ORDINANCE 11-09  Passed February 28, 2011

AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF DEKALB, ILLINOIS, ARTICLE 13, “SIGNS,” SECTION 13.05, POLITICAL SIGNS.

WHEREAS, The City of DeKalb is a Home Rule Unit by virtue of the provisions of the Constitution of the State of Illinois of 1970; 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 (the "UDO"), which sets forth the zoning and subdivision standards and procedures for the City of DeKalb; and

WHEREAS, Article 13 of that Unified Development Ordinance sets forth the regulations for Signs; and

WHEREAS, the provisions in Article 13 of the City’s UDO relating to Political Signs does not adequately reflect the State of Illinois’ Municipal Code; and

WHEREAS, the Plan Commission held a public hearing on these proposed amendments at their meeting of February 16, 2011, at which time the Commission recommended approval of the proposed amendment by a vote of five (5) to zero (0) (Absent Gillio & Frye);

BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois, as follows:

Section 1. That the current Article 13 of the Unified Development Ordinance of the City of DeKalb, Illinois, “Signs”, is hereby amended to delete therefrom the language shown with strikethrough, and add thereto the language underlined in the attached Exhibit A.

Section 2. That each section, paragraph, sentence, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, other than the part affected by such a decision.

Section 3. This Ordinance shall be in full force and effect upon its passage according to law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 28th day of February, 2011 and approved by me as Mayor on the same day. Received and filed by voice vote. Passed on second reading by roll call vote: 7-0. Aye: Simpson, Teresinski, Verbic, Gallagher, Naylor, Baker, Kammes.

ATTEST:

Steve Kapitan, City Clerk

Kris Povlsen, Mayor
13.05 Permitted Signs – All Zoning Districts

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

1. 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.

2. 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.

3. Subdivision or Development Identification Signs: For a subdivision for which a Preliminary Plat or Preliminary Development Plan has been approved by the City Council of the City of DeKalb, up to two (2) permanent subdivision or development sign (one on each corner of the entry street) not exceeding fifty (50)square feet in size each, inclusive of any logo, shall be allowed for any planned development, subdivision, multiple-family (apartment) or condominium development with ten (10) or more lots or dwelling units, or for any commercial or industrial subdivision, commercial/industrial planned development or office/research/light industrial parks with five (5) or more lots. Where the subdivision or development has access on two (2) or more streets, or has more than one (1) entrance on one (1) street, identification signs shall be allowed at each entrance.

Subdivision or development identification signage shall be mounted on a decorative masonry wall and said wall shall comply with Article 7, "Supplementary District Regulations.

4. Political Signs: The following regulations shall apply for all political signs (04-95):

a. 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.

b. 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.

c. Temporary Sign Permit: Prior to the installation of political signs, a temporary permit shall be obtained from the Director of Community Development. The Director, or his/her designee, shall grant a temporary sign permit for a period not to exceed ninety (90) days.
d. A cash deposit in the amount of $100 will be deposited with the City to insure the removal of all signs within ten (10) days after the election. If all signs are removed, the deposit or bond will be returned; however, if it is necessary for the City to remove the signs, all or a portion of the $100 will be used to defray expenses of removing the signs, and the City will assess a fine of $50.00.

5. Project Construction Signs:

a. A development under construction shall be permitted one (1) temporary promotional sign not exceeding one-hundred (100) square feet in area nor exceeding eight (8) feet in height. When a development has frontage on two (2) or more existing and adjacent streets, a project construction sign shall be permitted along each frontage.

b. A development under construction shall be permitted any number of 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 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:

1. A temporary sign permit is required with a minimum fee of $100, or as may be amended by the City Council from time to time, which shall not require a public hearing for an amendment to this Ordinance;
2. Signs shall not be placed before noon on any Friday, and must be removed by noon on the following Monday;
3. No sign for a development shall be located within two hundred feet (200') from any other sign for the same development.

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

6. Temporary Signs: Temporary 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).

a. A fully completed temporary sign permit application and site plan shall be submitted to and approved by the Director of Public Works or his designee a minimum of seven days prior to the date of displaying a temporary sign.

b. A temporary sign permit must be obtained from the Director of Public Works or his/her designee.

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

<table>
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<tr>
<th>Class</th>
<th>Maximum Sign Size</th>
<th>Number of Annual Permits</th>
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UPDATED AUGUST 2010

January 2007 Edition
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<tbody>
<tr>
<td>I</td>
<td>40 Square Feet</td>
<td>Six</td>
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<tr>
<td>II</td>
<td>40 Square Feet</td>
<td>Six</td>
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<tr>
<td>III</td>
<td>40 Square Feet</td>
<td>Six</td>
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<tr>
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<td>Big Box Stores</td>
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<td>1 square foot per 1 lineal foot of frontage maximum of 100 Sq. Ft.</td>
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The Director of Public Works or his designee 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.

d. 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.

7. Temporary Community Event Signs:

a. A written request must be submitted to the Department of Public Works or his/her designee seven (7) days prior to the date of the event.

b. A temporary sign permit must be obtained from the Department of Public Works.

c. A temporary community event sign permit may be issued by the Department of Public Works 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 Public Works Director or his designee 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.

8. Off-Premises Regulations for Temporary Signs:

a. Displaying Class II temporary signs advertising or promoting commercial marketing initiatives upon residential zoned properties is strictly prohibited.

b. Displaying temporary signs off-premises is prohibited for Class II use groups.

c. Displaying temporary signage off-premises for Class I and Class III use groups is permitted in accordance with the following regulations:

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.

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.

Class III use groups may display temporary signs off premises in accordance with the limitations and locations as authorized in the approved permit.

A. A 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.

B. 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.

C. When approved by the Department of Public Works, 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.

D. Where off-premises sites have two frontages, the off-premises temporary community event sign regulations shall apply for each frontage.

E. An off-premises temporary sign shall be placed no more than fourteen (14) days in advance of the start date of the community event.

F. 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 50% 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.
9. 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:

  Class I - On Premises, No Fee, each event
  Class I - Off premises, $10.00 each event
  Class II - $10.00 each event
  Class III - $10.00 each event
  Big Box Store - $10.00 each event

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 Department of Public Works, may be ordered to be removed by the Public Works Director or his designee until such time as a permit has been issued. Failure to comply with this section shall result in a penalty as prescribed in Section 13.08, Violation – Penalty.