

**CHAPTER 2012-39**

**No.347**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE", APPROVED JUNE 27, 1994, AS AMENDED, TO CHANGE CERTAIN TEXT IN ARTICLES III, IV, VI, VII, IX, X AND XI**

*Approved June 22, 2012*

***Be it ordained by the City of Providence:***

SECTION 1: Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance," approved June 27, 1994, as amended, is hereby further amended by changing the following text (the text to be removed is crossed out; the new text is underlined):

**ARTICLE III – USE AND DIMENSIONAL REGULATIONS**

**Section 304 – Dimensional Regulations – Residential Districts: [Ord. 2009-39]**

304.1 – Footnotes for Dimensional Regulations – Residential Districts

4. The required front yard of any lot proposed to be built on shall equal the average, plus or minus five feet, of the actual front yards, lawfully established on lots wholly or partially within 100 feet in both directions, on the same side of the street. If there are no buildings on the same side of the street, existing buildings, within one hundred (100) feet in both directions, on the opposite side may be used to calculate the average setback. If there are no buildings on the same side of the street or the opposite side of the street, the front yard shall be between 5% and 15% of the lot depth. The calculation of such front yard setback shall not include any structures permitted to extend into a front yard by Section 416. [Ord. 2009-39]

**ARTICLE IV – SUPPLEMENTARY REGULATIONS**

**Section 416 - Projections into Yards:**

416.4 - Open Stairway, Balcony or Porch: An open, unenclosed stairway, balcony, porch, deck, platform or landing place, which, except for the roof, does not extend above the level of the first floor of the building may extend or project into any required minimum front yard, as calculated by Section 304.1, not more than 6 feet, or into any required rear yard not more than 8 feet, and into any required side yard not more than 6 feet, but in no case closer than 4 feet to the side or rear lot line.

**Section 425 – Trees and Landscaping**

425.5 – Conformance Required: All development activity shall trigger conformance, depending on the scope of work, with the provisions of this Section.

- A) Development Activity that Requires Conformance: Conformance with this Section shall be required whenever property is developed that meets any of the criteria described below:

- 1) At a minimum, full conformance with this Section is required for the **Page 2** entire development or area within the Limits of Disturbance, whichever is less.
- 2) If land within Limits of Disturbance equals more than 50% of the area of the lot or lots being developed, the entire development shall fully conform to the requirements of this Section.
- 3) Full conformance with this Section is required when new principal-use buildings are constructed in the R1, R2, R3, and RP Zones.
- 4) No development or tree cutting shall result in a loss of trees and landscaping below what is required by this Section.

425.6 – Removal of Significant Trees: No Significant Tree, shall be removed without the prior permission of the City Forester for the City of Providence.

**ARTICLE VI - SIGNS**

**Section 607 - Permitted Signs by Zone:**

607.3 - C-1, C-2, and W-1 Zones: The maximum total area of all signs on any structure shall not exceed one and a half (1.5) square feet per one (1) foot of building frontage. Window signs shall be included in this calculation. All signs may be illuminated externally or internally, except that internally illuminated signs are not permitted in HD overlay zones. [Ord. 1995-8] The maximum area of any individual sign shall be limited as follows:

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	1.5/1'of building frontage	-	-	6
Freestanding <sup>1</sup>	20	25	0	0
Projecting	20	18	0	6
Roof	Not Permitted			
Wall	1.5/1'of building frontage	-	-	1.25
Window <sup>2</sup>	2	-	-	-

- (1) Only one freestanding sign is permitted per street frontage.
- (2) The total area of all window signs shall not exceed 25% of the total window area of a Storefront.

607.4 - C-4 Zones: The maximum total area of all signs on any structure shall not exceed two (2) square feet per one (1) foot of building frontage. Window signs shall be included in this calculation. Such signs may be externally or internally illuminated. The maximum area of any individual sign shall be limited as follows:

Sign Type	Area Sq. Ft.	Height Ft.	Setback Ft.	Projection Over Public ROW-Ft.
Canopy	2/1'of building frontage	-	-	unrestricted
Freestanding <sup>1</sup>	60	35	0	0
Projecting	60	35	-	6
Roof	60	10 above roof	0	0
Wall	2/1'of building frontage	-	-	1.25
Window <sup>2</sup>	2	-	-	-

(1) Only one freestanding sign is permitted per street frontage.

(2) The total area of all window signs shall not exceed 25% of the total window area of a Storefront.

## ARTICLE VIII – ADMINISTRATION AND ENFORCEMENT

**802.2 – Zoning Certificate Required:** A zoning certificate shall be required for any action undertaken for which conformance to this Ordinance is required, but that does not require a building permit under the provisions of the Rhode Island Building Code. For example, when new areas of pavement do not require a building permit, a zoning certificate indicating conformance to all provisions of this Ordinance shall be required. The fee for a zoning certificate shall be \$25.00.

## ARTICLE IX – ZONING BOARD OF REVIEW

### Section 902 - Powers of the Board:

**902.3 - Variances:** To authorize, upon application, in specific cases of hardship, variances in the application of the terms of this zoning ordinance, as provided below:

- A) In granting a variance, the Board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:
  - 1) That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant, excepting those physical disabilities addressed in R.I.G.L. § 45-24-30(16);

### Section 903 - Procedures of the Board:

**903.9 - Appeals to the Board:** An appeal to the Board pursuant to Sections 902.1 and 902.2 shall be taken by an aggrieved party within twenty (20) days after the recording of the decision by the zoning enforcement officer or agency, or, if no such decision is required to be recorded, within thirty (30) days after the time when the aggrieved party knew or should have known of the action or decision of such officer or agency. Such appeal shall be filed with the officer or agency from whom the appeal is taken and with the Board a notice of appeal specifying the ground of the appeal. The officer or agency from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken. Notice of the appeal shall also be transmitted to the Commission.

**Section 904 - Appeals to Superior Court:** Any person or persons, jointly or severally aggrieved by a decision of the Board may appeal said decision to the Superior Court within twenty (20) days after such decision is recorded and posted in the office of the city clerk.

## ARTICLE X – DEFINITIONS

Page 4

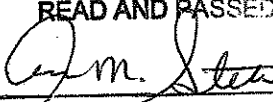
Storefront: Any portion of a building where goods are kept for sale or are sold which faces or abuts any public way.

## ARTICLE XI - AMENDMENTS AND VALIDITY


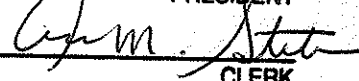
**Section 1103 - Filing Fees:** A petition or proposed ordinance for an amendment to the zoning ordinance, including the zoning map, shall not be accepted by the City Clerk unless accompanied by a filing fee, which shall be deposited with the City Clerk, no part of which shall be returnable to the petitioner. The filing fee shall consist of a \$150 processing fee; plus an advertising fee, which shall be the actual cost of advertising, as determined by the City Clerk when the advertisement is prepared and delivered to the newspaper; plus a mailing fee, which shall be the actual cost of mailing the required notice to abutters, as determined by the City Clerk when the mailing is prepared.

SECTION 2: This Ordinance shall take effect upon passage and publication as prescribed by law.

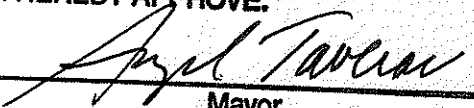
IN CITY COUNCIL  
JUN 07 2012  
FIRST READING  
READ AND PASSED

 CLERK

IN CITY  
COUNCIL  
JUN 21 2012  
FINAL READING  
READ AND PASSED

 PRESIDENT  
 CLERK

I HEREBY APPROVE.

 Mayor

Date: 6/22/12

## Proposed Storefront Window Signage Zoning Change

**Policy Change:** The proposed policy change would limit the total amount of storefront window signage for stores in Providence to one-quarter of each window frame. Commercial storeowners would no longer be able to cover their entire window front with advertising. The window signage limit would be grandfathered in, meaning it would only apply to new commercial stores in the City of Providence. The policy would amend existing city zoning regulations.

**Rationale:** There are many stores in Providence, particularly in low-income neighborhoods, where storeowners cover their entire window front with advertising signage. It is unsightly and contributes to urban blight. A covered window front is a safety issue because it blocks street level visibility into the store from a squad car.

**Background:** Upon review of the Zoning regulations with the Planning Department, it was discovered that window signs in Providence are exempt from all zoning regulations except overall size. Each sign may be no larger than 2 square feet. While there are many regulations governing building and other signs, there are no regulatory limitations on the amount of signage in a given window. Currently, storeowner may cover their entire window fronts with signs and advertising.

**National Price Discounting Policy Development:** Nationally, a number of cities have passed zoning laws limiting the amount of signage in a window front. The percentage caps range from 10% to 75% of window space that may be covered. The most typical limit is 25%. It is a commonly used regulatory strategy to promote neighborhood beauty and livability.

**Impact:** Store owners would be limited to covering up to 25% of their windows with signage. Existing stores would be grandfathered in. The City of Providence Inspections and Standards Department is responsible for enforcing all zoning changes.

### Key Points:

- This is a proposed zoning change that would limit storefront window signage to 25% of the window frame.
- The ordinance would amend the existing City Zoning regulations for window signs in the City. Upon review of the current regulations, we found that there are actually few limitations on window signs in Providence.
- In fact, with the exception of a 2 square foot limit on individual signs, window signs are currently exempt from overall signage limitations applied to building frontages.
- As a result, we have some neighborhoods, particularly in lower-income areas, where storefronts are plastered with large, obtrusive signage, which blocks visibility into the store.
- The effect of this unabated signage is a cluttered, unattractive, and pedestrian- unfriendly environment in our neighborhoods.
- The proposed ordinance would modify the regulations so that no more than 25% of a storefront window may be covered with signage.

### Proposed Ordinance and City Planning Department Comprehensive Plan

- The proposed change is consistent with the City of Providence Planning Department Comprehensive Plan, *Providence Tomorrow*.
- In the Comprehensive Plan, the City of Providence Planning Department outlines a vision for a "livable" City that is healthy and vibrant, with walkable neighborhoods.
- We embrace this vision and believe that a reasonable limit on storefront window signs will enhance the beauty

and safety of our neighborhoods, and make them more pedestrian-friendly.

- The “Plan” also encourages strategies that enhance the livability of neighborhoods of **all** incomes.

#### **Impact of Sign Density in Lower Income Neighborhoods**

- Heavy signage that covers the entire storefront window is especially prevalent in our lower-income neighborhoods in Providence.
- The proposed ordinance would reduce the visual clutter in our community. Sign regulations protect and enhance the character of the community against visual blight.
- Too many window signs can be unattractive and visually unappealing to customers.
- Youth walking to school and families shopping in their neighborhoods are disproportionately impacted by the unattractive barrage of advertising.
- Good signage zoning is designed to promote effective communication while protecting the public and preserving the aesthetic character of the city.
- We hope that this signage ordinance can help the City of Providence reduce signage visual clutter and end business “sign wars.”
- It can also help protect the existing character of a community, establish, or enhance community identity, quality and charm.
- We fully support recognize the legitimate right of businesses to advertise their goods and services. However, we also recognize that the location, number, size and design of signs significantly influence the City’s visual environment and the perception of the City’s economic condition.
- Improving the character and attractiveness of a neighborhood is positive for business growth and development in Providence.

#### **Public Safety**

- Excess signage is also a public safety issue. Signage regulations ensure the safety of store owners, their customers and neighborhood residents.
- Sign regulations allow law enforcement personnel to have a clear and unobstructed view of the establishment's interior. Particularly in neighborhoods with higher crime rates, retailers with glass windows covered in advertisements put themselves at increased risk for potential robberies and other crimes.
- Our community police officers should be able to see into our stores and assess the activity within from their patrol car on the street or on the sidewalk, walking the neighborhood.



**City Plan Commission**  
Angel Taveras, Mayor

October 3, 2011

Councilman Seth Yurdin, Chair,  
Committee on Ordinances  
Providence City Hall  
25 Dorrance Street  
Providence, RI 02903

Attn: Anna Stetson, City Clerk

**Re: An ordinance in amendment of Articles III, IV, VI, IX, X and XI of the Zoning Ordinance**

Dear Councilman Yurdin:

At a regular meeting of the City Plan Commission (CPC) on September 20, 2011, the Commission reviewed the above-captioned Ordinance and unanimously voted - based on making certain findings of fact - to recommend approval of the Ordinance with certain amendments.

**OVERVIEW**

The proposed changes to the Zoning Ordinance are intended to enhance and clarify certain sections pertaining to dimensional regulations, landscaping and the procedure for filing appeals to the Zoning Board of Review. The amendment also includes changes to the fee structure for proposing an ordinance or zoning amendment as well as new definitions.

**DESCRIPTION OF CHANGES**

Article 3

The CPC found that this change introduced flexibility into front-yard setback regulations for buildings in residential zones. Currently the regulations require building to the exact average of setbacks of other structures within 100 feet of the subject lot. The proposed regulation would allow the setback to be within 5 feet of the average. Upon deliberation, the Commission recommended that the proposed 5 foot flexibility be changed to 3 feet.

Article 4

A change to Section 416 specifies that the projections into a front yard are measured from the setback calculated per Section 304.1 (see above). The change to Section 425.5 removes the requirement for landscaping to be installed on development of 40,000 sq. ft. when there is a change in use. This provision has proven impractical, particularly when just a portion of the building has a change in use.

DEPARTMENT OF PLANNING AND DEVELOPMENT  
444 Westminster Street, Providence, Rhode Island 02903  
401 680 8400 ph | 401 680 8492 fax  
[www.providenceri.com](http://www.providenceri.com)

- Community Services and Facilities CS 7 Strategy D: Study the feasibility of fees and assessments for the provision and improvement of City services, including water, sewer, waste collection, public safety, parks and education.

The CPC also found the proposed amendments to be consistent with *Providence Tomorrow: The Interim Comprehensive Plan* because they added guidelines for new development that preserved existing vegetation and specified dimensional regulations. In addition, outlining the appeals procedure to the Zoning Board and its schedule of fees adds predictability and clarity to the process.

#### **CONSISTENCY WITH THE ZONING ORDINANCE**

The CPC found the proposed amendment to be consistent with Section 100 of the Zoning Ordinance by conforming to the following Objectives:

- Providing for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs.
- Providing for orderly growth and development which recognizes:
  1. The goals and patterns of land use contained in the Comprehensive Plan as defined;
  2. The natural characteristics of the land, including, but not necessarily limited to, its suitability for use based on topography, potential surface water run-off and susceptibility to surface or groundwater pollution;
  3. The values and dynamic nature of coastal features, riverfronts, freshwater ponds, the shoreline, and freshwater and coastal wetlands;
  4. The values of unique or valuable natural resources and features;
  5. The availability and capacity of existing and planned public and/or private services and facilities;
  6. The need to shape urban development; and
  7. The use of innovative development regulations and techniques.
- Promoting a high level of quality of design in the development of private and public facilities.
- Promoting implementation of the Comprehensive Plan, as it may be amended from time to time.

State	Municipality	Zoning Code Section	Language
CA	Orange	§ 17.36.060(E)	Any sign that is painted on, attached to, or otherwise displayed within windows shall not exceed twenty-five (25) percent of each window's area.
CA	Rohnert Park	§ 17.27.080(L)	Window Signs (Permanent). 1. Area. No more than twenty percent of each glazed area. 2. Height. Below window frame. 3. Illumination. By conditional use permit. 4. Location. The first and second floors of a building only.
CA	San Anselmo	§ 10-9-706	Establishments which sell motor fuels to the public may display up to three (3) signs, subject to: Total display area of all signs: 100 square feet; physical types: mounted on buildings or walls; not more than one (1) sign may be freestanding, and the display face area on a freestanding sign may not exceed forty (40) square feet. Acceptable message types: noncommercial or on-site commercial, or any combination thereof. Logos and price/quantity indicators on fuel pumps do not count towards the total display face area. Signs at motor fuel dispensers shall comply with relevant State law.
IL	Carpentersville	§ 16.040.050(A)(7)	As defined in this chapter, there shall be not more than one window sign per associated window, the total area of which shall not exceed ten (10) percent of the surface area of each associated window. A maximum number of two window signs are allowed per building, parcel or unit. a. All window signs shall meet the following criteria: i. The colors of the sign and sign components shall be either the same as or complementary to the colors used in connection with the associated building and flush-mounted signs (wall signs); ii. The design of the sign and the sign components shall be either the same as or complementary to the design elements used in connection with the associated building and flush-mounted signs (wall signs).

			iii. Neon illumination of any signage is not permitted.
MN	Minneapolis	\$ 543.480	Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in Section 543.450.
MN	Grand Avenue (St. Paul)	\$§ 64.601, 64.745	Signs that advertise a product and include the name of the business on the premises upon which the sign is placed shall not be permitted. Such signs, which are often provided by product suppliers, fail to highlight the important information, the business name, and clutter the appearance of the street.
			Business signs may take the form of wall signs, projecting signs, freestanding signs, temporary signs, and portable signs... The sum of the gross surface display area in square feet of all business signs on a lot shall not exceed one (1) times the lineal feet of lot frontage or seventy-five (75) square feet, whichever is greater.
			Window signs, including temporary window signs, should not exceed 30% of the store window glass area. The lettering of the business name should not exceed twelve (12) inches in height. The lettering for other information should not exceed one inch in height.

NV	Henderson	§ 19.8 (due to reformatting by the City, subdivisions are changing)	Painted-On Wall Signs. Except for temporary promotional signs painted on and covering less than forty percent of the surface of each window, no sign shall be painted on the exterior wall of a building that is viewable from a public right-of-way unless and until such sign has been approved in a master sign plan that was recommended by the planning commission and approved by the city council. Painted-on wall signs that can be viewed from a public right-of-way shall count against any size, area or other restrictions applicable to the premises for all other exterior signs.	pg. 428 of PDF
			Class-X exterior, fixed, on-premises signs (Class-X on-premises signs) are any signs that are constructed, painted, hung or otherwise permanently affixed outside a building or that are affixed inside a building, but are viewable from a public right-of-way and draw attention to or identify a business, product or service available on the premises. This definition does not include fabric signs, flags, banners or signs that are temporary in nature, such as signs advertising occasional sales or promotions.	
			Wall Signs. A maximum of one wall sign per business per street frontage not to exceed twenty-five percent of the non-glazed area of the storefront, or forty square feet, whichever is smaller, shall be permitted. Wall signs shall be constructed of individual letters either internally or externally illuminated. Cabinet signs shall only be utilized for corporate logos.	
TX	Hurst	§ 27-22(k)(13)	a. No permit shall be required for any window signs, provided it is placed inside of the glass. If the window sign is placed on the outside of the glass it shall be regulated as a wall sign.	
			b. Window signs may be placed so as not to obscure more than twenty-five (25) percent of the visible window area available; otherwise they should be converted to wall signs.	

			c. Where multiple signs exist, fronting on the single elevation, the seventy-five (75) percent visibility shall be maintained for the total window area on said elevation.
--	--	--	--

**17.36.060 - Signs General.**

The following regulations shall apply to all permitted signs.

**A. Sign Program.**

1. **Multitenant Buildings.** A sign program for all multitenant buildings shall be required to ensure proper design of signage and adequate identification of building tenants. Such programs shall provide for consistency in the size, color and placement of signs within a property and shall be approved by the Design Review Committee.
  - a. When sixty (60) percent of the tenant wall signs have been changed to conform to the approved sign program of a multitenant building, the remaining tenant signs shall also be changed to conform to the approved sign program.
  - b. In order to aid the identification of a building or development, the identification of each building address is required and specified in Title 15.52 of the Orange Municipal Code. Phone numbers may not be displayed upon a sign (or a building), in order to avoid confusion and minimize clutter.
  - c. Sign backgrounds and lettering colors are to be designed with sufficient contrast so as to be readily legible.
2. **New Planned Developments.** Planned Communities, Planned Unit Developments and Specific Plans may propose sign criteria that differ from the limitations contained within this chapter, subject to review and approval by the Planning Commission. Approved sign programs shall be consistent with the intent of this chapter.
3. **Major Commercial Centers.** Sign programs for commercial centers may include criteria that differ from the limitations contained in this chapter on sites which are located in the C-TR, C-R, C-2 or C-3 zones and are larger than twenty-five (25) acres. Such a proposal is subject to the review and approval of a conditional use permit by the Planning Commission who shall review the proposal based on the following criteria:
  - a. The applicant will prepare and submit a detailed proposal that includes architectural plans, a site plan and building elevations. The proposal will delineate and allocate display area for each tenant.
  - b. Sign programs for such developments will specify construction and finish materials, fabrication methods, letter styles, proposed use of logos or other corporate icons, color and lighting for all signs.
  - c. Display area for wall signs shall be calculated based upon the length of building elevations according to the limits established by Section 17.36.080. However, sign area may be redistributed among portions of building elevations as specified within the sign program, or permitted to increase to the following ratio:
    - i. Two square feet per lineal foot of tenant building frontage, for building elevations situated more than two hundred (200) feet from a property line or public street.
    - ii. Three square feet per lineal foot of tenant building frontage, for building elevations situated more than three hundred (300) feet from a property line or public street.
  - d. When installed on the same wall of a building which includes an entrance that is accessible to the public, blade signs, sculpted signs or three-dimensional wall signs may extend more than twelve (12) inches from the surface of a wall without being considered a projecting sign. The depth of projection for a wall sign will not be considered when calculating display area.
  - e. Signs affixed to the face of a wall may extend upward beyond the roof of a building without being considered a roof sign, provided: (i) the vertical extension beyond the roof line is limited to twenty-five (25) percent of the overall height of that wall; or (ii) the sign does not include flat display area, but is instead constructed of three-dimensional elements.

- f. A singular roof sign may be permitted if constructed as a singular architectural element which displays only the name of a development.
- g. Any wall signs proposed on building elevations that are arranged around a central courtyard or open-air pedestrian space which are not visible from a public right-of-way are not subject to regulations of this chapter.
- h. When presented as part of a comprehensive sign program on any development with more than two hundred (200) feet of frontage on an arterial highway, the height of a freestanding sign may exceed fifteen (15) feet, but is limited to thirty-two (32) feet, or the maximum height to the roof of any building that is part of the same development, whichever is less. However, any sign higher than fifteen (15) feet is subject to the setback for all structures in that same zone, and a landscaped planter must be provided around the base of the sign.
- i. The number and spacing of freestanding signs may differ from those otherwise permitted by this chapter, so long as sign proposals do not exceed limits for aggregate display area, maximum display area and structural height.
- j. Where developments have an internal circulation system of private two-way streets and more than forty (40) tenants, on-site directional signs may be permitted to a maximum display area of two hundred twenty (220) square feet and maximum height of twenty (20) feet, when located more than one hundred (100) feet from an arterial street or residential development. Directional signs are intended to assist motorists and keep traffic flowing through large parking facilities, and should therefore be limited to directional instructions and simple graphics, including section area titles, left or right turn arrows, and tenant names (if desired by the applicant) using a uniform or consistent size and style text.
- k. Any sign program is subject to initial review and recommendation by Design Review Committee (DRC). Sign applications for individual tenants will be subject to final approval by DRC unless the sign program is specific in describing the height, width and design components of signs for each tenant space.
- l. Sign programs for sites located in Old Towne will comply with sign regulations for Old Towne.
- m. The aforementioned criteria are intended as maximum limits that should not be exceeded. However, an applicant may propose sign programs with elements that exceed such limits if the applicant prepares a study justifying why deviation from the criteria is desirable from a land use perspective and will not result in aesthetic and safety impacts significantly greater than those otherwise allowed. The study must address and/or include the following as a minimum:
  - i. A discussion of the unique planning and physical features of the project site which justify deviation from the criteria set forth in subsections A3a—l of this section.
  - ii. A discussion of how the proposed signage incorporates unique architectural style and special design features such as logos, emblems, murals and pictures that are integrated with the development.
  - iii. A sight-distance analysis to demonstrate why extra height or display area is needed to promote the development.
  - iv. An analysis of the range of sign visibility and potential impacts (including impacts caused by lighting) upon surrounding properties or public streets.
  - v. Scaled and dimensioned plans that provide an adequate basis of evaluation.
  - vi. A concluding statement containing an empirical analysis evidencing that the proposed sign program, due to setbacks from arterial streets which exceed the requirements of this section, setbacks from residential areas which exceed the requirements of this

section, sign orientation toward the development and other relevant factors, will not impact residential areas or public streets significantly more than otherwise allowed by this section.

vii. The City shall approve such a sign program if it finds that the applicant's study contains the requisite empirical analysis.

n. Any sign which has been approved under this section may contain noncommercial copy in lieu of any commercial copy.

- B. Lighting of Signs. Where a sign is externally illuminated, the light source must be shielded so that it is not visible from the front or side of the light fixture, or beyond a property line. Illuminated surfaces with an internal light source, such as luminescent plastic paneling may be used on commercial or industrial property, so long as illumination intensity does not exceed one-half footcandle at the property line. Internally illuminated signs are prohibited in residential districts except as permitted by Section 17.36.120C of this chapter.
- C. Flags. Each separate business may display one house flag (containing the name, symbol, or logotype of the business) when displayed in conjunction with the display of the United States Flag, or in conjunction with the display of the U.S. Flag and other governmental flags. The U.S. Flag (and any other governmental flag) shall be displayed in a predominant and appropriate manner, with house flag or banner displayed in a similar manner, no higher or larger than the U.S. Flag. No flag shall exceed one hundred (100) square feet in area. Flag poles are limited to a maximum height of sixty (60) feet in commercial and industrial districts, twenty (20) feet in a residential district.
- D. Awning Signs. Printed or painted lettering is permissible upon an awning valance, subject to all restrictions for wall signs.
- E. Window Signs. Any sign that is painted on, attached to, or otherwise displayed within windows shall not exceed twenty-five (25) percent of each window's area.
- F. Off-Site Commercial Signs. No commercial signs shall be erected or used for advertising, or any business or income generating purposes, unless located on the same site where that enterprise is situated.

(Ords. 6-02, 10-99; 10-98; 12-95; 34-89: Prior Code 17.78.060)

## 17.27.080 - Special sign type requirements.

This section is intended to be used in conjunction with other standards contained in this chapter. The zoning administrator or designee is authorized to issue a sign permit for the following signs consistent with the regulations of this chapter, the city's design guidelines and any required building permit is obtained.

- A. Awning Signs.
  - 1. Area. Not more than twenty-five percent of the awning face or twenty-five square feet whichever is less.
  - 2. Height. Below edge of roof.
  - 3. Illumination. External lighting only. Back-lit or translucent awnings are not allowed.
  - 4. Location. One or two story buildings only.
- B. Directory Signs.
  - 1. Area. No more than twelve square feet.
  - 2. Height. Six feet maximum when freestanding or attached to wall.
  - 3. Illumination. Internal or external lighting allowed subject to review.
  - 4. Location. Permitted in any zoning district.
- C. Electronic Message Centers.
  - 1. Area. Determined by conditional use permit.
  - 2. Height. Determined by conditional use permit.
  - 3. Illumination. Determined by conditional use permit.
  - 4. Location. Publicly owned properties located adjacent to a major arterial or highway.
- D. Freestanding (Monument) Signs.
  - 1. Area. Subject to the requirements of Section 17.27.070 (Zoning District Standards).
  - 2. Height. Subject to the requirements of Section 17.27.070 (Zoning District Standards).
  - 3. Illumination. Internal or external lighting allowed subject to review.
  - 4. Location. Permitted in all zoning districts.
- E. Freeway Oriented Signs.
  - 1. Area. Determined by conditional use permit.
  - 2. Height. Determined by conditional use permit.
  - 3. Illumination. Determined by conditional use permit.
  - 4. Location. Any nonresidential zoning district adjacent to Highway 101.
- F. Murals.
  - 1. Area. Determined by conditional use permit.
  - 2. Height. Determined by conditional use permit.
  - 3. Illumination. Determined by conditional use permit.
  - 4. Location. Determined by conditional use permit.
- G. Neon Signs and Tubing. Notwithstanding neon signs and tubing that are approved in conjunction with site plan and architectural review for a building, neon signs and tubing may be used in limited quantities in the C-R, C-N, I-L/O and M-U zoning districts.
  - 1. Area. Determined by conditional use permit.
  - 2. Height. Determined by conditional use permit.
  - 3. Illumination. Determined by conditional use permit.
  - 4. Location. Determined by conditional use permit.
- H. Projecting and Suspended Signs.
  - 1. Area. No more than nine square feet.
  - 2. Height. Below the edge of roof and not to exceed the top plate of the first floor of a multistoried building. Minimum clearance of eight feet between the bottom of the sign and the finished grade below.
  - 3. Illumination. Internal or external lighting allowed subject to review.

4. Location. No more than thirty-six inches of sign may project over a public right-of-way or easement. Signs which project over a public right-of-way or easement will need to secure an encroachment permit.
- I. Theatre Marquee Signs. In addition to the signage allowed in Section 17.27.070 (Zoning District Standards) a sign with changeable copy that does not exceed sixty-five square feet may be permitted upon approval of a conditional use permit.
- J. Time and Temperature Devices. In addition to the signage allowed in Section 17.27.070 (Zoning District Standards) a time and temperature device that does not exceed eight square feet may be permitted.
- K. Wall Signs.
  1. Area. Notwithstanding the standards in Section 17.27.070 (Zoning District Standards), a wall sign may be located on any primary or secondary building frontage; the area of the largest wall sign shall not exceed seven percent of the area of the building facade on which the sign is mounted or painted, including the area of the windows, doors and recesses.
  2. Height. Below edge of roof.
  3. Illumination. Internal or external lighting allowed subject to review.
  4. Location. No sign shall project from the surface to which it is attached more than required for construction purposes, and in no case more than twelve inches. No sign shall interfere with the operation of a door or window.
- L. Window Signs (Permanent).
  1. Area. No more than twenty percent of each glazed area.
  2. Height. Below window frame.
  3. Illumination. By conditional use permit.
  4. Location. The first and second floors of a building only.

(Ord. 765 § 2 (part), 2006)

#### **10-9.701 - Nonresidential uses.**

Legal nonresidential uses and establishments may erect, maintain and display permanent and principal signs as described in this chapter. Unless otherwise provided, all signs described in this chapter are subject to a sign permit. Rules for temporary signs are stated in Article 8 of this chapter. However, in the case of a newly opened, newly re-opened or "coming soon" establishment, temporary versions of the signs authorized by this article may be displayed without permit for a period not to exceed thirty (30) calendar days.

*(Ord. 1053, eff. January 12, 2007)*

#### **10-9.702 - Professional offices—Individual suites.**

Individual offices or suites within buildings housing multiple professional offices, may display signs, subject to: Maximum area of display face: one (1) square foot; number of display faces: one (1); mounting types: wall, window or door; message type: noncommercial or on-site commercial, or any combination thereof. Other than listing changes in tenant names, changeable copy is not allowed.

*(Ord. 1053, eff. January 12, 2007)*

#### **10-9.703 - Professional offices—Master suite or office.**

The master suite or office of building housing individual professional offices or suites may erect, maintain and display signs subject to: Maximum area of display face: four (4) square feet plus one (1) square feet for each individual office or suite. Message types: noncommercial or on-site commercial, or any combination thereof. Physical types: freestanding or mounted on a wall, door or fence. Other than listing changes in tenant names, changeable copy is not allowed.

*(Ord. 1053, eff. January 12, 2007)*

#### **10-9.704 - Outdoor oriented establishments.**

Cemeteries, country clubs, stables and kennels and animal shelters, golf courses, riding academies, tennis courts and other uses oriented to activities which occur primarily outdoors may erect, maintain and display one (1) sign, subject to: Maximum area of display face: twelve (12) square feet; maximum number of display faces: one (1); structural type: freestanding, wall, door, fence.

*(Ord. 1053, eff. January 12, 2007)*

#### **10-9.705 - Institutional uses.**

Establishments of an institutional nature, such as educational, religious, civic, noncommercial, hospitals, sanitariums, rest homes, etc., may erect, maintain and display one (1) sign, subject to: Maximum size of display face: twenty (20) square feet; maximum number of display faces: one (1); physical types: wall or freestanding. Acceptable message types: noncommercial or on-site commercial, or any combination thereof.

*(Ord. 1053, eff. January 12, 2007)*

#### **10-9.706 - Service stations.**

Establishments which sell motor fuels to the public may display up to three (3) signs, subject to: Total display area of all signs: 100 square feet; physical types: mounted on buildings or walls; not more than one (1) sign may be freestanding, and the display face area on a freestanding sign may not exceed forty (40) square feet. Acceptable message types: noncommercial or on-site commercial, or any combination thereof. Logos and price/quantity indicators on fuel pumps do not count towards the total display face area. Signs at motor fuel dispensers shall comply with relevant State law.

(Ord. 1053, eff. January 12, 2007)

#### **10-9.707 - Other nonresidential establishments—Ground floor.**

All ground-floor nonresidential establishments for which specific rules are not provided by other sections of this article may display signs, subject to:

- (a) Ground floor uses. Not more than two (2) signs per use, to be located on the primary building face, the total area of such signs not to exceed one (1) square foot for each lineal foot of the primary building face devoted to that use, up to a maximum total sign area of 100 square feet, except that:
  - (1) If a single use extends from one (1) street, through a building, to another street opposite and generally parallel to the first, or if a use is conducted on a corner, each of the building faces fronting a street shall be considered a primary building face for the purposes of determining the area and location of the signs permitted by such use, but the total area of permitted signs shall nevertheless not exceed 100 square feet per use;
  - (2) A use shall be permitted two (2) signs, located on the primary building face, and having a total area not exceeding one and one-half (1½) square feet for each lineal foot of primary building face devoted to that use, up to a maximum of 150 square feet per use, if that use fronts on a street (or on two (2) or more adjacent parallel streets) having a total of four (4) or more lanes of traffic; and
  - (3) Where the primary building face does not front on a public street, two (2) signs per use may be erected and maintained on the building face, if there is any, which does front on a public street, but the total square footage of each use's signs shall be no greater than would be permitted if the frontage devoted to that use were the primary building face.

(Ord. 1053, eff. January 12, 2007)

#### **10-9.708 - Other nonresidential uses—Above ground floor.**

All establishments for which specific rules are not provided by other sections of this article may display signs, subject to:

- (a) Second floor and third floor uses different from ground floor uses. One (1) sign per use, except that the total number of signs on the second or third floor of any building, including any professional sign permitted by the provisions of Sections 10-9.702 and 10-9.703 of this article, shall not exceed one (1) sign for each ten (10) lineal feet of primary building face of the building. Each such sign shall be located on the primary building face, and no such sign shall have an area greater than one (1) square foot. The area of signs permitted for second and third floor uses shall be in addition to the area of signs permitted for first floor uses in the building.

(Ord. 1053, eff. January 12, 2007)

#### **10-9.709 - Shopping center signs.**

Shopping centers may erect and display signs listing information about tenants within the center, subject to: maximum area: twenty (20) square feet; maximum height: eleven (11') feet; location: may be freestanding.

(Ord. 1053, eff. January 12, 2007)

#### 16.40.010 - Title.

This chapter shall be known as and may be cited and referred to as the "Carpentersville community sign regulations."

(Ord. 07-26 § 3 (part), 2007; prior code § 5-25)

#### 16.40.020 - Purpose.

The purpose of this chapter is to create the legal framework for a comprehensive but balanced system of street graphics and thereby to facilitate an easy and pleasant communication between people and their environment. With this in mind, this chapter is adopted for the following purposes:

- A. To authorize the use of street graphics which are:
  - 1. Compatible with surroundings,
  - 2. Appropriate to the type of activity to which they pertain,
  - 3. Expressive of the identity of individual proprietors or of the community as a whole,
  - 4. Legible in the circumstances in which they are seen;
- B. To preserve, protect, and promote the public health, safety, and welfare;
- C. To enhance the economy and the business and industry of the village by promoting the reasonable, orderly, and effective display of street graphics, and encouraging better communication with the public;
- D. To enhance the physical appearance of the village by preserving the scenic and natural beauty of the area;
- E. To protect the general public from damage and injury which may be caused by the faulty and uncontrolled construction and use of street graphics within the village;
- F. To protect the pedestrians and motorists from damage or injury caused by the distractions, obstructions, and hazards created by certain street graphics;
- G. To protect the public investment in streets and highways by reducing distractions that may increase traffic accidents;
- H. To protect the physical and mental well-being of the general public by reorganizing and encouraging a sense of aesthetic appreciation for the visual environment;
- I. To preserve the value of private property by assuring the compatibility of street graphics with surrounding land uses.

(Prior code § 5-26)

#### 16.40.030 - Definitions.

For the purpose of this title, the following words and terms shall have the meanings respectively ascribed to them by this chapter:

"Animated sign" means any sign or part of a sign which changes physical position by any movement or rotation.

"Arcade sign" means a wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.

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

"Attention-getting device" means any pennant, banner or flag designed for the purpose of attracting attention, promoting or advertising.

"Awning" means any structure made of cloth, metal or other material attached to a building when it is so erected as to permit its being raised or retracted to a position against the building when not in use.

"Billboard or posterboard" means a single or double-faced street graphic, permanently fixed or placed on the premises, which may have "change-copy," or a street graphic used for the display of information not associated with the establishment located on the same premises as the street graphic.

"Building line" means the line as established by the face of the building.

"Building sign" means a sign attached to, and supported by, the exterior of any part of a building except the roof.

"Canopy" means a structure, other than an awning, made of cloth, metal or other material with frames attached to a building, and carried by a frame supported by the ground or sidewalks.

"Changeable copy sign" means a sign whereon provision is made for letters or characters to be placed in or upon the surface area either manually or electronically to provide a message or picture.

"Community graphic" refers interchangeably to a sign.

"Contractor sign" means a sign naming the contractors engaged in the construction on the property where the sign is located.

"Directional sign" means a sign directing and guiding automotive or pedestrian traffic or parking on private property, but bearing no advertising matter, including such signs as identifying rest rooms, public telephones, walkways, and similar features or facilities.

"Enforcement official." (Normally this position to be filled by a building inspector or zoning administrator.) This may vary, based on individual circumstances.

"Exterior rate sign" means any sign upon which is designated or written out in words, numbers, or figures, describing rates, price, or any combination thereof.

"Exterior wall surface" means the most exterior part of a wall, sunscreen, or any screening or material covering a building.

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

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

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

"Flush-mounted sign (wall sign)" means a sign constructed or fabricated of masonry, wood, metal, glass or similar material, which sign is attached to or incorporated into an exterior wall of a building.

"Freestanding sign" means a sign completely independently supported of any building or other structure and anchored in or upon the ground with a base element that is at a minimum one hundred percent (100%) of the width of the display portion of the sign. (This term also includes those signs commonly known as ground signs and monument signs.)

"Frontage" means the lineal distance of a property on one side of a street, highway or right-of-way per unified building, parcel or unit.

"Illuminated sign, internal" means a sign, all or any part of which is made of incandescent, or other types of lamps; or a sign with painted, flush, or raised letters lighted by an electric lamp or lamps attached thereto; or a sign having a border of incandescent or fluorescent lamps thereto attached and reflecting light thereon; or a transparent sign whether lighted by electricity or other illuminant.

"Item of information" means any of the following: a syllable of a word, an abbreviation, a number, a symbol, a geometric shape. In addition, graphics combining several different geometric or non-geometric shapes or shapes of unusual configuration are to be assessed one additional item for each noncontinuous plane.

"Light-emitting diode (LED) sign" means a type of sign that is capable of displaying words or characters that can be electronically changed by remote or automatic means a maximum of every one minute for monument signs and once every twenty-four (24) hours for window signs. This type of sign can be used in conjunction with either a monument sign or can be used as a window sign according to the sign regulations listed in this chapter. No aspect of an LED sign is allowed to present the appearance of moving words or characters or the optical illusion of moving words or characters.

"Marquee" means any hood or permanent construction projecting from the wall of a building but not supported by the ground or sidewalk serving the purpose of providing shelter and protection from the weather.

"Menu sign (menu board)" means a freestanding or wall-mounted sign which is accessory to a drive-thru facility and exhibits, displays or identifies food and beverages offered for purchase.

"Moving sign" means any sign which rotates or moves.

"Nameplate" means a sign which displays only the name and/or address of the occupant, is non-electrical, and does not exceed four square feet in area.

"On-premise sign" means a sign which relates solely to a use, business, or profession conducted, or to a principal commodity, service or entertainment sold, provided or offered upon the premises where the sign is located. (This term also includes those signs commonly known as business signs.)

"Parcel" means, for the purpose of this chapter only, a separate physical unit of development including either an individual use conducted within an independent structure or a shopping center as defined herein.

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

"Projecting sign" means a sign supported by a building or other structure which projects over any street, sidewalk, alley, or public way or public easement; or which projects more than twelve (12) inches from the face of any building, structure, or supporting wall. (This term also includes those signs commonly known as overhanging signs.)

"Real estate sign" means a sign located for purposes of advertising a parcel or building to be available for sale, rental, or lease.

"Roof line" means either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

"Roof sign" means a sign erected, constructed or maintained upon or over the roof of a building or structure.

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

"Sign" means any object, device, display, or structure or part thereof situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination, or projected images. The term sign includes, but is not limited to, every projecting sign, wall sign, painted sign, roof sign, billboard, posterboard, freestanding sign, ground sign, pole sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, illuminated sign, flashing sign, animated sign, temporary sign, portable sign, pennants, banners, streamers or any other attention getting device, or other display whether affixed to a building or separate from any building.

"Sign structure" means a structure constructed for the purpose of displaying a sign. Any sign structure shall be designed and constructed in a manner that is safe and shall be free of any exposed wiring, extra bracing, angle iron, guy wires, cables and so forth.

"Sign surface area" means the area of a sign that shall be computed by the customary applicable mathematical formula for the shape of the sign face including both copy, background, and any frame or boxed display, or in the case of a sign made up of separate letters or characterizations connected in meaning, by computing the area lying within straight lines connecting the extreme projections, corners, or edges of letters, characters and other figures composing the sign taken as a whole. Where a sign has two or more display faces of unequal dimensions the area of the largest face shall determine the sign surface area.

"Temporary sign" means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, for use for a period not to exceed thirty (30) days.

"Time and/or temperature signs."

- A. Time signs shall be permitted to change no more frequently than sixty (60) second intervals.
- B. Temperature signs shall not change except when the temperature change's one degree.
- C. Time and Temperature Signs in Combination. If the same surface area is provided for both time and temperature, the frequency of change shall be no more frequently than five second intervals. If separate space is provided on the sign surface area for time and temperature, then (A) and (B) above shall apply.

"Under canopy sign" means any sign which is suspended beneath a canopy or marquee. These signs are intended generally to attract pedestrian traffic.

"Unusually shaped street graphics" means street graphics of unusual shapes such as globes, cylinders, or pyramids, shall be considered double-faced street graphics, and the area of the street graphic shall be computed as one-half of the total of the exposed surfaces.

"Vehicle sign" means any advertising or business sign attached to a motor vehicle or to a trailer which is parked or placed in position for the purpose of displaying the same to the public.

"V-shaped sign" means a sign which has two nonparallel sign boards that are adjoined at an angle for higher sign visibility. Both sign boards of a V-shaped sign are used in calculating the overall square footage for such a sign.

"Wall sign" means a 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. A wall sign may not project more than twelve (12) inches from the plane of the structure to which it is attached.

"Window promotional sign" means a sign visible from the exterior of a building or structure which is painted on a window, depicted upon a card, paper, or other material; or placed on, taped on, or hung immediately behind the window, or displayed from a window for the specific purpose of attracting attention of the passerby to a sale, or to promotional items, or other products or services.

"Window sign" means a sign visible from the exterior of a building or structure which is painted on a window, depicted upon a card, paper or other material, and placed on, taped on, or hung immediately behind the

window, or displayed from a window for the specific purpose of identifying the proprietor or name of business to the passerby. A window sign shall not be constructed to be a window promotional sign.

(Ord. 07-26 §§ 2 (part), 3 (part), 2007; prior code § 5-27)  
(Ord. No. 09-14, § 9, 4-7-2009)

#### **16.40.040 - Graphic regulations by district and administration.**

- A. Graphic Regulation by District.** The general location of graphics is hereby restricted by zoning districts as follows:
- 1. Residential (R-1 through R-5).**
    - a.** In residential districts, no graphic shall be erected except the following:
      - i. Flags;
      - ii. Nameplates;
      - iii. Public signs;
      - iv. Directional signs;
      - v. Holiday decorations;
      - vi. Memorial signs;
      - vii. Institutional signs;
      - viii. Contractor's signs;
      - ix. Real estate signs;
      - x. Residential development signs;
      - xi. Political campaign signs;
      - xii. Temporary signs;
      - xiii. Garage sale and rummage sale signs.
    - b.** Signs permitted in residential use districts may be located in any required yard, but not less than five feet from any property line. In the case of corner lots, permitted signs shall not be erected closer than ten (10) feet from any lot line adjacent to a street.
    - c.** In no case shall the height of any sign in any residential district exceed five feet, with the exception of flags which shall not exceed a height of twenty-two (22) feet.
  - B. Administration.** The following provisions specifically relate to the administration of community graphics.
    - 1. Permits Required.** It is unlawful for any person to erect, construct, display, alter or relocate any sign other than such sign as specifically listed in subsection D of this section within the village without first obtaining a permit from the community development department and paying the fee as set forth in Title 20 of the municipal code. The change or replacement of any sign panel or sign surface shall be deemed an alteration, requiring a permit. Routine maintenance shall not be deemed an alteration, provided such change does not alter the surface area, height or otherwise make the sign nonconforming.
    - 2. Application for Permit.** Application for permit shall be made in the office of the enforcement officer and shall include the following information:
      - a.** Name, address and telephone number of the applicant, owner, and occupant of the property and owner of the sign;
      - b.** Location of the building, structure or parcel of property to which or upon which the sign is to be attached or erected;
      - c.** Position of sign in relation to nearby buildings, structures, property lines, and right-of-way;
      - d.** A copy of plans and specifications showing method of construction, location, and support;
      - e.** Sketch showing sign faces, exposed surfaces, and proposed message thereof, accurately represented in scale as to size, areas, proportion, and color;
      - f.** Name of persons, firm, corporation, or association erecting sign;
      - g.** Such other information as the enforcement officer shall require to show full compliance with this and all other laws and ordinances of the village.
    - 3. Issuance of Permit.** It shall be the duty of the enforcement officer, upon the filing of an application for a permit, to examine such plans and specifications and other data related to proposed erection of the sign and sign structure; if it shall appear that the proposed sign and sign structure is in compliance with all the requirements of this chapter and all other

ordinances of the village, the permit shall then be issued. If the work authorized under the permit has not been completed within six months after date of issuance, the said permit shall become null and void.

4. **Permit Fees.** Every applicant, before being granted a permit hereunder shall pay the requisite permit fee to the village for each sign. The amount of such permit fees shall be determined and set by the village board from time to time.
5. **Insurance or Bond Requirements.**
  - a. Every applicant for a permit for a sign which will extend over a public right-of-way or which is so located that it may fall upon the same, shall file with the enforcement officer, before the permit is granted, a liability insurance policy covering all damage or injury that might be caused by each of said signs, or certificate of insurance therefore, issued by an insurance company authorized to do business in the state and satisfactory to the enforcement officer, with limits of liability of not less than twenty thousand dollars (\$20,000.00) for the property damage and three hundred thousand dollars (\$300,000.00) for personal injuries. The village, its officers, agents, and employees shall be named as additional parties insured. Such liability insurance policy shall be maintained in force throughout the life of the permit, and if at any time it shall not be in full force, the permit shall be revoked by the enforcement officer.
  - b. In lieu of insurance as provided for in this section, the applicant may file an indemnity bond, with a corporate surety satisfactory to the enforcement officer in the amount of three hundred thousand dollars (\$300,000.00) which will provide that the principal and surety will indemnify and hold harmless the village, its officers, agents and employees from all claims, loss, or suits resulting from any such sign.
  - c. Provided that if the village has secured a blanket policy to protect against risks, then no such insurance policy or bond shall be required.
6. **Identification of Graphics.** Every sign hereafter erected shall have a permanent identification tag or have painted in a conspicuous place thereon, the date of erection, the permit number, the voltage of any electrical apparatus used in connection therewith, and such other information as the village may reasonably require.

**C. General Provisions.** The following community graphics are prohibited within the jurisdiction of this ordinance:

1. Attention getting devices, unless they are specifically permitted by another section of this chapter;
2. Flashing signs, except time and temperature signs;
3. Moving signs;
4. Projecting signs;
5. Vehicle signs, except signs on vehicles used exclusively for public transportation and political signs during the period allowed by this chapter;
6. Painted wall signs (signs directly painted on walls);
7. Any sign or sign structure which constitutes a hazard to health or public safety;
8. Any sign which obstructs free ingress to or egress from a fire escape, door, window, or other required exit way;
9. Signs which by reason of size, location, content, coloring, or manner of illumination obstruct the vision of drivers, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads;
10. Signs which make use of words such as "STOP," "LOOK," "ONE-WAY," "DANGER," "YIELD," or any other similar words, phrases, symbols, lights, or characters in such a manner as to interfere with, mislead, or confuse traffic;
11. Any sign which advertises a business no longer conducted or a product no longer sold, on the premises where such signs are located;
12. Signs consisting of a string of hanging lights, or a cluster or series of lights, except on such time and temperature signs or theater marquees as may be permitted by this chapter;
13. Signs on fences, trees, utility poles, or walls which are not a part of a building structure;
14. Any abandoned or unused sign or sign structure. A sign or sign structure is considered abandoned or unused if the use or purpose for which such sign was established for, has expired, the business which the sign served has permanently or indefinitely closed, or the sign no longer relates to the use of the property.

**D. Permits Not Required.** The provisions and regulations of this section shall not apply to the following community graphics, nor shall the area of such community graphics be included in the sign area permitted for any establishment:

1. **Public Signs.** The signs required or specifically authorized for a public purpose by any law, statute, or ordinance; which may be of any type, number, area, height above grade, location,

illumination, or animation, authorized by the law, statute or ordinance under which the signs are created.

2. **Memorial Signs.** Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building or when constructed of bronze or other non-combustible material.
3. **Holiday Decorations.** Signs in the nature of decorations, clearly incidental and customary and commonly associated with any national, local, or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) days in any one year; and may be of any type, number, area, height, location, illumination or animation. Such decorations may not be used for advertising purposes.
4. **Contractor Signs.** Not more than one such sign per premise shall be allowed. Contractor signs shall not exceed six square feet in area and shall be removed at the time of issuance of the occupancy permit for said property. Any contractor sign which exceeds six square feet in area shall require a permit, valid for six months, and shall be subject to all of the provisions and regulations of this chapter. Contractor signs shall not exceed twenty-four (24) square feet in area nor exceed eight feet in height except contractor signs located in any residential district shall not exceed five feet in height.
5. **Signs of Public Utility Companies.** Indicating danger or which serve as an aid to public safety or which show the location of underground facilities or of public telephones.
6. **Window Promotional Signs.** There shall be not more than one window promotional sign per associated window, the total area of which signage shall not exceed ten (10) percent of the surface area of each associated window. A maximum number of two window promotional signs are allowed per building, parcel, or unit.
7. **No Trespassing Signs,** or other such signs regulating the use of a property, such as no hunting, no fishing, etc., of no more than two square feet in area.
8. **Flags.** Symbols, or crests of nations, states and cities, fraternal, religious and civic organizations containing no advertising material or message.
9. **Institutional Signs.** Bulletin boards not over thirty-two (32) square feet in area for public, charitable, or religious institutions where the same are located on the premises of said institutions.
10. **Real Estate.** "For Sale," "For Rent," and "Sold" signs not exceeding six square feet in area, which advertise the sale or rental of the real estate upon which said sign is located or indicating that the property has been sold. Said "For Sale," or "For Rent" signs may remain in place during the time the property is actually for sale or for rent, and the "Sold" signs or banners may be placed for a period of not to exceed seven days. No more than one real estate sign per lot except that a corner lot may have one such real estate sign per street front.
11. **Nameplates.** Signs not exceeding four square feet in area and bearing only names or occupants and/or addresses of premises not having commercial connotations.
12. **Public Signs.** Legal notices, identification, informational, or directional signs erected or required by governmental bodies, or authorized for a public purpose by any law, statute, or ordinance.
13. **Residential Development Signs (Subdivision Signs).** Permanent residential development signs at no more than three entrances designed to identify a residential subdivision or planned unit development and containing no commercial advertising of any type, including the developing company name or logo, but shall include the recorded legal name of the subdivision/planned unit development. Such a sign shall not exceed thirty-two (32) square feet in area for the single main entrance to a residential subdivision or planned development that contains fifty (50) or fewer subdivided lots and not to exceed fifty (50) square feet in area for the single main entrance to the residential subdivision or planned development that contains in excess of fifty (50) subdivided lots. Secondary subdivision signs are permitted for secondary entrances to a residential subdivision but shall not exceed sixteen (16) square feet in area. The community development department shall determine which subdivision entrance is the main entrance and which are the secondary entrances. One sign is allowed per subdivision entrance only when secondary entrance signs are permitted. All residential development signs (subdivision signs) shall include on the sign face thereof sufficient provision of identification that the residential development or subdivision is located within the village of Carpentersville. A permit is required for any and all such signs.
14. **Rummage Sale or Garage Sale Signs.** For purposes of this chapter, all such garage sale signs and the like shall be subject to the provisions regulating temporary signs. In addition, no such sign shall exceed five feet in surface area, and no such sign shall exceed a maximum exposure period of five days. All such signs shall be placed on private property.
15. **Window Displays.** Merchandise, picture, models, products or services incorporated in a window display.

16. Political Campaigning Signs. Signs or posters announcing candidates seeking public political office and/or political issues, and data pertinent thereto, up to an area of sixteen (16) square feet. Signs displayed for no more than sixty (60) days; removal within forty-eight (48) hours after the election. All such signs shall be placed on private property.

(Ord. 07-26 §§ 2 (part), 3 (part), 2007; prior code § 5-28)

#### **16.40.050 - Permitted community graphics and construction of graphics and signs.**

- A. Permitted Community Graphics. The following types of graphics are permitted subject to meeting all requirements of the zoning ordinance.
1. Flush-Mounted Signs (Wall Signs).
    - a. Flush mounted (wall) graphics may be attached flat to or pinned away from the wall and shall not project from the wall more than twelve (12) inches.
    - b. No wall sign shall be erected or maintained unless it meets all of the following requirements:
      - i. Area. The total sign surface area of all wall signs of any single parcel, building, or unit shall not exceed one and one-half times the lineal front footage thereof, and the total surface of any single wall sign shall not exceed eighty (80) square feet.
      - ii. Number. No more than one wall graphic per street front exposure shall be maintained on any one parcel of property or store front.
    - c. No flush mounted graphic shall cover or interrupt major architectural features such as doors, exits and windows.
    - d. All flush-mounted signs (wall signs) shall meet the following criteria:
      - i. The colors of the sign and sign structure shall be either be the same as or complementary to the colors used in connection with the associated building.
      - ii. The design of the sign and the sign structure shall be either the same as or complementary to the design elements used in connection with the associated building.
  2. Freestanding Signs (Ground Signs and Monument Signs).
    - a. Display. No business establishment shall display a freestanding sign unless said establishment is directly accessible by car and provides a minimum of ten (10) parking spaces on the premises where such freestanding sign is displayed.
    - b. Area. No freestanding sign shall exceed sixty (60) square feet in sign surface area.
    - c. Height. No freestanding sign shall exceed twelve (12) feet in height. In all cases, height shall be measured from grade at the edge of the right-of-way to the tallest point of the main sign structure. The base element of a freestanding sign shall not exceed a maximum height of six feet from grade and is included in the maximum height of twelve (12) feet.
    - d. Not more than one freestanding sign shall be maintained on any one parcel of property, except that one menu sign (menu board), one contractor sign and a minimal number of directional signs, necessary to direct and guide automotive or pedestrian traffic or parking, subject to the provisions and regulations of this chapter, may be maintained on a parcel of property in addition to a freestanding sign.
    - e. Distance Between Signs. All freestanding signs shall be located a minimum of two hundred (200) feet apart.
    - f. Setbacks. All freestanding signs must be set back a minimum of ten (10) feet from all right-of-way lines and five feet from any other lot lines.
    - g. All freestanding signs (ground/monument signs) shall meet the following criteria:
      - i. The sign structure shall incorporate a landscaped base area into the design of the sign structure, which sign structure and base area shall be subject to review and approval by the community development department.
      - ii. The sign shall incorporate a brick, wood or ornamental stone structure.
      - iii. The colors of the sign and sign structure shall be either the same as or complementary to the colors used in connection with the associated building.
      - iv. The design of the sign and the sign structure shall be either the same as or complementary to the design elements used in connection with the associated building.

3. Residential Leasing Sign. A residential development that contains in excess of twenty-five (25) condominium/apartment units may maintain on the premises a residential leasing sign, which sign shall be limited in sign surface area to a maximum of twenty-four (24) square feet for the aid of leasing available units.
4. Special.
  - a. Signs Accessory to Automobile Service Stations.
    - i. Gas service stations shall be permitted one freestanding sign which may include a maximum of three rate/price signs. The dimensions of each of the rate/price signs shall not exceed eight square feet each. Such a sign shall be a freestanding sign and shall state the price completely when displayed and can use either changeable copy or LED methods to display the price.
    - ii. All other portable signs, as defined in this chapter are expressly prohibited; however, temporary signs may be permitted in accordance with the provisions set forth in this chapter.
  - b. Signs Accessory to Shopping Centers.
    - i. For the purposes of this chapter, a shopping center shall be defined as a grouping of commercial use and/or buildings either under single, joint, or separate ownership designed and developed to offer a safe, efficient, and attractive shopping area, usually with common off-street parking areas, a pedestrian mall, controlled access and uniform, compatible signing.
    - ii. In addition to the sign area allowed for the individual businesses therein, shopping centers shall be allowed one identification sign (which may be illuminated) on each street abutting the property. Such signs shall not extend beyond the property line or into the right-of-way and shall be used solely to identify the shopping center, shopping area, or all of the businesses or activities conducted therein.
    - iii. The allowable sign area for said signs shall be computed at one and one-half square feet for every lineal foot of frontage of the total shopping center building or one square foot for every lineal foot of lot frontage, whichever is greater. The maximum area for said sign shall not exceed eighty (80) square feet; the maximum number shall be one and the maximum height for such freestanding signs shall be twelve (12) feet. The height of freestanding signs shall be measured from grade at the edge of the right-of-way to the tallest point of the main sign structure.
5. Temporary.
  - a. Size. No temporary sign shall exceed thirty-two (32) square feet in sign area.
  - b. Number. Not more than one temporary sign as defined by this chapter shall be permitted on a parcel of property.
  - c. Permit Limitations. A permit must be obtained for all temporary signs. Permits for temporary signage shall be limited to thirty (30) days or less as determined by the community development department. Such a sign shall be removed within twenty-four (24) hours after the expiration of the permit unless a new permit is obtained. No more than two temporary permits shall be issued for one building, parcel or unit in any calendar year.
  - d. Legend. No temporary sign shall contain any advertisement of any business, industry, or pursuit not, conducted on or in the premises on which such sign is erected or maintained.
  - e. Grand Openings and Special Events. Temporary signs and attention-getting devices as defined within this chapter, may be permitted for new business grand openings and promoting special events as determined by the community development department. A permit must be obtained for all such temporary signs and attention-getting devices and shall be limited to sixty (60) days or less as determined by the community development department. Such a sign or attention-getting device shall be removed within twenty-four (24) hours after the expiration of the permit.
6. Under Canopy. One sign located under a canopy or marquee shall be permitted for each business in a building. The total sign area shall not exceed five square feet, and the width of any sign shall not exceed three-fourths of the horizontal canopy or marquee projection. No under canopy sign shall project more than eighteen (18) inches from any canopy or other such structure. There shall be a minimum eight feet clearance between the ground and any such sign. The permitted wall sign area and/or freestanding sign area shall be reduced for each square foot or portion thereof, of sign area devoted to under canopy signs.

7. Window Signs. As defined in this chapter, there shall be not more than one window sign per associated window, the total area of which shall not exceed ten (10) percent of the surface area of each associated window. A maximum number of two window signs are allowed per building, parcel or unit.
  - a. All window signs shall meet the following criteria:
    - i. The colors of the sign and sign components shall be either the same as or complementary to the colors used in connection with the associated building and flush-mounted signs (wall signs);
    - ii. The design of the sign and the sign components shall be either the same as or complementary to the design elements used in connection with the associated building and flush-mounted signs (wall signs).
    - iii. Neon illumination of any signage is not permitted.
  - b. Signs, advertising property for sale, lease, or rent, not exceeding thirty-six (36) square feet in area, may be erected on commercial and industrial-zoned property, upon proper application and issuance of an appropriate permit, accompanied by payment of the permit fee as provided in Chapter 20.02, "Fees," Section 20.02.010, "License and permit fees" of this code.
8. Portable Signs.
  - a. Size. No portable signs shall exceed thirty-two (32) square feet in sign area.
  - b. Number. Not more than one portable sign as defined by this chapter shall be permitted on a parcel of property.
  - c. Location. All portable signs shall be on-premise signs as defined by this chapter.
  - d. Length of Time. A permit must be obtained for all portable signs. A permit for a portable sign shall be limited to two weeks. Such sign shall be removed within twenty-four (24) hours after the expiration of the permit. No more than two such permits shall be issued for one parcel of property in any calendar year.
  - e. Fees. The permit fee for any portable sign for a commercial establishment shall be as provided in Chapter 20.02, "Fees," Section 20.02.010, "License and permit fees" of this code.
9. Changeable Copy Signs.
  - a. Changeable copy signs shall be permitted, subject to the provisions of this section and all other sections of this chapter.
  - b. Changeable copy signs shall be limited to one per lot of record, unless approved as a planned unit development, within only the C-2 and C-2A zoning districts. Such signs are permitted for the following uses or purposes:
    - i. Movie theatres;
    - ii. Public services;
    - iii. Directional signs;
    - iv. Properly permitted portable signs.
  - c. Changeable copy signs permitted for retail business uses limited to the sale of landscape nursery stock and garden merchandise shall be subject to all of the following requirements:
    - i. The number of changeable copy signs for each such business shall not exceed one.
    - ii. The area of the display face of changeable copy signs shall not exceed forty (40) percent of the sign surface area of the primary sign of which the changeable copy component shall be a secondary part.
    - iii. Should the method of placement of letters or characters in or upon the surface of changeable copy signs be electronic, then the interval (the amount of time in between the event) of change of any such letters or characters shall be no less than five minutes.
10. Light-Emitting Diode (LED) Signs.
  - a. Light-emitting diode (LED) signs shall be permitted subject to the provisions of this section and all other sections of this chapter.
  - b. LED signs shall be permitted for the following uses or purposes:
    - i. Public services;
    - ii. Informational signs;
    - iii. Movie theatres;
    - iv. Retail business uses limited to the sale of landscape nursery stock and garden merchandise and grocery stores in excess of thirty thousand (30,000) square feet per story, inclusive of storage and nonsales areas, in size. Such a grocery store shall sell mainly grocery items and any other

sales items shall be ancillary to the grocery use. If this is not the case, then an LED sign will not be permitted for such a use.

- c. LED signs are limited to one per lot of record, unless approved as a planned unit development, within only the C-2 and C-2A zoning districts. Such signs are permitted for retail business uses limited to the sale of landscape nursery stock and garden merchandise and grocery stores in excess of thirty thousand (30,000) square feet per story, inclusive of storage and nonsales areas, in size. Such a grocery store shall sell mainly grocery items and any other sales items shall be ancillary to the grocery use. If this is not the case, then an LED sign will not be permitted for such a use. Any permitted LED signs shall be subject to all of the following requirements:
  - i. The number of LED signs for each such business shall not exceed one.
  - ii. The area of the display face of LED signs shall not exceed fifty (50) percent of the sign surface area of the primary sign of which the LED component shall be a secondary and ancillary part.
  - iii. The interval (the amount of time in between the event) of change of any such letters or characters shall be no less than one minute.
  - iv. The LED display shall use letters and characters and is prohibited from using moving or nonmoving pictures or displays.
- d. LED window signs are limited to one per lot of record, unless approved as a planned unit development, within only the C-2 and C-2A zoning districts. LED window signs cannot exceed six square feet in size. Such signs shall be located on the inside of any window that has street frontage and the interval (the amount of time in between the event) of change of any such letters or characters shall occur no less than once every twenty-four (24) hours.

**11. Directional Signs.**

- a. Area. No directional sign shall exceed four square feet in sign surface area.
- b. Number. The number of directional signs maintained on any one parcel of property shall be limited to a minimal number, as is necessary and approved by the village to direct and guide automotive or pedestrian traffic or parking on the parcel of property where such signs are maintained.
- c. A permit is required for all directional signs.

**12. Bulletin Boards.** Bulletin boards may include changeable copy.

**13. Menu Signs (Menu Boards).** There shall be not more than one menu sign (menu board) per premise, which sign shall not exceed thirty-two (32) square feet in sign surface area nor exceed six feet in height. All menu signs (menu boards) shall meet the following criteria:

- a. The sign structure shall incorporate a landscaped base area into the design of the sign structure, which sign structure and base area shall be subject to review and approval by the community development department;
- b. The sign shall incorporate a brick, wood or ornamental stone structure;
- c. The colors of the sign and sign structure shall be either the same as or complimentary to the colors used in connection with the associated building; and
- d. The design of the sign and the sign structure shall be either the same as or complementary to the design elements used in connection with the associated building;
- e. An LED ordering display is permitted where not to exceed four square feet in total size, as regulated by subsection (A)(10) of this section. The display items are limited to menu ordering items and shall not display advertising matter at any time.

**14. Sign Illumination.**

- a. All illuminated signs located in a residential zoning district or within one hundred (100) feet of any residential zoning district shall be turned off between the hours of ten p.m. and seven a.m. unless the establishment is engaged in the operation of business during that period, in which case the sign may be lit during the hours of operation only.
- b. Illumination shall be shielded or shaded as necessary to avoid casting a bright light upon property located in any residential district or upon any public street or park.
- c. Neon illumination of any signage is not permitted.

**B. Construction, Maintenance, Performance Standards for All Graphics.**

**1. Maintenance.** The provisions of this section are in addition to the building code provisions, as amended.

- a. Removal of abandoned signs which no longer advertise a bona fide business conducted, or a product sold on the premises where said sign is located shall be removed by the owner, occupant, lessee, or person having the beneficial use of the

property upon which such sign may be found. Any electrical sign which is inoperable or in need of repair shall be repaired within fourteen (14) days or removed. If such person fails to remove the sign, the enforcing officer shall give the owner of the premises fourteen (14) days written notice to remove it. Upon failure to comply with this notice, the enforcement officer may remove the sign with all costs to be borne by the owner of the premises, occupant, lessee, or person having the beneficial use of the property on which the sign is located. The costs of removal shall constitute a lien upon said premises and may be enforceable as provided in this chapter.

- b. Removal of Unsafe or Unlawful Signs.
  - i. If the enforcement officer shall find that any sign or sign structure is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, he or she shall give written notice to the permittee thereof or to the owner of the premises as shown on the most recent tax rolls or to the person having the beneficial use of the sign. If the permittee or owner fails to remove or alter the structure so as to comply with the standards set forth in this chapter within fourteen (14) days after said notice, the sign or sign structure shall be removed or altered to comply with the standards of the chapter at the expense of the permittee or owner of the property upon which it is located, or however, notwithstanding any other provision of this chapter the enforcement official may cause any sign which is an immediate and imminent peril to persons or property, to be removed summarily with or without notice.
- 2. All sign panels, graphics, mounts, supports, poles, connections and other components shall be maintained in good condition, free of rust and peeling paint. All sign graphics shall be resurfaced if faded.
- 3. Sign Structure and Support Requirements.
  - a. All signs shall be of such a design that all framework for the lateral support of the sign shall be contained within the sign's body or within the structure of the building to which it is attached, in such manner as not to be visible to any person.
  - b. Exposed guy wires, chains, or other connection shall not be made as a permanent support of the sign. Where necessary, the projecting cantilever system shall be used, and the "A" frame system shall not be used.
- 4. Face of sign shall be smooth. No signs or sign structures shall have any nails, tacks, wires or sharp metal protruding therefrom.
- 5. Illumination of freestanding and flush-mounted signs is permitted via an internal illumination source, gooseneck reflectors or a ground-mounted light source, provided that all illumination from the light source is concentrated on the sign face only. Illumination glare or lighting of any area outside or beyond the sign face shall not be permitted. Ground-mounted light sources are only permitted if the lighting fixture is not visible with the use of baffles or lighting screens and/or is screened with landscaping, which illumination is subject to review and approval by the community development department.
- 6. Glass Requirements. Any glass forming a part of any sign shall be heavy safety glass and a minimum of one-fourth inch in thickness. Where any single piece or pane of glass has an area exceeding three square feet, it shall be wired glass.
- C. Construction, Material, and Performance Standards for Individual Signs. The provisions of this section are in addition to the building code provisions, as amended.
  - 1. Awnings and Canopies. It shall be unlawful to erect, construct or maintain any awning or canopy unless the following provisions are followed:
    - a. Construction Materials. The construction materials and manner of construction of all awnings and canopies shall be subject to the approval of the enforcement officer.
    - b. Location—Height Above Sidewalk. All awnings and canopies shall be constructed and erected so that the lowest portion thereof shall be not less than eight feet above the level of the sidewalk or parkway.
    - c. Setback from Curb Line. No awning or canopy shall be permitted to extend beyond a point two feet inside the curb line.
    - d. Erection.
      - i. Awnings—Support. Every awning shall be securely attached to and supported by the building. Posts or columns beyond the building line shall not be permitted for awnings. It shall be unlawful to attach any awning to the wood jambs, frames, or other wood members of a building (frame building excepted) when such building is less than ten (10) feet from public property.

- ii. Canopies—Support. The framework of all canopies shall be designed by a structural engineer or registered architect and approved by the enforcement officer as in compliance with the building code. All frames and support shall be designed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area. All canopy supports shall be designed so as not to obstruct continuous flow of pedestrian traffic along any sidewalk, and in conformance with any other reasonable requirements established by the enforcement officer.
  - e. Advertising. No advertising shall be placed on any awning or canopy except that the name of the business, industry and service (text and/or graphic) that is conducted within the premises may be painted or otherwise permanently placed in letters not exceeding nine inches in height on the front and side portions thereof. The maximal coverage of any awning or canopy by such text and/or graphic shall not exceed twenty-five (25) percent of the individual surface (the front or side portions thereof), on which such text and/or graphic is placed.
2. Marquees. It shall be unlawful to construct, erect, or maintain any marquee without complying with the following provisions:
- a. Construction—Materials Required. All marquees, including the anchors, bolts, support rods, and braces thereof, shall be designed by a structural engineer or registered architect and subject to approval by the enforcement officer.
  - b. Drainage. The roofs of all marquees shall be properly guttered and connected by down spouts to a drain so that the water therefrom will not drip or flow directly onto public property.
  - c. Roofs. The roofs of all marquees shall be used for no other purpose than to form and constitute a roof.
  - d. Location:
    - i. Height Above Sidewalk. No portion of a marquee shall be less than eight feet above the level of the sidewalk or other public thoroughfare.
    - ii. Setback From Curb Line. No marquee shall be permitted to extend a point two feet inside the curb line.

(Ord. 07-26 §§ 2 (part), 3 (part), 2007; Ord. 06-15 § 65, 2006; Ord. 02-46 §§ 1, 2, 2002; prior code § 5-29)

ARTICLE VI. SPECIAL PROVISIONS FOR SPECIFIC TYPES OF SIGNS\*

**543.300. Auxiliary signs.**

- (a) *Size.* The sign area of auxiliary signs shall be included in the calculation of maximum sign area allowed on a site, as specified in Tables 543-1, Specific Standards for Signs in the Residence and OR1 Districts, 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts. Each auxiliary sign shall be limited to four (4) square feet in area, except signs accessory to uses first allowed in the industrial districts shall not exceed sixteen (16) square feet in area.
- (b) *Height.* Freestanding auxiliary signs shall be limited to four (4) feet in height. Auxiliary signs attached to buildings shall comply with the district regulations for sign height.
- (c) *Logos and other commercial messages prohibited.* Auxiliary signs shall not contain any logo or other commercial message.

(2009-Or-056, § 11, 7-17-09)

**543.310. Awning, canopy and marquee signs.**

Awning, canopy and marquee signs shall be painted on or affixed to an awning, canopy or marquee. No such sign shall extend outward from the awning, canopy or marquee on which it is located, except as provided for theater marquees in Section 543.290. Awning, canopy and marquee signs shall be included in the calculation of the total permitted building sign area.

(2009-Or-056, § 11, 7-17-09)

**543.320. Banners.**

- (a) *Commercial banners.* Commercial banners shall be considered signs and therefore shall be included in calculating the total sign area of the site and shall be regulated as such. A commercial banner shall be considered a wall sign or a projecting sign.
- (b) *Decorative banners.* Decorative banners shall be allowed in all districts, provided such banners comply with the following:
  - (1) Commercial messages or logos shall be prohibited from decorative banners.
  - (2) Decorative banners shall be exempt from the total allowable sign area for a site, provided the maximum aggregate area for decorative banners shall not exceed fifteen (15) percent of the total allowable sign area for a parcel, except that at least one (1) decorative banner not exceeding eight (8) square feet shall be allowed on a zoning lot.
  - (3) The height of decorative banners shall comply with the district regulations for sign height.

(2009-Or-056, § 11, 7-17-09)

**543.330. Changeable copy sign, dynamic.**

- (a) *In general.* The dynamic changeable copy sign shall be limited to letters or numbers only. The background of the dynamic changeable copy sign shall be black and the text shall be colored.
- (b) *Number of signs.* There shall not be more than one (1) dynamic changeable copy sign located on a zoning lot.
- (c) *Location.* The dynamic changeable copy sign shall be located on a primary building wall or be part of a freestanding sign.
- (d) *Size.* The maximum size of the dynamic changeable copy sign shall be sixteen (16) square feet. Dynamic changeable copy signs shall be included in the calculation of the total permitted sign area.
- (e) *Height.* Notwithstanding Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, the maximum height of a dynamic changeable copy sign attached to a building shall be fourteen (14) feet, or top of wall, whichever is less.
- (f) *Duration of message.* The copy of the dynamic changeable copy sign shall remain static for a period of not less than one (1) hour.
- (g) *Luminance.* Between 7:00 a.m. and 7:00 p.m. the maximum luminance shall be five thousand (5,000) nits and between 7:00 p.m. and 7:00 a.m. the maximum luminance shall be five hundred (500) nits.

(2009-Or-056, § 11, 7-17-09)

**543.340. Dynamic signs.**

- (a) *In general.* Except where allowed as-of-right in the Downtown Entertainment Area, dynamic signs may be allowed as a conditional use, subject to the provisions of Chapter 525, Administration and Enforcement, and the following:
- (b) *Number of signs.* There shall not be more than one (1) dynamic sign located on a zoning lot.

- (c) *Location.* The dynamic sign shall be located on a primary building wall.
  - (d) *Height.* Notwithstanding Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, the maximum height of a dynamic sign attached to a building shall be fourteen (14) feet, or top of wall, whichever is less.
  - (e) *Size.* Dynamic signs shall not exceed thirty-two (32) square feet. Dynamic signs shall be included in the calculation of the total permitted sign area.
  - (f) *Duration of message.* The sign message shall remain static for a period of not less than eight (8) seconds.
  - (g) *Luminance.* Between 7:00 a.m. and 7:00 p.m. the maximum luminance shall be five thousand (5,000) nits and between 7:00 p.m. and 7:00 a.m. the maximum luminance shall be five hundred (500) nits.
- (2009-Or-056, § 11, 7-17-09)

**543.350. Fence signs.**

- (a) *In general.* Signs attached to fences shall be included in the calculation of maximum wall sign area allowed on a site and shall be regulated as such. Signs attached to fences shall not project beyond the edge of the fence.
  - (b) *In required yards.* Signs attached to fences, retaining walls or other similar structures may be located within a required yard, provided such sign, including the back of such sign, shall not be visible from any residence or office residence district abutting such required yard.
- (2009-Or-056, § 11, 7-17-09)

**543.360. Freestanding signs.**

- (a) *In general.* Except for auxiliary, political, portable, project information, real estate and temporary signs, decorative banners, menu boards and signs accessory to parking lots, not more than one (1) freestanding sign shall be permitted on a zoning lot, except as otherwise permitted in this section.
  - (b) *Public and institutional uses in the OR2 and OR3 Office Residence Districts.* Notwithstanding Table 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, not more than one (1) freestanding sign shall be permitted per frontage.
  - (c) *Base of sign.* Landscaping or other decorative materials designed to screen the base of the freestanding sign and any light fixtures shall be provided. Such landscape or decorative materials shall be capable of screening the base of the sign all year and shall be well maintained.
- (2009-Or-056, § 11, 7-17-09)

**543.370. Menu boards.**

- (a) *Size.* The sign area of menu boards shall be included in the calculation of maximum sign area allowed on a site, as specified in Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts. Each menu board shall be limited to thirty-six (36) square feet in area.
  - (b) *Height.* Freestanding menu boards shall be limited to six (6) feet in height.
  - (c) *Exemption from regulations on number of freestanding signs.* Menu boards shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided there shall be no more than two (2) menu boards on a zoning lot. Such menu boards shall be single-sided.
- (2009-Or-056, § 11, 7-17-09)

**543.380. Political signs.**

- (a) *Location.* Political signs are allowed as a permitted encroachment in the required front yard. No political sign shall be closer than eight (8) feet from any other zoning lot. No political sign shall be placed on the public right-of-way, including boulevard trees and utility poles.
- (b) *Maximum number of signs.* No limit within size allocation.
- (c) *Size.*
  - (1) *Residence and OR1 Districts.* Maximum of eight (8) square feet in area shall be permitted per street frontage. A larger political sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
  - (2) *All other districts.* Maximum of thirty-two (32) square feet in area shall be permitted per street frontage. A larger political sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
- (d) *Height.*
  - (1) *Residence and OR1 Districts.* The height of a freestanding political sign shall not exceed six (6) feet. A political sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

- (2) *All other districts.* The height of a freestanding political sign shall not exceed fourteen (14) feet. A political sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.
- (e) *Sign removal.* Signs sponsoring candidates for public office shall be removed within ten (10) days after an election has been held unless the candidate is one (1) who qualifies as a candidate to be named on the ballot at a general election after a primary election. In that case, signs erected prior to the primary election may be left in place until ten (10) days after the general election.
- (2009-Or-056, § 11, 7-17-09)

**543.390. Portable signs.**

- (a) *In general.* Portable signs shall be prohibited on the public right-of-way in the downtown area bounded by Interstate 35W, Interstate 94, Plymouth Avenue, and the Mississippi River, except as required or permitted in connection with an approved valet parking license or sidewalk café permit.
- (b) *Limits.* Portable signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall be of sufficient weight to prevent movement by wind.
- (c) *On the public right-of-way.* Portable signs may be allowed on the public right-of-way outside of the downtown area, as defined in section (a) above. Portable signs shall be placed in the Planting/Furnishing Zone or Frontage Zone, and shall be prohibited in the Walk Zone, as indicated in Figure 543-1. Portable signs shall not be attached to public infrastructure.
- (d) *Exemption from regulations on number of freestanding signs.* Portable signs shall be exempt from the restrictions on the number of freestanding signs allowed on a zoning lot, provided such portable signs shall not exceed four (4) feet in height and there shall be not more than one (1) such portable sign per street frontage.

**543.400. Project information signs.**

- (a) *Location.* Project information signs are allowed as a permitted encroachment in the required front yard. No project information sign shall be closer than eight (8) feet to any other zoning lot. No project information sign shall be placed on the public right-of-way, including boulevard trees and utility poles.
- (b) *Size.*
- (1) *Residence and OR1 Districts.* One (1) freestanding or wall project information sign, not to exceed eight (8) square feet in area, shall be permitted per street frontage. A larger project information sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
- (2) *All other districts.* One (1) freestanding or wall project information sign, not to exceed thirty-two (32) square feet in area, shall be permitted per street frontage. A larger project information sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
- (c) *Height.*
- (1) *Residence and OR1 Districts.* The height of a freestanding project information sign shall not exceed six (6) feet. A project information sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.
- (2) *All other districts.* The height of a freestanding project information sign shall not exceed fourteen (14) feet. A project information sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.
- (d) *Sign removal.*
- (1) *Residence and OR1 Neighborhood Office Residence districts.* The project information sign may be in place only during the period that said project is under construction, not to exceed one hundred eighty (180) days after the issuance of the building permit, and only while valid building permits are in force.
- (2) *All other districts.* The zoning administrator may issue an annual permit for a project information sign. Such sign may be in place only during the period that said project is under construction, and only while valid building permits are in force.

(2009-Or-056, § 11, 7-17-09)

**543.410. Projecting signs.**

A projecting sign may extend above the top of the wall or parapet line or, in the case of a mansard roof, beyond the deck line. Subject to the sign height regulations, a projecting sign may extend two (2) feet per story, but not more than a total of ten (10) feet, above the roof line of a flat roofed building. In the case of a mansard roof, a projecting sign may extend not more than four (4) feet above the deck line. In no case shall any element of the projecting sign be attached to the roof of the building.

(2009-Or-056, § 11, 7-17-09)

**543.420. Real estate signs.**

- (a) *Location.* Real estate signs are allowed as a permitted encroachment in the required front yard. No real estate sign shall be closer than eight (8) feet to any other zoning lot. No real estate sign shall be placed on the public right-of-way, including boulevard trees and utility poles.
- (b) *Size.*
  - (1) *Residence and OR1 Districts.* One (1) freestanding or wall real estate sign, not to exceed eight (8) square feet in area, shall be permitted per street frontage. A larger real estate sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
  - (2) *All other districts.* One (1) freestanding or wall real estate sign, not to exceed thirty-two (32) square feet in area, shall be permitted per street frontage. A larger real estate sign may be allowed, provided such sign shall be included in the calculation of the total permitted sign area of the site and shall be regulated as such.
- (c) *Height.*
  - (1) *Residence and OR1 Districts.* The height of a freestanding real estate sign shall not exceed six (6) feet. A real estate sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.
  - (2) *All other districts.* The height of a freestanding real estate sign shall not exceed fourteen (14) feet. A real estate sign mounted on a wall shall not exceed the height requirements of the district in which the sign is located.

(2009-Or-056, § 11, 7-17-09)

**543.430. Service area canopy and pump island signs.**

- (a) *Service area canopy signs.* Notwithstanding Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, twenty-five (25) square feet of signage per frontage may be applied to the faces of the canopy facing any street. Such signage may be lighted externally or internally, but no other part of the face of the service area canopy shall be illuminated. Service area canopy signs shall not extend beyond the face of the canopy.
- (b) *Pump island signs.* Signs on pumps and pump islands shall be permanently affixed, non-illuminated, less than one (1) square foot in area and less than six (6) feet in height.

(2009-Or-056, § 11, 7-17-09)

**543.440. Specific product or brand name signs.**

Signs which mention a specific product or brand name sold or offered on the premises, except identification signs, shall be subject to the following:

- (1) Such signs shall not exceed sixteen (16) square feet in area.
- (2) Not more than two (2) such signs shall be located on a freestanding sign.
- (3) Not more than two (2) such signs per primary building wall.
- (4) Such signs shall be included in the calculation of the total permitted sign area.
- (5) Such signs shall comply with all of the applicable regulations of this zoning ordinance.

(2009-Or-056, § 11, 7-17-09)

**543.450. Temporary signs.**

- (a) *In general.* All temporary signs shall be attached to a building.
- (b) *Time.* During any calendar year temporary signs shall not be in place for more than a total of sixty (60) days. If temporary signs are maintained on a zoning lot in excess of sixty (60) days, such signage shall be considered permanent and shall be regulated as such.
- (c) *Sign area and number.* Temporary signs shall be exempt from the calculation of total permanent sign area allowed on the site, but shall meet the same dimensional, locational, total sign area and other applicable regulations for permanent signs.

(2009-Or-056, § 11, 7-17-09)

**543.460. Time and temperature signs.**

- (a) *Commercial districts.* Time and temperature signs shall comply with the sign regulations for the district in which they are located, but in no case shall the vertical dimension of such sign exceed two (2) feet.
- (b) *Downtown districts.* Time and temperature signs shall comply with the sign regulations for the district in which they are located, but in no case shall the vertical dimension of such sign exceed four (4) feet.

(2009-Or-056, § 11, 7-17-09)

**543.470. Wall signs.**

- (a) *In general.* A wall sign shall not extend outward more than twenty-four (24) inches from the structure, except a flat wall sign shall not extend outward more than six (6) inches from the structure. A wall sign shall not extend above the top of the wall or parapet line or, in the case of a mansard roof, beyond the deck line, nor shall a wall sign extend beyond the corner of the building.
- (b) *Exception.* Recognizing that certain buildings or uses may have unique identification needs, notwithstanding the height and area limits of Tables 543-2, Specific Standards for Signs in the OR2, OR3 and Commercial Districts, 543-3, Specific Standards for Signs in the Downtown Districts, and 543-4, Specific Standards for Signs in the Industrial Districts, a conditional use permit may be applied for, as provided in Chapter 525, Administration and Enforcement, to allow not more than two (2) additional wall signs identifying the name or logo of a building or use in a building that exceeds six (6) stories or eighty-four (84) feet in height, subject to the following:
  - (1) Signs shall be limited to individual letters or elements permanently affixed to the building wall.
  - (2) Signs shall not exceed three (3) square feet of sign area for each one (1) foot of building wall to which such sign is attached or three hundred (300) square feet, whichever is less.
  - (3) Not more than one (1) sign shall be located on a building wall.
  - (4) The vertical dimension of such sign shall not exceed fourteen (14) feet.

(2009-Or-056, § 11, 7-17-09)

**543.480. Window signs.**

Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in Section 543.450.

(2009-Or-056, § 11, 7-17-09)

**Sec. 27-22. Sign regulations.**

- (a) *Purpose.* The sign regulations are established for the purpose of setting standards intended to promote economic activity and avoid visual clutter, which is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. It is the purpose of these regulations to protect property values within the City of Hurst, to enhance the beauty of the city, and to protect the general public from damage and injury, which may be caused by the unregulated construction of signs. Pursuant to these purposes, it is the intent of this section to permit the use of signs, which are:

- (1) Compatible with their surroundings;
- (2) Appropriate to the activity that displays them;
- (3) Expressive of the identity of individual activities and the community as a whole; and
- (4) Legible in the circumstances in which they are seen.

Recognizing that businesses need signage to be seen and found by their customers, it is the purpose of the sign regulations to establish a hierarchy of modern, well maintained, permanent signs to assist business advertising. Businesses and others using signs should have one (1) or more of the following permanent signs in use before requesting any type of temporary signs: building and wall signs, single- or multi-tenant monument signs, canopy signs, permanent changeable message/menu board signs.

...

- (k) *Temporary signs.* Businesses and others using signs should have one or more of the following permanent signs in use before requesting temporary signs: building signs, single- or multi-tenant monument signs, canopy signs, permanent changeable message/menu board signs. Temporary signs shall be regulated as new development signs, vehicle advertising, portable signs, inflatable signs and balloons, real estate signs, garage sale signs, political signs, charity and civic events, construction trade signs, weekend directional signs, grand opening signs, pennants, window signs, bench signs, or banners.

...

**(13) Window signs.**

- a. No permit shall be required for any window signs, provided it is placed inside of the glass. If the window sign is placed on the outside of the glass it shall be regulated as a wall sign.
- b. Window signs may be placed so as not to obscure more than twenty-five (25) percent of the visible window area available; otherwise they should be converted to wall signs.
- c. Where multiple signs exist, fronting on the single elevation, the seventy-five (75) percent visibility shall be maintained for the total window area on said elevation.

...

**(16) Violation and penalties—temporary signs.**

- a. Failure to remove a temporary sign upon expiration of authorized period shall constitute a violation. Placement of a sign without a required permit is a violation. The owner, person in control of premises, or sign contractor where a temporary sign is located or placed shall be chargeable with any violation defined in this section.
- b. Any week-end directional sign that does not comply with the restrictions established herein shall be impounded by the city and will be released to the owner after paying ten dollars (\$10.00) for each such sign. Signs not claimed within five (5) days of removal by the city may be destroyed. If the city has a removed, unclaimed sign from a permit holder or has destroyed such a sign, any permit issued by the city shall be suspended until the sign is paid for. The permit shall be terminated if a permit holder is found in violation on three (3) or more occasions.
- c. If any portion of any other temporary sign is found on public property or private property without permission of the owner thereof, it shall be impounded by the city and will be released to the owner only after paying one hundred dollars (\$100.00) plus twenty dollars (\$20.00) for every day of storage.
- d. If any temporary sign for which there is no current permit is found within the city displaying a message readable from any public street, such sign shall be impounded by the city and will be released to the owner thereof only after payment of one hundred dollars (\$100.00) plus twenty dollars (\$20.00) for every day of storage.

- e. The enforcement of this section shall be the responsibility of the inspection officer.  
The remedies in this section are in addition to any other penalties.