontage, or fraction thereof; however, the number of such signs permitted shall not exceed a total of three in number.
- (2) ~~Height.~~ No sign shall project higher than 72 inches above the property line.
- (3) ~~Location.~~ Freestanding signs shall not be located less than ten feet to any other lot, parcel or tract. Wall signs shall not infringe on any adjacent lot, parcel or tract.

(Code 1964, § 31-2(d); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)

Sec. 42-144. Area and size of signs.

The total aggregate area for all permanent freestanding, wall, and window identification signs on any single parcel of property shall not exceed two times the lineal front footage of the principal display side of the property

and no single freestanding wall or window identification sign shall exceed in any event an area of 100 square feet, total face area.

~~(Code 1964, § 31-2(e); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)~~

~~Sec. 42-145. Business signs at automobile service stations.~~

~~In addition to other signs permitted under this chapter, the following signs accessory to automotive service stations are permitted:~~

- ~~(1) Racks for the orderly display of cans of engine oil may be located on or at the ends of each pump island.~~
- ~~(2) Two tire racks (not more than eight feet in length, six feet in height and five feet in depth) for the purpose of displaying new tire casings shall be permitted for each gasoline or tire service station. Such racks shall comply with all setback and yard requirements. Such racks shall only advertise the products contained thereon. Such racks must be enclosed after closing of business.~~
- ~~(3) Items for sale on the premises can be displayed within 25 feet of the property line, provided that said display must comply with all applicable fire regulations. Products may be displayed under pump island canopies or between pumps within the area of the pump island base.~~

~~(Code 1964, § 31-2(f); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)~~

~~Sec. 42-146. Awning and canopy signs.~~

~~Awnings and canopy signs shall be permitted in commercial districts subject to the following:~~

- ~~(1) There shall be established a minimum of seven feet of clearance from ground level to the lowest element of the awning or canopy sign.~~
- ~~(2) Neither the body of the awning or canopy nor its supports shall be allowed to project more than five feet from the wall of any building; however, in no case shall such projection be permitted to infringe on any adjacent lot, parcel or tract.~~
- ~~(3) Lettering, numbers, symbols, characters, trademarks, and the like appearing upon the body or apron of any awning shall not exceed 18 inches in height.~~
- ~~(4) There is hereby established a limit of one line of letters and numeric characters permitted upon any awning or canopy.~~
- ~~(5) No use of symbols, characters, trademarks, pictures or similar illustrations or pictorial representations shall be permitted as any matter of right under the terms of this subsection, except as may be allowed on the line of permitted lettering.~~
- ~~(6) The top of any awning or canopy, including its structural elements, shall be no higher than the height of the building or 15 feet above grade, whichever is lower.~~

~~(Code 1964, § 31-2(g); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)~~

~~Sec. 42-147. Temporary signs.~~

~~Only the following classes of temporary signs shall be permitted in commercial districts, subject to the following:~~

- ~~(1) There shall be permitted a maximum of one sign at any one time during any period, and no limit on the number of periods per year, provided the total amount of calendar days shall not exceed 90 days in any calendar year. No sign shall be erected to be in conflict with the location restrictions of this chapter.~~
- ~~(2) In connection with the construction or remodeling of a building, there shall be permitted one sign not to exceed 16 square feet in area. Said sign shall be removed within two weeks after completion of the work or structure indicated.~~
- ~~(3) Temporary signs erected in connection with a particular event shall not be erected more than 30 days before said event. In addition, such signs shall be removed within three days following the event.~~
- ~~(4) All other temporary signs shall be allowed for a maximum of 30 days unless otherwise specifically provided in this chapter.~~
- ~~(5) Temporary signs shall not exceed 16 square feet in area and shall not be illuminated.~~

~~(Code 1964, 5-31-2(h); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)~~

~~Sec. 42-148. Portable signs.~~

~~(a) Portable signs erected in connection with a grand opening or similar event, are permitted in commercial districts as follows:~~

- ~~(1) One such sign shall be allowed for each lot, parcel or tract not exceeding eight square feet in area, where the length does not exceed the perpendicular height by a factor of two, or perpendicular height does not exceed the width by a factor of two. The sign shall only be displayed during the hours of operation of the business holding the permit and shall meet all other regulations of this chapter regarding location and placement.~~
- ~~(2) One such sign shall be allowed for each lot, parcel or tract not exceeding 32 square feet in area, where the length does not exceed the perpendicular height by a factor of two, or perpendicular height does not exceed the width by a factor of two. The sign shall be permitted for a maximum of four periods in each calendar year; each such period shall not exceed 15 calendar days in length.~~

~~(b) No portable signs shall be in conflict with location restrictions of section 42-61.~~

~~(Code 1964, 5-31-2(i); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)~~

~~Sec. 42-149. Window promotional signs.~~

~~Non-illuminated temporary sale signs in windows shall be permitted.~~

~~(Code 1964, 5-31-2(j); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)~~

~~Sec. 42-150. Projecting signs.~~

~~Only one sign per wall shall be permitted and not to exceed two on a corner building. The area of the sign is not to exceed 50 square feet, and no sign shall extend to a height greater than 25 feet from the ground to the top of the sign, nor shall any sign be lower than 13 feet from the ground to the bottom of the sign. Signs are not to extend higher than the roof of a building except in the case of one-story buildings; signs may exceed the roof height by two feet.~~

(Code 1964, § 31-2(k); Ord. No. 1983-12, 6-27-1983; Ord. No. 1989-29, 6-29-1989; Ord. No. 1990-8, 2-12-1990; Ord. No. 97-32, 6-23-1997)

~~Secs. 42-151 – 42-168. Reserved.~~

- Requiring the removal of non-conforming signs after a business closes

#### ARTICLE V. - NONCONFORMING SIGNS

Sec. 42-169. - Continuation conditionally authorized.

All signs representing existing businesses legally in existence on the effective date of the ordinance from which this chapter is derived that are not in compliance with the intent of this chapter and which exist in a structurally safe and sound manner, shall be termed legal nonconforming signs uses and may be continued only as provided in this chapter.

(Code 1964, § 31-12(a); Ord. No. 1983-12, 6-27-1983)

Sec. 42-170. - Lapse, discontinuance or abandonment of nonconforming status.

Whenever a nonconforming sign structure use of a sign has been discontinued or abandoned for a period of ~~six consecutive months~~ 30 days, or when the corresponding commercial use has discontinued its operations at the subject premises, the non-conforming sign structure shall be removed. or whenever there is evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not, after being discontinued or abandoned, be re-established; and the Subsequent businesses' signs on the property shall use of the sign hereafter ~~shall~~ be in conformity with the regulations of this Code.

(Code 1964, § 31-12(b); Ord. No. 1983-12, 6-27-1983)

Sec. 42-171. - Normal maintenance permitted.

Normal maintenance of a nonconforming sign is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.

(Code 1964, § 31-12(c); Ord. No. 1983-12, 6-27-1983)

Sec. 42-172. - Structural alteration, enlargement or extension prohibited; exception.

No structural alteration, enlargement or extension shall be made for a nonconforming sign, unless the alteration is required by law or the alteration will actually result in the elimination of the nonconforming use.

(Code 1964, § 31-12(d); Ord. No. 1983-12, 6-27-1983)

Sec. 42-173. - Damage to or destruction of nonconforming sign.

- If a nonconforming sign is damaged or destroyed by any means to the extent of 50 percent or more of its replacement value at that time, the sign can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of this Code.
- In the event the damage or destruction is less than 50 percent of its replacement value, based upon prevailing costs, the sign may then be restored to its original condition and use until the nonconforming sign is otherwise abated by the provisions of this Code.

**Commented [EV49]:** Currently, non-conforming signs are permitted to remain until abandoned or discontinued for a period of six months. I am proposing to change that period of time to 30 days. This means that both obsolete signs need to be removed within 30 days, but also if the sign structure does not conform to the code (i.e., a pole sign that is too tall, or too large), it cannot be used again and will need to be removed.

- (c) In either event, restoration or repair of the sign must be started within a period of six months from the date of damage or destruction and diligently pursued to completion.
- (d) In every case, the reconstructed sign shall conform to the building and electrical codes in force at the time of its reconstruction, except where such sign is in a condition which causes a peril to the public health, safety and welfare. If the sign exists as a peril, the Chief Building Inspector ~~code enforcement officer~~ can order repair or removal by the owner immediately.

(Code 1964, § 31-12(e); Ord. No. 1983-12, 6-27-1983)

Sec. 42-174. - Expiration of nonconforming status.

Notwithstanding any provision of this article to the contrary, all legal nonconforming signs shall comply with the following provisions:

- (1) Within one year following the effective date of the ordinance from which this chapter is derived, all legal nonconforming signs shall be brought into compliance with the provisions of section 42-57 regarding the intensity of illumination. All illuminated signs shall not produce more than 30 foot candles of illumination four feet from the sign.
- ~~(2) Upon the transfer of business property, all nonconforming signs shall be brought into compliance with this chapter within six months following the date of title transfer of the property, unless the sign is intended to be used without alteration and does not become an off-premises nonconforming sign.~~
- (3) No conforming sign shall be erected on the same premises with an existing nonconforming sign until the nonconforming sign has been removed or made to conform. However, in commercial centers, the fact that one particular business or activity has a nonconforming sign will not prohibit another business or activity on the same premises from erecting a conforming sign.

(Code 1964, § 31-12(f), (g); Ord. No. 1983-12, 6-27-1983)

Secs. 42-175—42-201. - Reserved.

ARTICLE VI. ~~VARIANCES~~ AND HISTORIC SIGN DESIGNATIONS

Sec. 42-202. - Authority to grant; required findings.

The village board, by ordinance, may vary the regulations of this chapter, provided the board makes a finding of fact based upon the standards hereinafter prescribed that the application of the letter of the regulations of this chapter will create practical difficulties or particular hardships for the applicant and will not result in harm to public health, safety and welfare. The village board may also grant historic sign designations to allow for the protection and continuance of obsolete or non-conforming signs that reflect the historic character of the Village of Brookfield.

(Code 1964, § 31-11(b)(1); Ord. No. 1983-12, 6-27-1983; Ord. No. 89-58, 12-7-1989; Ord. No. 2006-64, 9-11-2006)

Sec. 42-203. ~~Application for Variance.~~

Applications for variations may be filed by any person having a proprietary interest in property. Such applications for variations ~~shall be filed with the village code enforcement department and shall forward a copy of the same to the planning and zoning commission without delay. The application shall be in such numbers of copies, be in such form and contain such information as the village board may prescribe from time to time, but~~ shall in all instances contain the following:

**Commented [EV50]:** The requirement that signs be brought into compliance within 6 months of transfer of property is difficult to enforce. The strict removal of non-conforming signs after 30 days of vacancy should assist with bringing things into compliance.

**Commented [EV51]:** Removing repetitive information – the variance process is discussed elsewhere in the code.

- (1) The name and address and telephone number of the applicant and the owner of the property in question and the owner of the business, if different;
- (2) Street address of the property in question and legal description of the property in question;
- (3) A concise written statement explaining the nature of the variation being sought, or the sections of this chapter which the variation is being sought, and the extent of the sign's compliance with the standards set forth; and
- (4) Photographs or scale drawings as may be appropriate to explain the nature of the sign or to explain the need for the variation.

(Code 1964, § 31-11(b)(2); Ord. No. 1983-12, 6-27-1983; Ord. No. 89-58, 12-7-1989; Ord. No. 2006-64, 9-11-2006; Ord. No. 2013-69, § 15, 12-16-2013)

~~Sec. 42-204. Public hearing.~~

~~The code enforcement department shall refer the application for variation to the village planning and zoning commission for the purpose of holding a public hearing thereon pursuant to the rules for public hearings provided in this chapter and by state law. Following the hearing, the planning and zoning commission shall transmit to the village board a written report giving its findings as to the proposed variation and giving its recommendations for action to be taken by the president and board of trustees.~~

~~(Code 1964, § 31-11(b)(3)(A); Ord. No. 1983-12, 6-27-1983; Ord. No. 89-58, 12-7-1989; Ord. No. 2006-64, 9-11-2006; Ord. No. 2013-69, § 16, 12-16-2013)~~

~~Sec. 42-205. Fees and other costs.~~

- ~~(a) Before filing with the planning and zoning commission any notice of appeal from or application for review of any ruling or action of the village manager or other official designated by the village board under this chapter, or any petition by one or more property owners for any change in the regulations established under this chapter, such appellant, applicant, or petitioner filing same shall pay to the village manager the sum provided in the village fee schedule for an appeal or application for review of any ruling.~~
- ~~(b) The appellant, applicant, or petitioner filing each petition shall be responsible for the publication of required notices of public hearings in connection with said petition prescribed by this chapter and the full costs associated therewith.~~
- ~~(c) In addition to the fees set forth with regard to a petition, the village shall require an applicant to deposit an additional sum of money with the village for the actual cost of the processing of the proceedings excluding the time, facilities and supplies incurred or utilized by fulltime village employees. When the village manager or his designee should reasonably believe that the costs likely to be incurred by the village or costs previously incurred exceed seven hours of secretarial time, five hours of transcription time or involve additional costs for attorneys or other personnel, the village manager or his designee shall require the applicant to deposit or pay a sum of money anticipated to cover the actual increased costs of the village. If, at the conclusion of the hearing, all of the funds deposited have not been expended, the applicant shall receive a refund of such unexpended additional deposit. If additional funds above the level of the initial deposit have been or are about to be incurred, a further deposit may be required. No hearing shall be scheduled, or, if scheduled, shall proceed until the amount of the deposit or payment has been made for any hearing which has been scheduled until the provisions of this section have been complied with.~~
- ~~(d) No filing fee or deposit shall be required for motions or petitions hereunder initiated by the village board or the planning and zoning commission.~~

**Commented [EV52]:** Removing this information because it is the same process as a regular variance, so this section is repetitive information.

~~(Code 1964, § 31-11(b)(3)(B); Ord. No. 1983-12, 6-27-1983; Ord. No. 89-58, 12-7-1989; Ord. No. 2006-64, 9-11-2006; Ord. No. 2013-69, § 17, 12-16-2013)~~

Sec. 42-206. Standards for Variance.

- (a) *Existing signs.* With respect to existing signs, a variation from the regulations of this chapter shall not be granted unless evidence is presented that:
- (1) Because of unusual circumstances concerning the signs in question, the strict enforcement of the regulations as set forth in this chapter would impose an undue hardship on the applicant.
  - (2) The proposed variation would not merely serve as a convenience to the applicant but will alleviate some demonstrable hardship not generally applicable to other properties.
  - (3) The waiver of any of the provisions of this chapter would not have a detrimental effect on any other nearby property, or to the general public.
  - (4) The proposed variation is in harmony with the spirit and intent of this chapter.
- (b) *New signs.* With respect to the erection of new signs, a variation from the regulations set forth in this chapter shall not be granted unless evidence is presented that:
- (1) The proposed variation will not be materially detrimental to other nearby property;
  - (2) Notwithstanding the benefits, the property in question will suffer some demonstrable and irreversible hardship if made to conform to the strict letter of this chapter;
  - (3) The alleged hardship has not been created by anyone presently having a proprietary interest in the property; and
  - (4) The proposed variation is in harmony with the spirit and intent of this chapter.

(Code 1964, § 31-11(b)(4); Ord. No. 1983-12, 6-27-1983; Ord. No. 89-58, 12-7-1989; Ord. No. 2006-64, 9-11-2006)

Sec. 42-207. Variance Procedure and Appeal to Village Board.

The procedure for sign variances shall follow the same procedure for zoning variances, which is outlined in Section 62-759 of the Village Code. All appeals from decisions of the village planning and zoning commission shall be directed to the village board who shall have final authority.

(Code 1964, § 31-11(b)(3)(C); Ord. No. 1983-12, 6-27-1983; Ord. No. 89-58, 12-7-1989; Ord. No. 2006-64, 9-11-2006; Ord. No. 2013-69, § 18, 12-16-2013)

Sec. 42-208. – Application for Historic Sign Designation

Applications for historic sign designation may be filed by the owner of the property on which the sign is located. These applications shall include the following:

- (a) Written history of the sign and explanation of its significance to Brookfield’s history
- (b) Maintenance plan for the sign’s upkeep with contact information for responsible party
- (c) Plan for reconstruction or removal if the sign becomes damaged and/or hazardous

Sec. 42-209 Standards for Historic Sign Designation

In order to receive designation as a historic sign, a sign must meet the following criteria:

(a) Age – The proposed sign must be a minimum of 15 years old.

(b) Significance – The proposed sign must possess significant and historic value to the Village of Brookfield.

(c) Design – The proposed sign must possess unique physical design characteristics such as configuration, message, color, texture, materials, illumination, etc.

Sec. 42-210 Procedure for Historic Sign Designation

(a) An application for historic sign designation shall be filed by the owner of the sign (or property at which the sign is located) with the Village Planner four weeks in advance of the proposed Planning and Zoning Commission meeting.

(b) The petitioner shall comply with the same public noticing requirements as are required for a variance.

(c) At the Planning and Zoning Commission meeting, the commission shall receive sworn testimony and evidence pertaining to the request for historic sign designation and any objections thereto. Within 30 calendar days after the conclusion of the public hearing, the Planning and Zoning Commission shall render its recommendation for consideration of the Village Board.

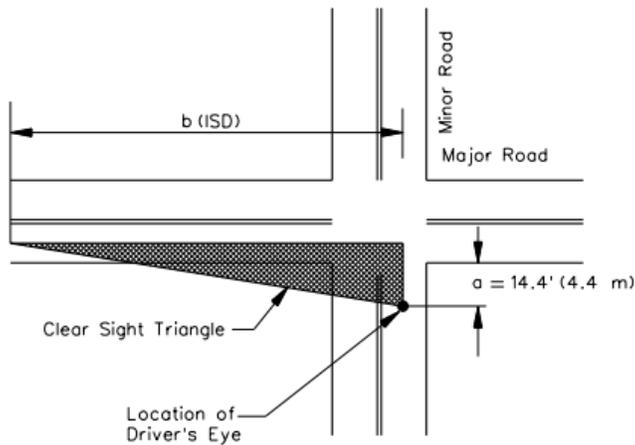
(d) The Village Board shall act on the request for historic sign designation.

(e) Historic sign designation shall be made effective in ordinance form.

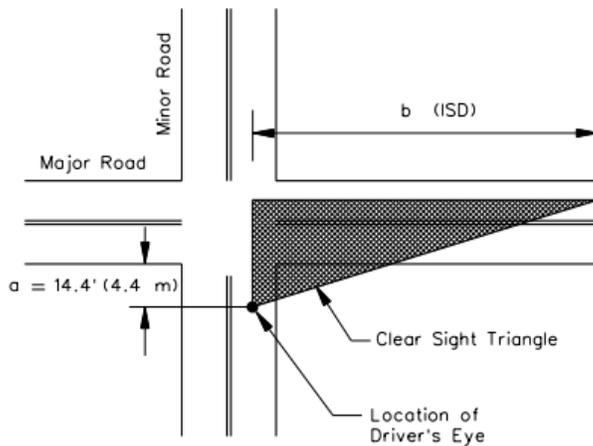
**Commented [EV53]:** May need to change PZC section of the Village Code to include Historic Sign Designation as a responsibility.

# APPENDIX A – EXAMPLE SIGHT TRIANGLE ILLUSTRATIONS

Below are examples of sight triangles from other ordinances. As part of the recommendations section on page 15, the Village should create an illustration of our own to incorporate into the sign code for both public streets as well as private driveways.

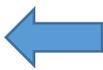


CLEAR SIGHT TRIANGLE FOR VIEWING TRAFFIC APPROACHING FROM LEFT



CLEAR SIGHT TRIANGLE FOR VIEWING TRAFFIC APPROACHING FROM RIGHT

Fig. 1 – IDOT Sight Triangle Illustration  
<http://www.idot.illinois.gov/assets/uploads/files/doing-business/manuals-split/design-and-environment/bde-manual/chapter%2036%20intersections.pdf>



**Figure 10-6-6-1 Visibility Obstruction**

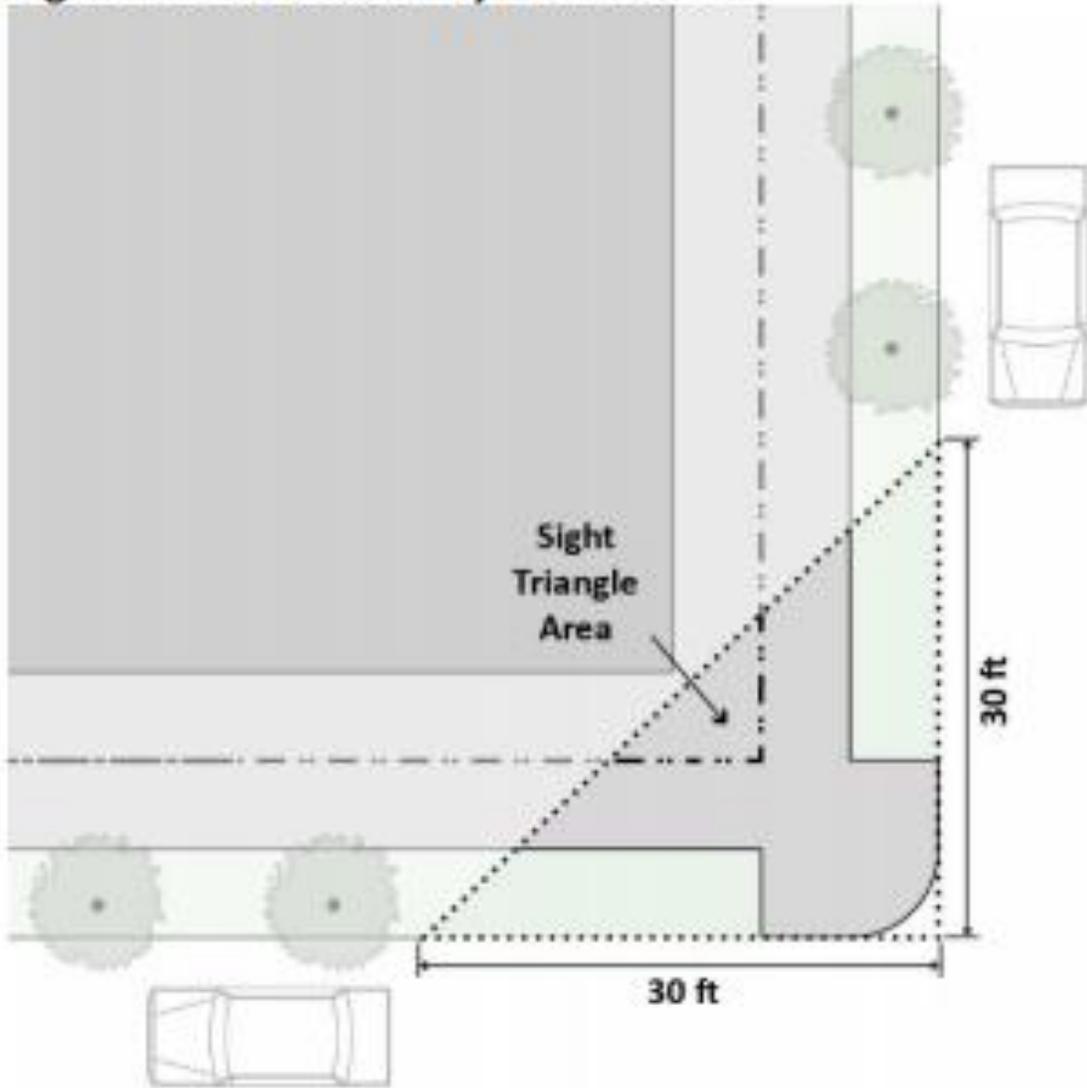
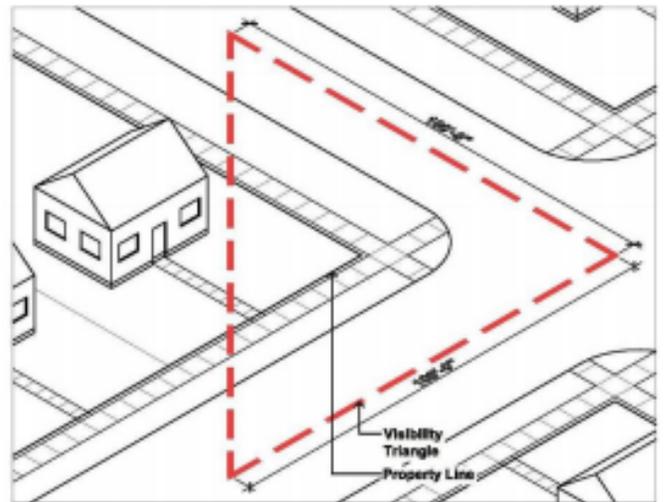


Fig. 2 – Sight Triangle Illustration from Bensenville Sign Ordinance  
<https://www.cmap.illinois.gov/documents/10180/0/ZO+v7+-+Final.pdf/bc46a9e1-4616-d3f9-4132-cbbf09de98cc>

4. On a corner lot, no freestanding sign over two (2) feet tall may be placed within the clear sight area. The clear sight area, as defined in Chapter 25, Article 1, Section 8 of the Village Code, is a triangle with one (1) point at the intersection of the intersecting streets' centerlines, and the other two (2) points located on each street's centerline one-hundred (100) feet away from the intersection of said centerlines. The clear sight area is illustrated below.



15



Fig. 3 – Clear Sight Area Illustration from Oak Park Sign Ordinance

<https://www.oak-park.us/sites/default/files/zoning/2016-09-sign-code.pdf>

# APPENDIX B – BEST PRACTICES AND OTHER RESOURCES

Included in this section are articles, best practices, and resources that were used to gain insight on how to update a sign ordinance.

# Best Practices in Developing Sign Regulations

BY DR. DAWN JOURDAN, DR. ERIC STRAUSS AND MADELINE HUNTER





# TABLE OF CONTENTS

1	INTRODUCTION	13	METHODOLOGICAL APPROACH
2	EXECUTIVE SUMMARY	14	SURVEY RESULTS
4	BEST PRACTICES	19	CONCLUSION
8	THE ROLE OF CITIZEN PARTICIPATION IN THE DEVELOPMENT OF ZONING REGULATIONS	20	REFERENCES

## INTRODUCTION

A wide variety of community stakeholders has an interest in ensuring that sign codes are crafted in such a way as to allow for the free flow of speech while preserving community character. These stakeholders may include businesses, sign companies, graphic designers, historic preservationists, traffic safety specialists, environmental quality advocates, and chamber of commerce types, among others. Including interested parties in efforts to develop and revise sign codes can help ensure that the resulting regulation embraces the best available technologies and business practices of the time in an effort to promote the economic vitality of local business districts.

**This report seeks to:**

- 1 explore** best practices in citizen participation practices revolving around the development or amendment of sign codes
- 2 evaluate** the experiences of communities who have revised their sign codes in the last 10 years
- 3 establish** best practices for improving the sign code development process

# EXECUTIVE SUMMARY

Many stakeholders need to be involved in the development of sign codes in urban and rural areas. Economic viability, free speech and community character can all be protected and enhanced when representatives of public and private organizations work with citizens to use best practices and technology to enact regulations. Public participation on all phases of decision making is important to ensure that governmental regulation works well.

## **PARTICIPANT SURVEY**

A survey of 17 communities undertaken as part of this study described the following characteristics about the results of the sign code revision process. A variety of questions were asked of planners about sign code revisions. An overview of the results are as follows:

- » Most communities have not had a major sign code revision within the past 20 years. Minor revisions are more common.
- » Codes are amended because external issues (new forms of messaging or changes in legal framework) or internal concerns (large numbers of variance requests or revision of a related document) caused the start of the process. External issues were the most common reason for changes.
- » Existing codes were revised rather than new ones created.
- » Sign codes were revised separately from any revisions to a zoning ordinance.
- » Sign code revisions did not usually relate to off-premise signs.
- » The process for sign code revisions was begun by local government.
- » Communities established task forces to help to give advice on sign code revisions. Task force membership included elected officials, city staff, neighborhood groups, business owners and sign-industry representatives.
- » The planning commissions and governing bodies all responded favorably to proposed language of sign code revisions.
- » Generally, there is low public participation when sign codes are adopted or revised.
- » Smaller amendments to the code take four to six months to complete while major revisions may take up to two years to finish.
- » There were no major interruptions in the sign code revision process. Occasionally, brief delays were initiated by the local government to analyze legal issues.

## SUMMARY OF BEST PRACTICES

Based on the results of literature review and participant interviews, the study identified the following best practices to use when governments contemplate the revision of sign codes:

- » Use visual depictions to illustrate sign codes.
- » Revise zoning ordinances and sign codes at the same time to ensure that development and signage are compatible.
- » Develop in-house expertise in sign regulation to provide continuity of implementation.
- » Be aware of changes in legal decisions and technology.
- » Use an abundance of variance requests as a trigger to indicate a time for revision.
- » Work with a variety of stakeholders from the public and private sectors to create multiple opportunities for citizen participation.
- » Organize the stakeholder advisory process in advance with a predetermined number of meetings on specific subjects so as to avoid delays.
- » Avoid widespread use of moratoria on sign types.

### CITIZEN PARTICIPATION

The methodology to determine these best practices is based on literature on the subject of citizen participation. Academic research on the subject finds that decisions on stakeholder involvement should be made at the start of the process to develop regulations. Generally, the more citizens that are involved, the greater the chances that the plan will be implemented. In the field of signage and wayfinding, citizen participation often reveals a mismatch between economic viability and sign regulations. Public notice, while required by official policy, provides for stakeholder involvement only at the end of the revision process. This could discourage citizen participation or cause opposition to the change by those who feel they were not consulted.

There are a variety of tools available to planners to increase the level of participation. These include public workshops and forums, visualization tools such as GIS, hand-sketching and photo manipulation as well as on-line tools such as surveys. If these efforts are not properly managed by guidelines and policies, engaging stakeholders can be counter-productive to the sign revision process.

Finally, a review of the methodology shows that planners are most successful in a sign code revision when they consider the character of the community as a way to balance various interests involved in this environment. **Creation of an advisory committee will increase the chances of successful involvement by stakeholders.**

# BEST PRACTICES

Based on the input gathered as a part of this study, the following best practices are offered to help city planners design, facilitate, and implement successful sign code revision processes.

## REVISE THE CODE WITH ZONING REGULATIONS AND INCORPORATE (IF POSSIBLE)

Zoning regulations and sign codes are often separate documents that are prepared and revised separately. In many instances, the choice to separate is based on a belief that the two are unrelated. This view fails to recognize the relationship between signs and land uses.

Signage is a vital part of all commercial uses and should be considered as such as plan commissions and city councils make zoning decisions.

Other communities address the two types of regulations separately because of a belief that dealing with sign issues is contentious and may impede the passage of more comprehensive zoning ordinances that have been deemed most important.

As a result, sign ordinances are often very disconnected from the regulations that shape urban form.

In the worst-case scenario, sign regulations are infrequently updated and stymie the needs of those who seek to advertise their businesses.

Planners should work to integrate sign regulations to the zoning code to ensure that development types and sign types are compatible.

## DEVELOP IN HOUSE EXPERTISE IN SIGN REGULATION

When the time comes, most communities are quick to hire a consultant to revise sign codes. Their expertise is invaluable in translating new developments in the law and advances in sign technology. However, the mentality that a consultant is necessary to lead such processes often slows the frequency with which revisions are made. Community planners must not be afraid of leading these processes.

Local expertise is available. Sign makers and designers are trained with specialized

knowledge about the visual landscape. Business owners, realtors, and members of the Chamber of Commerce understand the economic value of commercial signs.

The planner's job in this context is to learn who might contribute to these important conversations.

## LOOK FOR THE INDICATORS THAT NECESSITATE REVISION

### CHANGES IN LAW

Given the underpinning of sign law in the United States Constitution, legal decisions can have a significant impact on the elements of sign codes.

Planners and city attorneys alike must follow cases that challenge municipal regulations of signs. The outcome of these decisions may have a significant impact on the contents of the code.

The *Reed v. Town of Gilbert* U. S. Supreme Court decision, for example, changed the way communities are allowed to name signs. By law, cities may

regulate signs by sign type, not by content or name. This opinion should be embraced as an opportunity to revisit local sign codes given that most definition sections of sign codes, for example, are likely in violation of the decision.

Information about changes in the law are widely available through non-profits and trade organizations like: the International Sign Association (signs.org), the Sign Research Foundation (signresearch.org), and the American Planning Association (planning.org), among others.

### CHANGES IN TECHNOLOGY

Those in the advertising industry are in the constant pursuit of new ways to help their clients capture a share of the economic market. As new materials and technologies are generated, design professionals embrace ways to incorporate them in advertising schemes. Inventions in digital technologies, for example, have changed the ways signs convey information.

Given the pace of growth in the areas of materials and technologies, city planners must stay abreast of the inventions that will likely necessitate modifications to sign codes.

For example, planners should be deeply interested in autonomous vehicle

technology and its potential impact on urban form and signs.

Advanced interest and knowledge development in these areas will reduce the anxiety many communities experience when these new technologies are presented to them.

### ABUNDANCE OF VARIANCE REQUESTS OR USE OF APPEALS PROCESSES

One of the best indicators for knowing that it is time to update a sign code is the frequency with which requests are made by applicants who seek to deviate from the code. Often, these requests are viewed as applicants simply wanting more than they are allowed. However, if an increased number of requests are being made, especially if they are concentrated in particular areas, this means that the requests may be a product of neighborhood change. These requests should send a message to planners and local politicians that codes must be modified to support those changes.

In the alternative, many communities will use other procedures that allow them to skirt codes entirely. In one Midwestern community, for example, business owners commonly use the Planned United Development (PUD) process to negotiate more favorable sign regulations

with local governments. While permissible, this tool can be abused and result in decisions which favor certain landowners over others.

### RECRUIT A DIVERSE ARRAY OF STAKEHOLDERS

All citizens, whether they know it or not, have specialized knowledge about signs. These installations help them navigate communities and attract them to patronize one store over another. The planner's job is to make as much of the public appreciate this knowledge as possible, drawing citizen participants to the planning process.

### CREATE A MULTITUDE OF OPPORTUNITIES FOR PARTICIPATION

The traditional public meeting process is a relic of the past. While the law still requires that these meetings occur, planners are aware of the multitude of other tools available for garnering public input. This may include the creation of ad hoc committees. These committees bring together interested parties to have in depth conversations that may inform the sign code.

Field trips to places the city seeks to emulate are also important participatory tools. Sometimes seeing a place and talking to community leaders elsewhere will inspire the development of more inventive codes.

On line participation efforts may also be the way of the future, allowing those who would not otherwise travel to city hall to inform policy.

In all instances, due process requirements of notice and hearing must be followed to ensure the viability of the codes arising from these endeavors.

## VISUALIZE REGULATIONS

Sign codes have long followed the tradition of zoning regulations. These regulations are often devoid of visual depictions of the attributes regulated.

Even more than zoning, signage is a visual activity. Just as a passerby needs to see a sign to navigate the urban landscape, so too, a person reading a code benefits from a photograph or a drawing example of what is permissible and what is not. In fact, implementation of this regulation may have the most impact for all groups involved in the sign code revision from stakeholders to governmental organizations.

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes are presented in both words and clearly drawn diagrams and other visuals.

### Signage and the 2010 ADA Standards for Accessible Design

### 307 Protruding Objects

#### 307 Protruding Objects

307.1 General. Protruding objects shall comply with 307.

307.2 Protrusion Limits. Objects with leading edges more than 27 inches (685 mm) and not more than 80 inches (2030 mm) above the finish floor or ground shall protrude 4 inches (100 mm) maximum horizontally into the circulation path.

**EXCEPTION:** Handrails shall be permitted to protrude 4½ inches (115 mm) maximum.

**Advisory 307.2 Protrusion Limits.** When a cane is used and the element is in the detectable range, it gives a person sufficient time to detect the element with the cane before there is body contact. Elements located on circulation paths, including operable elements, must comply with requirements for protruding objects. For example, awnings and their supporting structures cannot reduce the minimum required vertical clearance. Similarly, egress windows, when open, cannot encroach more than 4 inches (100 mm) into circulation paths above 27 inches (685 mm).

#### Figure 307.2 Limits of Protruding Objects

307.3 Post-Mounted Objects. Free-standing objects mounted on posts or pylons shall overhang circulation paths 12 inches (305 mm) maximum when located 27 inches (685 mm) minimum and 80 inches (2030 mm) maximum above the finish floor or ground. Where a sign or other obstruction is mounted between posts or pylons and the clear distance between the posts or pylons is greater than 12 inches (305 mm), the lowest edge of such sign or obstruction shall be 27 inches (685 mm) minimum or 80 inches (2030 mm) maximum above the finish floor or ground.

**EXCEPTION:** The sloping portions of handrails serving stairs and ramps shall not be required to comply with 307.3.

#### Figure 307.3 Post-Mounted Protruding Objects

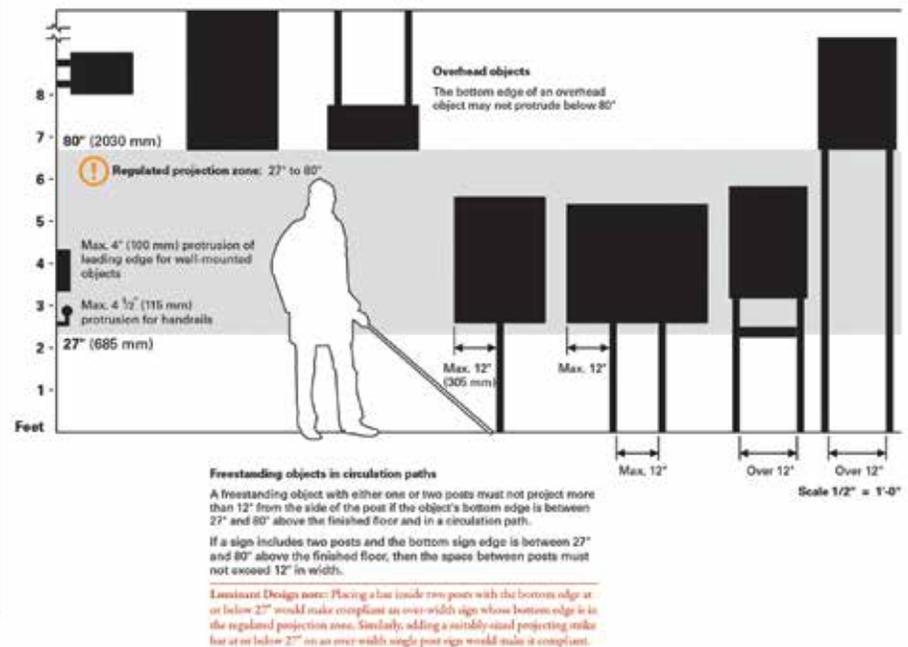
307.4 Vertical Clearance. Vertical clearance shall be 80 inches (2030 mm) high minimum. Guardrails or other barriers shall be provided where the vertical clearance is less than 80 inches (2030 mm) high. The leading edge of such guardrail or barrier shall be located 27 inches (685 mm) maximum above the finish floor or ground.

**EXCEPTION:** Door closers and door stops shall be permitted to be 78 inches (1980 mm) minimum above the finish floor or ground.

#### Figure 307.4 Vertical Clearance

307.5 Required Clear Width. Protruding objects shall not reduce the clear width required for accessible routes.

Summary diagram for 307 Protruding Objects



An excellent example of this is a study prepared by Luminant Design in 2011 entitled *Signage and the 2010 ADA Standards for Accessible Design*. Sometimes communities are reluctant to be “so specific.” However, courts have found that these types of studies or guides are perfectly accessible as inspiration for design, rather than a requirement to be duplicated.

Communities should embrace the advances brought to zoning by the drafters of form based codes who have successfully created models to visualize land use activities.

### EXPEDITE PROCESSES AS MUCH AS FEASIBLE

The planning process can take a significant amount of time. On average, the process for amending or adopting a new sign code takes six months to a year. It is difficult to keep the attention of stakeholders for periods any longer than this.

Efforts must be made to streamline these processes without sacrificing dialogue. The best way to accomplish this is through advance organization of the stakeholder process. Planners must aggressively recruit stakeholders to participate well in advance of the first meetings. In addition, the planner should outline the tasks of the group assembled and provide homework

and consistent updates to participants.

This might include hosting meetings on the following topics:

1. The value of signs
2. Issues necessitating the revision of the current code
3. Tour of signs: “the good, the bad, and the ugly”
4. Review of peer community sign codes
5. Fieldtrip to a peer community with good signs
6. Visualization of impacts of regulations on sites

Efforts to streamline the process will keep stakeholders engaged and ultimately positive about the final outcome.

### KEEP MOVING THROUGH DELAYS

Things come up that will modify the timeline of a code revision. The pendency of the *Reed* case, for example, slowed a lot of communities’ efforts to consider and reconsider sign code provisions. These events should not slow the momentum of ongoing efforts. There is plenty of work to do that can be undertaken as communities wait for court decisions, for example. These events can also be utilized as motivators for education that might not otherwise occur.

### MORATORIA SHOULD BE USED SPARINGLY

The advent of new sign types can sometimes result in over-reactions by communities who are concerned about potential impacts on the urban landscape. The entry of electronic message boards, for example, into the sign market caused a number of cities across the nation to adopt moratoria on sign applications involving this new means of communications. While temporary in nature, these moratoria resulted in a significant amount of delay for those seeking new ways to advertise their businesses.

As technology will always drive invention in this area, communities should follow emerging trends and work with local and national experts to prepare to embrace these inventions as they occur.

# THE ROLE OF CITIZEN PARTICIPATION IN THE DEVELOPMENT OF ZONING REGULATIONS

Citizen participation in the development of sign codes is not well documented. This review seeks to fill the gap in the participation literature as applied to the development or revision of sign codes. A review of the general literature in this field will provide clarity on the role of citizen participation in the planning process generally, the evolution of participatory planning practice, and best practices in the field.

## LADDER OF CITIZEN PARTICIPATION

In 1969, Sherry Arnstein created *A Ladder of Citizen Participation*. The ladder demonstrates the various degrees of possible citizen involvement in local decision-making, starting at the bottom rung where citizens are merely consulted about decisions made to the highest rung of the ladder where the citizens themselves spearhead decision-making.

Arnstein suggests that the level of citizen participation should not be the same for every decision made, rather processes should vary by the type and importance of the action to be taken.

The author challenges local decision makers to decide up front how much participation should be solicited on a given matter and from whom. For instance, in some cases, consultation with groups or the public at large may be

sufficient for getting input to inform decision-making. This type of process might be appropriate in instances where final actions are significantly limited by resource or legal constraints, i.e. the law requires a specific course of action with little discretion left to the local governing body. In other cases, opportunities for more comprehensive participation may be appropriate.

It is the mandate of the local government to make decisions that promote the general public health, safety, and welfare. Decision-making at this scale requires efforts to get to know how the community feels about the issues affecting them.

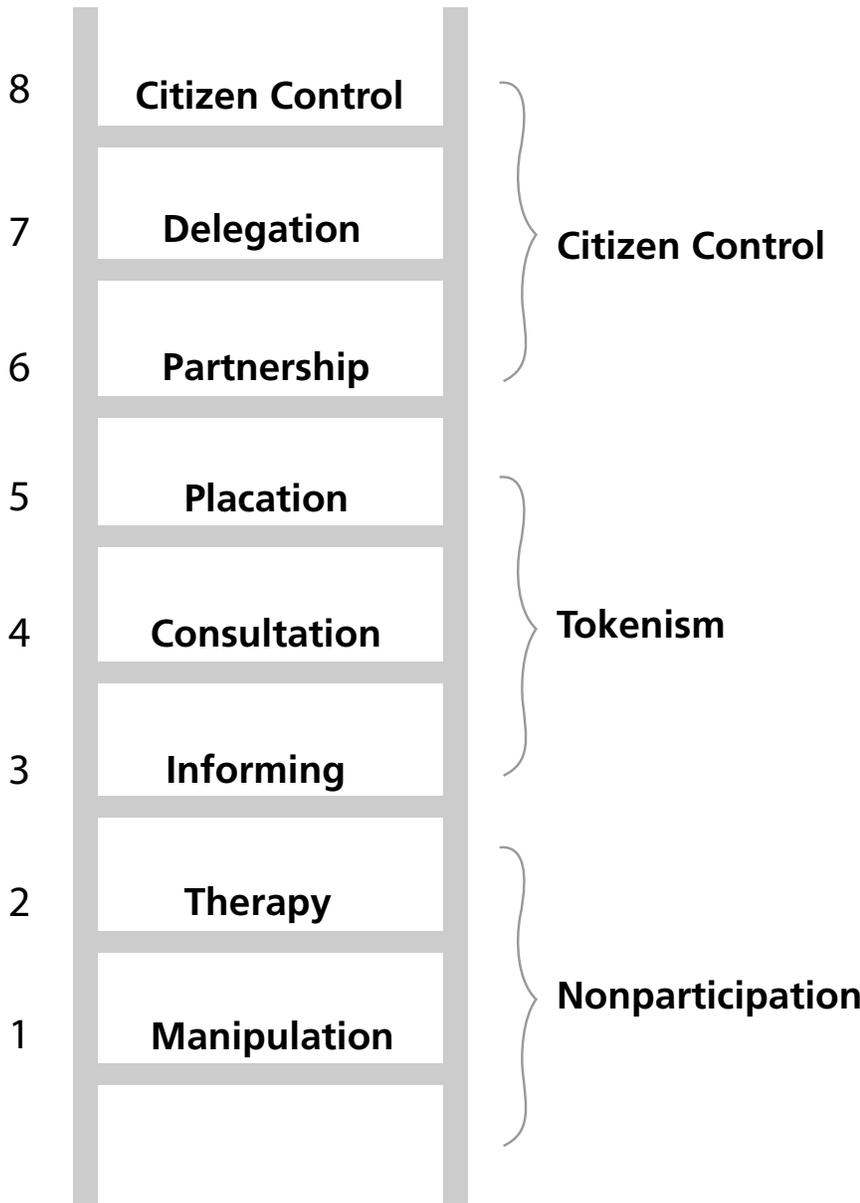
As such, city planners are compelled to reach out to the community when setting the visions that will inspire new policies. If the citizens envision a community where the economy is robust,

planners must work with constituencies to dissect the concept so that local policies support those goals, rather than hindering them.

Those who work in the field of signage and wayfinding might be quick to point out that there is often a mismatch between the goal of economic viability and sign regulations that makes it difficult for some businesses to compete for attention in the marketplace.

Since Arnstein published her infamous ladder of citizen participation, there has been significant discourse about the role of citizen participation. It is a well-accepted principle in planning practice that inviting a variety of stakeholders to share in decision-making is one of the best ways to ensure the likelihood that a plan will be supported and implemented (Burby, 2003).

However, there are a number of barriers to effective and



### Arnstein's Ladder (1969)

#### Degrees of Citizen Participation

meaningful participation. Often the public is given little notice about efforts to modify sign codes. While state law typically requires publication of efforts to modify codes in local newspapers, even those interested in the topic often fail to learn about such changes in time for them

to participate (Jorden and Hentrich, 2003). Many learn about proposed modifications at the very end of the process when such modifications are being considered by city councils. Gaining knowledge about proposed changes at this point may stymie the desire to participate or, in

the alternative, incense those who believe they should have been consulted beforehand. In the case of the latter, these stakeholders may band together to prevent the adoption of such ordinances at the final adoption hearing.

As most cities have learned, merely adhering to the requirements of public notice is not sufficient for cities who seek to have sign codes that are supported and implemented in the long run.

#### PARAMETERS FOR PARTICIPATION

When designing participatory processes to support the creation or the amendment of a sign code, planners must carefully consider the degree to which stakeholder participation is important to the planning process.

It is the planner's job to map out the participatory process from the identification of participants, to the setting of the meetings, to the intended results of the process.

According to Brody et al, the choices planners make with respect to these issues significantly impact the resulting level of participation of participation by stakeholders (Brody, Godschalk, & Burby, 2003).

Diversity in the design of participatory techniques is the factor that contributes to the greatest growth in

participation. For example, public workshops and forums often increase the numbers of groups participating while formal public hearings drew fewer participants.

Brody et al suggest that local governments prepare written plans outlining their approaches for participation that include clearly stated objectives in the early stages of planning (Brody, Godschalk, & Burby, 2003).

Governments should also include programs that target relevant stakeholders, using a range of techniques and providing stakeholders with a full range of data and information.

The authors conclude: **These actions, which are within the power of the planning profession, can make a major difference in ensuring authentic participation, as well as increasing public understanding of, and support for, comprehensive planning** (Brody, Godschalk, & Burby, 2003: 261).

Because there are many possible ways to execute citizen participation it is important to investigate these options.

### **VISUALIZATION TOOLS**

In the late 1990's Chicago's Pilsen neighborhood utilized visualization tools to better include citizens in the planning process (Al-

Kohmany, 1999). They found that the use of GIS, hand sketching by an artist, and photo-manipulation greatly improved the experience for both the citizens and professionals involved. The citizens were able to come away from the process with a better understanding of the project, and they had a much more energetic role in the development of the plan. The artist's drawings and GIS tools allowed citizens to be more involved in the early stages of the project, and photo-manipulation proved more useful later on. The designers incorporated the citizens' ideas much more easily. The use of visualization tools also allowed citizens to be highly involved without much technical education (Al-Kohmany, 1999).

### **ONLINE TOOLS**

The use of online tools in the planning process is very prevalent now. The demographic and location of a population can have noticeable impacts on the tools made available (Conroy & Evans-Crowley, 2005). Many people do not have the time or interest to attend a public meeting so using e-government tools can open many possibilities for citizen involvement. Using GIS and the Internet allow for greater interaction.

Information tools were found to be much more common than interaction tools. This

is because information tools take less effort to produce (Conroy & Evans-Crowley, 2005).

While Internet access is widely available now, there are still some people who do not have access. Areas with larger populations are more likely to have access to online tools, and the higher the percentage of minority groups, the fewer tools that were found to be available (Conroy & Evans-Crowley, 2005). The changes that have occurred recently in the implementation of citizen participation demonstrate the exciting possible avenues that should be pursued today.

### **DOCUMENTATION OF EXAMPLES**

There are not many direct examples of the role of citizen participation in sign code development process, but the revision process has been documented by some cities. The focus of most of these reports is on off-premise signs but can be extrapolated for the purposes of this study.

### **PORTLAND, OR**

For instance, the City Club of Portland (1996) conducted a report to examine how the city's sign code and zoning requirements should apply to billboards. A lack of public awareness and support for the issue led to minimal changes in the Sign Code after previous regulations had been invalidated in court in 1985.

The committee members who wrote the report believed that they currently had the support of the citizens on their side. Furthermore, the city had relied too much on involvement from the sign industry when creating previous changes to the sign code. The committee did not describe any citizen participation that occurred in the gathering of their report however. The report concludes with recommendations to the City of Portland regarding billboard regulation that includes significant citizen participation (The City Club of Portland, 1996).

### SAN JOSE, CA

The City of San Jose commissioned a survey about residents' views of billboards and other street signs (Fairbank, Maslin, Maullin & Associates, 2009). They also conducted focus groups and community meetings, but those were not detailed in this report. The survey was conducted online, and residents of the city were asked to "indicate how acceptable they found the particular sign to be" (Fairbank, Maslin, Maullin & Associates, 2009: 4). Most respondents were neutral or positive about outdoor advertising in general, and people were generally more negative about advertisements on historical or residential buildings. People were positive about storefront

or onsite signs (Fairbank, Maslin, Maullin & Associates, 2009). This study broke down how different demographics feel about different varieties of advertising within their city. The city was then able to use this information to make suggestions to how the sign code should be updated.

### EVALUATION OF IMPACT

Evaluating the impact of collaboration with citizens must also be examined. It is often assumed that all citizen participation is good, but sometimes efforts to engage stakeholders can be counterproductive if not properly designed and managed. Cupps (1977) writes *...there is a growing body of data to support the contention that public participation which is automatic, unrestrained, or ill-considered can be dangerously dysfunctional to political and administrative systems* (Cupps, 1977: 478). Problems related to representation, style, and analysis can create major stumbling blocks. There need to be guidelines and limits put in place for citizen participation to be effective.

### VALUE OF PARTICIPATION

That said, meaningful participation in the sign code development process is critical just as it is with the revision of zoning codes. In Lerable's *Planning Advisory Service Report on preparing conventional zoning*

ordinances he writes, "It has been the experience in many communities that the politics of signs are at least as volatile as, but quite separate from, the politics of zoning" (Lerable, 1995: 31). Lerable notes the importance of participation in both instances (Lerable, 1995: 3).

Planners have been engaging stakeholders in participatory activities for decades. Best practices can be garnered by reviewing tools developed as a part of the input processes put in place for comprehensive planning activities.

### GRABOW, HILIKER, & MOSKAL

Grabow, Hiliker, & Moskal (2006) created a guide to assist professionals and students in Wisconsin in understanding their state's Comprehensive Planning and Smart Growth law. The law states that a comprehensive plan must be developed for all changes affecting land use and that there must be written public participation procedure to engage citizens during the entire planning process. The guide dives into a nine-step process of developing a comprehensive plan. After laying the groundwork for the plan, the outcome of citizen participation is discussed.

The guide also stresses that citizen participation, "...is an approach of its own that runs parallel and complementary to the comprehensive planning approach" (Grabow, Kiliker, &

Moskal, 2006: 24 is). It is not a separate step in the process of creating a comprehensive plan, but rather a practice that should run for the duration.

Fourteen commonly used methods for involving citizens are laid out within this guide. Detailed are practices such as direct mail, websites, open houses, citizen advisory committees, and public hearings. The effort required of the planning organization and citizens are discussed for each as well as their effectiveness and appropriate uses. A citizen participation worksheet is included to help officials determine what their citizen participation plan should look like (Grabow, Hiliker, & Moskal, 2006: 49-52).

Participation efforts that inform comprehensive planning processes are intended to yield much more general input than groups gathered together with the intention to modify sign codes.

### CONNOLLY AND WYCKOFF

Authors Connolly and Wyckoff have provided one of the best resources to help communities navigate their sign code (Connolly & Wyckoff, 2011). Their guidebook is comprehensive and includes a discussion of the role of participation in the sign code development process. The authors note that planners must balance the interests of

all those involved. The sign code development process can be simplified if the character of the community is defined beforehand (Connolly & Wyckoff, 2011: 8.3).

The community should be consulted to encourage support and compliance. The authors state, **“A cooperative relationship between the local government, business and residents can do more than any regulations possibly could to reduce the likelihood of litigation and disagreement and to create a pleasant and functional signage environment”** (Connolly & Wyckoff, 2011: 8-8).

Connolly and Wyckoff detail the process of drafting a sign code, beginning with a sign inventory. They recommend the creation of an advisory committee to guide the code development or revision process. The role of the advisory committee, in their opinion, is to help establish community goals and the role of signs in accomplishing those. The planner, then, assumes the responsibility for using this charge as the basis for the modifications made (Connolly & Wyckoff, 2011: 15-3). This guidebook concludes by noting that a good relationship with the community will help ease the sign code adoption.

This study emerges from the authors' commitment to designing and facilitating participatory processes that engage the right stakeholders in meaningful ways. It seeks to understand the events that necessitate revisions of local sign codes and the ways in which U.S. cities of varying sizes undertake those modifications. The study specifically focuses on the role of stakeholder participation in these processes. Based on the study findings, the authors have proposed a series of principles to guide future actions by cities to amend or adopt new sign codes.

# METHODOLOGICAL APPROACH

Building on the literature of citizen participation, researchers conducted a series of interviews with planners across the United States to learn about their experiences, both positive and negative, in the development of sign regulations.

## INTERVIEW QUESTIONS

Planners were asked these questions:

- » How frequently has your city's sign code been modified in the last 25 years?
- » The reasons necessitating such modifications?
- » Did the effort involve the creation of a new code or the revision of an existing one?
- » Was the sign code revised on its own or as a part of a larger zoning code revision?
- » Did the code revisions relate to both on- and off-premise signs?
- » Who initiated the process?
- » Who led the effort to revise the sign code: planners or consultants? Why?
- » Was a task force assembled for review and redevelopment of the sign code? Who determined its membership? Was the sign industry represented?
- » How did the planning commission and City Council respond to the proposed language?
- » Were the public meetings to adopt these ordinances widely attended? By whom? Were their comments incorporated into the final ordinance?
- » How long did the process last?
- » Were there any interruptions to the sign code development process? How were they overcome?

## SAMPLE SELECTION METHOD

For the purposes of this study, the researchers identified 30 cities of varying sizes (small, medium, and large) which have undertaken (on their own or with a planning consultant) the revision of their sign codes since 2000.

Surprisingly few cities, regardless of size, have undertaken major sign code revisions between 2010 and 2017. Ultimately, only 17 communities responded to the researchers' requests for interviews. The reasons for the small sample size are discussed in the analysis that follows. Based on the information gathered, the researchers seek to provide a list of best practices to aid other communities as they contemplate the creation or amendment of local sign codes.

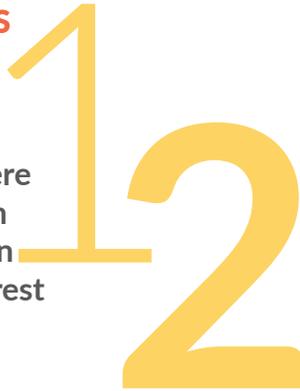
# SURVEY RESULTS

Participating planners were asked to answer twelve interview questions. The answers to these questions are summarized below.

## 1 HOW FREQUENTLY HAS YOUR CITY'S SIGN CODE BEEN MODIFIED IN THE LAST 25 YEARS?

Participating planners were asked when their last sign code revision was made in order to assess local interest in these regulations. This question was asked to determine interest and or reluctance to ensure that the sign code is not obsolete. Many of the planners surveyed responded that the majority of changes to the sign code for which they are familiar have been small and were done on as needed basis, averaging once a year or every few years. On average, most of the communities surveyed had not engaged in a major overhaul of sign codes for more than 20 years. Six cities, including: Denver, Colorado; Morgantown, West Virginia; Beaufort, South Carolina; Mesa, Arizona; Warrenton, Virginia; and Tucson, Arizona, began major revisions to these codes in 2017.

Minor changes and amendments are common for a city to undertake, but a complete renovation of the sign code does not occur with much regularity.



## 2 THE REASONS NECESSITATING SUCH MODIFICATIONS?

Generally speaking, localities amend their codes because either an external issue has made the terms of the ordinance inadequate or because internal issues have interrupted the normal process anticipated by the current ordinance. External issues may include either new forms

of messaging not anticipated by the current regulations or changes in the legal or planning framework in existence when the current sign code was most recently adopted and/or revised. Internal issues could include an increase in the number of requests for administrative relief or a revision of a larger document (e.g. the zoning ordinance) of which the sign code is a part.

The reasons given which necessitated modifications of local sign codes varied among the cities surveyed. Specific issues such as electronic signs, banners, or new districts needing their own code pushed cities to revisit their sign code. Some cities noticed they were issuing a large number of variances and wanted to change the code to reduce the number. The simple realization by local officials that their codes were old and outdated was a significant motivating factor for some communities. Changes in sign technologies also necessitated modifications in some places, particularly bigger cities. Others said that they were seeking clarity within their codes. In some places, updates to zoning ordinances necessitated changes to the sign codes. At least half of the cities surveyed indicated that the *Reed v. Town of Gilbert* U. S. Supreme Court decision was a motivation for changing sign codes. Given the complexity of the urban environment, there remains a constant need to adjust and amend sign codes to embrace modern technologies and advertising needs.

# 3

## **DID THE EFFORT INVOLVE THE CREATION OF A NEW CODE OR THE REVISION OF AN EXISTING ONE?**

When it comes to planning and land use control issues, it is usually easier to amend an existing ordinance rather than delete and recreate language. The cities surveyed were asked if they adopted a new code or revised an existing one. There is often some provision in the current method of control that is either popular or so non-controversial that it does not need any change. This would suggest that a community would determine that it would be relatively uncommon to completely delete an existing code in favor of new and unfamiliar language.

Almost all the cities surveyed indicated that they completed a revision of an existing sign code or adopted amendments to the same rather than creating all new code. A few communities surveyed were in the process of creating new codes. In Morgantown, West Virginia, the city planner said they were undertaking an effort to completely replace the old code. Beaufort, South Carolina revised as existing code while waiting to adopt a replacement code. Using what previous language was still applicable and combining that with some new code is what cities like Warrenton, VA plan to do as a part of their process.

# 4

## **WAS THE SIGN CODE REVISED ON ITS OWN OR AS A PART OF A LARGER ZONING CODE REVISION?**

Since communities usually revise codes rather than create new documents, it is expected that these projects would be easier to formulate and less expensive to accomplish. The question was

asked as part of a general research theme to determine whether sign code revisions were significant enough by themselves to warrant a push for independent change. Because of the particular knowledge associated with a sign code, the level of expertise needed to accomplish this task is greater than one needed for a general zoning code revision.

Nearly every city said the sign codes were revised on their own. Those interviewed explained that these stand-alone revisions were less costly and time consuming to complete. A few cities did a larger zoning code revision prior to addressing changes to the sign code. The planners interviewed explained that these larger, combined revisions of local codes, including sign codes, were necessitated by the complexities of regulating signs.

# 5

## **DID THE CODE REVISIONS RELATE TO BOTH ON- AND OFF-PREMISE SIGNS?**

The U.S. Supreme Court issued a

number of opinions allowing the strict control of off-premise signs by local governments. This question was fashioned as a way to determine the continuing impact of those decisions. The majority of the revisions done pertained to on-premise signs. Planners in Fort Worth, Texas, Mesa, Arizona, and Arlington, Texas indicated that all revisions were focused on premise signs due to the fact that they do not permit off-premise signs with the exception of some billboards. Xenia, Ohio is unique as the code does not recognize a distinction between on and off-premise signs and instead focuses on bulk requirements.



## WHO INITIATED THE PROCESS?

As with any code change, the impetus for such activity can come from within the locality or as a result of a request from an entity outside the local government. The study asked planners who initiated code changes to determine if there was internal or external pressure for change. Because sign codes are complex documents with only occasional impact on the public, the expectation is that there is often little demand for change from outside the government. In addition, the assumption is that industry values certainty and consistency about regulations. These groups would also have little incentive for change.

The process for modifying the sign code was commonly initiated by someone within the city. This was typically a combination of requests from city council or administration and planning staff. Planners in Tallahassee, Florida explained that the sign industry played a role beginning the process. The frequency of variances was a typical driver of internal decisions to revise sign codes.



## WHO LED THE EFFORT TO REVISE THE SIGN CODE: PLANNERS OR CONSULTANTS? WHY?

Since the study assumed that the need for a revision was frequently driven by internal dissatisfaction with the current set of regulations as well as reluctance to view this activity as part of a larger project, it is only natural to suggest that the in-house planning staff would be responsible for the management of the project. This question was designed to test that assumption. Of course, that is predicated on the idea that the staff has the time to undertake such a project as well as the trust of the political decision makers to put forth reasonable assumptions for review and approval. Consultants are often used when there are time constraints or the objectivity of the planning staff may be a cause for concern.

When asked who led the effort to revise the sign code, most cities responded that it was primarily their planning staff. Even within cities that utilized consultants, the city planning staff played a large role in the process. A consultant interviewed stated that it was usually inexperience, lack of time, or a small planning staff that led cities to use them. Planners in Fort Worth, Texas and Tallahassee, Florida said that their legal departments had a role in the process as well. In some cities, consultants were utilized, but even with the extra help, city planners had a large part in developing the new codes.

# 8

## **WAS A TASK FORCE ASSEMBLED FOR REVIEW AND REDEVELOPMENT OF THE SIGN CODE? WHO DETERMINED ITS MEMBERSHIP? WAS THE SIGN INDUSTRY REPRESENTED?**

All planners are taught that involvement of stakeholders is essential to the success of any change in regulations. The application of this principle on a day to day basis can be difficult. This question assumes that interested parties were involved through the creation of a group that was formed to advise the planning staff on all aspects of sign code revision. Establishing a task force is typically the responsibility of the local staff. The question was designed to determine the membership of such groups and indirectly the interests that were advocating or resisting change to the sign code. Beyond the sign industry, the question was asked to discern what other segments of society outside the government were involved.

The creation of task forces appears to be common to local efforts to revise existing or create new sign

codes. Planners interviewed in Pensacola, Florida and Beaufort, South Carolina said that they had assembled a task force to advise them about potential revisions of the sign codes. Membership of these task forces was determined by the city staff or city council members. These task forces were generally comprised of elected officials, neighborhood representatives, business owners, realtors,

and city staff. Planners in Mesa, Arizona explained that their staff contacted people who they knew would be interested in the topic including lobbying groups, industry, and neighborhood groups. All of those interviewed said that the sign industry was represented on the task forces that informed the sign code revision or development process.

# 9

## **HOW DID THE PLANNING COMMISSION AND CITY COUNCIL RESPOND TO THE PROPOSED LANGUAGE?**

One way to validate the responses to the previous question (#8) on stakeholders is to ask about the reaction of the governmental review and approving bodies to the proposed changes in the sign code. If both the planning

commission and the city council were represented on the advisory task force, they were made aware of the process of developing the new ordinance language. It would be very surprising if there was a negative reaction to these recommendations if these groups were active in the discussions concerning their development.

All said that the council responded favorably, and they did not encounter any major issues when the new code language was presented for consideration. Specifically, in Arlington, Virginia, planners presented individual portions of the sign code to the council for feedback before submitting the entire document for consideration and adoption. Those interviewed believed this was critical to the positive reception by the council to the final sign code. Across those interviewed, planners indicated there was a high level of interaction with the planning commission or city council to ensure they were comfortable with the language before the process was too far along.

# 10

## **WERE THE PUBLIC MEETINGS TO ADOPT THESE ORDINANCES WIDELY ATTENDED? BY WHOM? WERE THEIR COMMENTS INCORPORATED INTO THE FINAL ORDINANCE?**

Level and diversity of attendance by stakeholders at public hearings is often a question raised during the adoption or revision of governmental ordinances. In some sense, the formation of the advisory task force can be seen as a substitute for this type of public participation. This question was asked in order to determine if there was an “outside” public demand for change to the regulation. The study assumes that sign regulation

is a technically complex and generally unrecognized form of land use control. Individuals apparently do not often express strong feelings about this issue in public forums. Therefore, attendance at public meetings would, if the process is similar to other planning projects, decrease as the project went from start to finish.

In this study, those interviewed reported low public participation when sign codes were amended or adopted with one exception. A hearing about the amendment of provisions relating to off-premise signs was well attended in Pensacola, Florida. It is important to note that many of those

interviewed could not recall the degree of such attendance unless they occurred in the very recent past. Generally, attendees of these meetings included elected officials, citizens, and representatives from the sign industry. The City of Tucson, Arizona’s public meetings dealing with sign code revisions drew astronomers who monitor illumination levels and the impacts of light pollution on night skies. Planners in Mesa, Arizona recommended that putting materials online for people to see and comment on was a useful approach for enhancing stakeholder participation to inform the sign code amendment or development process.

# 11

## **HOW LONG DID THE PROCESS LAST?**

The length of the participatory process from start to finish varies significantly based on the complexity of the issues being

tackled and the political will to make such changes. Across the board, planners stated that small or mid-sized amendments to sign codes usually took about four to six months to complete. In cases with more complicated issues, amendments took from nine to twelve months to two years from start to finish.

# 12

## WERE THERE ANY INTERRUPTIONS TO THE SIGN CODE DEVELOPMENT PROCESS? HOW WERE THEY OVERCOME?

This question was asked to see if there were any unanticipated delays to the completion of the sign code revision process. The question was also designed to determine if local elections affected the timeline of the project to amend and adopt new ordinances. Over half of the city planners interviewed said there were no major interruptions to the sign code revision process. On occasion, a few cities slowed the process themselves so that the city attorney could review complex legal issues. In Denver, Colorado, the process was also temporarily slowed to engage in additional training with the planning board, but this effort did not significantly delay the process. Planners in Mesa, Arizona were seven or eight months into their revision process when the U.S. Supreme Court decided the *Reed* case, mentioned previously. They put a hold on their planning process until the decision could be fully processed. Overall, most of the planners interviewed did not encounter any major interruptions to the sign code revision or development process.

## ADDITIONAL COMMENTS?

Those interviewed were given the opportunity to offer any other comments they deemed relevant to this research. One planner was surprised to learn that many cities were operating with outdated sign codes crafted in the late 1980s and early 1990s. Many of the planners showed an interest in how the *Reed* decision would

impact sign code development in the future. The planner interviewed from Mesa, Arizona explained that they anticipated changes to their sign code as the city moved to a more form-based approach going forward. In Arlington, Texas, the planner noted the importance of public participation to include as many stakeholders as possible.

## CONCLUSION

It is imperative that a climate is created which allows sign codes to evolve and embrace new technologies and advertising needs. Cities can ensure that good signs are created as a result of such revisions by inviting local experts into conversations relating to code revisions. Better relationships between stakeholders, who are sometimes of differing opinions, will evolve out of planning processes that are inclusive and thoughtfully designed, ultimately leading to sign codes which embrace a well-designed urban landscape.

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# PROFILES OF SIGN REGULATIONS IN MULTIPLE COMMUNITIES AND ENVIRONMENTS

BY: CRAIG M. BERGER





# Table of Contents

## INTRODUCTION TO EFFECTIVE SIGN REGULATIONS

Overview of the attributes and trends that contribute to effective sign codes.

## 2 ATTRIBUTES OF EFFECTIVE SIGN ORDINANCES

## 6 KEY TRENDS IN SIGN CODE DEVELOPMENT

## PROFILES BY COMMUNITY TYPE AND ENVIRONMENTS

Multiple communities and environments are profiled within this report based on their effective sign codes. The communities were selected based on divisions established in the *Framework for On-Premise Sign Regulations* by Alan Weinstein, Professor of Law at Cleveland State University. The unique types of signs were selected for having specialized codes controlled by local communities.

## 10 SUBURBAN COMMUNITIES

## 12 URBAN COMMUNITIES (DOWNTOWNS AND NEIGHBORHOODS)

## 14 HISTORIC AND TOWN DISTRICTS

## 16 CAMPUSES

## 18 DIGITAL SIGNS

## 20 TEMPORARY SIGNS

## 22 WAYFINDING

# Attributes of Effective Sign Ordinances

Successful ordinances can ensure signs that are consistent, legible and reduce visual clutter. Sign ordinances fulfill legal and liability obligations by protecting the safety of the public through proper legibility and compliance with the UCC (Uniform Construction Code) and ADA (Americans with Disabilities Act). They are among the most important regulatory structures controlled by local communities and have a significant impact on the physical environment. Codes complement design and planning guidelines that reinforce community values—balancing the needs of local businesses, the vision for the physical environment, and respect for legal precedent. The following attributes contribute to effective sign codes:

## CREATE BUSINESS GROWTH AND INNOVATION

New technologies—like digital signage, large format printing, and signs integrated into architecture—reshape the way we define a “sign.” Effective regulations are flexible enough to accept new innovations, while focusing on core standards for sign quality and clarity. Nearly 40% of shoppers make quality assumptions of a retail store based on the signs, according to research presented by Dr. James Kellaris of the University of Cincinnati in the Sign Research Foundation’s *Consumer Perceptions of Retail Signage*. Codes that allow for high sign quality and innovation strengthen businesses and make communities more attractive.



Utilizing signs and identity graphics to support economic development is an idea pioneered in the 1980s in Times Square. This approach has been adopted by many cities since, like Beale Street in Memphis.

Existing streetscape with zoning code



- Zoned as an F-1 Parcel, for Commercial use.
- Zoning Regulations governing signs include
  - City of Lansing Zoning Ordinance- Part 14- Building & Housing Code- Title 4- Miscellaneous Building Regulations- Chapter 1442 Signs
  - City of Lansing Sign Permit Application
  - City of Lansing Department of Planning & Neighborhood Development Sign Permit Check List
  - City of Lansing Signs Frequently Asked Questions

## SUPPORT MORE EFFECTIVE SIGNS

Communities should be motivated to develop codes that encourage the production of more creative and engaging signs. Often cities rely on the perceptions of community stakeholders to develop sign codes that may not align with the needs of residents and visitors. Research has been collected on effective signage while maintaining community aesthetics. These resources can provide important objective support for design related decisions.

For example, a study conducted at Michigan State University, *Evaluating Stakeholder Perceptions of Form Based and On-Premise Traditional Signage Codes for Commercial Signage along Streetscapes*, surveyed people on what they felt were the most effective signs in the environment. Many people preferred dimensional and architectural signs including awnings, dimensional letters and projected signs.



Additional reports on effective signs available at [signresearch.org](http://signresearch.org) include:

- *Consumer Perceptions of On-Premise Signage*
- *Economic Value of On-Premise Signage*
- *Signs and the Downtown Experience*

## ABIDE WITH FEDERAL AND FIRST AMENDMENT REGULATIONS

The Supreme Court in *Reed vs. Town of Gilbert* asked municipalities to review their sign codes to ensure a focus on legibility, public safety, environment, and design related regulations and not regulations based on content. The ruling also upheld the lower courts that gave business and institutions the right to place signs on private property, while allowing the community to regulate signs.

More information on the impact of the *Reed v. Town of Gilbert* on sign codes can be found in the transcript of the Supreme Court from the October Term in 2014. A synopsis is available in the research by Wendy Moeller, AICP, *Best Practices in Regulating Temporary Signs*, and the *Analysis of Reed v. Town of Gilbert* conducted by Professor Alan Weinstein of Cleveland State University.



*Reed v. Town of Gilbert* is the primary case of a town being challenged for controlling content on signs. The courts have generally ruled that communities must allow businesses and institutions to identify and direct to their location without interference based on content. Effective and legally permissible codes must be focused on legibility and impact on the environment and not on the message.

Clearview 1-W

Clearview 1-B

Clearview 2-W

Clearview 2-B

Clearview 3-W

Clearview 3-B

Clearview 4-W

Clearview 4-B

Clearview 5-W

Clearview 5-B

Clearview 6-W

Clearview 6-B

The Pennsylvania State University Larsen Institute has developed research on sign legibility that determines how illumination, letter size, contrast and location serves as a foundation for effective sign codes. A 2014 report by Phillip Garvey, *On Premise Sign Research Review*, includes a collection of research in the field.

#### CONFORM WITH LEGIBILITY RESEARCH AND SIGN BEST PRACTICES

There is a body of research on sign legibility for type, iconography, illumination and contrast; both for public safety, compliance with the ADA, and for legibility effectiveness. While federal rulings allow communities to regulate signs by “Time, Place and Manner,” they can be challenged in court for being overly restrictive. In addition, there are a number of best practices and recommendations that have been established by the American Planning Association (APA), International Sign Association (ISA), and Society for Environmental Graphic Design (SEGD) based on legibility research that should be considered in code development.

#### ADDRESS THE CONTEXT OF THE COMMUNITY

There are significant differences in scale, architectural and landscape character in urban and suburban environments, often in the same jurisdiction. An effective sign code would address this context clearly and consistently. Large cities can contain many environments, from low-density suburban to high-density urban areas. Flexibility in addressing these differences is important to successful sign codes.



In 1974, San Diego created code overlays for different parts of the city. This code started the trend in form-based regulations that address the architectural context of a community instead of the main function of the area. More information on sign overlay districts can be found in a Michigan State University report: *Evaluating Stakeholder Perceptions of Form Based and On-Premise Traditional Signage Codes for Commercial Signage along Streetscapes* and in Dr. Alan Weinstein's *Framework for Urban Sign Regulations*.

### MEET SAFETY STANDARDS

Sign codes must balance a number of issues, including public and traffic safety. Approval/permitting by governing bodies often includes compliance with building codes for electrical supply as well as certification of the structural integrity of sign fabrications. Sign placement may require permitting by Departments of Transportation in addition to legibility standards like type size and color contrast.

### FUNDAMENTALLY FAIR

It is no surprise that large companies with trained staff and more experience have an advantage over small businesses when working with regulations. Local or custom sign manufacturers interviewed for this report noted that sign companies often run into challenges dealing with cities that have difficult processes for compliance. Reasonable codes make it easier for smaller organizations to succeed in getting signs approved by having clearly documented approval processes that are minimally influenced by political or public pressure.



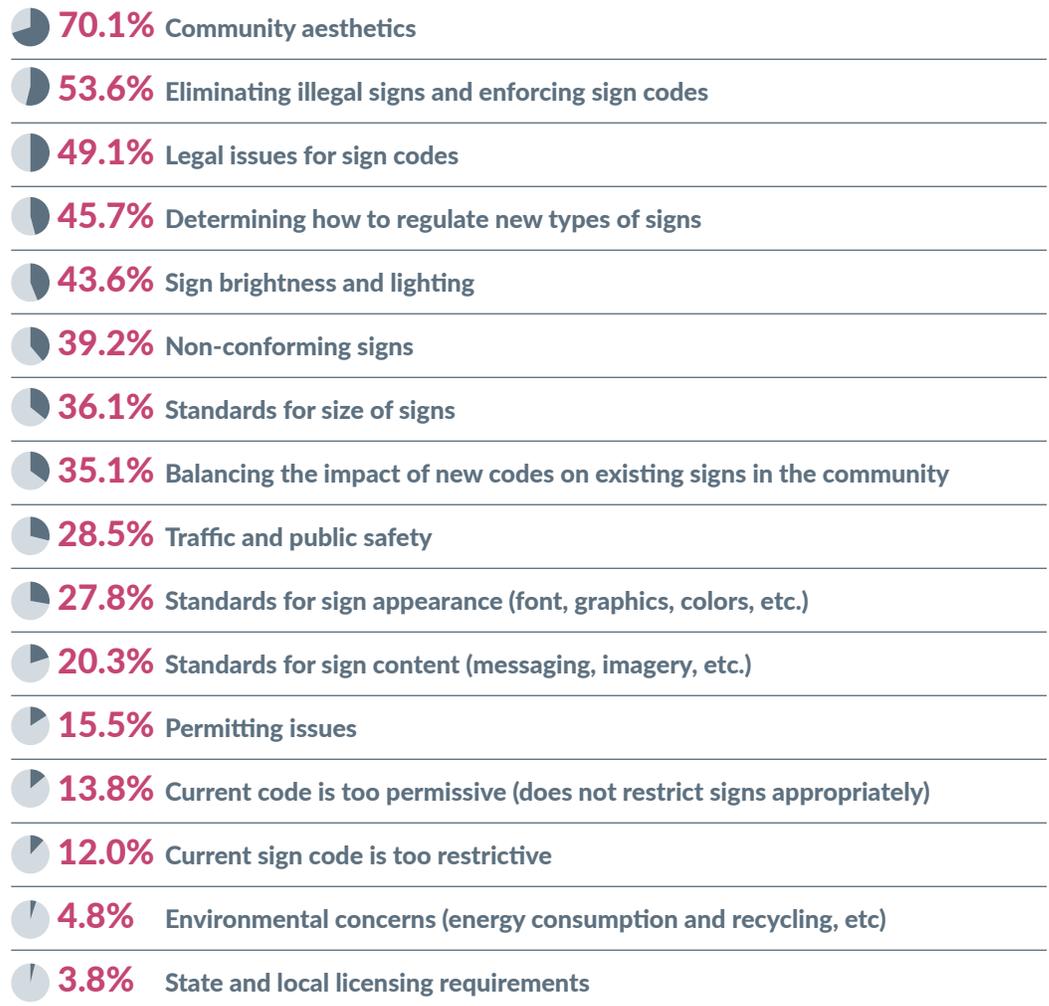
Many sign codes enforce standards that would make signs hard to read, increasing the chance of accidents. The Federal Highway Administration (FHWA) in the *Manual for Uniform Traffic Control Devices* requires wayfinding signs in the same environment to have messages be a minimum text size and contrast for safety reasons. The standards found in the MUTCD and UDA Model Code also are effective for commercial signs.

# Key Trends in Sign Code Development

Planners and city officials face a diverse set of challenges when developing their communities' sign codes. The impetus behind embarking on a rewrite of a sign ordinance can vary based on the community priorities.

In a survey conducted by McKinley Advisors for the International Sign Association, planners were asked about their leading considerations when developing codes.

## TOP PRIORITIES



Buffalo Wild Wings has been a leading company in the development of brand guidelines that use the entire building in order to minimize the official sign footprint found in most codes.



CVS and Walgreens have developed strategies of using interior signs to promote an exterior identity.

### CUSTOMIZED BRAND ENVIRONMENTS

Brand designers have learned to customize the building and sign design of franchised stores and restaurants around the code restrictions of specific municipalities. This means using color, building shape and illumination to turn the building itself into a sign. In addition, designers have learned to adapt to rules on interior and exterior codes by using glass walled buildings with large scale interior signs seen from the outside.



Miami Beach was known for its Art Deco architecture and signage, but now is looking to preserve its more current 1950s and 1960s Moderne buildings. The National Trust for Historic Preservation has encouraged the preservation of buildings from different eras in the same historic district.

### THE 21ST CENTURY HISTORIC DISTRICT

Historic codes used to be focused on 19th century urban conditions that were predominantly pedestrian oriented. These days, historic areas are far more mixed and include driver-oriented commercial strip centers as well as urban areas with warehouse and industrial spaces. Sign code development in these districts is more complex, with wider stakeholder opinions on what makes a valued historic property. Many planners support flexible codes that reflect the changing nature and diversity of these places, while others focus on architectural style and context related to one place and time.

Dark Skies debates have rekindled research on the most effective controls for sign illumination including adjustable internal illumination for signs and facades. Research by the Penn State Larsen Institute, *Internal vs. External On-Premise Sign Lighting: Visibility and Safety in the Real World* has shown that internal illumination is both safer for drivers and improves the control of light.



### SIGN ILLUMINATION CONTROLS

The International Dark-Sky Association, as well as community leaders in suburban areas have advocated for lighting controls on signs to minimize sky glow. A number of towns, particularly in the Southwest, have focused on regulating projected or external illumination lighting systems for signs or dimming light during the late evening hours. Business owners have begun to combat many of these rules based on business concerns showing that dim commercial signs have little impact on sky glow compared to bright street, residential and ballfield lighting.

Large planned communities like Celebration, Florida, have comprehensive aesthetic standards for signs that are available on their web site.



### AESTHETIC LIMITATIONS

Planned mixed use communities often seek extensive controls over commercial signs including typography, color and shape. This is often opposed by businesses that believe that the First Amendment allows them greater freedom over their public messaging, particularly brand icons that are crucial to their visibility. The federal Lanham Act precludes the alteration of a registered trademark as a condition of getting a permit, but the federal courts are split on how it applies to signs (9th Circuit vs 2nd Circuit). While there are no definitive court rulings that prevent aesthetic controls, too many restrictions can discourage business. Often with aesthetic controls come additional layers of approval which should be avoided and or minimized



Construction site commercial signs are among the many new temporary sign types that are the result of improved large format printing technology.

### TEMPORARY SIGN REGULATIONS

Until recently, most urban sign codes did not focus on temporary signs beyond short-term events. Trends and technology have created retail opportunities and challenges. Inexpensive large format printing has allowed for a range of temporary signs from A-frames on urban streets to suburban banners and even inflatable structures. Balancing the need to regulate temporary sign excesses with the freedom to augment permanent signs with temporary messages is an issue planners are wrestling with in code development.

ISA and the Illinois Sign Association in collaboration with Small Business Advocacy Council (SBAC) teamed up to support reforms of the Chicago sign permitting process. The Chicago City Council passed a law streamlining the permitting process and the SBAC estimated that it would reduce the amount of time spent waiting for a permit by 50-80 percent.



### IMPROVED PERMIT PROCESSING

Increased use of online technology has encouraged large and mid-size cities to focus on making it easier to move through the permitting process. This includes developing process tools and other supporting information to make it easier to face permitting review.

In Orange County, California, private establishments reserve some of their digital billboard time to post community messages. More information on digital signage and the sign code can be found in the International Sign Association's Exterior Digital Signage Article Series.



## DIGITAL SIGN CONFUSION

Digital signs are creating a revolution in the sign industry and major difficulties for code officials. Technological innovations are constantly evolving for digital signs and few standards exist. Communities are seeing greater opportunities in digital signs as an outreach vehicle for event and service information, and standards must evolve with technology.

## PERSPECTIVES

### JOHN YARGER, PRESIDENT NORTH AMERICAN SIGNS COMMUNITY TRENDS

National sign companies have a unique perspective on code trends since we are able to see how different parts of the country handle regulations, particularly the code cultures in large cities and regions. There are considerable differences, with some cities actively pursuing innovative approaches and others that need significant updates.

### BEST AND MOST CHALLENGING CITIES FOR CODE DESIGN AND INTERPRETATION

Some large cities and regions have been getting easier to work with over the years. In particular, cities that have a large community of fabricators and planners who collaborate consistently. Los Angeles County is a good example where most of the towns throughout the region have knowledgeable planners and straightforward codes. Areas like this have developed overlays or special codes that meet unique community needs, and use simple language that can be easily interpreted.

The cities that pose a challenge for our company are places that have many areas with unique codes combined with opaque processes. Our company tends to rely on local expertise in these cases. Due to historical development patterns, San Francisco and Miami are examples of cities where we need to have local installer support to expedite the process. Often these cities respond better with face-to-face meetings to move the process forward. If you are not seen as a reputable company with strong code knowledge, it can be challenging to obtain a permit.

### WHAT A MANUFACTURER WOULD LIKE TO SEE IN THE CODES

Most of all, I want to see a code that is filled with diagrams and examples. In addition, the code should be clear about what the town likes to see and what they discourage. Fabricators want to strengthen communities and have it in their best interest to be on the same page as the spirit and the letter of the codes. Using practical language within the code also helps to provide clarity.

I like to see variances allowed with reasonable fees. A \$5,000 variance fee is just too extreme. Along with variances, there should be educational processes for zoning board members to interpret variances on objective grounds, rather than subjective aesthetic opinions.

Finally, planners can refer to research and information from organizations like the ISA and the Sign Research Foundation, particularly on areas like illumination. Lack of knowledge has a brutal impact on interpreting and applying sign codes, particularly for newer technologies, like digital screens.

# Suburban Communities

Suburban communities are oriented predominantly around vehicular transportation, even though they range from high-density commercial corridors in and near large cities to semi-rural areas at the outer edge of metropolitan regions. Suburban sign codes are mainly based in individual municipalities, though there are also county and regional sign codes that reinforce consistent standards across larger areas.

Digital and temporary signs are having a major impact on the suburban visual environment. These signs should be allowed under the code along with a clear enforcement mechanism that allows reasonable and responsible use of these kinds of visual communications.

## HAMPTON, VIRGINIA

Hampton, Virginia, while predominantly vehicular oriented, has a number of districts with different densities and zoning requirements. The code reflects the character and differences between these communities while providing detailed guidance.

### DETAIL STANDARD ORIENTED TO COMMUNITIES

The code is based on community experience, with standards oriented to a wide array of sign approaches including unique building typologies, special conditions like temporary signs and mixed use developments. All of these entities are explained clearly, with guidance integrated into the code itself.

### PERMITTING MANAGEMENT

Different permitting requirements are built into the code oriented around the specific sign types being installed which can be adjusted for both simple and complex signs.



Monroe, Washington, developed comprehensive guidelines that worked in tandem with sign codes. These guidelines articulate a vast array of best practices for signs in different contexts in an area that includes both dense and rural conditions. Strong guidelines like these provide a visual language for the code while establishing a foundation for potential variances. Of particular note in the guidelines is a focus on the integration of architecture and signs, which is becoming much more prevalent in suburban communities.

## GUIDELINES

- Most effective codes include extensive guidelines which articulate best practices for a wide range of signs integrated into architecture including pylon signs, awnings, facades and towers.
- Suburban areas often do not have clear boundaries between jurisdictions. Consistency between an adjacent municipality's sign codes can create more consistent signs on commercial corridors.
- Code standards should reflect the specific legibility standards based on driving conditions. Sometimes these require code overlays for different areas based on speed.
- Variances are common in suburban areas with a wide variety of buildings and developments. While the code should be able to accommodate most sign types, there should be consistent standards for potential variances.
- Suburban areas often do not have professional staff for code review. It is important to incorporate training and education into the code, particularly for areas of interpretation.
- Many businesses purchasing a new sign have little experience in the process. Suburban codes need to provide greater education and guidance to be effective.

## PERSPECTIVES

### TOM BECKWITH, FAICP, PRINCIPAL BECKWITH CONSULTING GROUP

Our firm has developed a number of guidelines including Monroe, Washington, and have found the guidelines are very effective in suburban areas. While the sign industry has been sophisticated when working with codes, our firm has discovered that many small companies employ small local shops and printers that have little knowledge of codes. Specific guidelines provide reassurance that they are on the right track and are meeting community expectations. At the same time, the guidelines can also be used to promote innovative signs that may fall outside of the traditional code structure and require a variance.

When our firm develops a guideline, we start with an analysis by a stakeholder group of planners, sign companies, community officials and the local Chamber of Commerce. We then inventory existing sign practices and survey the community, using visuals, to validate practices that are strongest. Most average people have little understanding of best practices until they see how effectively signs work.

One of the most significant issues that came out of the survey is the need for clutter reduction. This has been very difficult to manage with the large number of semi-permanent and digital signs as well as grandfathered existing signs. Provisional permits work well in these situations so the company can be monitored to see if it is complying with the code.

The guidelines have been effective for new developments. Older existing developments are still a challenge and it could take years for change to occur. In addition, there are new issues like franchise-oriented promotional signs and digital signs that need to be addressed in updated guidelines. Nevertheless, we find the guideline approach allows for communities to produce a benchmark aesthetic while allowing the sign code to remain simple and easy to access.

# Urban Communities (Downtowns and Neighborhoods)

City downtowns and dense neighborhoods are complex environments marked by a mix of transportation options including auto traffic, pedestrian, transit and bicycle use. These areas receive focused attention from planners and community activists, and their view of successful sign systems evolves with their vision of a successful urban environment. The anti-sign era of the 1960s and 1970s has changed to a view that signs can have a significant positive impact on economic development and on promoting freedom of speech if handled properly. At the same time, there have been attempts by some local officials to control new and innovative sign technologies, including wraps and digital signs.

## MEMPHIS, TENNESSEE

Few cities have developed as proactive an approach to downtown sign success as Memphis. Memphis has utilized code innovations from around the country in creating their system. The most important aspect of the sign code is that it extends from a larger streetscape and urban visioning plan for the entire area. By linking signs to the fabric of the greater community, signs are seen as part of a holistic urban vision.



### OVERLAY DISTRICTS

Memphis has multiple overlay districts, reflecting the character of different neighborhoods. Combined with a planning vision for each distinct area, these overlays paint a more expansive picture of how signs meet not only the standard but also the spirit of the code. This is most visible with the Beale Street corridor where illuminated signs play a fundamental role in making the street an important tourist attraction.

### INNOVATION

Additional guidelines and code language promoting new urban innovations include street furniture, illumination, public art and outdoor dining. These important elements complement signs when creating a comprehensive identity for commercial businesses and institutions.

California has been a pioneer in the development of different sign districts reflecting the diversity of urban neighborhoods. San Diego has been innovative in its focus on developing standards for skyscrapers and industrial buildings.



## GUIDELINES

- Urban downtown areas have a wide variety of districts, each with their own unique character, history and density. Successful codes have multiple overlays that call out districts with a specific character.
- As downtowns tend to have higher pedestrian traffic, the importance of strong, visible signage is paramount to the economic vitality of the businesses who pay for that real estate, hoping to catch a customer's attention.
- Downtown codes require an extensive planner-led stakeholder process with wide participation.
- Clutter can be an issue in urban areas. Successful codes address the issue of temporary signs with clear guidelines and enforcement.
- Many urban areas have a more rigorous process for sign permitting. Education becomes crucial, necessitating clear processes for writing a permit and achieving approval.
- Best practices in downtown areas must encompass a wide range of architectural diversity and be updated based on new technologies and trends.
- External illumination plays a larger role in sign lighting than other areas. Codes should focus on building illumination in addition to general sign lighting coverage.
- Digital sign codes are crucial to new codes in downtown areas. They must address digital signs at both the vehicular and pedestrian level and be kept up to date based on changing technology.
- Wayfinding and streetscape guidelines should be clearly articulated in the sign code.
- Proactive cities encourage successful sign practices by promoting easements and financial support (often seen in historic districts grants like Automobile Alley in Oklahoma City featured on page 14) to encourage innovative sign approaches.

## PERSPECTIVES

**R. ERIC JARRELL, ASSISTANT SECTION CHIEF, COMMUNITY PLANNING  
MARLEY BICE AICP, SENIOR PLANNER  
MONTGOMERY COUNTY PLANNING COMMISSION**

The Montgomery County Planning Commission in Pennsylvania offers planning assistance to the County's 62 municipalities. The Planning Commission has created a series of model ordinances to help municipal governments understand development trends and best practices. The Montgomery County Model Sign Ordinance was released in the spring of 2014 as a tool to support municipal efforts to incorporate sign control best practices into local ordinances. Through the model sign ordinance, MCPC has strived to balance the economic value of signage for businesses within our communities while also preserving and improving the visual quality of Montgomery County.

The model sign ordinance was the result of over a year of research and writing. As part of this process, dozens of sign ordinances from around the country were reviewed. In addition, extensive signage case law and planning and signage industry publications were evaluated during the course of writing the model ordinance. Lastly, the model sign ordinance standards were tested by reviewing them with municipal code officials from around the County and performing "field checks" to evaluate the proposed dimensional criteria compared to sign sizes in real life developments. The resulting guidelines have a deep bibliography and an evidence-based approach.

The model ordinance seeks to help municipalities address challenging sign issues such as temporary signs, digital signs, reducing billboard clutter, and creating standards for different types of sign illumination. Model standards were drafted for different character areas that are present throughout the County, such as Main Street areas, village mixed use areas, and rural areas. Having a range of model criteria for appropriate sign types, sizes, and illumination allows individual municipalities to select which character areas are most relevant to their communities. Overall, the Montgomery County model sign ordinance provides guidelines for how to control signs using regulations that fit the context of the parcel size and orientation, zoning district, and community character.

# Historic and Town Districts

Historic districts, usually an overlay on an existing city code, require greater design review. Historic districts are based on interpreting the current historic fabric that can range from a collection of buildings from one time period to an eclectic combination of buildings and uses spanning decades or centuries.

The nature of what is considered historic changes over time. In Philadelphia, preservation of the 18th Century colonial fabric resulted in the destruction of later 19th century industrial buildings. Now the architecture of both eras is treasured. Today modern buildings from the 1960s are finding favor again.



In historic districts, visual examples of best practices are crucial to success. In addition, the district should have a narrative on what it considers to be the historic nature of the place. There should also be room for experimentation, particularly with elements that can be changed easily like displays, awnings and window graphics.

## DENVER, COLORADO

Denver, Colorado, is one of the largest historic cities in the American West with large intact neighborhoods and commercial districts from the 19th and early 20th century. Its sign code focuses on maintaining the historic ambiance of these neighborhoods while accepting that signs can be a strong link between the historic past and current commercial development.

### GUIDELINES AND EDUCATION

Denver has an educational program and guidelines linked to their historic sign code. This includes a clear review of the permitting process and a checklist for completing an application. The guidelines provide an overview on urban commercial signs before delving into specific details.

### FLEXIBILITY

The guidelines contain best practice examples that encourage creativity and experimentation in the development of signs by focusing on scale, materiality, and context as much as prescribing a specific aesthetic.

### MAINTENANCE

The code focuses on ongoing sign maintenance as well as new installations to ensure that signs are being maintained with the same level of attention.

## GUIDELINES

(Excerpt from the Salt Lake City Design Guidelines for Signs in Historic Districts)

- To ensure that all signs within the various local historic districts or on landmark sites are compatible with the special character of the districts.
- To help convey the sense of excitement and vitality envisioned for the historic districts.
- Encourage signs which, by their appropriate design, are integrated with and harmonious to the buildings and sites which they occupy.
- Preserve and improve the appearance of the City as a historic community in which to live and work.
- Ensure that the installation of a sign does not damage the historic fabric, nor detract from the historic character of a historic district or landmark site.



In the last decade, Oklahoma City, Oklahoma has tried to bring back the character of its Automobile Alley National Historic District by providing subsidies for companies that develop new neon signs for the area.



Salt Lake City, Utah, like many cities with early 20th century historic districts, has a historic code that focuses on illuminated signs and overall building illumination as a key component for design review.

# Campuses

Campuses are large-scale developments often managed by a single institution or entity. Examples include office and industrial parks, healthcare campuses, mixed use developments, and universities. Through the planning and design process, campus developers must collaborate with local jurisdictional authorities to establish sign standards that address the greater community needs while enabling their own unique or special visual communications objectives to be met. Signage master plans stipulating any number of criteria like sign type, quantity, size, location, etc., are useful instruments that can establish the level of control by the owner/developer and streamline the design and approval process.

## UTAH STATE UNIVERSITY INNOVATION CAMPUS

Utah State University developed a comprehensive set of guidelines for its Innovation Campus. While signage is a small part of this overall plan, its role is clearly delineated among a series of important steps needed to develop a property and building on the campus.

The Martin Luther King Medical Campus in Los Angeles developed by Gensler has a vision plan showing their expectation for new buildings including signs and graphics. These vision reports are general but play a strong role in creating a visual language that guides future projects.



### ASPIRATIONAL OPENING

The guidelines begin with the aspirations for the program and the quality expectations for any property developed on site. This includes a visual vocabulary of buildings, landscape and sign elements to support these goals.

### PROCESS FOR BUILDING DEVELOPMENT

The guidelines include a complete process for property and building development of which signs play an important part. This culminates in a checklist for complete development and approval.

### INTEGRATION OF SIGN, BUILDING AND PROPERTY

The guidelines combine property and sign design making a clear case that any development should look at the entire property as a whole and not as separate line items.

## GUIDELINES

- In addition to tight guidelines, campuses also contain a vision plan that articulate how the planners would like to see the campus expand over time.
- Codes are comprehensive and contain streetscape, landscaping, gateway, temporary and wayfinding elements, in addition to property sign standards.
- A support design team is often on call to assist with property development.
- Sign standards usually are integrated into complete design standards that include property landscaping and building design.
- Campus design guidelines contain a combination of strict design elements to follow in some areas and allow variations in other areas. These have to be carefully separated.
- Maintenance of signs is important to include in the code to maintain high standards once installed.

## PERSPECTIVES

### BARRY ATWOOD, MANAGER, GRAPHIC DESIGN PROGRAM EMORY UNIVERSITY

Like any major institution, campus codes are completely oriented around reinforcing the brand. My school has a long history reflected in its architecture and landscaping. Developing a strong sign code needs to be an extension of that larger palette. At the same time, campuses must always be forward looking. It is very easy to fall in a design rut where only a limited number of materials and colors are used, even while the campus is changing. We look to best practices from other colleges and consult closely with the architects when we develop an identity for new buildings. Our guidelines can adjust with each new project reflecting the evolution of the school and the refreshing of the brand.

### KELLY HARRIS, LANDSCAPE ARCHITECT PENN STATE

Exterior signage here at Penn State includes types conceived for campus identification, vehicular and pedestrian wayfinding, building identification, educational interpretation, athletics, and donor recognition. Our system integrates consistent color, typography, and visual identity to signal arrival, direct, and inform with the goal of creating a safe, cohesive, and beautiful place. The decisions we make about signage today are legacy ones that will impact the character and aesthetic quality of campus for years to come. For this reason, design and implementation guidelines are important. However, questions about rigid standardization abound. How is technology changing the way people navigate, communicate, and interact? How is social media impacting the efficacy of some sign types? How do we accommodate creativity and innovation without compromising the character of a landscape that may have taken generations to establish? Important questions that should engage researchers and academics.

# Digital Signs

Digital signs have been in the environment for at least 30 years. In the last decade, inexpensive software and hardware systems have put electronic message centers (EMC) within reach of even small companies. Easier access to digital signs has encouraged their rapid expansion in cities and towns, and codes have often not caught up to the technology. From a regulatory viewpoint, this has resulted in cities with few codes around digital signage, or the opposite - extensive restrictions that limit almost all digital elements without an easement.

Columbus, Ohio, now regulates the brightness of EMCs based on extensive research on businesses nighttime illumination at different distances.

## ATLANTA, GEORGIA



Atlanta has moved farther than most municipalities in the creation of a code that covers a few key legibility areas comprehensively. Attributes include:

### CLEAR STANDARDS FOR THE LEGIBILITY OF DIGITAL SIGNS

The code includes clear standards for transition time and brightness. Digital sign square footage standards are similar to static signs.

### DEFINITIONS

Definitions are clearly articulated for different types of digital signs and content change methods.

### BASED ON SAFETY AND LEGIBILITY RESEARCH

The code is founded on legibility research studying luminance and duration of messaging.

### REFERENCE TO MORE CREATIVE DISPLAYS

Special signs, like large screen digital displays with animation, are referred to in the code as part of a more specific easement process.



The best digital sign codes are simple and focused on a small number of issues that have the most impact on the community such as size, brightness and changeability. These codes should also be based on reputable safety and legibility studies.

While many EMCs and digital billboards can be regulated under sign codes, there will always be special cases such as the use of a sign as a public art piece or integration into the building's architecture. While easements should be permitted in these cases, it should not be a reason to use the easement process for all digital signs. In downtown areas, where digital signs are encouraged, a special group within the zoning board can be established to work with businesses and institutions.

## GUIDELINES

(Developed by Deacon Wardlow of Spectacular Media for the International Sign Association)

- Brightness of signs should be measured relative to the ambient light in the area.
- Message changing time should reflect the speed limit and the density of the area. Downtown districts can support more message changeability than residential areas.
- Transition methods regulation should include definitions.
- Message transition should be short (under one second) except in special cases where animation is important. (This can be handled through an easement if the municipality is unclear on animation in their code.)
- The sign area of the EMC should be regulated in a similar way to static signs with the size based on the density or zoning of the urban area.

## PERSPECTIVES

### DEACON WARDLOW, SPECIAL OPERATIONS DIRECTOR SPECTACULAR MEDIA

When it comes to community's view of digital signs, the environment is not positive or negative but more of reactivity and confusion. Most municipalities do not take a stance on the issue of digital signage until they have to and then they scramble to find the right information they need. The *Reed v. Town of Gilbert* ruling has created one major impetus for a new code push, but there are also other instigators like digital billboards and new development. The most positive scenario that forces digital sign codes to the forefront is when a town, school, firehouse or other municipal function wants a digital sign. This is happening more and more as costs come down and the ROI of digital branding becomes more evident.

Unfortunately, there is not a lot out there. Usually a town looks for a model code of which not much exists as a best practice. They also look to organizations like ISA which has done a good job focusing on digital sign issues. I am on the EMC subcommittee at ISA and we have worked hard to tackle digital sign legibility issues in codes. What is really missing, though, are codes that can be adapted to specific town character. A small pedestrian main street does not want to adopt a big city code and large suburban and exurban areas have their own needs.

### MAJOR ISSUES

There are a few key issues that planners should consider when developing municipal sign codes. The first is to develop realistic and measurable goals. For example, some codes use a system of measurement for brightness like candelas per square inch (or nits) which is much more difficult to measure than a more widely understood measure like footcandles.

Another major issue to consider is adjusting the quality of signs based on the specific environment. Some communities limit the size of the displays or require they be integrated into a larger sign. This approach can also allow for variances. My company has pushed using on-premise signs for community purposes like Federal Emergency Management alerts or events. This can be part of the variance process and can be used as a tool to gather community support for digital signs.

Communities should remember to design codes using language that will not be obsolete. Common terms like electronic message centers or even LED signs do not account for technological possibilities including projection and holographic systems. All technologies require visual hardware and software from lighting to LCD screens, so that may be a good start when writing a code.

Finally, seek more than one expert. Trade associations and research organizations are a great starting point but, in addition, planners, fabricators, and officials from other cities can provide different points of view. The digital sign industry is still maturing, therefore, municipalities need to do their homework when developing a code.

# Temporary Signs

Temporary signs cover a diversity of content and approach including political campaigns, construction sites, civic events and commercial promotions. Municipalities struggle with managing these diverse uses in their code and may not always consider new sign methodologies and printing technologies. Effective sign codes recognize that temporary signs have their own nomenclature that requires its own regulatory approach. At the same time, the codes also recognize that temporary signs are central to messaging that is important to the welfare of the community and minimize regulations that can stifle freedom of expression.

One of the leading issues established in the recent Supreme Court case *Reed v. Town of Gilbert* is that municipalities cannot determine the content of speech on signs although other elements, such as “Time, Place and Manner” can be reasonably regulated. This change has resulted in a review of most sign codes across the country to ensure that they are constitutionally-compliant.

## BELLEVUE, WASHINGTON



Bellevue established its temporary sign code to minimize the regulation of small on-premise temporary signs, while carefully regulating signs for special events in areas where there is less property owner control.

### ON-PREMISE SIGNS

Except for a specific square footage requirement, on-premise temporary sign regulations are left open ended, allowing for banners, A-frames, and other systems commonly used for business.

### EVENTS OF A SPECIFIC DURATION

The code focuses its regulatory approach around events of a specific duration including commercial enterprises like real estate sales, construction sites, political campaigns and special events. The regulations allow for larger signs and more variety but structures the timing and material quality. In some cases signs are also given more specific permitting requirements.

### DOWNTOWN OVERLAY

The code recognizes the need to differentiate between downtown signs and signs outside the downtown area where greater square footage is needed.

## GUIDELINES

(From *Best Practices in Regulating Temporary Signs*)

- Make a clear distinction between a temporary sign and a temporary message.
- Evaluate the regulation of temporary signs as part of an overall review of sign regulations.
- Be practical in sign area calculations.
- Consider allowing temporary signs as an interim sign solution.
- Avoid treating all temporary signs the same.
- Consider allowing off-premise temporary signs.
- Visibility issues that apply to permanent signs also apply to temporary signs.



Small resort towns like Seaside Heights, New Jersey, and Traverse City, Michigan, have established elaborate approaches for managing signs for large-scale events and festivals.

## PERSPECTIVES

### DAWN JOURDAN, PROFESSOR AND EXECUTIVE ASSOCIATE DEAN FOR THE COLLEGE OF ARCHITECTURE TEXAS A & M UNIVERSITY

Cities continue to consider the best ways to bring their sign codes in compliance with the Reed decision. Rather than focuses on the content of the speech contained, cities are redrafting their codes on defensible regulations which categorize signs as permanent or temporary or by sign type (e.g. monument, marque, blade signs). Inherent in these new classifications is an understanding of the importance of signs in creating a vibrant economic market place in downtowns and main street areas. This rethinking of signs is resulting in the creation of sign codes that better reflect the character of the areas regulated.

The sign industry is creative. It has embraced technological innovations which are directly impacting the products on the market, from temporary digital signs to projected images on buildings as well as inflatable structures are now. Sometimes, local governments react with blanket bans to this sign types. However, economic vitality dictates that communities don't overreact to these inventions.

It is the planner's job to stay abreast of the newest forms of communication to which businesses will be attracted. Rather than rejecting these sign types in totality, local governments must work with the business community to anticipate these needs and to craft fair regulations that embrace new technologies that will enhance local commercial enterprises.



## GUIDELINES

(Excerpt from the *Urban Wayfinding Planning & Implementation Manual*)

- The Manual for Uniform Traffic Control Devices (MUTCD) has a chapter devoted to sign districts that regulates type, color, information on directional vehicular wayfinding signs in cities and towns. This guidance is enforced by state departments of transportation and does not apply to pedestrian or identification signs.
- Local municipalities can create their own design standards and hierarchy of destinations inside the code guidelines.
- States regulate tourist-oriented destination sign programs (TOD's) which allow for private destinations to have wayfinding signs based on guidelines in the Manual for Uniform Traffic Control Devices.
- Temporary wayfinding signs can be regulated by local codes. Temporary wayfinding signs cannot be regulated based on content.

Pedestrian Example  
(multiple messages /  
non-reflective)



Vehicular Examples  
(3 messages /  
retro-reflective).



## PERSPECTIVES

### JOHN BOSIO, PARTNER MERJE

Municipal wayfinding programs have been on the upswing in the last decade as sign regulations have become more consistent. In particular, more states are developing their own guidelines to provide to their cities and towns. They vary quite a bit between states with some, like North Carolina, Florida and Arizona, taking a leadership role in developing guidelines for the state.

At the municipal level, wayfinding programs initiated by planners have the best opportunity to be integrated into long term codes as opposed to special service districts. The planner-oriented programs are usually integrated into larger streetscape, regulatory sign and banner initiatives that have a stronger chance of being enforced as part of the municipal code.

Lately, our firm has been seeing a trend in suburban and rural areas of multiple towns working together to create regional tourist-oriented sign programs. This is very popular with state DOTs and government officials since they are easier to regulate and fund. They also provide rationality to larger suburban areas. New Jersey, North Carolina and Washington have taken a leadership role here. A project we are currently working on is a redevelopment of the first major regional project in the Brandywine Valley that crosses two states.

## RESOURCES

American Planning Association (APA)

International Sign Association (ISA)

Sign Research Foundation (SRF)

International Downtown Association (IDA)

National League of Cities (NLC)

United States Sign Council (USSC)

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# Sign Ordinance

## Implementation & Compliance





## Introduction

At the October 14, 2014, meeting, the Village Council directed staff to prepare a report about the sign ordinance. This report:

- Provides the Goals & Objectives of the 2005 Sign Ordinance Amendment
- Outlines the major changes included in the 2005 Sign Ordinance Amendment
- Summarizes the results of the ordinance
- Explains the amendments that have been made to the Sign Ordinance
- Shows the relief from the ordinance provided by planned unit developments, variations and administrative adjustments
- Details the Village's enforcement efforts
- Identifies the common concerns about the ordinance voiced by stakeholders

The information in this report is designed to assist the Village Council in determining if further amendments to the sign ordinance should be considered.

## Then



## Now





## Executive Summary

On May 3, 2005, the Village Council approved amendments to the Sign Ordinance that reduced the size and amount of signage permitted to be installed, required landscaping to be installed around freestanding signs, and prohibited certain types of signs including electronic copy signs. The amendment also established an amortization period that required all signs to comply with current regulations by May 4, 2012, which was later extended to May 5, 2014.

Enforcement of the compliance deadline is a High Priority Action Item for 2014. The enforcement efforts have resulted in a significant reduction in the amount of signage in the Village and a reduction in “sign clutter” particularly evident along Ogden Avenue.

Since the adoption of the Sign Ordinance in 2005:

- The Village Council has amended the ordinance 6 times.
- The Village Council has approved sign variances 7 times as part of planned unit developments.
- The Zoning Board of Appeals has considered 45 sign variation petitions and has granted 28 variations (62% approval rate).
- Village staff has approved 3 administrative adjustments for signs that do not meet the minimum required setback.

As of the date of this report, nearly 95% of all properties with signs are in compliance with the Sign Ordinance. Seventy four properties that are not in compliance are taking steps to comply and 38 properties have not made an attempt to comply. The Village has established a prioritized enforcement strategy designed to address all remaining non-compliant signs within the next 12 months.

Many property and business owners have expressed concerns about the ordinance to Village staff. The following are the three most common comments made to staff.

**No “Grandfathering”** Customers express concerns that they must spend money and time bringing their signs into compliance and would like the existing non-conforming signs to remain in place until they plan to replace the signs.

**Reduction in the Amount of Signage Permitted** The ordinance allows less total signage than the previous regulations. Customers express concerns that they must reduce the amount of total signage on their property.

**Prohibition of Electronic Copy Change Signs** Many customers, especially larger businesses, have indicated that they would like to install electronic copy change signs.

To achieve compliance, the Village employs a “facilitate, not regulate” approach to the enforcement of the Sign Ordinance. Working together with property owners to identify options for meeting code requirements and allowing flexibility in establishing compliance timelines minimizes the issuance of citations. The Village has created a prioritized system for issuing any citations for outstanding violations.

Minor amendments may be made to the ordinance at any time and would not materially affect the Village’s enforcement efforts. However, major amendments made during the enforcement period of the amortization compliance deadline, which began in May 2014 and is expected to run through October 2015, could negatively effect enforcement efforts. A review of the sign ordinance and enforcement efforts would be appropriate in October 2015, after the enforcement period.



## Goals and Objectives of the 2005 Sign Ordinance Amendment

On May 3, 2005, the Village Council approved several amendments to the sign ordinance after nearly a year of review and research by Village staff and various committee and board members. The stated purpose of the sign ordinance was to:

- Create a comprehensive but balanced system of sign regulations to promote effective communication and to prevent placement of signs that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.
- Preserve, protect, and promote public health, safety, and welfare.
- Preserve the value of private property by ensuring the compatibility of signs with surrounding land uses.
- Enhance the physical appearance of the Village.
- Enhance the Village's economy, business and industry by promoting the reasonable, orderly and effective display of signs, and encouraging better communication between an activity and the public it seeks with its message.
- Protect the general public from damage and injury, which may be caused by the faulty and uncontrolled construction and use of signs within the Village.
- Protect pedestrians and motorists by reducing distraction which may increase the number and severity of traffic accidents.
- Encourage sound practices and lessen the objectionable effects of competition with respect to size and placement of street signs.

## The 2005 Sign Ordinance was Created Based on Extensive Public Input

The 2005 Sign Ordinance took almost one year to draft and was based on the input of businesses, residents, Village board and commission members, Village staff, and the Village Council. Throughout the process, public input was received and considered. The public process was as follows:

May 18, 2004 – The Village Council approved a moratorium on new sign installation.

July 28, 2004 – Sign Subcommittee of the Joint Strategic Planning Committee was created.

August 12, 2004 – Sign Subcommittee held the first of 17 weekly meetings.

January 24, 2005 – Joint Strategic Planning Committee reviewed & approved the ordinance.

February 21 & 28, 2005 – Plan Commission reviewed & approved the ordinance.

April 11 & 26, 2005 – The Village Council reviewed and discussed the ordinance.

May 3, 2005 – The Village Council approved the ordinance.

### Then



### Now





## Major Changes of the 2005 Sign Ordinance

The Sign Ordinance included the following major changes to sign regulations:

- Reduced the size and amount of signage permitted to be installed.
- Reduced the maximum height of freestanding signs.
- Required landscaping to be installed around freestanding signs.
- Prohibited certain types of signs including electronic copy/message boards, LED or flashing signs and exterior neon signs.
- Eliminated the regulations of signs by zoning district and created two sets of regulations (one set of regulations for the Downtown and Fairview areas and another set of regulations for all other locations in the Village).
- Established an amortization period that required all properties in the Village to comply with the sign regulations by May 4, 2012 (7 years)

Minutes of the Village Council meetings where the Sign Ordinance was discussed are available by clicking here:

- [Meeting April 11, 2005](#)
- [Meeting May 3, 2005](#)

### Then



### Now



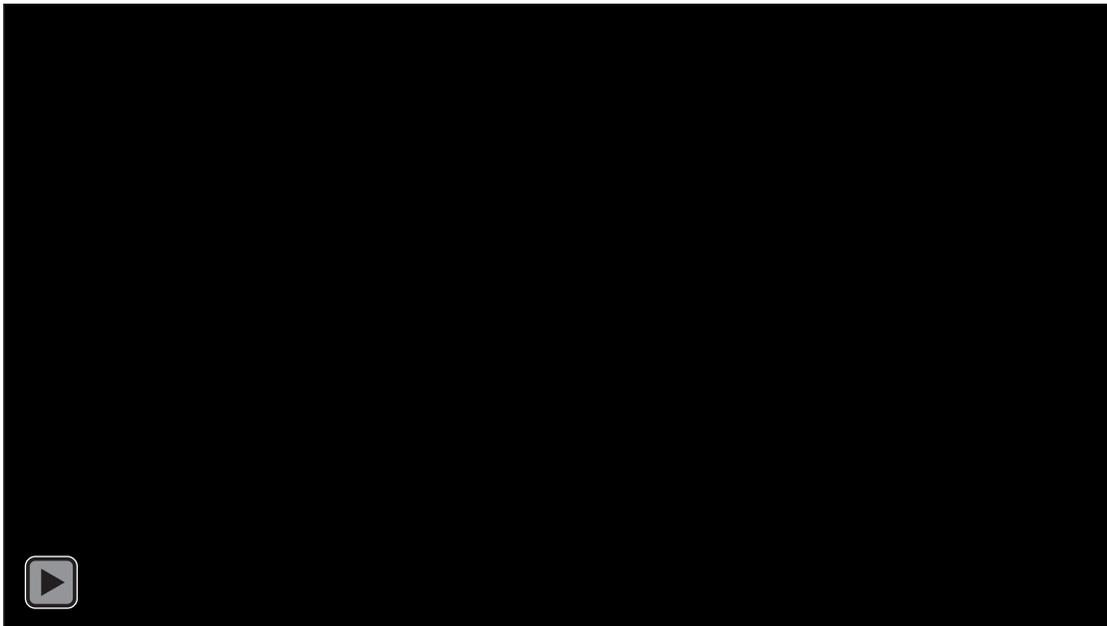


## **Results of the Ordinance**

The Sign Ordinance has reduced the amount of signage in the Village and has changed the appearance of many areas of the Village, especially along business corridors where a large number of signs are located.

The results of the Sign Ordinance are evident along Ogden Avenue. A number of freestanding signs that did not comply with current regulations have been removed and replaced with compliant signs. “Sign clutter” has been reduced throughout the community.

The video below is a photo gallery of Then and Now signs. If you are unable to view this video, pictures of the featured signs are available in the attachments section of this report.



## **Flexibility in the Application of the Sign Ordinance**

The Village has been flexible in its application of the Sign Ordinance. Since the adoption of the ordinance in 2005, the ordinance has been amended six times and relief from the regulations has been provided 38 times in the form of planned unit development amendments, variations and administrative adjustments.

## **Amendments to the Ordinance**

Since the adoption of the sign regulations, the Village has been reviewing the effectiveness of the ordinance on a regular basis. The Village Council completed general reviews of the Sign Ordinance in April 2006, June 2007, October 2011 and February 2012. The Council directed amendments to the regulations based on the 2006 and 2012 reviews. The Sign Ordinance has been amended six times in the past nine years.

**[2006 Amendment for Development Signs and “Housekeeping”](#)** In July 2006, the Village Council amended the regulations for development signs and made minor modifications to clarify the regulations without changing the intent of the ordinance.



**2006 Amendment for Garage Sale and Real Estate Signs** In September 2006, the Village Council amended the regulations for garage sale and real estate signs to allow for placement of these signs in public rights-of-way at specific times, including weekends.

**2008 Amendment for Political Signs** In June 2008, the Village Council amended the regulations for political signs to remove the time limit restrictions in accordance with state law.

**2010 Amendment for Monument Signs** In January 2010, the Village Council amended the sign ordinance to allow for larger monument signs for properties of 2.5 acres in size or larger and with 260 feet or more of street frontage.

**2011 Amendment for Garage Sale Signs** In October 2011, the Village Council amended the regulations for garage sale signs to permit them to be placed in the public rights-of-way on holidays.

**2012 Amendment for the Compliance Deadline** In February 2012, the Village Council amended the ordinance to extend the amortization compliance deadline by two years, to May 5, 2014.

The Village Council also considered amending the Sign Ordinance on three other occasions, but did not make any changes to the ordinance.

**2007 Butterfield Corridor Amendment Proposal** In September 2007, the Village Council considered creating sign regulations that would apply only to the Butterfield Corridor. The Council tabled the proposed amendment and did not take any further action.

**2008 Electronic Copy Change Amendment Petition** In June 2008, the Village Council considered a petition filed by School District 99 to permit electronic copy change signs. The Village Council did not make any changes to the Sign Ordinance based on this petition.

**2014 Railroad Right-of-Way Amendment Request** In September and October 2014, the Village Council considered a request introduced by Leibundguth Moving & Storage that would amend the Sign Ordinance to permit signs to face the railroad right-of-way. The Village Council did not direct staff to draft an amendment to the ordinance.

## ***Planned Unit Development Amendments Regarding Signage***

The Village Zoning Ordinance includes Planned Unit Development (PUD) overlay districts. This PUD zoning designation is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards and that result in public benefits that are at least commensurate with the degree of development flexibility provided. On seven occasions, the Village Council has approved signage that does not conform to the sign regulations that would otherwise apply as part of a PUD.

**2006 Xsport Fitness Planned Unit Development** In July 2006, the Village Council approved an amendment for Xsport Fitness on Finley Road that allowed for the installation of monument signs and wall signs with height and area in excess of the maximum permitted by the Sign Ordinance.

**2007 Acadia on the Green Planned Unit Development Amendment** In March 2007, the Village Council approved an amendment for Acadia on the Green on Mochel Drive that allowed for wall signs that would not otherwise be permitted by the Sign Ordinance.



**2007 Esplanade Planned Unit Development Amendment (Sara Lee)** In August 2007, the Village Council approved an amendment to the Esplanade planned unit development to permit the installation of a wall sign on the office building at 3500 Lacey in excess of the maximum size permitted by the Sign Ordinance.

**2008 Esplanade Planned Unit Development Amendment (Carlucci's)** In August 2008, the Village Council approved an amendment to the Esplanade planned unit development that allowed Carlucci's restaurant to display temporary signage for a period longer than that allowed by ordinance and with an area in excess of the maximum permitted by the Sign Ordinance.

**2009 Good Samaritan Hospital Planned Unit Development Amendment** In July 2009, the Village Council approved an amendment that allows the hospital to display temporary banners for a period longer than that allowed by ordinance and with an area in excess of the maximum permitted by the sign ordinance.

**2010 Downers Park Plaza Planned Unit Development Amendment** In 2010, the Village Council approved an amendment to the Downers Park Plaza planned unit development to permit additional monument signs that would not otherwise be permitted by the Sign Ordinance.

**2012 Good Samaritan Hospital Planned Unit Development Amendment** In June 2012, the Village Council approved an amendment to the Good Samaritan Hospital planned unit development that permitted the construction of an additional monument sign that would not otherwise be permitted by the Sign Ordinance.

**2014 Art Van Planned Unit Development Amendment** In November 2014, the Village Council will consider a planned unit development amendment for the Art Van furniture store located on Butterfield Road. The proposed amendment would allow Art Van to install signage larger than the maximum permitted by the Sign Ordinance.

### **Sign Variations Considered by the ZBA**

The Zoning Ordinance offers the opportunity to seek relief from sign regulations by applying for a sign variation. The Zoning Board of Appeals may grant a variation when certain standards are met. Since the adoption of the Sign Ordinance in 2005, the Zoning Board of Appeals has considered 45 sign variation petitions and has granted 28 variations (62% approval rate). The sign variation petitions are detailed in the attached Table 1, page 11.

### **Administrative Adjustments**

Since the adoption of the amended Zoning Ordinance in 2013, Village staff has approved three administrative adjustments for relief to the required minimum setbacks. The administrative adjustments are detailed in the attached Table 2, page 13.

### **Current Compliance Status**

As of the date of this report, 95% of all properties with signs are in compliance with the Sign Ordinance. Seventy-four properties that are not in compliance are taking steps to comply by obtaining or applying for a building permit for compliant signs. Only 38 properties have not made an attempt to comply with the sign ordinance regulations (see attached map, page 14)



	Number	Percentage
<b>Properties Complying</b>	<b>2138</b>	<b>95.0%</b>
<b>Properties Not Complying</b>		
With Approved Sign Permits, Sign Not Yet Installed	52	2.3%
Sign Permit Application Pending	22	1.0%
No Attempt to Comply with Regulations	38	1.7%
<b>Sub-Total</b>	<b>112</b>	<b>5.0%</b>

### ***Enforcement Efforts Have Achieved 95% Compliance***

The Village’s enforcement of the sign ordinance has resulted in 95% of all properties with signs complying with regulations. Only 38 properties have not attempted to comply with the ordinance. In the coming months the Village will focus its efforts on bringing these properties into compliance.

### ***Compliance and Enforcement Efforts***

Efforts to bring properties into compliance with the sign regulations began in 2005 with the adoption of the ordinance. Many properties came into compliance before the May 2014 deadline by installing compliant signs in conjunction with other property improvements or changes (the ordinance states that any changes to existing signage requires all signage on the property to be brought up to current regulations). By the end of 2011, approximately 75% of the properties with signs were in compliance. By April 2014, approximately 88% of the properties with signs were in compliance.

***Enforce the Sign Ordinance Amortization Compliance Deadline*** is a High Priority Action Item for 2014. Proactive efforts to achieve compliance began in early 2014 in conjunction with the compliance deadline of May 5, 2014. In April 2014, the Village hired Safe Built, a private code compliance company, to assist with enforcement efforts. The cost of this contract was \$27,360. Approximately 2,600 hours of staff time and Safe Built time have been spent enforcing the sign ordinance in 2014.

As with all code compliance efforts, the Village is employing a “facilitate, not regulate” approach to the enforcement of the sign ordinance deadline. The objective is to achieve compliance by working together with property owners, identifying options to meet code requirements, allowing flexibility in establishing a timeline for removing non-compliant signs, and minimizing the issuances of violation citations that require property owners to appear in DuPage County Circuit Court.

In cases where the Village’s approach fails to achieve compliance, the Village will issue violation citations that require property owners to appear in DuPage County Circuit Court. The following prioritization system will generally be used by the Village to determine which properties will be issued citations and when the citations will be issued.



**Maximum Number of Citations** The Village will issue no more than 10 citations per month. This number is based on the capacity of the Circuit Court and was developed in consultation with the Village Prosecutor.

**Priority 1: Monument Sign Size & Setback** - Citations will be issued to properties with monument signs that do not comply with size and setback regulations.

**Priority 2: Wall Sign Size, Location & Design** - Citations will be issued to properties with wall signs that do not comply with size, location and design regulations.

**Priority 3: Other Violations** Citations will be issued to properties with any other type of violation such as failure to comply with landscaping regulations and display of address regulations.

**Priority 4: Billboards** Citations may be issued to the two billboards in the Village, both located on Ogden Avenue. Billboards may be subject to other federal rules and regulations and case law that may affect the Village's enforcement efforts.

**Priority 5: Failure to Install Compliant Signs Pursuant to a Building Permit** The Village will continue to work with property owners that are taking steps to comply with the ordinance including applying for permits to install compliant signs. For property owners that obtain permits to install new signs but fail to install them within the one-year period for which a permit is valid, the Village will issue citations upon the expiration of the permit.

To date, the Village has issued 13 citations. Since the time of issuance, 8 properties have come into compliance or are taking steps to comply and 5 properties are in the Circuit Court process.

Staff expects enforcement efforts to continue for another 12 months. While some properties may still be in the Circuit Court system, maximum compliance percentage should be achieved by October 2015.

### ***Comments and Concerns of Residents and Business Owners***

As can be expected with any set of regulations, many property and business owners are not pleased with all aspects of the Sign Ordinance and have expressed their concerns to Village staff. The following are the three most common comments made to staff:

**No "Grandfathering"** The ordinance requires that all signs come into compliance by May 2014. Customers express concerns that they must spend money and time bringing their signs into compliance and would like the existing non-conforming signs to remain in place until they plan to replace the signs.

**Reduction in the Amount of Signage Permitted** The ordinance allows less total signage than the previous regulations. Customers express concerns that they must reduce the amount of total signage on their property.

**Prohibition of Electronic Copy Change Signs** Many customers, especially larger businesses, have indicated that they would like to install electronic copy change signs. The ordinance prohibits electronic copy change signs.



## Further Amendments to the Sign Ordinance

As noted previously, the Sign Ordinance has been amended several times since its adoption over nine years ago. Further minor amendments that would not significantly change the goals and objectives of the ordinance and that would not affect a large number of properties could be made at any time and would not materially affect the Village's enforcement efforts. Major amendments that would significantly change the goals and objectives of the ordinance and that would affect a large number of properties including the properties that have not yet come into compliance could negatively effect the Village's enforcement efforts. Staff recommends that major amendments not be made during the amortization compliance deadline enforcement period, which is expected to run from May 2014 through October 2015. At that time a review of the Sign Ordinance and enforcement efforts would be appropriate.

### Attachments:

- Table 1: Sign Variations, 2005-2014
- Table 2: Administrative Adjustments, 2014
- Map of Non-Compliant Signs

**Then**



**Now**



**Table 1: Sign Variations, 2005-2014**

<b>2005</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-12-05	3150 Finley Road	9/28/2005	Re-face Existing Signs	Denied
<b>2006</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-01-06	1113 Butterfield Road	4/26/2006	Re-face Existing Signs	Granted

<b>2007</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-09-07	310 Ogden Avenue	9/26/2007	Wall Sign Location	Granted
ZBA-12-07	2300 Ogden Avenue	7/25/2007	Re-face Monument Sign	Granted
ZBA-14-07	1931 Ogden Avenue	10/24/2007	Wall Sign Location	Denied
ZBA-14-07	1931 Ogden Avenue	10/24/2007	Wall Sign Location	Denied
ZBA-17-07	1212 75th Street	10/24/2007	Total Sign Area	Denied
ZBA-22-07	2424 Ogden Avenue	12/12/2007	Monument Sign Height	Granted
ZBA-22-07	2424 Ogden Avenue	12/12/2007	Wall Sign Location	Granted
ZBA-23-07	5524 Lee Avenue	1/23/2008	Monument Sign Area	Granted

<b>2008</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-03-08	415 Ogden Avenue	5/28/2014	Total Sign Area	Denied
ZBA-03-08	415 Ogden Avenue	5/28/2014	Wall Sign Location	Denied
ZBA-05-08	42 Ogden Avenue	5/28/2014	Total Sign Area	Denied
ZBA-05-08	42 Ogden Avenue	5/28/2014	Wall Sign Location	Denied
ZBA-10-08	3025 Highland Parkway	6/25/2008	Wall Sign Location	Denied
ZBA-13-08	6800 Main Street	11/12/2008	Monument Sign Area	Denied
ZBA-14-08	1711 Ogden Avenue	11/12/2008	Total Sign Area	Denied
ZBA-14-08	1711 Ogden Avenue	11/12/2008	Monument Sign Setback	Granted
<b>2009</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-02-09	2701 Ogden Avenue	1/28/2009	Wall Sign Location	Granted
ZBA-08-09	1229 Ogden Avenue	6/24/2009	Monument Sign Setback	Granted

<b>2010</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-01-10	2100 Ogden Avenue	2/24/2010	Tollway Sign Design	<b>Granted*</b>
ZBA-01-10	2100 Ogden Avenue	2/24/2010	Wall Sign Location	<b>Granted</b>
ZBA-02-10	5101 Mochel Drive	2/24/2010	Projecting Sign Size	<b>Granted</b>
ZBA-02-10	5101 Mochel Drive	2/24/2010	Awning Text	Denied
ZBA-02-10	5101 Mochel Drive	2/24/2010	Moving Sign	Denied
ZBA-03-10	1434 Butterfield Road	2/24/2010	Monument Sign Height	<b>Granted</b>
ZBA-07-10	2150 Ogden Avenue	5/26/2010	Tollway Sign Height	<b>Granted</b>
ZBA-10-10	3031 Finley Road	10/27/2010	Wall Sign Location	<b>Granted</b>

<b>2011</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-05-11	406-414 Ogden Avenue	11/9/2011	Monument Sign Setback	<b>Granted</b>

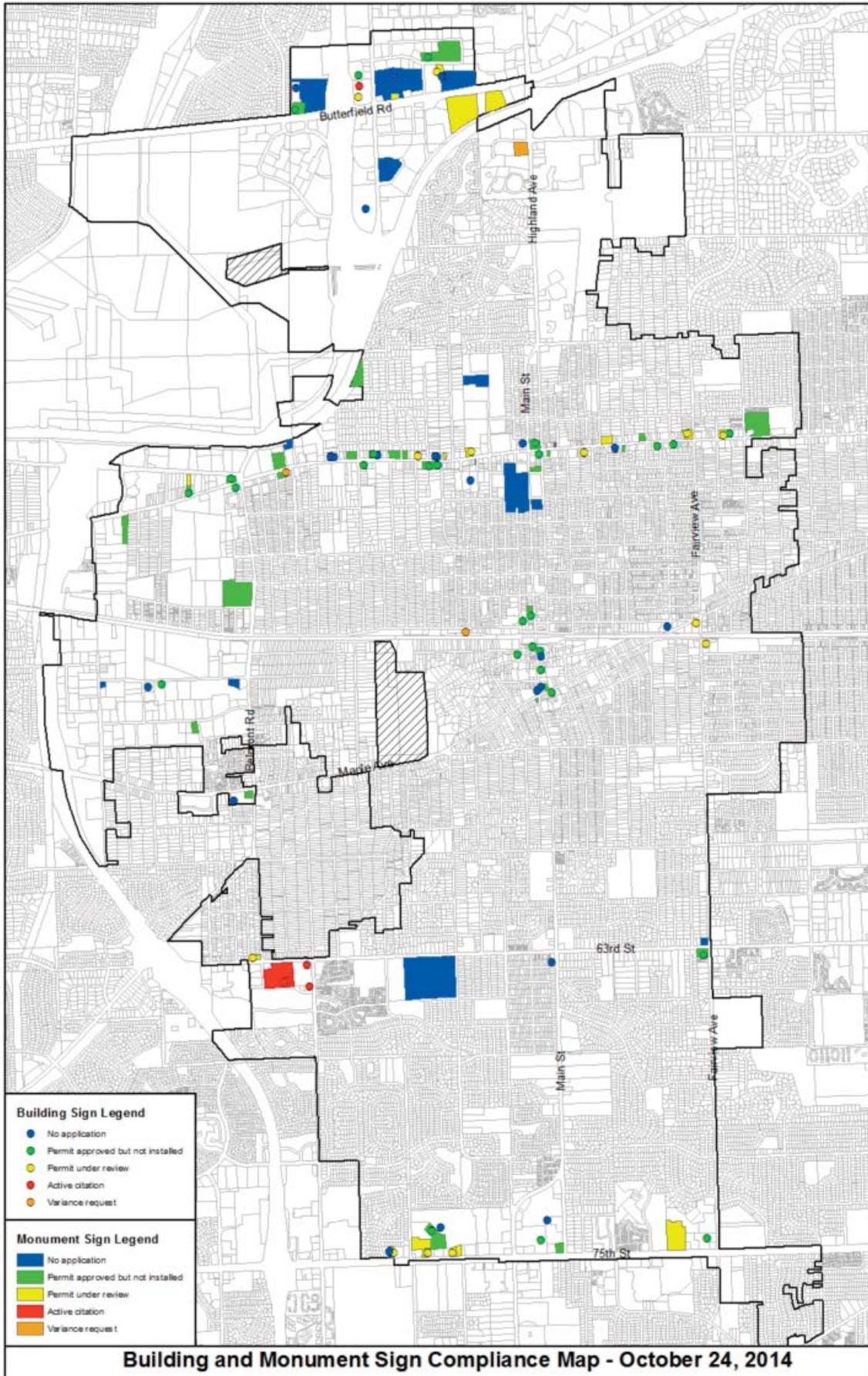
<b>2012</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-02-12	1711 Ogden Avenue	1/25/2012	Monument Sign Setback	<b>Granted</b>
ZBA-03-12	5008 Fairview Avenue	5/23/2014	Monument Sign Size	<b>Granted</b>
ZBA-03-12	5008 Fairview Avenue	5/23/2014	Monument Sign Height	<b>Granted</b>
ZBA-06-12	1509 Ogden Avenue	6/27/2012	Monument Sign Setback	<b>Granted</b>
ZBA-09-12	1866 Ogden Avenue	10/24/2012	Tollway Sign Height	<b>Granted</b>
ZBA-10-12	2300 Ogden Avenue	11/28/2012	Monument Sign Setback	Denied
<b>2013</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
None				

<b>2014</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-02-14	2535 Curtiss Street	5/28/2014	Wall Sign Location	<b>Granted</b>
ZBA-03-14	1432 Butterfield Road	6/25/2014	Total Sign Area	Denied
ZBA-03-14	1432 Butterfield Road	6/25/2014	Monument Sign Area	Denied
ZBA-03-14	1432 Butterfield Road	6/25/2014	Monument Sign Height	<b>Granted</b>
ZBA-04-14	7401 Lemont Road	6/25/2014	Total Sign Area	Denied
ZBA-05-14	1213 Butterfield Road	6/25/2014	Monument Sign Setback	<b>Granted</b>
ZBA-05-14	1213 Butterfield Road	6/25/2014	Monument Sign Height	Denied
ZBA-05-14	1213 Butterfield Road	6/25/2014	Monument Sign Area	Denied
ZBA-07-14	3300 Finley Road	8/27/2014	Total Sign Area	Denied
ZBA-08-14	980 75th Street	7/23/2014	Total Sign Area	Denied
ZBA-08-14	980 75th Street	7/23/2014	Wall Sign Location	Denied
ZBA-09-14	1660 75th Street	7/23/2014	Total Sign Area	Denied
ZBA-09-14	1660 75th Street	7/23/2014	Monument Sign Height	Denied
ZBA-09-14	1660 75th Street	7/23/2014	Monument Sign Area	Denied
ZBA-11-14	2920 Finley Road	7/23/2014	Total Sign Area	Denied
ZBA-11-14	2920 Finley Road	7/23/2014	Wall Sign Location	Denied
ZBA-15-14	444 Wilson Street	8/27/2014	Monument Sign Setback	<b>Granted</b>
ZBA-16-14	1541-1561 Warren Ave.	8/27/2014	Monument Sign Setback	<b>Granted</b>
ZBA-17-14	4501 Main Street	9/24/2014	Monument Sign	Denied

**Table 2: Administrative Adjustments, 2014**

<b>2014</b>				
<b>Case Number</b>	<b>Address</b>	<b>Hearing Date</b>	<b>Request</b>	<b>Outcome</b>
ZBA-10-14	1149 Ogden Avenue	7/7/2014	Setback	<b>Granted</b>
ZBA-14-14	1326 Ogden Avenue	8/5/2014	Setback	<b>Granted</b>
ZBA-19-14	3800 Highland Avenue	10/14/2014	Setback	<b>Granted</b>
ZBA-24-14	1001 31st Street	11/11/14	Setback	Pending

# Map of Non-Compliant Signs



*Then*



*Now*



*Then*



*Now*



*Then*



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