

**ORDINANCE 2020-019**

**PASSED: MARCH 23, 2020**

**AMENDING CHAPTER 23 "UNIFIED DEVELOPMENT ORDINANCE" OF THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, AUTHORIZING TEXT AMENDMENTS TO ARTICLE 13 "SIGNS" AND ARTICLE 18 "APPEALS AND VARIANCES".**

**WHEREAS**, the City of DeKalb is a home-rule municipality with the powers and authority conferred upon it by virtue of the Illinois Constitution of 1970 and the Illinois Municipal Code; and,

**WHEREAS**, Section 6(a) of Article VII of the Illinois Constitution of 1970 gives to Home Rule Municipalities the authority to exercise any powers pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and general welfare; and,

**WHEREAS**, the City of DeKalb has adopted a Unified Development Ordinance (UDO), which sets forth the zoning and subdivision standards and procedures for the City of DeKalb; and,

**WHEREAS**, the City wishes to amend a portion of the UDO. The text amendments propose a revision to the sign regulations (Article 13) and to allow variances for signs (Article 18); and,

**WHEREAS**, the Planning and Zoning Commission held a public hearing regarding the proposed text amendments at its meeting on March 4, 2020, at which time a recommendation for approval was made.

**THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

**SECTION 1:** Chapter 23 "Unified Development Ordinance" of the Municipal Code, Article 13 "Signs" and Article 18 "Appeals and Variances" is amended as indicated in the attached Exhibit A;

**SECTION 2:** All ordinances or portions thereof in conflict with this Ordinance, including the prior versions of the ordinances included above, are hereby repealed;

**SECTION 3:** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

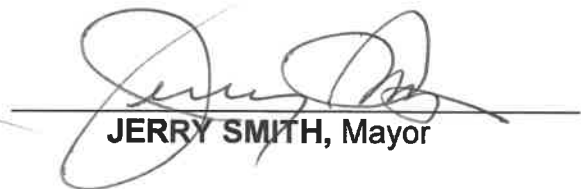
**SECTION 4:** This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: March 24, 2020. Effective date: April 2, 2020.

**SECTION 5:** That the City Clerk and/or the Executive Assistant of the City of DeKalb, Illinois be authorized and directed to attest the Mayor's signature.

**ADOPTED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 23<sup>rd</sup> day of March 2020 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

**ATTEST:**

  
RUTH A. SCOTT, Executive Assistant

  
JERRY SMITH, Mayor



## EXHIBIT A

### ARTICLE 13

#### SIGNS

##### **13.01 Purpose and Intent**

It is the purpose of this Article to regulate and control the location, erection, number and maintenance of signs ~~and matters relating thereto~~ within the City of DeKalb in order to promote public safety, health and general welfare of the community. ~~The regulations are intended to provide uniform, and content-neutral sign standards, in an effort to ensure public safety, regulate traffic, and to promote economic development, and enhance the value of properties, and maintain an attractive community appearance and aesthetics, through sensitivity to surrounding land uses and maintaining an attractive community appearance. The sign regulations of this Article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs such as the impacts on aesthetics, traffic and public safety. These regulations are specifically designed to protect the public's health, safety and welfare, and add and maintain to protect property values by.~~ This Article is adopted for the following specific purposes:

1. Providing for uniform regulation and orderly development of signs;
2. Prohibiting hazardous and dangerous signs;
3. Authorizing the use of street graphics (signs) which are compatible with their surroundings appropriate to the activity to which they pertain, expressive of the identity of the proprietors; legible in the circumstances in which they are seen and expressive of the image the City desires to project;
4. Encouraging sound sign display practices and mitigating the objectionable effects of competition in respect to the size and placement of signs;
5. Preserving the value of private property by assuring compatibility of signs with nearby land uses;
- ~~6.~~ 6. Promoting the convenience, enjoyment and free flow of traffic within the City by protecting the public's ability to identify uses and premises without confusion; and confusion; and
- ~~7.~~ 7. Promoting the goals, principals and standards identified in the Comprehensive Plan and Neighborhood Plans for residential, commercial, and industrial development.
- ~~6.~~
- ~~7. The provisions of this Article shall govern the erection, alteration and maintenance of all signs and outdoor display structures, together with their appurtenant and auxiliary devices with respect to location, size, content, construction, structure and safety.~~

##### **13.02 Administration**

###### **13.02.01 Definitions**

Unless otherwise expressly stated, the following words or terms shall, for the purposes of this Article, have the meanings indicated in this Section.

*Abandoned Sign:* A sign which is obsolete or no longer correctly directs or exhorts any person; advertises a bona fide business; lessor, tenant, owner, project or activity conducted or product available on the premises where such sign is displayed.

**Attention-Getting Device:** Any pennant, flag, valance, banner, propeller, spinner, streamer, search light, inflatable sign or similar device or ornamentation designed for purpose of attracting attention, promotion or advertising.

**Banner:** A flexible material (e.g. cloth, paper, vinyl, etc.) which may or may not include grommets for mounting on which a sign is painted or printed. (2008-052)

~~**Big Box Store:** A large scale (minimum of roughly 50,000 square feet) self-service retail store selling food, drugs, household merchandise, clothing, and a variety of other retail goods. The store may, in some cases, include limited medical services, such as a dentist or optometrist office.~~

**Billboard:** An off-premises sign owned by a person, corporation or other entity that engages in the business of selling the advertising space on that sign

**Building:** A structure housing or sheltering any use or occupancy. For the purpose of this Article, an aggregation of two or more structures and/or businesses connected by a wall, fire wall, facade, or other structured element, except for a sidewalk, shall constitute a single building.

~~**Changeable Copy Sign (Electronic):** A component of a sign that uses changing LED's, fiber optics, light bulbs, or other illumination devices within the electronic display panel(s) to form messages in text and/or image format where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Time and temperature signs are considered Electronic Changeable Copy Signs. such as electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.~~

**Changeable Copy Sign (Manual):** A component of a sign on which copy is changed manually ~~in the field.~~

~~**Commercial Activity Sign:** See definition of "Sign."~~

~~**Community Event Sign:** A temporary sign, other than a commercial activity sign, posted to advertise an event sponsored by a Class I or Class III Use Group.~~

~~**Construction Sign:** A temporary sign used during the construction of new buildings or reconstruction of or additions to existing buildings, such as those identifying the project and denoting the owner, architect, engineer, contractor and/or financing institutions of the project.~~

**Copy:** The wording, ~~or graphics~~ or images on a sign surface.

**Erect:** To build, construct, re-construct, attach, hang, re-hang, alter, place, affix, enlarge, install, move or relocate and includes the painting and repainting of existing sign structures.

**Facade:** The front or main part of a building facing a street; for purposes of this Section, the facade is defined as measured from the ground elevation to the head beam.

**Fixed Awning, Fixed Canopy and Marquee:** Any hood, canopy or awning made of cloth, metal or of permanent construction materials projecting from the wall of a building supported solely by the building to which it is attached.

~~**Flashing Sign:** A sign with an intermittent or sequential flashing light source used primarily to attract attention. Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever. This definition does not include Electronic Changeable Copy Signs. time and temperature signs.~~

~~**Gasoline Station Price Sign:** A changeable copy sign advertising a gasoline price.~~

**Grommet:** A reinforced eyelet, as in cloth or leather, through which a fastener may be passed which may or may not include a small metal or plastic ring used to reinforce such an eyelet. (2008-052)

**Ground Sign:** Any sign supported by uprights or braces placed in or upon the ground, and not attached to any building or structure. This definition includes signs which are also referred to as "monument signs." or "pole signs"

**Illuminated Sign:** Any sign which has characters, letters, figures, designs or outline illuminated by electric lights, luminous tubes or any other means of illumination.

**Lot:** A single piece or parcel of property, or multiple tracts of properties, established by a legal instrument and serving a principal use or uses. For the purposes of this Article, multiple parcels or tracts serving a single building (as defined herein-above) shall be considered one lot.

**Moving or Rotating Sign:** Any sign or other advertising structure which physically moves or rotates in any manner whatsoever.

**Off-Premises Signs:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises on which the sign is located. ~~The term "off-premises" (when referencing the placement of a Temporary Sign) means public or private property other than the property where a Class I, Class II or Class III business is physically located.~~

Permanent Sign: Any ground or wall sign that is substantially anchored to the ground with concrete piers or foundations or the equivalent, or any wall sign substantially attached to a building with bolts, rivets or the equivalent or any awning, canopy, marquee or under-canopy sign or any other sign that is designed, constructed and intended to be so located or affixed for an indefinite time.

**Portable Sign:** Any sign 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 moveable; paper, cardboard, or canvas signs wrapped around supporting poles and signs commonly trailer mounted and designed to be moved from place to place.

**Projecting Sign:** Any sign which projects from the building wall at any angle other than a plane primarily parallel to the building wall; excluding signs attached to the vertical face of marquees or canopies. Most projecting signs are oriented in a plane perpendicular to the building wall.

**Roof Sign:** Any sign erected, constructed or maintained on the roof of any building. A roof sign includes any wall sign which extends above the roof line.

**Sidewalk Sign:** ~~A portable temporary sign placed on the sidewalk in front of a business and displayed during operating hours of the entity advertised (also called a Sandwich Board Sign). for the purpose of advertising a daily special such as menu items, promotions, or sales.~~

**Sight Distance Triangle:** See Article 7, Section 7.10, Sight Distance Triangle.

**Sign:** Any display, device, notice, figure, painting, drawing, message, placard, poster, bulletin board, symbol, letter, word, numeral, emblem, trademark, flag, banner, pennant or other thing which is designated, intended or used to advertise, inform, direct attention to and of which any part of the existing or intended display, advertising or informative contents.

The term "sign" shall include, among other structures, and whether illuminated or non-illuminated, every ground sign, wall sign, projecting sign or under-canopy sign. However, the term "sign" shall

~~not include any display of official, court, or public office notices, nor shall it include the flag, emblem or insignia of a nation, governmental unit, school or religious group.~~

~~Structural Trim: Any molding, batten, capping, nailing strip, lattice and platform which is attached to a sign structure.~~

**Temporary Sign:** Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only. (2008-052)

***Temporary Sign Use Group Classification:***

|   |  |
|---|--|
| <del>Class I<br/>Government Agency</del>      | <del>A governmental taxing body including but not limited to, the City of DeKalb, DeKalb Park District, Northern Illinois University, DeKalb School District, Township County, State or Federal offices.</del>   |
| <del>Class II<br/>Commercial/Industrial</del> | <del>An occupation, employment or service that involves retail or wholesale marketing of goods or services at a scale greater than a home industry.</del>  |
| <del>Class III</del>                          | <del>a. <i>Religious/Benevolent/Philanthropic:</i> A person, firm, organization or corporation engaged in the giving of food, goods, financial assistance or grants while offering services or other socially useful programs on a benevolent basis.</del><br><br><del>b. <i>Community Service Provider:</i> A community based service, activity or program undertaken to advance the welfare of the community.</del><br><br><del>c. <i>Theaters/Arts:</i> A type of activity conducted exclusively for the community or its members/guests, with a service or facility for the purpose of providing amusement, patronage, recreation or entertainment (definition does not include movie theaters).</del> |

**Time and/or Temperature Sign:** Any sign indicating time and temperature with intermittent change.

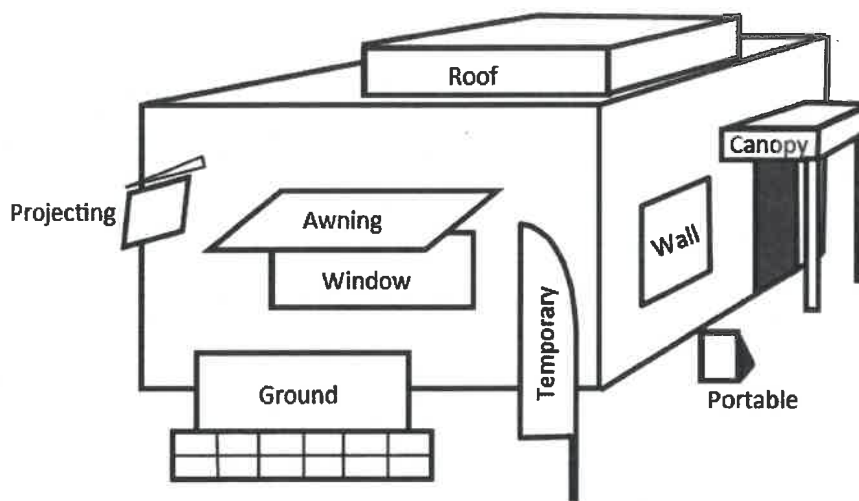
**Under Canopy Sign:** Any sign suspended beneath a canopy or marquee.

**Wall Sign:** Any sign mounted, attached to or painted on the exterior wall of a building or structure, in a plane parallel to that of the supporting wall.

**Window Sign:** Any sign advertising sales or specials attached to, or located within, the glass surface of any window (glazing) and visible from public right-of-way in such a manner as to be viewed or intended for view primarily from the exterior of a building or structure. Window signs may include Electronic Changeable Copy Signs.



# Sign Types



## 13.02.02 Calculation of Area

The following regulations shall govern the determination of sign area:

1. For a ground sign, the total square footage of the sign shall be calculated by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display. The sign base, support structure, architectural features, any material, framing or color forming a part of the background of the display and the property address shall not be included in the sign area.
2. For a wall sign enclosed by a frame, cabinet, panel, box or outline, the total square footage of the sign shall be calculated by the measurement of the outer dimensions of the frame or cabinet, panel, box or outline, surrounding the sign.
3. For a wall sign comprised of individual letters or other elements attached directly to a building, the square footage of no more than three (3) imaginary squares or rectangles that can be drawn to completely encompass all of the letter and/or elements shall be deemed the sign area. The area of each sign(s) shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display. Any material, framing or color forming a part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed shall not be included in the sign area.
4. Any letters, numbers or characters painted or otherwise permanently placed on a canopy, awning or marquee shall count toward the maximum area of wall signage permitted per this Article.
1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material, framing or color forming an integral part of the background of the display or used to

~~differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.~~

~~2. With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point. Without otherwise limiting the generality of the foregoing:~~

~~a. 5. The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed three feet.~~

6. The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign (the larger side if there is a size difference), so long as the angle of the "V" does not exceed 30 degrees and at no point does the distance between the backs of such sides exceed five feet.

## Calculation of Sign Area



 Sign Area (Square Feet)

~~b.~~

### 13.02.03 Maintenance

1. Signs, together with all supports, braces, guys and anchors, shall be kept in safe condition and, when not galvanized or constructed of approved corrosion resistive, noncombustible materials, shall be painted when necessary to prevent corrosion or to correct peeling.
2. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign shall become unlawfully installed, erected or maintained in violation of any of the Ordinances of the City, the owner thereof, or the person or firm maintaining the same, shall, upon written notice of the [Chief Building Official or designee](#) ~~Community Development Director~~, forthwith in the case of immediate danger and in any case, within not more than ten (10) days, make such sign conform to the Ordinances of the City or shall remove it. If within ten (10) days the order is not complied with, the [Chief Building Official or designee](#) ~~Community Development Director~~ may remove such sign at the expense of the owner or lessee thereof.



#### 13.02.04 Miscellaneous

1. Sign Illumination: Internal and external illumination of signs shall concentrate the illumination upon the area of the sign ~~so as~~ to prevent glare upon the street or adjacent property.

~~a. Only white light is permitted.~~

~~b.a.~~ No red, yellow, green or other colored light shall be used at any location in such a manner as to confuse or interfere with vehicular traffic.

~~e.b.~~ Beacon lights and illumination by flame are prohibited.

~~d.c.~~ The light which is cast upon any illuminated sign shall be shaded, shielded or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.

~~e.d.~~ No exposed reflective type bulb or incandescent lamp which exceeds fifteen (15) watts shall be used with any sign in such a manner as to expose the face of the bulb, light or lamp to any public street or to adjacent property.

~~f.e.~~ No sign shall be either directly or indirectly illuminated in such a manner as to adversely affect the use and enjoyment of nearby buildings containing dwelling units.

2. Miscellaneous Advertising Objects Prohibited: No person shall place on, or suspend from, any building or structure, any goods, wares, merchandise or other advertising object or structure other than a sign as defined, regulated and prescribed by this Article.

3. Obstruction to Doors, Windows or Fire Escapes: No sign shall be erected, relocated or maintained so as to prevent free ingress to, or egress from any door, window or fire escape. No sign shall be attached to a stand pipe or fire escape.

4. Signs Not to Constitute Traffic Hazard: No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop," "go," "look," "danger," "one-way," "yield" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic. Additionally, sign placement shall be in accordance with the requirements contained in Article 7, Section 7.10, "Site Distance Triangle."

5. Non-Discrimination Against Non-Commercial Speech: The owner of any sign which is otherwise allowed under this Article may substitute non-commercial copy in lieu of any other commercial or non-commercial copy, subject to the same regulations applicable to such signs. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring either of commercial speech over non-commercial speech or of any particular non-commercial message over any other non-commercial message.

~~4.~~

#### 13.02.05 Permits

1. ~~Unless exempted ~~accepted~~ by this Article, no temporary or permanent sign shall be erected, constructed, posted, painted, altered or relocated until a Sign Permit has been issued by the Chief Building Official or designee per the requirements of the DeKalb Municipal Code, Community Development Director or his/her designee. All illuminated signs shall require a separate electrical permit and inspection in accordance with Chapter 25, "Electrical Regulations," of the DeKalb Municipal Code.~~

~~1.~~

- ~~2. Structural materials, wind load and safety requirements shall be in accordance with Chapter 24, "Building Code," of the DeKalb Municipal Code.~~

~~2.~~

- ~~3. Application for a sign permit shall be made upon forms provided by the Community Development Department and accompanied by all required submittals. Community Development Director and shall contain or have attached thereto the following information:~~

~~3.~~

~~a. Name, address and telephone number of the applicant.~~

~~b. Location of building, structure or lot to which, or upon which, the sign or other advertising structure is to be attached or erected.~~

~~c. Position the sign or advertising structure in relation to adjacent property and/or buildings or structures.~~

~~d. Two blueprints or ink drawings to scale of the plans and specifications and method of construction, attachment to the building or other structure or placement in the ground.~~

~~e. Name of person or company intending to erect the sign.~~

~~f. Such other information as the Community Development Director shall require showing full compliance with this Article and any of the Ordinances of the City.~~

4. Permit Issued if Application in Order: It shall be the duty of the Chief Building Official or designee Community Development Director, upon the filing of an application for a sign permit, to examine such plans, specifications and other data, and the premises upon which it is proposed to erect the sign. If the proposed sign complies with the requirements of this Article and if the appropriate permit fee has been paid, a sign permit shall be issued.

5. Revocation of Permit: Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, or of obtaining the permit. Upon the termination or revocation of the permit, or upon discovery of a sign being improperly installed, the permittee shall remove the sign and supports without cost or expense of any kind to the City, provided that in the event of the failure, neglect or refusal on the part of the permittee to do so, the City may proceed to remove the same and charge the expenses to the permittee.

#### 13.02.06 Variations ~~Prohibited~~

~~No variance from and/or waiver of any provision(s) of this Article shall be permitted, except as a condition of a Special Use Permit or a Planned Development Ordinance approved by the City Council. No provision of this Article is subject to a variation request pursuant to Article 18 of this Ordinance, except as provided in Article 18.03.03(3). (2019-025) Variance requests shall be processed in accordance with the provisions provided in Article 18.03. Variances of the Unified Development Ordinance.~~

#### 13.02.07 Enforcement

Enforcement of the provisions of this Article 13 shall be as provided in Article 16.04 of the Unified Development Ordinance, with the following additional provisions:

1. Illegal signs placed in the public right-of-way or any roadway easement are herein declared to be an immediate threat to the safety of the motoring public and are subject to confiscation by the roadway jurisdiction having authority, without prior notice.

2. Paragraph 1 shall not apply to permitted signs in the "CBD" Central Business District.

#### 13.02.08 Nonconforming Signs

~~1.~~ Signs that were legally conforming at the time of adoption of this Amendatory Ordinance of 2003, or which were legally nonconforming at the time of adoption of this Ordinance or subsequent amendments, which are now or remain legal nonconforming signs, are subject to the provisions of Article 19 of the Unified Development Ordinance, except for the following provisions:

- ~~2.1.~~ Sign panels within existing sign structures may be changed, repaired, replaced or maintained; provided that a permit is obtained in accordance with Article 13.02.05, the size of the panel is not increased, and the structure is not altered.
- ~~3.2.~~ No nonconforming sign may be changed to another nonconforming sign, nor structurally altered to prolong the life of the sign.
- ~~4.3.~~ No nonconforming sign may be moved, removed and replaced, or altered, other than provided in paragraph 1, above, unless brought into full conformity with this Amendatory Ordinance of 2003 or subsequent amendments.

#### 13.03 Prohibited Signs

Any sign not specifically permitted by this Article is hereby prohibited, including but not necessarily limited to the following:

1. Moving or rotating signs.
2. Any sign erected on, or extending into, a public easement or right-of-way, except as permitted in the Central Business District (see Subsection 13.07.07 of this Article). (2008-052)
3. Any sign attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on, or extending into, public property not specifically excluded from the regulations of this Article.
4. Any billboard or other off-premises sign, except as authorized elsewhere in this Article, advertising an article or product not manufactured, assembled, processed, repaired or sold or a service not rendered upon the premises upon which the sign is located.
5. Signs placed or affixed to vehicles and/or trailers which are parked so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business activity located on the same or nearby property. However, this is not in any way intended to prohibit signs placed on, or affixed to, vehicles and trailers, such as permanent lettering on motor vehicles where the sign is incidental to the primary use of the vehicle or trailer.
6. Roof signs.
7. Portable signs, ~~banner signs and temporary signs except~~ excluding sidewalk signs as defined otherwise permitted by within this Article. (2008-052)
8. Projecting signs, except as otherwise permitted in the "CBD" Central Business District, "LC" Light Commercial District and "GC" General Commercial District (see Subsection 13.07.07 of this Article).

- ~~1. Flashing signs including electronic Changeable Copy Signs; however, gasoline station price signs or digital time and temperature signs involving only that information and no further or additional information of an advertising nature shall be allowed.~~
- ~~9. Electronic Changeable Copy Signs in the "CBD" Central Business Districts and any Residential Zoning Districts except for non-residential uses in the SFR1, SFR2, TFR and RC-1 Districts.~~
- ~~10. Flashing signs.~~
- ~~2. Project identification or real estate signs promoting the sale of lots prior to the approval of a preliminary plat.~~
- ~~3. Signs which contain human or humanized characters, caricatures, or cartoons, except for the following:~~
  - ~~a. Said characters are only permitted on wall signs, awnings or projecting signs, where said signs are otherwise allowed;~~
  - ~~b. Said characters may not exceed 12 square feet in area, regardless of the size of the sign, and must otherwise comply with all other pertinent sign regulations.~~
- ~~4. Signs which contain statements, works or pictures of an obscene, indecent, prurient or immoral character.~~
- ~~9.11. Abandoned signs which advertise a business no longer conducted or a product no longer offered for sale on the premises where such sign is located; providing a sign indicating a move of such business is permitted for a period of time not exceeding 90 days from the date of discontinuance of the business at the location.~~
- ~~5. Multiple signs designed to circumvent the spirit and intent of this Article.~~
- ~~40.12. Attention getting devices, including by not limited to searchlights, propellers, pennants, streamers, ribbons, strings of light bulbs, spinners, balloons, inflatable signs and similar devices, except "Special Events Signs" as provided for in this Article 13.05, subparagraph 6.~~
- ~~44.13. Sound devices attached to any sign, or any sign that emits any sound for any purpose.~~
- ~~14. Permitted signs (excluding temporary signs or subdivision identification signs) on fences or walls that are not part of a building structure.~~
- ~~42.15. Any sign that constitutes a hazard to public health or public nuisance.~~
- ~~13. Any sign not specifically authorized elsewhere herein.~~
- ~~14. To the extent that any specific zoning district or standard shall have more restrictive provisions, said restrictive provisions shall also apply relative to the signage regulated therein.~~

#### **13.04 Permitted Exempt Signs – No Permit Required**

Except as regulated in this Section, the provisions of this Article shall not apply to:

1. Bulletin Board: Bulletin boards not over twelve (12) square feet in area when attached to buildings housing public, charitable or religious institutions when the same are located on the premises of said institution.
2. Informational Signs: Signs ~~providing information directing and guiding automotive or pedestrian traffic or parking on private property~~, but bearing no advertising matter, including ~~such signs identifying restrooms, public telephones, hours of operation~~, walkways and similar features or facilities, and not exceeding twelve (12) square feet in area.
3. Private Property Regulation Sign ~~No Trespassing Signs~~: Signs regulating the use of a property, such as no hunting, no fishing, beware of dog, no trespassing, etc., of no more than two (2) square feet in area.
4. Directional and Parking Lot Entrance and Exit Signs: Signs marking and designating entrances and exits to/from parking lots including directing vehicle and pedestrian traffic within parking lots, provided such signs not exceed five (5) feet in height, nor six (6) square feet for properties zoned commercial or residential with non-residential uses or six (6) feet in height, nor twelve (12) square feet for properties zoned industrial and shall conform to the regulations of Article 12, "Off-Street Parking and Loading Requirements." However, where said signs are illuminated, they shall conform to Section 13.02.04 of this Article. Such signs may contain on-site advertising matter.
5. ~~Public Utility Company Signs: Signs indicating danger or which serve as an aid to public safety or which show the location of underground utilities.~~
- 6.5. Real Estate Signs on Property for Sale or Lease or with Construction Activity: Temporary Signs on property for sale or lease not exceeding one hundred (100) square feet in area in commercial or industrial districts, and not exceeding twelve (12) square feet in area in any other zoning district, ~~which advertise the sale, rental or lease of the premises upon which said signs are located only.~~ Signs on property with construction activity not exceeding twelve (12) square feet in any zoning district. All Signs shall be removed within five (5) days following the sale or lease of the property or upon completion of the construction activity, being advertised for sale or lease. All signs shall be limited to eight (8) feet in height and there shall be a limit of one (1) sign of this type per street frontage.
7. ~~Residential Garage or Patio Sale Sign: Temporary signs including, but not limited to, garage sale, patio sale, yard sale, porch sale, basement sale or any similarity thereto, that do not exceed twelve (12) square feet and located upon premises where the sale is taking place. These signs shall be removed within twenty-four (24) hours following the completion of the sale.~~
- 8.6. Tablets in Building Walls: Signs or tablets denoting names of buildings, names of officers and officials and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- 9.7. Traffic, Government Signs, Public Utility Company Signs and Emergency Signs: Traffic or other municipal or government signs, public utility signs, legal notices, railroad crossing signs, danger and other temporary emergency or non-advertising signs as may be approved or required by Federal law, State Statute, or the authority having jurisdiction.
10. ~~Neon signs, as well as all other approved signs, are permitted on the interior of a building and in display windows provided they do not cover more than twenty-five (25) percent of a display window surface area.~~
8. Sidewalk Sign: A Temporary Sign in the Central Business District not exceeding four (4) feet in height and eight (8) square feet in area per side. No more than one (1) sign per business is allowed and said sign shall be located within the boundaries of the business frontage not interfering with



pedestrian foot traffic. Sidewalk signs shall be self-supporting and not be permanently installed or affixed to any object, tree, surface or other means of support and shall be removed at the close of the business day.

9. Window Signs: Window Signs shall not exceed fifty (50) percent of the total window surface area per building or tenant elevation.

10. Menu board signs for drive-through operations provided such sign does not exceed thirty-two (32) square feet and six (6) feet in height.

11. Address numbers, illuminated on non-illuminated, located on the property where the address referenced is located per the requirements of Chapter 24 "Building Code", Article 10, Section 304.3.

12. Flags displaying non-commercial speech.

13. Temporary non-commercial ground or wall mounted signs not exceeding sixteen (16) square feet on residential zoned properties and forty (40) square feet on residential zoned properties with non-residential uses, commercial zoned properties or industrial zoned properties. Temporary non-commercial ground signs are limited to six (6) feet in height. Signs shall be allowed to be displayed for no more than 90 days per calendar year and removed within seven (7) calendar days of conclusion of the event. Temporary non-commercial signs are also exempt per P.A. 96-0904 of the Illinois General Assembly and Section 17-29 of the Illinois Election Code.

### **13.05 Permitted Permanent Signs – All Zoning Districts**

#### 13.05.01 Sign Chart

The following signs are permitted in all zoning districts, subject to obtaining a sign permit as required by Article 13.02.05.

| <u>Zoning District</u>                             | <u>Allowable Signs</u>  | <u>Maximum Size, Height and Setback</u>  | <u>Number</u>                                      | <u>Maximum Time for Display</u> |
|--|---|--|--|---------------------------------|
| <u>SFR1, SFR2, TFR, RC 1, PD-R</u>                 | <u>Permanent Wall</u>   | <u>Max. Size— 1 sq. ft.</u>  | <u>One</u>   | <u>None</u>                     |
|  | <u>Permanent Subdivision or Development Identification Sign (10 or more lots or dwelling units)</u> | <u>Max. Size— 50 sq. ft.</u><br><u>Max. Height (Ground Sign)— 6 feet</u><br><u>Min. Setback— 18 inches from any lot line</u> | <u>One per subdivision or development entrance</u> | <u>None</u>                     |
| <u>SFR1, SFR2, TFR, RC 1 (Non-Residential Use)</u> | <u>Permanent Wall</u>   | <u>1.5 square feet of signage for each lineal foot of building or tenant frontage; 300 sq. ft. max. for any sign</u>         | <u>One per building or tenant frontage</u>         | <u>None</u>                     |



|  |   |  |  |             |
|--|---|--|--|-------------|
|  | <u>Permanent Ground</u>   | <u>Max. Size—50 sq. ft.</u><br><u>Max. Height 10 feet</u><br><u>Min. Setback—18</u><br><u>inches from any lot</u><br><u>line</u>                                       | <u>One per street</u><br><u>frontage—</u><br><u>Max. of 2</u>                              | <u>None</u> |
|  | <u>Permanent Subdivision</u><br><u>or Development</u><br><u>Identification Sign (10 or</u><br><u>more lots or dwelling</u><br><u>units)</u> | <u>Max. Size—50 sq. ft.</u><br><u>Max. Height</u><br><u>(Ground Sign)—6</u><br><u>feet</u><br><u>Min. Setback—18</u><br><u>inches from any lot</u><br><u>line</u>      | <u>One per</u><br><u>subdivision</u><br><u>or</u><br><u>development</u><br><u>entrance</u> | <u>None</u> |
| <u>MFR-1, MFR-2</u>  | <u>Permanent Wall</u>   | <u>Max. size—10 sq. ft.</u>  | <u>One per</u><br><u>building</u><br><u>frontage</u>                                       | <u>None</u> |
|  | <u>Permanent Ground</u>   | <u>Max. Size—20 sq. ft.</u><br><u>Max. Height—6 feet</u><br><u>Min. Setback—18</u><br><u>inches from any lot</u><br><u>line</u>  | <u>One per street</u><br><u>frontage—</u><br><u>Max. of 2</u>                              | <u>None</u> |
|  | <u>Permanent Subdivision</u><br><u>or Development</u><br><u>Identification Sign (10 or</u><br><u>more lots or dwelling</u><br><u>units)</u> | <u>Max. Size—50 sq. ft.</u><br><u>Max. Height</u><br><u>(Ground Sign)—6</u><br><u>feet</u><br><u>Min. Setback—18</u><br><u>inches from any lot</u><br><u>line</u>      | <u>One per</u><br><u>subdivision</u><br><u>or</u><br><u>development</u><br><u>entrance</u> | <u>None</u> |
| <u>NC, LC, GC,</u><br><u>PD-C, ORL, LI,</u><br><u>HL, PD-I</u> | <u>Permanent Wall</u>   | <u>1.5 square feet of</u><br><u>signage for each</u><br><u>lineal foot of</u><br><u>building or tenant</u><br><u>frontage; 300 sq. ft.</u><br><u>max. for any sign</u> | <u>One per</u><br><u>building or</u><br><u>tenant</u><br><u>frontage</u>                   | <u>None</u> |
|  | <u>Permanent Ground—</u><br><u>Buildings with one</u><br><u>tenant</u>  | <u>Max. Size—50 sq. ft.</u><br><u>Max. Height 10 feet</u><br><u>Min. Setback—18</u><br><u>inches from any lot</u><br><u>line</u>                                       | <u>One per street</u><br><u>frontage</u>   | <u>None</u> |
|  | <u>Permanent Ground</u><br><u>Buildings with two</u><br><u>tenants or subdivisions</u><br><u>with two lots</u>                              | <u>Max. Size—75 sq. ft.</u><br><u>Max. Height 30 feet</u><br><u>Min. Setback—18</u><br><u>inches from any lot</u><br><u>line</u>                                       | <u>One per street</u><br><u>frontage</u>   | <u>None</u> |

|            |  |   |  |             |
|------------|--|---|--|-------------|
|            | <u>Permanent Ground—Buildings with three or more tenants or subdivisions with three or more lots</u> | <u>Max. Size—150 sq. ft.</u><br><u>Max. Height 30 feet</u><br><u>Min. Setback—18 inches from any lot line</u>   | <u>One per street frontage</u>                     | <u>None</u> |
|            | <u>Permanent Subdivision or Development Identification Sign (5 or more lots)</u>                     | <u>Max. Size—50 sq. ft.</u><br><u>Max. Height (Ground Sign)—6 feet</u><br><u>Min. Setback—18 inches from any lot line</u>   | <u>One per subdivision or development entrance</u> | <u>None</u> |
|            | <u>Projecting Sign</u>   | <u>Max. Size—12 sq. ft.</u><br><u>Not to extend more than 4 feet from vertical plan of facade</u>   | <u>Two per building or tenant</u>                  |             |
| <u>CBD</u> | <u>Permanent Wall</u>  | <u>2 square feet of signage for each lineal foot of building or tenant frontage</u>   | <u>One per building or tenant frontage</u>         | <u>None</u> |
|            | <u>Permanent Ground</u>  | <u>Max. Size—50 sq. ft.</u><br><u>Max. Height 10 feet</u><br><u>Min. Setback—18 inches from any lot line</u>  | <u>One per street frontage</u>                     | <u>None</u> |
|            | <u>Projecting Sign</u>   | <u>Max. Size—12 sq. ft.</u><br><u>Not to extend more than 4 feet from vertical plan of facade or closer than 2 feet to the back of the curb of the adjoining street</u> | <u>None</u>  | <u>None</u> |

| <u>Zoning District</u>                             | <u>Allowable Signs</u>  | <u>Maximum Size, Height and Setback</u>   | <u>Number</u>                                      | <u>Maximum Time for Display</u> |
|--|---|---|--|---------------------------------|
| <u>SFR1, SFR2, TFR, RC-1, PD-R</u>                 | <u>Permanent Wall</u>   | <u>Max. Size – 1 sq. ft.</u>  | <u>One</u>   | <u>None</u>                     |
|  | <u>Permanent Subdivision or Development Identification Sign (10 or more lots or dwelling units)</u> | <u>Max. Size – 50 sq. ft.</u><br><u>Max. Height (Ground Sign) – 6 feet</u><br><u>Min. Setback – 18 inches from any lot line</u> | <u>One per subdivision or development entrance</u> | <u>None</u>                     |
| <u>SFR1, SFR2, TFR, RC-1 (Non-Residential Use)</u> | <u>Permanent Wall</u>   | <u>1.5 square feet of signage for each lineal foot of building or tenant frontage</u>   | <u>One per building or tenant frontage</u>         | <u>None</u>                     |

|  |   |   |  |             |
|--|---|---|--|-------------|
|  |   | <u>300 sq. ft. max. for any sign</u>  |  |             |
|  | <u>Permanent Ground</u>   | <u>Max. Size - 50 sq. ft.</u><br><u>Max. Height-10 feet</u><br><u>Min. Setback -18 inches from any lot line</u>                 | <u>One per street frontage – Max. of 2</u>         | <u>None</u> |
|  | <u>Permanent Subdivision or Development Identification Sign (10 or more lots or dwelling units)</u> | <u>Max. Size – 50 sq. ft.</u><br><u>Max. Height (Ground Sign) – 6 feet</u><br><u>Min. Setback – 18 inches from any lot line</u> | <u>One per subdivision or development entrance</u> | <u>None</u> |

| <u>Zoning District</u>                     | <u>Allowable Signs</u>  | <u>Maximum Size, Height and Setback</u>   | <u>Number</u>                                      | <u>Maximum Time for Display</u> |
|--|---|---|--|---------------------------------|
| <u>MFR-1, MFR-2</u>                        | <u>Permanent Wall</u>   | <u>Max. size – 10 sq. ft.</u>   | <u>One per building frontage</u>                   | <u>None</u>                     |
|  | <u>Permanent Ground</u>   | <u>Max. Size - 20 sq. ft.</u><br><u>Max. Height- 6 feet</u><br><u>Min. Setback -18 inches from any lot line</u>                 | <u>One per street frontage – Max. of 2</u>         | <u>None</u>                     |
|  | <u>Permanent Subdivision or Development Identification Sign (10 or more lots or dwelling units)</u> | <u>Max. Size – 50 sq. ft.</u><br><u>Max. Height (Ground Sign) – 6 feet</u><br><u>Min. Setback – 18 inches from any lot line</u> | <u>One per subdivision or development entrance</u> | <u>None</u>                     |
| <u>NC, LC, GC, PD-C, ORI, LI, HI, PD-I</u> | <u>Permanent Wall</u>   | <u>1.5 square feet of signage for each lineal foot of building or tenant frontage</u><br><u>300 sq. ft. max. for any sign</u>   | <u>One per building or tenant frontage</u>         | <u>None</u>                     |

|  |  |  |                                |             |
|--|--|--|--------------------------------|-------------|
|  | <u>Permanent Ground – Buildings with one tenant</u>  | <u>Max. Size - 50 sq. ft.</u><br><u>Max. Height-10 feet</u><br><u>Min. Setback -18 inches from any lot line</u>  | <u>One per street frontage</u> | <u>None</u> |
|  | <u>Permanent-Ground Buildings with two tenants or subdivisions with two lots</u>                       | <u>Max. Size - 75 sq. ft.</u><br><u>Max. Height-30 feet</u><br><u>Min. Setback -18 inches from any lot line</u>  | <u>One per street frontage</u> | <u>None</u> |
|  | <u>Permanent Ground - Buildings with three or more tenants or subdivisions with three or more lots</u> | <u>Max. Size - 150 sq. ft.</u><br><u>Max. Height-30 feet</u><br><u>Min. Setback -18 inches from any lot line</u> | <u>One per street frontage</u> | <u>None</u> |

#### 13.05.01 Church, School or Public Building Identification/Information Sign

One (1) sign shall be allowed on the same premises provided that said sign does not exceed fifty (50) square feet in area nor is greater than fifteen (15) feet in height.

#### 13.05.02 Contractor Signs

Signs identifying mechanics, painters, architects, engineers and similar artisans and workmen which are located on the site of construction shall be permitted provided that they do not exceed twelve (12) square feet in area and do not include any promotional information for the development and that upon completion of the project, are removed within one (1) week.

| <u>Zoning District</u>   | <u>Allowable Signs</u>   | <u>Maximum Size, Height and Setback</u>   | <u>Number</u>                                      | <u>Maximum Time for Display</u> |
|--|--|---|--|---------------------------------|
| <u>NC, LC, GC, PD-C, ORI, LI, HI, PD-I</u><br><u>(Continued)</u> | <u>Permanent Subdivision or Development Identification Sign (5 or more lots)</u> | <u>Max. Size – 50 sq. ft.</u><br><u>Max. Height (Ground Sign) – 6 feet</u><br><u>Min. Setback – 18 inches from any lot line</u> | <u>One per subdivision or development entrance</u> | <u>None</u>                     |
|  | <u>Projecting Sign</u>   | <u>Max. Size – 12 sq. ft;</u><br><u>Not to extend more than 4 feet from vertical plan of façade</u>                             | <u>Two per building or tenant</u>                  | <u>None</u>                     |

|            |                         |  |  |             |
|------------|-------------------------|--|--|-------------|
| <u>CBD</u> | <u>Permanent Wall</u>   | <u>2 square feet of signage for each lineal foot of building or tenant frontage</u>  | <u>One per building or tenant frontage</u> | <u>None</u> |
|            | <u>Permanent Ground</u> | <u>Max. Size - 50 sq. ft.</u><br><u>Max. Height-10 feet</u><br><u>Min. Setback -18 inches from any lot line</u>  | <u>One per street frontage</u>             | <u>None</u> |
|            | <u>Projecting Sign</u>  | <u>Max. Size – 12 sq. ft.; Not to extend more than 4 feet from vertical plan of façade or closer than 2 feet to the back of the curb of the adjoining street</u> | <u>None</u>                                | <u>None</u> |

#### 13.05.04 Political Signs

The following regulations shall apply for all political signs (2004-095):

- ~~1. The maximum size of any one sign is sixteen (16) square feet in area. More than one sign is allowed per street frontage on any lot, however, a maximum of sixteen (16) square feet in sign area is permitted for each one hundred feet (100') feet of frontage, or fraction thereof, for any single lot, property, or business.~~
- ~~2. No sign shall be located in the Sight Vision Triangle as set forth in Article 7, or in the public right of way. Signs in the public right of way may be subject to confiscation pursuant to Article 13.02.07.~~

#### 13.05.025 Signs on Residential Zoned Property with Construction Activity ~~Project Construction Signs~~

~~1. A development under construction Signs on residential zoned property with construction activity shall be permitted one (1) temporary promotional on-site sign not exceeding one hundred (100) square feet in area nor exceeding eight (8) feet in height. When a development the property has frontage on two (2) or more existing and adjacent streets, an project construction on-site sign shall be permitted along each frontage. Signs on residential zoned property with construction activity shall not require a permit if they qualify under the provisions of Article 13.04.05.~~

~~2.1. A development under construction Signs on residential zoned property under construction shall be permitted any number of off-site directional signs not exceeding ten (10) square feet in area nor exceeding three and one-half (3-1/2) feet in height. Such signs may be placed off-site, provided they are not be attached to any public utility pole, tree, fire hydrant, curb, sidewalk or other surface located on, or extending into, public property or right of way. In addition, the following regulations apply:~~

- ~~A temporary sign permit is required with a minimum fee of one hundred dollars (\$100.00), or as may be amended modified by the City Manager or designee. Council from time to time, which shall not require a public hearing for an amendment to this Ordinance;~~



- b. Signs shall not be placed before noon on any Friday, and must be removed by noon on the following Monday;
- c. No such sign ~~for a development~~ shall be located within two hundred (200) feet from any other sign for the same ~~development property~~.

~~3.2.~~ All ~~project construction~~ signs shall be removed within five (5) years from the date of issuance of the sign permit, or when seventy-five (75) percent of the lots or gross floor area have been sold or leased, whichever is first.

#### 13.05.036 Temporary Signs

Temporary commercial on-site signs and attention-getting devices that are otherwise prohibited by this Article may be permitted for purposes of promoting special commercial activities, grand openings, sales, special events, etc., subject to the following provisions (exception see Subsection 13.07.07, Central Business District).

~~1.~~ A fully completed temporary sign permit application and site plan shall be submitted to and approved by the Community Development Department a minimum of seven days prior to the date of displaying a temporary sign.

~~1.~~

2. A temporary sign permit must be obtained from the Community Development Department.

~~Temporary sign permits shall be limited to a fourteen (14) consecutive day maximum exposure period in accordance with the following specifications:~~

~~3.~~ Temporary commercial on-site sign permits shall be limited to a maximum of ninety (90) days per calendar year. The days for the display of the sign(s) do not have to be concurrent and are determined by the applicant, however the dates of the display must be provided to the Community Development with the permit. Applicable fees are established per Chapter 24 of the Municipal Code.

~~4.~~ The maximum size of a temporary commercial sign is 40 square feet and must not be more than fifteen (15) feet in height and must not be located in the sight distance triangle as defined in Article 7.10. There is no limit on the number of ground signs however a maximum of 40 square feet per roadway frontage is allowed. Wall mounted temporary signs are limited to one and may not extend above the roofline of the parapet of a building. Roof mounted temporary signs are prohibited. The maximum size of a temporary commercial sign (ground or wall) for buildings over 50,000 square feet is one square foot per one lineal foot of building frontage with a maximum of 100 square feet.

~~3. 5.~~ Displaying temporary commercial signs off-premises is prohibited.

~~5.~~

| <u>Class</u>   | <u>Maximum Sign Size</u>   | <u>Number of Annual Permits</u> |
|----------------|--|---------------------------------|
| I              | 40 square feet   | 6                               |
| II             | 40 square feet   | 6                               |
| III            | 40 square feet   | 6                               |
| Big-Box Stores | 1 square foot per 1 lineal foot of frontage;<br>maximum of 100 square feet | 6                               |

~~The Community Development Director may extend the temporary sign permit time period provided the applicant does not have a history of violating the requirements of this temporary sign ordinance.~~



- ~~4. Class I governmental use groups whose property does not fall under the City of DeKalb's jurisdiction are exempt from the on-premises provisions of this temporary sign ordinance provided the temporary signage is solely within or upon the jurisdictions property.~~

#### ~~13.05.07 Temporary Community Event Signs~~

- ~~1. A written request must be submitted to the Community Development Department seven (7) days prior to the date of the event.~~
- ~~2. A temporary sign permit must be obtained from the Community Development Department.~~
- ~~3. A temporary community event sign permit may be issued by the Community Development Department provided that the permit shall not exceed an exposure period of more than fourteen (14) consecutive days. The issuance of a temporary community event permit shall not exceed six times per calendar year per sponsor. The Community Development Director may extend the temporary community event permit time period provided the applicant does not have a history of violating the requirements of this temporary sign ordinance.~~

#### ~~13.05.08. Off-Premises Regulations for Temporary Signs~~

- ~~1. Displaying Class II temporary signs advertising or promoting commercial marketing initiatives upon residential zoned properties is strictly prohibited.~~
- ~~2. Displaying temporary signs off-premises is prohibited for Class II use groups.~~
- ~~3. Displaying temporary signage off-premises for Class I and Class III use groups is permitted in accordance with the following regulations:~~
  - ~~a. Class I use groups electing to display temporary signs upon government property or off-premises upon private commercially-owned property within the jurisdiction of the City of DeKalb shall comply with the temporary sign ordinance regulations as prescribed herein. Class I Use groups whose properties are within the City of DeKalb's jurisdiction may display temporary signs upon the site where the governmental unit's business offices are located or where the activity being promoted takes place.~~
  - ~~b. Class II use groups may display approved temporary signs only on the property where the business is located. A Class II use group sponsoring a Class II commercial event within or upon a property owned and/or operated by a Class I or Class III use group shall comply with Class II Use group requirements for temporary signs.~~
  - ~~c. Class III use groups may display temporary signs off-premises in accordance with the limitations and locations as authorized in the approved permit.~~
- ~~4. Class I or Class III community event sponsor shall submit written permission from the property owner of the proposed off-premises site where said temporary sign is to be located authorizing the placement of a temporary sign to advertise a community event.~~
- ~~5. A Class I or Class III community event sponsor shall ensure removal of any and all temporary sign(s) are removed within seven (7) calendar days of the conclusion of their community event.~~
- ~~6. When approved by the Community Development Department, an off-premises property owner may not post more than two temporary community event signs concurrently; each temporary sign shall not exceed more than forty (40) square feet; the host site shall have the required frontage necessary to accommodate the signage proposed.~~

- ~~7. Where off-premises sites have two frontages, the off-premises temporary community event sign regulations shall apply for each frontage.~~
- ~~8. An off-premises temporary sign shall be placed no more than fourteen (14) days in advance of the start date of the community event.~~
- ~~9. Temporary signs posted off-premises may be temporarily affixed to existing fencing at the frontage of the site provided the signage does not cover more than fifty (50) percent of each frontage fence, does not exceed the height of the fence and does not interfere with the vision triangle or create a hazard thereby jeopardizing the public's safety.~~

#### 13.05.09 Temporary Sign Permit Fees

~~In accordance with the limitations as prescribed Section 13.05, Subsection 6, Paragraph c., the permit application fees for Temporary Sign Permits are as follows:~~

| <u>Class</u>                | <u>Fee per event</u> |
|-----------------------------|----------------------|
| <del>I (on-premises)</del>  | <del>None</del>      |
| <del>I (off-premises)</del> | <del>\$10.00</del>   |
| <del>II</del>               | <del>\$10.00</del>   |
| <del>III</del>              | <del>\$10.00</del>   |
| <del>Big Box Stores</del>   | <del>\$10.00</del>   |

#### 13.05.10 Removal of Unapproved, Existing Temporary Signs

~~On or within ninety (90) calendar days of the effective date of this Ordinance, August 9, 2010, any and all existing Temporary Signs being displayed without a valid permit issued by the Community Department, may be ordered to be removed by the Community Development Director until such time as a permit has been issued. (2017-044)~~

#### 13.06 Permitted Signs – Residential Districts

- ~~1. In addition to the signs allowed in 13.05, the following signs are permitted in the Residential and Planned Residential Districts:~~
  - ~~a. Dormitory, Fraternity and Sorority Signs: One (1) non-illuminated wall sign not exceeding six (6) square feet in area or one (1) non-illuminated ground sign not exceeding six (6) square feet in area nor six (6) feet in height shall be permitted for each dormitory, fraternity or sorority. Said signs shall be constructed of masonry or on incombustible material.~~
  - ~~b. Home Occupation Signs: One (1) permanent sign may be permitted provided that said sign is non-illuminated, is attached to the dwelling unit housing the home occupation and is not greater than one (1) square foot in area.~~
  - ~~c. Property Rental Agent Signs: One (1) non-illuminated wall sign not exceeding six (6) square feet in area shall be permitted for a property rental agency office. Said signs shall be constructed of masonry or on incombustible material.~~
- ~~2. Location and Height Regulations~~
  - ~~a. All signs shall be placed not closer than ten (10) feet from any side or rear lot lines nor closer than eighteen (18) inches from any front property line.~~

- b. ~~All signs shall not exceed fifteen (15) feet in height or the height requirement otherwise specified for a certain sign, whichever is less.~~

### **13.067 Additional Sign Regulations Permitted Signs—Commercial and Industrial Districts**

~~Additional The regulations governing signs in all zoning districts the Commercial, Planned Development—Commercial, Industrial, Planned Development—Industrial and Office/Research/Light Industrial Districts shall be as follows, unless a sign plan is approved as part of a Planned Development—Residential, Planned Development—Commercial or Planned Development—Industrial zoning district:~~

#### **13.067.01 Permanent Ground Signs**

1. ~~Each lot is permitted no more than one (1) ground sign located along the street frontage that serves as the primary access for the lot. Where there is two (2) or more street frontages, one (1) additional ground sign may be located along the street frontage that serves as the secondary access for the lot, if that street frontage is a continuous length in excess of two hundred (200) lineal feet.~~

2. ~~No ground sign shall exceed fifty (50) square feet in neither area for a single user, nor more than seventy-five (75) square feet for two tenants or users, except as otherwise provided below, in Subsection 5.13.07, paragraph 4c, Article 5, "Planned Development Regulations."~~

4. Any combination of tenants, users or businesses that share a common entrance, common restrooms, or a common cash register or payment facility shall count as a single user or tenant, regardless of relationships through franchises, business or corporate names, or similar distinguishing factors. Examples include a snack bar inside a department store or a convenience store located within a gas station, both of which shall be considered a single user in all circumstances.

1.

2. Ground signs serving buildings with three or more tenants, commercial subdivisions with three or more lots, where only one lot has street frontage, or similar situations, shall have the following additional regulations: ~~be allowed a ground sign of not greater than one hundred fifty (150) square feet, provided that:~~

2.

- a. ~~No individual tenant, user or building occupant shall have a panel or portion of the sign exceeding fifty (50) square feet in area;~~

- a. No individual tenant, user or building occupant shall have a panel or portion of the sign exceeding fifty (50) square feet in area;

- b. The sign shall be designed to provide adequate advertising opportunity to all lots and tenants;

- a. c. In the case of a single owner, the owner may assign smaller or greater percentage of allowable sign area to each tenant, subject to subparagraph a, above. In the case of multiple owners, the percentage of allowable sign area granted to the various owners and/or tenants shall be by written agreement, executed by the owners and recorded as a covenant running with the land. A copy of the executed and recorded agreement shall be provided with any sign permit application for such sign.

- b. 3.

~~e. In the case of a single owner, the owner may assign smaller or greater percentage of allowable sign area to each tenant, subject to subparagraph a, above. In the case of multiple owners, the percentage of allowable sign area granted to the various owners and/or tenants shall be by written agreement, executed by the owners and recorded as a covenant running with the land. A copy of the executed and recorded agreement shall be provided with any sign permit application for such sign.~~

~~3. The bottom edge of the display portion of a ground sign shall either be erected at a height of less than four (4) feet, or greater than eight (8) feet above the ground elevation.~~

~~4. No ground sign shall exceed ten (10) feet in height measured from the ground elevation at the base of the sign, except in the following circumstances:~~

~~a. 3. AA ground sign serving multi-tenant situations per Paragraph 2, above, may be allowed up to thirty (30) feet in height, provided it does shall not exceed the height of the primary structure by five (5) feet, and the required front yard setback for the sign shall be increased by one (1) additional foot for each one (1) foot by which the height of such sign exceeds ten (10) feet;~~

~~4.~~

~~b. 4. In the following areas, ground signs for single users will be allowed up to one hundred (100) square feet in area, or up to one hundred fifty square feet (150) to multiple users, and may be up to thirty-five (35) feet in height. The maximum height may be increased to a height of not more than sixty (60) feet, without being limited to the height of the primary structure on the property, after receiving a special use permit from the City Council:~~

*All property located south of Fairview Drive, north of Gurler Road, east of the line lying parallel to and 1150 feet west of the center line of South Annie Glidden Road, and west of a line parallel to and 1320 feet east of the center line of Peace Road.*

#### Other Regulations.

~~a. 5. No portion of a ground sign shall be located in the sight distance triangle as defined in Article 7.10, closer than eighteen (18) inches from any property line(s).~~

~~b. 6. No ground sign shall be erected within eight (8) feet of any line conductors, service drops or power lines. The placement of ground signs shall not interfere with any utility lines as determined by the Chief Building Official or designee.~~

~~c. 7. Ground signs shall be set back a distance of one (1) lineal foot from any property line if the topmost edge of the sign exceeds ten (10) feet in height from the ground; the said ground sign shall be setback an additional one (1) lineal foot from the property line for every additional one (1) foot the height of the topmost edge of the sign exceeds ten (10) feet.~~

~~d. 8. Ground signs supported by a pole or poles or base shall have the support pole(s) or base screened from view from all visible directions. Support pole or poles shall be enclosed in skirting or a solid base, with a minimum width not less than half of the width of the proposed sign and with a maximum width not greater than the ten (10) percent more than the width of the proposed sign. The skirting or base shall be constructed of materials consistent with the appearance of the principal structure(s) located on the same lot as the sign, or constructed of materials consistent with the intent of this provision as approved by the Chief Building Official or designee.~~

~~e. 9. The ground immediately adjacent to said skirting or base shall be landscaped sufficiently so as to screen from unobstructed view fifty (50) percent of the lower half of the skirting or base, measured as fifty (50) percent of the height between the ground and the bottom edge of the display portion of the proposed sign or two (2) feet, whichever is lower. The landscaping shall include species of vegetation appropriate to and consistent with the climate and appearance of the City of DeKalb, as approved by the Chief Building Official or designee.~~

- ~~f.~~ 10. It shall be the sole responsibility of the property owner(s) to maintain the neat appearance and functionality of any ground signs, including the skirting, base, and/or landscaping associated with said ground sign.

#### 13.067.02 Business Signs — Permanent Wall Signs

1. Wall signs shall be substantially flush with the building wall, shall not extend beyond the wall of the building more than eighteen (18) inches and shall not project beyond any property line.
2. The size of the wall signs facing alleys or other public areas (but not streets or roads) shall be computed the same as a regular wall sign identifying the business or occupant located within the building.
3. ~~The total allowable area of wall signs shall not exceed one (1) square foot per lineal foot of building frontage upon which the sign is affixed. The maximum area of any one wall sign shall not exceed three hundred (300) square feet.~~ Area allowed on one side of a building shall neither be transferred to another side of the building, or to any other building.
4. In buildings containing multiple tenants, the owner of such building may assign smaller or greater percentage of allowable sign area to each tenant; however, the total sign area shall not exceed the maximum allowable under ~~paragraph 3 of this Section Article.~~
5. Wall signs shall not extend above the roof line.

#### ~~6.~~ Other Regulations

- ~~a.6.~~ Wall signs may be placed on the vertical face of a mansard roof, whether real or artificial.
- ~~b.7.~~ Each business in the "NC" Neighborhood Commercial District shall be limited to one wall sign facing a roadway. No wall sign shall exceed fifty (50) square feet in area.
- ~~c.8.~~ Internally illuminated ~~W~~ wall signs facing the property line of an adjacent property zoned in a residential ~~district~~ shall not be permitted if the adjoining property line is closer than fifty (50) feet to the wall in question.
- ~~d.9.~~ Wall signs cannot be made of vinyl or other flexible material and must be affixed to a solid non-flexible base or substrate. (2008-052)
- ~~e.10.~~ Banner signs are not considered a permanent wall sign and are only temporarily permissible. (2008-052)

#### 13.067.03 Under Canopy Signs

1. One (1) sign located under a canopy, fixed awning or marquee shall be permitted for each business in a building. There shall be a minimum clearance of eight (8) feet between the ground and any such sign.

~~2.~~ The area of an under canopy sign shall not exceed one (1) square foot.

2.



#### 13.067.04 Manual and Electronic Changeable Copy Signs

1. Each lot, building or property, whichever is most restrictive, may have one manual or electronic changeable copy sign, which may be either a wall sign or part of a ground sign.  
1. \_\_\_\_\_
2. Electronic Changeable Copy Signs are not allowed in the CBD Central Business District, except for time and temperature signs, and any Residential Zoning District (except for non-residential uses located in the SFR1, SFR2, TFR and RC-1 Districts).  
2. \_\_\_\_\_
3. Manual and electronic changeable copy signs shall not exceed fifty (50) percent of the permitted maximum sign area of a ground sign or forty (40) sq. ft., whichever is less. The "permitted maximum sign area" for manual and electronic changeable copy signs may include the sign base, support structure, architectural features, any material, framing or color forming a part of the background of the sign display.  
  
~~3. Manual and electronic changeable copy signs shall not exceed fifty (50) percent of the permitted maximum sign area of a ground sign or forty (40) sq. ft., whichever is less. If the changeable copy sign is part of the ground sign, the changeable copy sign shall not exceed eighteen (18) square feet in area. The "permitted maximum sign area" for manual and electronic changeable copy signs may include the sign base, support structure, architectural features, any material, framing or color forming a part of the background of the sign display.~~
4. Manual and electronic cChangeable cCopy sSigns shall conform to the regulations for ground signs or wall signs, except as otherwise provided for in this subsection.
5. No advertising shall be placed upon a manual or electronic -changeable copy sign other than the owner or references to the business conducted within the premises to which the sign is attached, community events and the time and/or temperature.
6. For electronic changeable copy signs the following regulations shall also apply:
  - a. Digital displays shall be static in nature and shall not have movement of any kind or the appearance or optical illusion of movement, on any part of the sign.
  - b. Each message on the sign must be displayed for a minimum of five (5) seconds.
  - c. The change between static messages must be accomplished immediately, with no use of any transitions.
  - d. The sign must include light sensors and dimmer controls that automatically adjust to outdoor lighting levels so that illuminations levels are dimmer at night and on cloudy days than during sunny days. In no instance shall lighting intensity exceed 500 nits.
  - e. The sign shall not contain any "off-site" advertising, except for the dissemination of bona fide emergency public messages issued by a unit of government.
  - f. The sign shall be equipped with an automatic off switch when the sign is malfunctioning or has missing light fields.



### 13.067.05 Gasoline Station or Drive-Through Canopy Signs Facilities

#### 1. Gasoline Station and Drive Through Canopy Signs Facilities

A gasoline station or drive-through facility with a permitted canopy may have no more than one (1) sign, attached on each of any ~~three~~ (3) sides of the vertical face of the canopy. The area of each sign shall not exceed ~~twelve~~ (12) square feet. When attached to the vertical face of the canopy, each sign shall be a flat sign and shall not project above or below the vertical face of the canopy by more than one (1) foot and shall not infringe upon the vertical clearance requirements of Article 7, Section 7.04 of this Ordinance. If illuminated, such signs shall only be illuminated by non-intermittent light sources.

#### 2. Gas Station Price Signs

- ~~a. Gasoline price signs accessory to gasoline stations will be permitted to have one digital or manual changeable copy sign to show current gasoline prices at all times;~~
- ~~b. The total Electronic Changeable Copy sign(s) area shall not exceed a total of twelve (12) square feet per sign face. Lighting intensity shall be restricted to 500 nits;~~
- ~~c. Gasoline pricing information shall be a fixed, non-intermittent, static message with no wipes, fades, flashes or similar effects.~~

### 13.07.06 Window Signs

~~Window signs are allowed in addition to other permitted signs and are not included as part of the area calculation of wall signs.~~

- ~~2. The maximum area of shop window signs shall not exceed forty (40) percent of the area of the window in which it is placed or visible.~~

### 13.07.07 Area of Special Control "CBD" Central Business Zoning District (2017-044) 13.067.06 Projecting Signs

- ~~1. Projecting Signs: In the "CBD" Central Business Zoning District, projecting signs are permitted, subject to the provisions below.~~

~~Projecting signs shall neither extend more than four (4) feet from the vertical plane of the façade, or closer than two (2) feet to the back of the curb of the street on which the said façade fronts;~~

- ~~1. Projecting signs shall not exceed twelve (12) square feet in area;~~

#### 13.07.06 Projecting Signs

- ~~2. The lowest portion of a projecting sign shall not be closer than eight (8) feet to the sidewalk and the highest portion of the sign, including the supporting structure, shall not be taller than the building wall;~~

- ~~1. The lowest portion of a projecting sign shall not be closer than eight (8) feet to the sidewalk and the highest portion of the sign, including the supporting structure, shall not be taller than the building wall;~~

- ~~3.2. The sign shall advertise only the name and/or nature of the business. However, the sign may display a product directly associated with the business. No such product shall violate any other provision of this UDO, nor shall any such product relate to the imagery or products of a sexual nature or which appeal to a prurient nature; (2018-001)~~

4.3. Remote lighting by a neutral color is permitted. Such remote illumination must be placed so that it does not interfere with similar lighting of the next adjacent establishment or vehicular movement. Remote lighting shall not project from the facade of the building more than eleven (11) inches. Interior lighting of projecting signs is not allowed in the CBD Central Business District;

4. The area of all projecting signs counts toward the total area of signage allowed per this Article, per paragraph 2, below.

5. 13.067.07 Area of Special Control - "CBD" Central Business Zoning District (2017-044)

2.1. In the Central Business District, the maximum size of all signs shall not exceed an area of two (2) square feet per one (1) lineal foot of building frontage. ~~This includes~~ all ground, projecting, canopy, awning, marquee, and wall signs.

3.2. Awnings, Canopies and Marquee Signs

- a. The construction materials and manner of construction of all awnings, canopies and marquees shall be subject to Chapter 6 of the City of DeKalb Municipal Code.
- b. No awning, canopy or marquee shall be constructed or erected so that the lowest portion thereof is less than eight (8) feet above the sidewalk or parkway.
- c. No awning, canopy or marquee shall be constructed or erected to extend neither greater than five (5) feet from the vertical plane of the building façade, nor closer than two (2) feet to the back of the curb of the street on which the building fronts.
- d. All awnings, canopies and marquees shall be supported solely by the building to which they are attached and no columns or posts shall be permitted as supports.
- e. No advertising shall be placed on any awning or canopy except that the name of the owner and business, industry or pursuit conducted within the premises may be painted on or otherwise permanently placed in letters not exceeding twenty (20) inches in height on the front and side portions thereof.
- f. ~~Any letters, numbers or characters painted or otherwise permanently placed on a canopy, awning or marquee shall count toward the maximum area of wall signage permitted per Paragraph 2, above.~~ The area of signage on an awning, canopy or marquee shall be measured and considered as contributing to a property's maximum permitted wall signage area in accordance with the provisions of Article 13.025.02 Calculation Determination of Sign Area.

4.3. Special event signs may be placed on the sidewalk portion of the public right-of-way if no practicable alternative exists to place the sign on private property. Such signs may be approved by the City Manager or designee City Council, after receiving a report and recommendation from the Chief Building Official or designee Community Development Director, or his/her designee, in accordance with the provisions found in Article 13.05, subparagraph 6, except as follows:

- a. Such signs shall be limited to a thirty (30) day maximum exposure period for not more than two (2) times during a calendar year. The City Council may extend this maximum exposure period when necessary.
- b. Such signs shall neither exceed forty-eight (48) inches in height nor thirty (30) inches in width.
- c. The placement of such signs shall be limited to a location deemed appropriate by the City Manager or designee City Council.

- d. Any sign to be located in the Lincoln Highway (Illinois Route 38) or Fourth Street (Illinois Route 23) right-of-way shall first be approved by the State of Illinois Department of Transportation prior to City Council approval. (1993-042)

## **ARTICLE 18**

### **APPEALS AND VARIANCES**

#### **18.01 Planning and Zoning Commission**

The Planning and Zoning Commission has been duly established by the City Council of DeKalb, Illinois, as set forth in Chapter 21 of the DeKalb Municipal Code. Except as provided for in Article 16, "Administration and Enforcement," the Planning and Zoning Commission is authorized to take action on appeals and variances with regard to this Ordinance and other applicable Illinois State Statutes. Rules and procedures governing the conduct of the Commission are contained in its adopted bylaws and as may be amended from time to time.

#### **18.02 Appeals**

An appeal may be taken to the Planning and Zoning Commission by any person aggrieved, or by an officer, department, Commission or commission of the City affected by a decision of the Community Development Director or designee relative to this Ordinance. Such appeal shall be taken within forty-five (45) days of the action complained of by filing with the Community Development Director or designee a notice of appeal, specifying the grounds thereof and by paying a fee to the City of DeKalb of such amount as may be established from time to time by the City Council. The Community Development Director or designee shall forthwith transmit to the Commission all of the papers constituting the record upon which the appeal action was taken.

An appeal shall stay all proceedings in furtherance of the action that has been appealed, unless the Community Development Director or designee certifies to the Planning and Zoning Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record on application, on notice to the Community Development Director or designee and on due cause shown.

The Commission shall hear appeals under this Ordinance and as to any such appeal shall follow the rules herein contained.

##### **18.02.01 Hearing Required**

The Planning and Zoning Commission shall hear an appeal at one of their regularly scheduled meetings and give due notice thereof to the parties and shall render a decision of the appeal without unreasonable delay. No hearing shall be held upon an appeal unless the parties thereto receive at least seventy-two (72) hours' notice of such hearing. Any party to the proceeding may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

##### **18.02.02 Decision**

1. The Commission may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Commission may decide to be fitting and proper, and to that end the Commission shall also have all the powers of the officer from whom the appeal is taken.

The concurring vote of four (4) members of the Commission shall be necessary to reverse any order, requirements, decision or determination of the Community Development Director or to decide in favor of the applicant.

2. All final orders, requirements, and decisions of the Commission shall bear the signature of the Chair (or Vice-Chair if the Chair is unavailable). It shall be the duty of the Community Development

Director or designee to give proper notification of the final orders, requirements, and decisions and draft them if so instructed by the Commission.

### **18.03 Variances**

When a property owner shows that a strict application of the terms of this Ordinance relating to the construction or alteration of buildings or structures imposes upon him practical difficulties or particular hardship, then the Commission may determine and vary their application of the regulations of this Ordinance in harmony with their general purpose and intent when the Commission is satisfied under the evidence heard before it that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the strict letter of the regulations of this Ordinance. No variance shall authorize a use not among the uses specified by this Ordinance, as permitted in the zoning district in which such property is located.

#### **18.03.01 Hearing Required**

No variation shall be made by the Planning and Zoning Commission except after a public hearing of which notification of time and place of the hearing shall be provided in the following manner:

1. At the time of submitting an application for a variance, the applicant shall furnish to the City a list of owners and their mailing addresses of all property within two hundred fifty (250) feet of the property that is the subject of the proposed variance. This distance shall be measured in all directions from the boundaries of the subject property and shall not include distances devoted to adjoining or nearby public rights-of-way. In all instances, the furnished list shall include the names and addresses of a minimum of ten (10) property owners. Should the two hundred fifty (250) foot notification area not result in list of ten (10) property owners, then the notification area shall be appropriately expanded until this minimum has been met. In expanding the notification area, preference shall be given towards those properties comprised of urban-sized lots or in areas most likely to be affected by the proposal.
2. The Community Development Director or designee shall be responsible for preparing a public hearing notice providing the time, date, and place of the required public hearing, along with a summary of the request and legal description of the property that is the subject of the hearing. The public hearing notice required by this section does not need to include a metes and bound legal description of the area proposed for the variance if the notice includes a common street address or addresses and the property index number (PIN) or numbers of all the property proposed for the variance. The applicant shall publish the public hearing notice at least once in a newspaper having general circulation in the City of DeKalb not more than thirty (30) nor less than fifteen (15) days before the hearing date.
3. The applicant shall mail a notice of the public hearing to those property owners within two hundred fifty (250) feet of the subject property. Notice of the public hearing shall be mailed to all applicable governmental agencies, including but not limited to: School District, Park District, Kishwaukee Water Reclamation District, Township, Drainage District and Soil and Water Conservation District.

#### **18.03.02 Application Procedures**

1. *Application:* The petitioner shall submit an application, on forms available from the Community Development Department. The application shall also include the following information:
  - a. The legal and common description of the property on which the variance is to be considered.
  - b. The variance requested, and the reasons for the request.
  - c. The property's present zoning classification.

- d. A site plan showing the subject property and its dimensions.
  - e. The location of all existing and proposed buildings, structures and other improvements, building sizes including square footage, and their distances from adjacent lot lines.
  - f. List of owners and their mailing addresses as required in Subsection 18.03.01.
  - g. Any other information which the Planning and Zoning Commission or Community Development Director or designee requests.
2. *Burden of Proof:* In submitting an application for a variance, the burden of proof shall rest with the applicant to clearly establish that the findings of fact required in Subsection 18.03.03, Paragraph 2 are met.
  3. *Review Procedure:* The Community Development Director or designee shall review the variance petition. The Community Development Director or designee shall solicit the opinions and comments of other City staff members and, along with the comments received from property owners, governmental agencies, etc., shall forward to the Planning and Zoning Commission their recommendation of approval or denial of the variance petition or approval of a modified version of the variance petition.

#### 18.03.03 Hearing Procedures

1. The Planning and Zoning Commission shall hold a public hearing and shall consider the variance petition and relevant facts presented by the applicant or their representative, City staff other governmental agencies, or by an interested citizen. (2019-025)
2. *Findings of Fact:* Upon review of the application and information presented at the public hearing, the Commission shall consider and adopt findings of fact sustaining each of the following criteria, which are consistent with the rules provided to govern determinations of the Planning and Zoning Commission as referenced by the Illinois Compiled Statutes.
  - a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.
  - b. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the applicant.
  - c. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.
  - d. The denial of the proposed variance will deprive the applicant the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.
  - e. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.
  - f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. (2019-025)
  - g. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.



3. *Variances:* When a property owner shows that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures imposes upon him practical difficulties or particular hardship, then the Commission may grant a variance to said ordinance in harmony with its general purpose and intent, when the Commission is satisfied under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created and set forth. The Commission may grant variations from the regulations of this ordinance only in the following instances:

- a. To permit the reconstruction of a non-conforming building which has been damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage where the Commission shall find some compelling public necessity requiring a continuance of the non-conforming use.
- b. To permit the erection of a building in any location for a public service corporation for public utility purposes which the Commission deems reasonably necessary for the public convenience or welfare.
- c. To permit a yard, setback or landscape buffer of a lesser dimension than required by the applicable regulations.
- d. To allow a fence in excess of the height limitations required by the applicable regulations.
- e. To permit the use of a lot of a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot be less than eighty percent (80%) of the required area and width.
- f. To reduce the applicable off-street parking or loading facilities required by not more than twenty percent (20%).
- g. To increase the maximum height requirement of any district.
- h. To increase the maximum site coverage.
- i. To vary the height, size or location requirements for signs. To allow off-site temporary signage.
- j. To make a variance where, by reason of an exception situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property or record, or by reason of exceptional topographical conditions, the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property as distinguished from a mere inconvenience to such owner provided such relief can be granted without substantial detriment to the public good and without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

The concurring vote of four (4) members of the Commission shall be necessary to reverse any order, requirement, decision, or determination of the Community Development Director or designee to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render decision, or to effect any variance. (1993-063, 2017-044, 2019-025)

4. *Non-conformity as Basis for Variance:* The existence of any non-conformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for other property.

5. Conditions imposed on Variances:

- a. In granting variances, the Commission may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
  - b. A variance may be issued for an indefinite duration or for a specified duration only.
  - c. The nature of the variance and any conditions attached to it shall be entered on the face of the Commission's order, or the Commission's order may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.
6. *Notification of Decision:* All final orders, requirements, and decisions of the Commission shall bear the signature of the Chair (or Vice-Chair if the Chair is unavailable). It shall be the duty of the Community Development Director or designee to give proper notification of the final orders, requirements and decisions and draft them if so instructed by the Commission.
7. *Period of Validity:* No order of the Commission permitting the erection or alteration of a building shall be valid for a period longer than six months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Commission permitting a use of a building or premises shall be valid for a period longer than six (6) months, unless such use is established within such period; provided, however, that where such use is permitted is dependent upon the erection or alteration of a building, such order shall continue to force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

**18.04 Appeal of Final Actions**

No decision of the Planning and Zoning Commission shall be subject to review, reversal or modification by the City Council but shall be subject to judicial review pursuant to the provisions of the Code of Civil Procedure concerning Administrative Review Law.