

Pekin Zoning Board of Appeals Meeting
111. S. Capitol Street
City Council Chambers 2nd Floor
May 11, 2022
5:00 PM

A regular Meeting of the Pekin Board of Appeals will be held at Pekin City Hall, 111 South Capitol Street, City of Pekin, Illinois, on the 11th day of May 2022, at 5:00PM.

Pledge of Allegiance

- I. Roll Call
- II. Agenda Approval
- III. Minutes Approval from April 13, 2022
- IV. City Council Action Report
- V. Applications and Hearings
- VI. Informal
- VII. Public Input
- VIII. Adjourn

CASE SU 2021-12 (Revised)

A revised special use request by VP Racing Fuel for a drive-through establishment in a B-3 General Commercial District at 900 N 5th Street. This special use was previously approved but a revised version of the site plan is being submitted by the applicant for review and recommendation.

CASE V 2022-05

A variance request submitted by Jacob and Megan Shreffler to allow for the use of white rock instead of concrete materials for an access drive beyond concrete apron from public thoroughway to existing structure on property located at 2423 Tazewell Road. Said property being zoned R-4 Single Family Residential with a legal description of SEC 1 T24N R5W BLUFF'S ADDN #1 LOT 23 NE1/4, with the following P.I.N. 04-10-01-205-013, in Tazewell County, Illinois.

OTHER ITEMS FOR CONSIDERATION AND RECOMMENDATION

Ordinance Proposing Zoning Code Changes Regarding Signage.

Informal Discussion

Public Input

Adjourn

David Bess, Secretary
Pekin Board of Appeals

Pekin Zoning Board of Appeals
111 S. Capitol Street
City Council Chambers 2nd Floor
April 13, 2022
5:00 PM

Present: Bill Craig, Daryl Dagit, Chris Deverman, Donald Hild, Kim Joesting, Mary Lanane, Kelly Madden, James Ruth.

The regular meeting of the Pekin Zoning Board of Appeals was called to order at 5:00pm and a quorum was declared. Staff present: Matt Fick, Community Development Director, David Bess, CDBG Program Manager, Jeffrey Gaster, Legal Counsel, Nic Maquet, Chief Building Official

Motion for minute approval by Commissioner Lanane, Second by Commissioner Joesting. Minutes for the February 9, 2022 meeting were approved 6-0 with Commissioner Dagit and Commissioner Hild abstaining.

City Council Action Report – All recommendations of previous meeting adopted by the Pekin City Council as presented.

Case FPR 2022-01 Public Hearing Opened at 5:02 PM

Plat review for part of lots 14, 15, and 16, and part of the vacated alley in block 6 of the original town (now City) of Pekin being in part of the southeast quarter of Section 34, Township 25 North, Range 5 West of the Third Principal Meridian, Tazewell County, Illinois with P.I.N 04-04-34-436-010. Additionally, 0.015 acre tract located at part of lot 14 and part of the vacated alley in block 6 of the original town, (now City) of Pekin being in part of the Southeast quarter of Section 34, Township 25 North, Range 5 West of the Third Principal Meridian, Tazewell County, Illinois will be combined into P.I.N. 04-04-34-436-014.

One member of the public requested a more specific project location and once clarified, did not have any objections or comments. Public hearing was closed at 5:04pm. Motion to discuss by Commissioner Dagit, second by Commissioner Ruth. Discussion was held on site location, the reason for the addition of a junction location, as well as the company behind the project.

Motion to approve, motion carried 8-0.

Case SU 2022-02 Public Hearing Opened at 5:07 PM

Special use request by Richard Burton to allow for automotive repair to facilitate the acquisition of a State of Illinois rebuilder license at 1006 S. 2nd Street, zoned I-1 Light Industrial, with a legal description of SEC 3 T24N R5W TAAKS ADDN LOTS 29 THRU 35 SW 1/4 with the following P.I.N #04-10-03-303-001 in Tazewell County, Illinois.

Richard Burton provided a summary of the request and explained that he was not planning to undertake substantial repair of vehicles or bodywork but is only looking to ensure he has proper zoning as to facilitate the retitling of vehicles using a State of Illinois rebuilder license and to

subsequently sell those vehicles. Additionally, Mr. Burton noted that he would only be selling 6 or less vehicles at any given time as any more than 6 requires a State of Illinois dealership license.

No comments were received from the public and the public hearing was closed at 5:09pm. Motion to discuss by Commissioner Ruth, second by Commissioner Dagit. Discussion was held regarding whether conditions should be added for potential approval such as precluding repair or certain types of repairs. Discussion was also held in assessing what types of activities the State of Illinois allows under the rebuilder license and whether the activities on the property would require a special use. Jeffrey Gaster opined that this item was being brought before the board to ensure the City Council has an opportunity to review.

The board discussed whether special use approvals are limited to the individual that the special use is granted to or whether special uses stay with the property. Mr. Gaster noted he was of the understanding that the City's Code allows the special use to stay with the property, if the property was sold or transferred. The property owner and landlord of the property in question, Ron Matthews, suggested that it is his understanding that special use determinations remain with the business, not the property. Mr. Gaster stated he would review the Code further and provide an official opinion on the topic.

Additional discussion was held on clarifying what the rebuilder license actually allows and how the board might be able to attach special conditions to the special use approval as to ensure activities on the property are limited to Mr. Burton's needs as it pertains to obtaining the rebuilder license.

Motion by Commissioner Ruth to approve with restriction that the special use is limited to making vehicles that are obtained operational and available for sale only. Second by Commissioner Joesting. Motion carried 7-0 with Commissioner Hild abstaining.

Case V 2022-03 Public Hearing Opened at 5:21pm

Variance request by Nova Group Inc. to allow an existing storage shed in violation of front yard setback and detached accessory structure and principal structure distancing requirements located at 111 N. Capitol Street, zoned B-3 General Business, with a legal description of SEC 34 T25N R5W ORIGINAL TOWN E 27' LOT 6, ALL LOT 7 THRU 11 & ADJ VAC ALLEY BLK 48 SE ¼ with the following P.I.N. #04-04-34-428-008 in Tazewell County, Illinois.

Jacob Moss of Nova Group provided a summary of the request. No public comments were made. The public hearing was closed at 5:23pm. Motion for discussion by Commissioner Dagit, second by commissioner Madden. The board discussed that the accessory structure being considered was placed illegally at some point between 2011-2015 and that the current placement of the structure violates both setback and fire safety requirements. The board discussed how the current placement causes concern primarily due to the short distance from the accessory structure to adjacent buildings. The intended contents of the structure (dry stock) were discussed as well as alternative placements on the property for the structure, specifically on the west side of the property as opposed to its current location.

Motion to approve defeated 0-8, recommendation made to deny the variance request.

Case V 2022-04 Public Hearing Opened at 5:37pm

Variance request by Daniel & Brigitte Sullivan to expand a residential driveway in excess of the 30' permitted by the City's Code for properties with 90' or more of frontage at 2812 Black Oak Street, zoned R-E Residential Estate, with a legal description of SEC 31 T25N R4W HICKORY HILLS ESTATES SEC 2 - FINAL PLAT LOT 14 SE ¼ with the following P.I.N. #05-05-31-411-010 in Tazewell County, Illinois.

Dan Sullivan provided a summary of the request. It was clarified that the driveway would be built straight out to the road from the garage structure as to expand the driveway approximately 4 feet from the current width. Public hearing was closed at 5:38pm. The board noted that there are other driveways in the area of the subject property that have similar arrangements as being requested.

Motion to approve by Commissioner Hild, Second by Commissioner Madden. Motion carried 8-0.

Case V 2022-05 Public Hearing Opened at 5:40pm

Variance request by Nathan Noyes to construct a ground mounted solar array in violation of the 35' setback requirement at 500 Deerfield Drive, zoned R-1 Residential, with a legal description of SEC 11 T24N R5W DEERFIELD ESTATES SEC 2 LOT 48 NW 1/4 .51 AC with P.I.N. #10-10-11-106-014 in Tazewell County, Illinois.

No public input was received and the public hearing was closed at 5:41pm. Discussion was held regarding the setback distance and whether solar arrays can result in glare issues for adjacent streets. Kurt Smith, a representative of GRNE Solar who was available by phone, clarified that the solar panels would be fixed at a 30 degree angle and that glare has not been an issue for other similar installations. The board further discussed the topic of glare and concluded that glare would not be an issue given the proposed angle of installation.

Motion for approval, motion carried 8-0.

Informal Discussion

Food Pantries in Residential Zoning Districts / Updated Sign Ordinance

Mr. Fick provided a summary of how it was determined that the City's Code may not sufficiently address food pantries operating within residential districts, such as those operating out of single-family dwellings. Discussion was held regarding the different situations that might allow for food pantries in residential districts such as churches or pantries attached to established organizations. Mr. Gaster explained that food pantries are not specifically addressed as a special use or home occupation in the Code, although a general catch-all does exist that suggests that if the use is not listed then the City can, if it chooses to do so, can require a special use.

The board discussed the Code language pertaining to home occupations and observed that the allowed occupations are generally not traffic-generating and also compared the operation of a food pantry to garage sales. Discussion regarding the desirability of having a food pantry in a neighborhood, and how any potential changes to the Code might be worded to adequately address the concern.

The board reviewed and discussed an updated version of the proposed sign ordinance and largely voiced agreement that the proposed sign code is an improvement to the current adopted Code. Further discussion as held on LED signage, transitioning messages, flashing signs, and messages with scrolling signs. Commissioner Lanane noted an issue with contradictory language regarding sign structures which Mr. Gaster stated he would further clarify in the next version of the proposed sign code.

A brief discussion was held on Court Street construction, the development of La Fiesta as well as the development of Panda Express.

Meeting adjourned at 6:07pm.



David Bess
111 S. Capitol Street
Community Development
Pekin, Illinois 61554
dhbess@ci.pekin.il.us
(309) 478-5356

**Zoning Board of Appeals Review Sheet
May 11, 2022**

CASE SU 2021-12 (Revised Plan)

Navin Dodia is requesting a revision to the site plans for 900 N. 9th Street that were previously approved by both the Zoning Board and the City Council for a special use (drive-through).

SUMMARY

The applicant's original site plan that was approved included bollards installed on the western side of the drive-through path to direct traffic to exit the property to the east creating a one-way exit from the drive-through onto the public roadway.

The proposed revised plan removes the bollards and repositions do not enter signs that were originally placed at the one-way exit to the public roadway to a location near the physical drive-through exit. This change allows exit from the drive-through in either direction as opposed to restricting traffic to the eastern exit.

STAFF NOTES

This change does not appear to conflict with the City's Code.



City of Pekin- Zoning and Inspections Department

111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2315

SPECIAL USE APPLICATION

Address of Requested Special Use: VP Racing Fuel, 900 N 5th Street, Pekin, IL 61554

Applicant Name: Navin N Dodia

Address: 11414 N Casey Ct, Dunlap, IL 61525

Phone #: _____ Cell Phone #: 309-222-6389 E-Mail: navin.dodia@gmail.com

Owner Name: Arunithbhai N Patel

Address: 6050 E State Rd 45, Bloomington, IN 47408

Phone #: _____ Cell Phone #: 812-345-4715 E-Mail: _____

Attorney / Representative: Haley Chipman [Bellovin Construction Co.]

Address: 810 SW Adams St, Peoria 61601

Phone #: 309-219-2979 Cell Phone #: _____

Phone #: _____ Cell Phone #: _____ E-Mail: _____

Property Information:

Lot Area: _____ Zoning District: _____ Present Use: _____

Use of Adjacent Property & Zoning:

North: _____ South: _____

East: _____ West: _____

Property Identification Number: _____

Legal Description: (Attach Separate Page)



City of Pekin- Zoning and Inspections Department

111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2315

Brief Summary and Reason for Request: For better opportunity and career growth.

No Special Use shall be recommended for approval by the Plan Commission unless there is a concurring vote of a majority of all members regarding findings of fact. Clearly explain how the requested Special Use meets each of the following findings of fact standards:

- 1.) The proposed Special use is consistent with the intent of the Comprehensive Plan.
- 2.) The establishment, Maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- 3.) The Special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish property values within the neighborhood.
- 4.) The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 5.) Adequate utilities, access roads, drainage or necessary facilities have been or will be provided.
- 6.) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 7.) The Special Use is necessary for public convenience at this location.

CERTIFICATION BY THE APPLICANT

I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief.

Applicant Signature

09/16/2021

Date

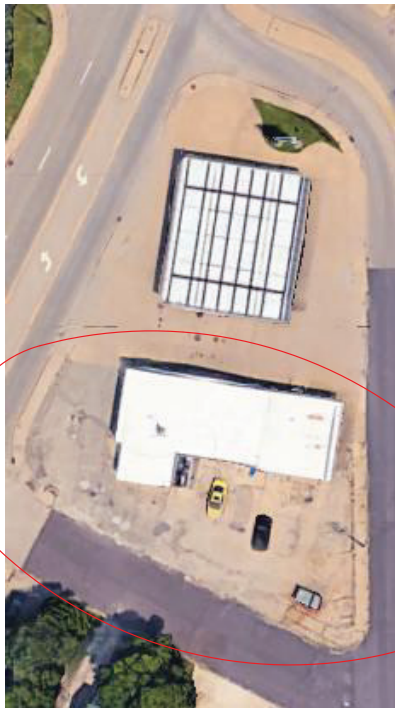
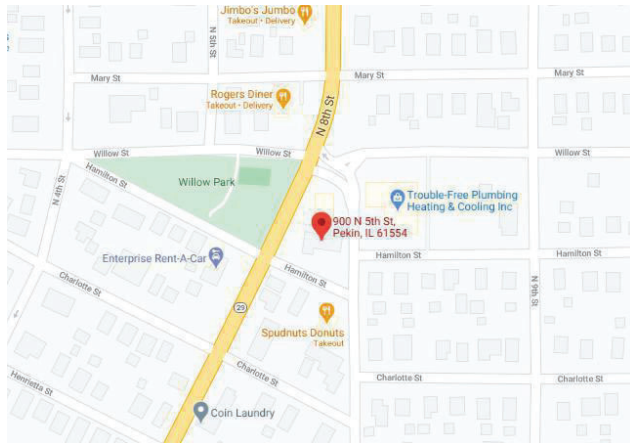
CERTIFICATION BY PROPERTY OWNER

I certify that I am the owner of the property, which is the subject of this request. The applicant has received my approval to proceed with this request.

Owner Signature

09/18/21

Date

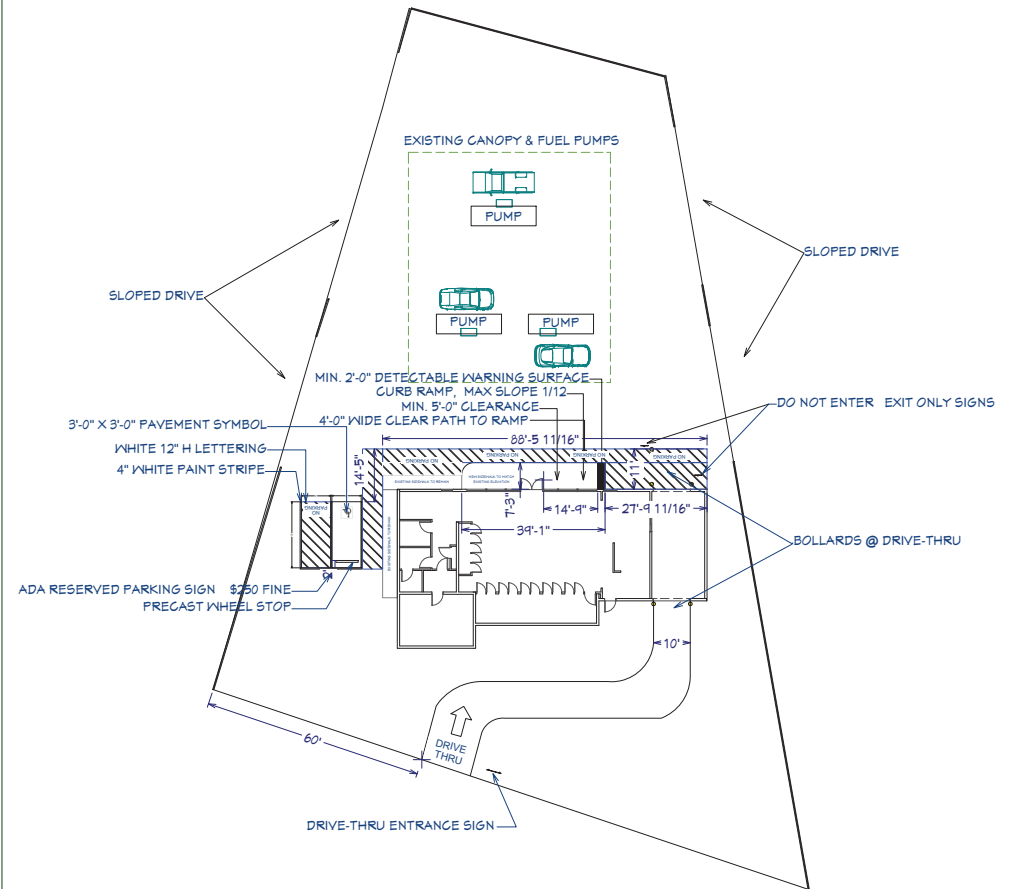


NEW ASPHALT BLACKTOP AT REAR AND SIDES OF BUILDING



APPROX. 6,500 SQ.FT.

REVISED SITE PLAN 03-23-22



SCALE: 1/16" = 1'-0"



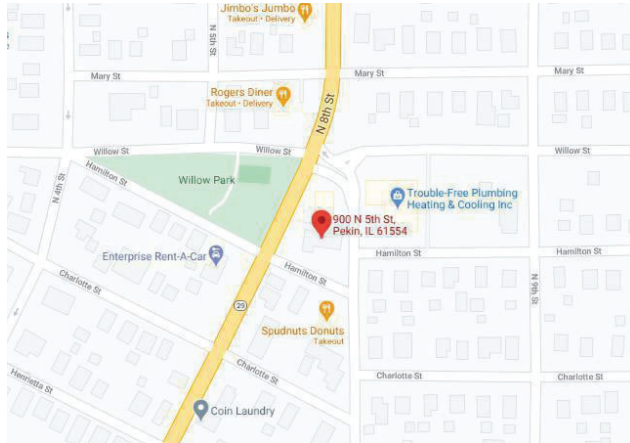
DATE	03/23/22
DESIGNED BY	NAVIN DODIA
DRAWN BY	NAVIN DODIA
CHECKED BY	NAVIN DODIA
APPROVED BY	NAVIN DODIA

NAVIN DODIA
400 N. 5TH ST.
PEKIN, IL 61554
309-437-0201

SITE PLAN

APPROVED BY:	
DRAWN BY:	
DATE:	03/23/22
SCALE:	1 in = 1 in
SHEET:	5 of 12

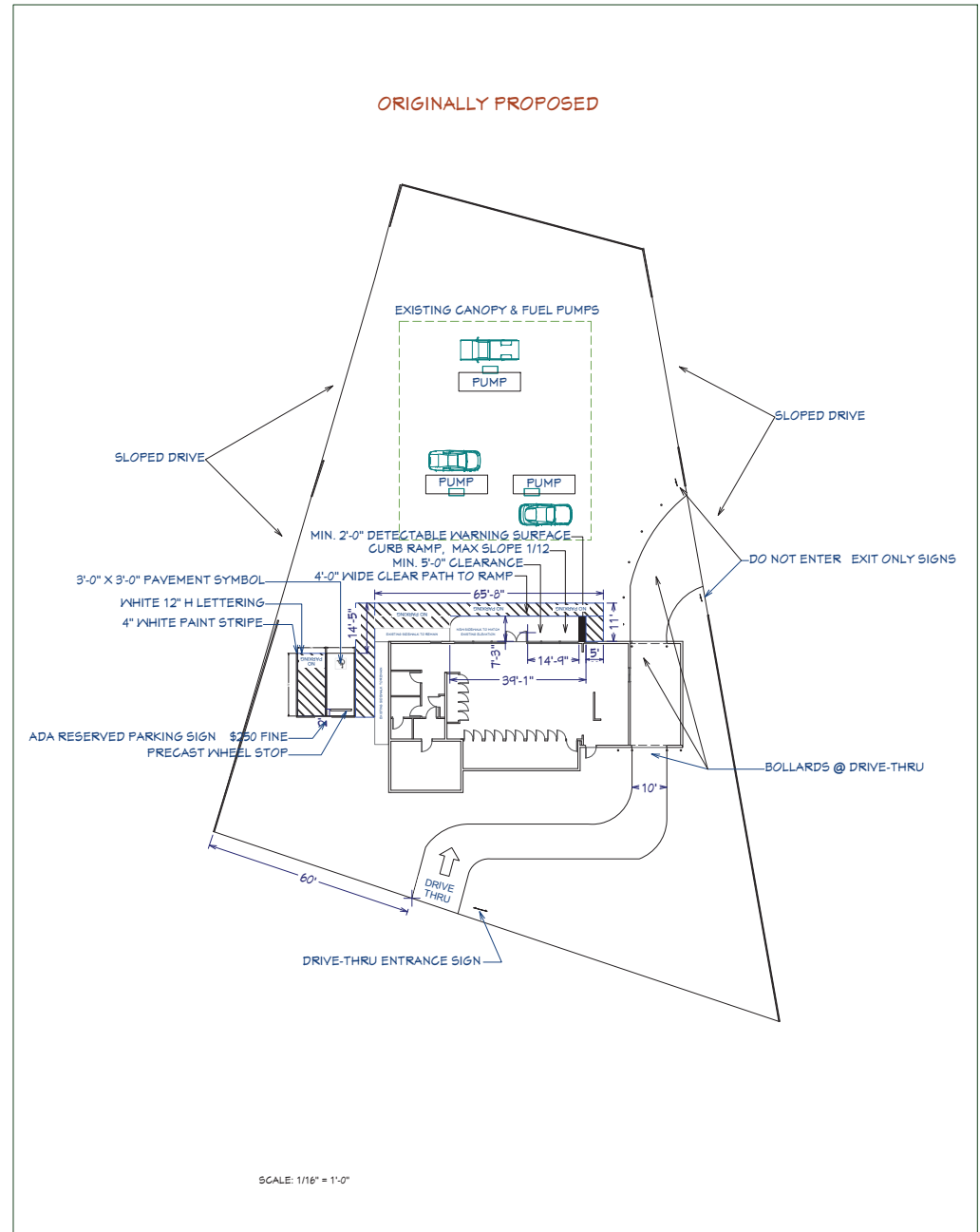
5



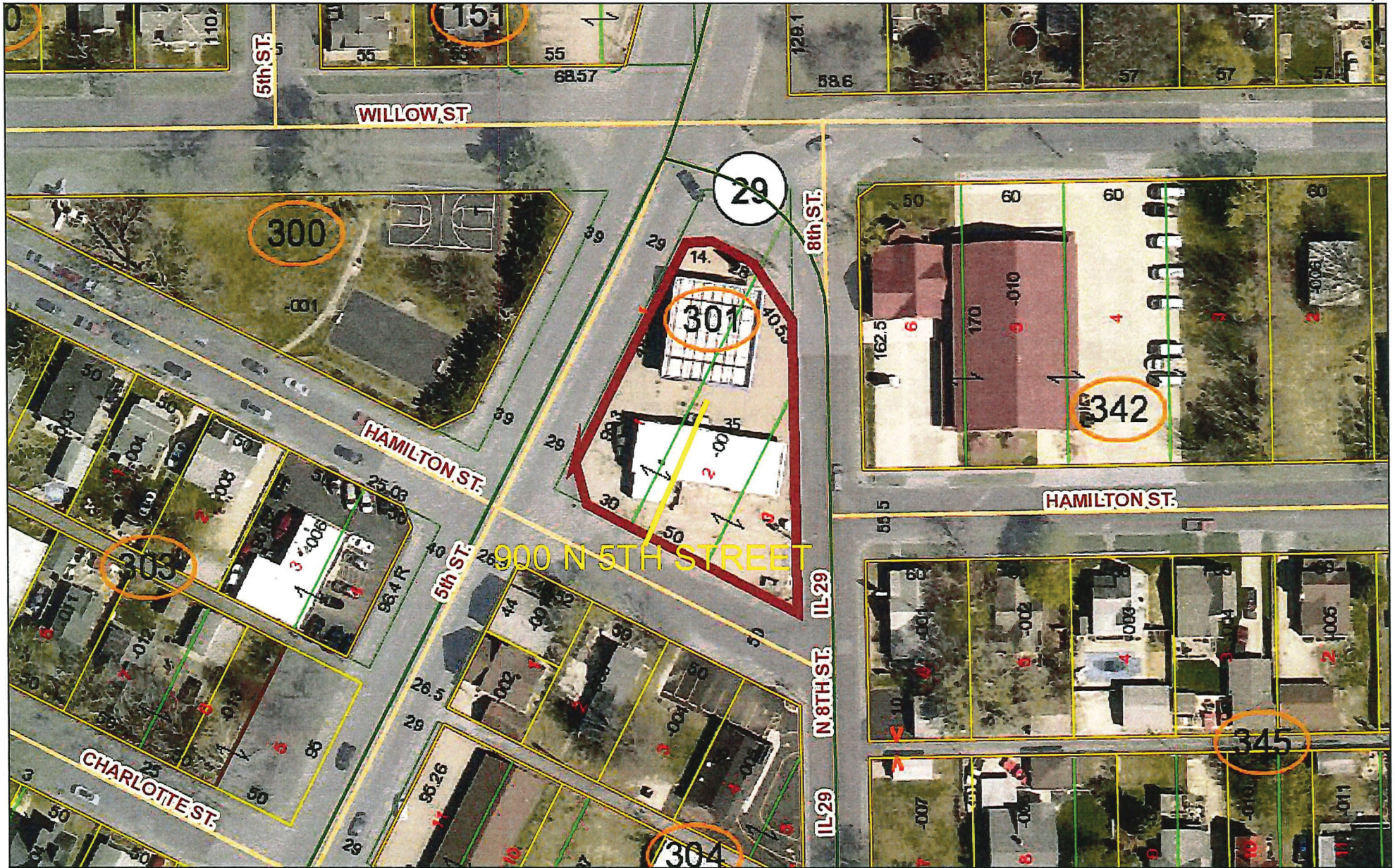
NEW ASPHALT BLACKTOP AT REAR AND SIDES OF BUILDING



APPROX. 6,500 SQ.FT.

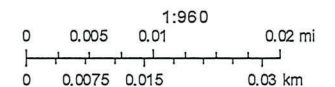


900 N 5TH STREET



- | | | | | | |
|--|-------|--|--------|--|---------|
| | I-155 | | IL 29 | | US 24 |
| | I-474 | | IL 98 | | Streets |
| | I-74 | | US 150 | | |

Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data was collected primarily for the use and purpose of creating a Property Tax Roll per Illinois Statute. The information contained herein is for reference purposes only, and should not be relied upon as a substitute for a title search. Any reliance on the information contained herein is at the user's own risk. The Tazewell County GIS assumes no responsibility for any use of the information contained herein or any loss resulting therefrom. Users of Tazewell County GIS site assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.





David Bess
111 S. Capitol Street
Community Development
Pekin, Illinois 61554
dhbess@ci.pekin.il.us
(309) 478-5356

Zoning Board of Appeals Review Sheet May 11, 2022

CASE V 2022-05

Jacob and Megan Shreffler are requesting a variance for property located at 2423 Tazewell Street to create vehicle access to a barn structure using white rock as opposed to concrete.

SUMMARY

The applicant indicates that the property currently includes a dirt road for access and that a 30 x 40 barn structure located behind the residence has no vehicle access at this time. The proposed plan includes the use of a concrete approach from the public roadway to the residence (and gate) with white rock used for the additional driveway area from the residence (gate) to the barn structure on the north side of the property. This plan also includes the future addition of a concrete pad on the south side of the barn structure adjoining the white rock driveway.

The applicant notes that the white rock would not be visible from the public roadway as the transition from the concrete approach to the white rock would be behind the gate used to enter the side/rear of the residence from the driveway. In total, the applicant states that white rock would be used for 198 feet of vehicle access which would result in substantial cost savings when compared to the cost of concrete.

STAFF NOTES

The proposed white rock driveway conflicts with City Code Section 4-3-9-1(2)(c)(5) and Section 4-3-9-1(6) requiring the use of concrete, asphalt, or brick pavers for the purpose of parking areas and driveways. The proposal also conflicts with 4-3-9-1(2)(c)(7) which precludes new or the expansion of gravel or similar materials for driveways and/or other parking areas.



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Board of Appeals Application for Consideration

Type of Request (check one): ☐ A. Special Use (\$85) ☒ B. Residential Variance (\$85) ☐ C. Non-Residential Variance (\$85) ☐ D. Map Amendment/Rezoning (\$75) ☐ E. Annexation (\$75)	Request Property Address or PIN: <u>2423 Tazewell St.</u>
	Current Zoning (if known): <u>Residential</u>
	Proposed Zoning (if rezoning request): <u>—</u>
	Current Use: <u>Side yard</u>
	Proposed Use (if different): <u>access to barn</u>

Property Owner Name:	Jacob & Megan Shreffler
Mailing Address:	2423 Tazewell Street
Phone:	(309) 613-4744 / (309) 613-4746
Alternative Phone:	↑ Jacob ↑ Megan
E-Mail Address:	jacob.shreffler05@gmail.com

Applicant Name (if different):	—
Mailing Address:	—
Phone:	—
Alternative Phone:	—
E-Mail Address:	—



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

II. Payment: Payment of the amount indicated on the first page to accompany your application. If making payment via check, please make payment payable to the "City of Pekin".

III. Variance: If requesting a variance, you must complete and attach this page to your application:

1. Variances are intended to relieve situations involving a hardship in meeting Zoning Code requirements. What is the hardship that this variance request is intended to relieve? Examples of hardships can include the topography of the lot, unique shape of the lot or other physical conditions that prevent the request from meeting the requirements of the Zoning Code.

The lot is currently a dirt road we have 2 parcels and have a completed barn but have no access to it for vehicles.

2. Is the variance needed due to special and unique circumstances not caused by the applicant's or owner's own actions?

Yes, it is 198ft off of the road. This is the only spot we could build the 30x40 Barn. We are wanting to put white rock so we don't have to concrete it the entire way.

3. Should the request be approved, will the variance negatively impact adjoining properties in any way?

No, it is solely on my own property. No one would see the white rock from the road. It would be concrete approach all the way up to our gate. Transition would be in backyard.

4. Will the variance be consistent with the purpose and intent of the Zoning Code and not alter the essential character of the locality?

No, it would not alter the character of the locality. We are trying to make our house/barn look better.

5. Does the benefit(s) of granting the variance outweighs any anticipated negative impacts to the surrounding properties (if any)?

Yes, we want to put white rock so we don't have so much concrete in the backyard 198ft would be a lot to concrete.



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 477-2300

Please summarize your request and explain why it is necessary:

The distance from the road to the barn is 198 feet. We are wanting to concrete the approach to the existing fence (front yard) and concrete 20ft pad off of barn. We are requesting to white rock the distance from the start of our back yard gate to the concrete pad. This will prevent us from having to concrete that long of a distance. It is very difficult pulling trailers/boats in ~~our~~ backyard currently.

CERTIFICATION BY PROPERTY OWNER

I certify that I am the owner of the property, which is the subject of this request. I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief. If an applicant is signing below, that applicant has received my approval to proceed with this request.

Judith Huffman 3/30/22
Owner Signature Date

CERTIFICATION BY THE APPLICANT (if different)

I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief.

Applicant Signature Date

Property line

Creek

BARN

Future
concrete

White
Rock

Creek

Property line

Deck

house

Fence

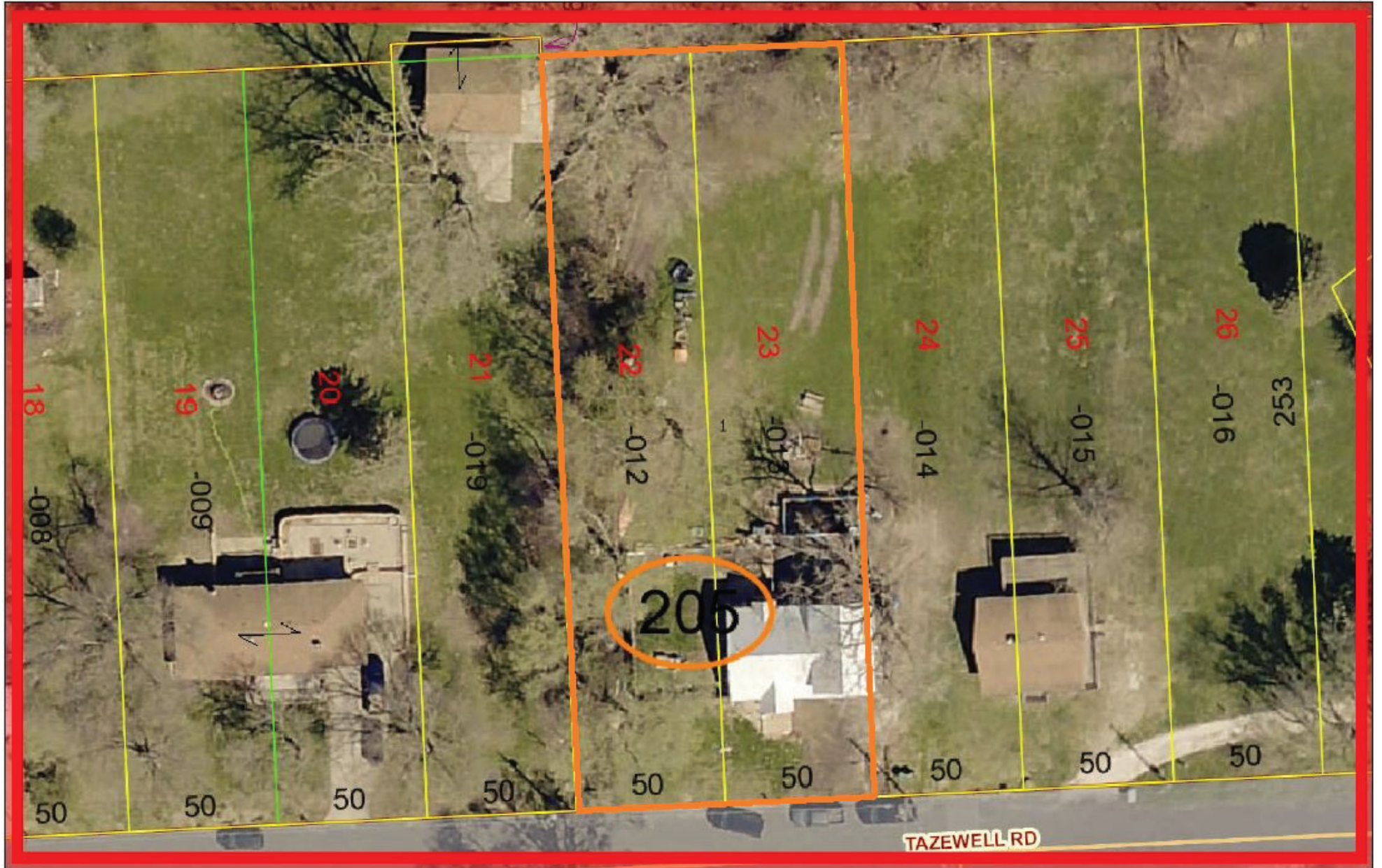
Fence

White
Rock
Creek

ve way

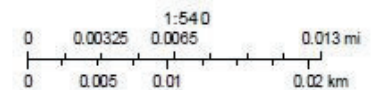
TALENT STREET

Tazewell County GIS



- | | | | | | |
|--|-------|--|--------|--|---------|
| | I-155 | | IL 29 | | US 24 |
| | I-474 | | IL 98 | | Streets |
| | I-74 | | US 150 | | |

Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data was collected primarily for the use and purpose of creating a Property Tax Roll per Illinois Statute. The information contained herein is for reference purposes only, and should not be relied upon as a substitute for a title search. Any reliance on the information contained herein is at the user's own risk. The Tazewell County GIS assumes no responsibility for any use of the information contained herein or any loss resulting therefrom. Users of Tazewell County GIS site assume all risk and liability when accessing any third-party site linked to this site. All data is subject to change.





David Bess
111 S. Capitol Street
Community Development
Pekin, Illinois 61554
dhbess@ci.pekin.il.us
(309) 478-5356

**Zoning Board of Appeals Review Sheet
May 11, 2022**

Updated Sign Ordinance

Additional updates have been made to the proposed sign ordinance that includes feedback received from this board as well as City staff. The redline version of the proposed sign ordinance is included in the agenda packet for additional review and comment by the board.

CONFIDENTIAL ATTORNEY WORK PRODUCT

Formatted: Font: 16 pt

CITY OF PEKIN SIGN ORDINANCE

PURPOSE

Formatted: Font: 12 pt

The purpose of this title is to establish a comprehensive system of sign controls regarding the construction, installation, and maintenance of signs that will:

Promote and protect the health, safety, and welfare of the City of Pekin by ensuring the compatibility of signs with surrounding structures and land uses.
Create a more attractive business and economic climate by enhancing and protecting the orderly and effective display of signs and discourage sign clutter.
Protect the public from hazardous conditions that result from the indiscriminate use and placement of signs, structurally unsafe signs, signs that obscure the vision of pedestrians or motorists, and signs that compete or conflict with necessary traffic signals, government signs, and warning signs.

SIGN ORDINANCE DEFINITIONS

A frame or sandwich board

- A temporary sign not permanently attached to the ground which is hinged at the top forming the letter A. Two sided usually displayed on the sidewalk or ground.

~~Accessory Sign~~

- ~~• A sign intended to advertise the prices of products sold, specific products sold, specific services offered or to specifically identify the owner or operator of a service station. Accessory signs shall be permitted in any use district.~~

Air Dancer Tubes

- Is an inflatable moving advertising product comprising a long fabric tube (with two or more outlets), which is attached to and powered by an electrical fan. As the electrical fan blows air through the fabric tube, this causes the tube to move about in a dynamic dancing or flailing motion

Animated

- A sign or display that uses movement or the appearance of movement through the use of patterns of lights, changes in color or light intensity, computerized special effects, video displays or through any other method, except for the scrolling of a static message or scene onto or off a signboard in one direction per message.

Attention Getting Devices

- Are pennants, streamers or inflatable characters or symbols.

CONFIDENTIAL ATTORNEY WORK PRODUCT

Awning Sign

- A sign with copy painted or affixed flat to the surface of an awning which does not extend vertically or horizontally past the limits of the awning.

Balloon Sign

- An inflated sign that's attached to the ground or some other anchor and is not a free-floating conveyance.

Banner (Wall Mounted)

- A temporary sign printed upon flexible material mounted with or without rigid frames on a building or the ground.

Blade Sign

- A pedestrian oriented sign, adjacent to a pedestrian walkway or sidewalk, attached to a building wall, with the exposed face of the sign perpendicular to the building.

Canopy

- A roofed structure constructed of permanent materials that is supported by columns and may be freestanding or attached to a building.

Changeable Message Board Signs (Manually)

- A sign designed where a portion of the sign allows for a message to be changed manually. A changeable message board does not include electronic message signs.

Directional Signs

- Signs required for the purpose of orientation, when established by the City, County, State or Federal government, shall be permitted in all districts.

Electronic Message Signs

- A sign designed where a portion of the sign area uses changing light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the electronic display panel to form a message in text and/or image from where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
Time/temperature signs are not considered electronic message signs.
Flashing signs, animated signs, and video display signs are not considered electronic message signs.

Flags

- A symbol or emblem of a country, state, municipality or of fraternal, religious or civic organizations. Usually made of cloth, typically rectangular in shape attachable on one edge to a pole or rope.

CONFIDENTIAL ATTORNEY WORK PRODUCT

Flashing Sign

- A sign with an intermittent or sequential flashing light source used primarily to attract attention. Flashing signs do not include electronic message signs.

Ground Sign

- A sign that is placed on or supported by the ground, independent of the principal structure on the lot, designed with a monument base that is an integral part of the sign structure.

Informational Sign

- Signs containing information about public places of historic, cultural, scientific, educational, or religious sites, and areas of natural scenic beauty or naturally suited for outdoor recreation, considered to be in the interest of the traveling public.

Light Pole Banner

- Banners mounted on poles perpendicular to the light post.

Marquee

- A canopy projecting over the entrance of a theater, hotel or arena that may display attractions and principal performers.

Menu Board signs

- A permanently mounted structure displaying the bill of fare for a drive in or drive thru business.

Monument Sign

- See Ground Sign

Moving Sign

- A sign where the entire sign structure or a portion of which rotates, moves, elevates, or in any way alters position or geometry. A tri-vision sign where triangular prisms rotate inside a frame to show a new message and/or information are considered moving signs. Moving signs do not include clocks or barber poles

Multi-tenant sign

- A commercial development under unified control consisting of two (2) or more separate commercial establishments sharing a common building, or which are in separate buildings that share a common access/entranceway or parking area

Neon Sign

- A source of light for externally lit street signs supplied by a neon tube that is bent to form letters, symbols, or other shapes.

Commented [JG1]: It looks like this term is never used in the ordinance other than right here. Do we need it?

Formatted: Font: 9 pt

Formatted: Font: 12 pt

CONFIDENTIAL ATTORNEY WORK PRODUCT

Off-Premises Sign

- A sign advertising a business, person, activity, goods, products, or services not located on the site where the sign is installed, or that directs persons to any location not on that site.

Formatted: Font: 14 pt

Formatted: Font: 12 pt

On-Premises Sign

- A sign advertising a business, person, activity, goods, products, or services located on the site where the sign is installed, or that directs persons to any location not on that site.

Formatted: Font: 14 pt

Formatted: Font: 12 pt

Pennant

- Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Pole

- A freestanding sign with visible support structure. Portable Sign: A sign not permanently attached to the ground or a building, and easily removable using ordinary hand tools

Portable Reader

- A sign whose principal supporting structure is intended, by design and construction, to rest upon the ground for support and may be easily moved or relocated for reuse. Portable reader-board signs include, but are not limited to, signs mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure, with wheels or with wheels removed. Portable reader-board signs do not include A-frame signs.

Portable sign

- Any sign that is not permanently anchored to a building, structure or permanently anchored in the ground and set in concrete to withstand 70 mile an hour winds.

Pylon

- A type of ground sign that is affixed, attached, or erected on one (1) or more poles, uprights, or braces from the ground and not supported by a building or a base structure.

Real Estate Sign

CONFIDENTIAL ATTORNEY WORK PRODUCT

- Signs used for advertising land or buildings for rent, lease and/or sale. Real estate signs shall be permitted only when located on the land or building intended to be rented, leased and/or sold.

Roof Sign

- A sign that is erected on the roof structure or parapet of any building with the principal support attached to the roof structure.

Sail/Feather Sign

- An outdoor banner mounted to a pole used for attracting attention.

Searchlight

- An attention-getting device where high intensity light is reflected upward in a focused beam and can turn in any direction to attract attention to a location. Also known as sky-beams or sky spotlights.

Security Sign

- Signs that notify visitors of security measures which may include signs such as No Trespassing, Private Property, Video Monitored, etc.

Suspended Sign

- A sign suspended from the underside of the horizontal plane surface of an awning, canopy, cantilever, marquee, arcade or gallery. Under-awning signs are distinct from blade signs, which are attached to the structure.

Temporary Sign

- A sign not permanently attached to the ground, wall or building that is intended to be displayed for a limited period of time.

Video Display

- A sign, or portion of a sign, that displays an electronic video, whether pre-recorded or streaming.

Wall Sign

- A sign that is attached directly to an exterior wall of a building and dependent upon a building for support and projects eighteen inches (18") or less from the wall of a structure with the exposed face of the sign in a plane substantially parallel to the face of the wall. Window signs are not considered wall signs

Window Sign

- A sign that is attached to, placed upon, or printed on the interior or exterior of a window or door of a building, or displayed on the interior within two feet (2') of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox

CONFIDENTIAL ATTORNEY WORK PRODUCT

design within display windows, where the window display is designed with a background enclosure against which signs are mounted that blocks view into the establishment, is considered a window sign and the entire area of the shadowbox is subject to the maximum sign area limitation.

CONFORMANCE

All signs shall be approved by the Building Official and shall conform to all applicable Code and Ordinances of the City of Pekin.

SIGN PERMIT

No sign, unless specifically identified as exempt by this chapter may be erected, constructed, altered, or relocated without first applying for and receiving a permit.

Unless activity related to the erection, construction, alteration, or relocation of a sign has already commenced, all permits for the erection, construction, alteration, or relocation of a any sign shall automatically expire on the 181st day after said permit was granted.

VARIANCES

1. No sign may be erected, constructed, altered, or relocated that does not comply with the regulations of this title unless a modification or variance is applied for and approved in accordance with this section.
2. Authority: A sign variance may be authorized after a review by and recommendation from the Zoning Board of Appeals is forwarded to the City Council, who will make a final decision on an application. However, certain administrative modifications may be approved by the City Manager.
3. A sign variance may only be approved by the City Council. An administrative modification may be approved by the City Manager. Applications eligible for an administrative modification are defined in this section.
4. Administrative modifications that may be approved by the City Manager are limited to the following:
 - a) A modification to the maximum sign area or maximum sign height of no more than ten percent (10%).
 - b) Modifications or additions to the permitted sign materials.
 - c) Modifications to the required sign landscape area and landscape materials.
5. All other requests that are not administrative modifications are sign variances, where the Zoning Board of Appeals makes a recommendation, and the City Council makes a final decision.

Process: All applications for an administrative modification or sign variance must be filed with the Building Official as part of a complete sign permit application. Once it

CONFIDENTIAL ATTORNEY WORK PRODUCT

is determined that the application is complete, the Building Official will forward a copy of the application to the Zoning Administrator.

Formatted: Font: 14 pt

Administrative Modification:

Formatted: Font: 12 pt

1. The City Manager will approve, approve with conditions, or deny the requested administrative modification. The City Manager's decision must be based on evaluation of the application pursuant to the approval standards listed above.
2. The City Manager may also, at his/her discretion, determine that, because of its nature, a proposed administrative modification application, even if it meets the criteria of subsection B of this section, must be resubmitted in accordance with the procedures for a sign variance with no additional fee.
3. If the City Manager denies the application for an administrative modification, the applicant may appeal the decision to the Zoning Board of Appeals, by resubmitting the application as a sign variance. For applications for administrative modification that sought relief enumerated in section 4(a), (b), and/or (c) above, no new fees for the sign variance are required. Appeals must be filed within thirty (30) days of receipt of the City Manager's decision. In the event an application for administrative modification is denied because it sought relief that the City Manager is not authorized to grant, such denial is not appealable, but the applicant may, upon paying the requisite application fee, assert the same subject matter in a variance application. Appeals must be filed within thirty (30) days of receipt of the City Manager's decision.

Commented [JG2]: I am unsure what "subsection B" is referring to.

Formatted: Font: 9 pt

Formatted: Font: 12 pt

Sign Variance:

1. Upon receipt of a completed variance application, the Zoning Board of Appeals will review the application and forward its recommendation to the City Council.
2. The Zoning Board of Appeals recommendation and the City Council's decision must be based on an evaluation of the application pursuant to the approval standards of subsection D of this section.
3. The Zoning Board of Appeals may recommend, and the City Council may impose additional conditions and restrictions upon the location and construction of the sign as necessary to protect the public health, safety, and welfare.
4. The City Council will consider the sign variance after receipt of the Zoning Board of Appeals recommendation. The City Council will approve, approve with conditions, or deny the sign variance.

Commented [JG3]: Not sure if we have a subsection D. might be something we just clean up when we put this into proper format

Formatted: Font: 9 pt

Formatted: Font: 12 pt

Approval Standards:

Approval of an administrative modification or sign variance must be based on the evaluation of the request pursuant to the following approval standards:

1. The proposed sign is compatible with the character of the surrounding area.
2. The proposed sign is not detrimental to the development of the surrounding area.

CONFIDENTIAL ATTORNEY WORK PRODUCT

3. The proposed sign is not detrimental to the public health, safety, ~~or~~ welfare.

Expiration:

1. The sign variance or administrative modification is considered part of the sign permit and is subject to the expiration provisions for the sign permit.
2. A sign variance or administrative modification is issued for the specific sign on the specific site indicated on the sign permit. Once such sign is removed or replaced, the sign variance or administrative modification is null and void.

SIGN SURFACE AREA CALCULATION

1. The area within a frame and including the frame itself shall be used to calculate the square footage of the sign.
2. Should letters or graphics be mounted directly on a wall or fascia or in any such way as to be without a frame, the dimensions, the dimensions for calculating the square footage shall be the area contained within the periphery formed around such letters or graphics bounded by straight lines connecting the outermost points the sign.
3. Only one side of a double-faced sign shall be used in calculating the total sign area, provided the information on both sides of the sign are exactly the same.

GENERAL SIGN STANDARDS

All signs constructed, erected, modified, or altered must comply with the following standards.

1. Prohibited Installations:
 - a) No sign may be erected in a location that violates the building code, Fire Code and other applicable City codes or ordinances.
 - b) Only signs that have been placed by or authorized by Federal, State, or the City may be installed on public property. Any sign installed on public property including rights-of-way without prior authorization may be removed by the City without notice.
 - c) No permanent sign may be erected on private property without the consent of the property owner or his/her authorized agent. When a sign permit applicant proposes to install a sign on property not owned by the applicant, written permission from the property owner or his/her authorized agent must be submitted as part of the sign permit application.
2. Construction Standards:
 - a) Supports and braces must be designed as an integral part of the overall sign and obscured from public view to the extent technically feasible.
 - b) All signs attached to a building must be installed and maintained so that wall penetrations are watertight, and the structure does not exceed

Formatted: Font: 14 pt

Formatted: Font: 12 pt

Formatted: Font: 14 pt

Formatted: Font: 12 pt

Formatted: Font: 14 pt

Formatted: Font: 12 pt

CONFIDENTIAL ATTORNEY WORK PRODUCT

allowable stresses of supporting materials. To the greatest extent feasible, such penetrations should be located at joints of masonry units, or at locations of structural members of wood or other like constructed facades.

- c) All signs must be designed and constructed in compliance with the building code, Electrical Code, and all other applicable codes and ordinances.
 - d) All permanent signs must be constructed of rigid, weather- proof materials, as determined by the Building Official.
 - e) Glass comprising any part of a sign must be safety glass.
 - f) All letters, figures, characters, or representations in cut- out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign must be safely and securely built into or attached to the sign structure.
 - g) Audio components are prohibited on any sign, with the exception of menu boards. For menu boards, the audio component is limited to communication between the customer and service window.
3. Electrical Wiring:
- a) All electrical fixtures, devices, circuits, conduits, raceways, or similar features must be installed and maintained in compliance with the current Electrical Code as adopted by the City.
 - b) Conduits and other components of a sign illumination system must be designed as an integral part of the overall sign structure and obscured from public view to the extent technically feasible.
4. Required Maintenance:
- a) All signs must be kept in a safe and well-maintained condition and appearance and must be repainted or otherwise maintained by the property owner or business owner to prevent corrosion or deterioration caused by the weather, age, or any other condition.
 - b) All signs must be maintained to prevent any kind of safety hazard, including faulty or deteriorated sign structures, a fire hazard, or an electrical shock hazard.
 - c) All unused sign hardware or wiring must be removed. The Building Official will serve written notice to the permit holder and property owner that unused sign hardware or wiring must be removed within thirty (30) days of written notice for permanent signs or twenty-four (24) hours for temporary signs. If the unused sign hardware or wiring is not removed within the required time period, the Building Official may enforce this order through permitted enforcement procedures.
 - d) If a sign is maintained in an unsafe or unsecured condition, it must be removed, or the condition corrected. The Building Official will serve written notice to the permit holder and property owner that the sign must be removed, or the condition corrected within thirty (30) days of

CONFIDENTIAL ATTORNEY WORK PRODUCT

written notice for permanent signs or twenty-four (24) hours for temporary signs. If the sign is not removed or the condition is not corrected within the required time period, the Building Official may enforce this order through permitted enforcement procedures.

- e) The City may remove any sign that is an immediate public peril to persons or property summarily and without notice.

5. Illumination Standards:

- a) Any sign illumination, including gooseneck reflectors, external illumination, and internal illumination, must be designed, located, shielded, and directed to prevent the casting of glare or direct light upon roadways and surrounding properties, and prevent the distraction of motor vehicle operators or pedestrians in the public right-of-way.
- b) The sign face of internally illuminated signs must function as a filter to diffuse illumination. The sign face must cover all internal illumination components so that no exposed bulbs are visible.
- c) All external illumination of a sign must concentrate the illumination upon the printed area of the sign face.
- d) No sign illumination may be combined with reflective materials, such as mirrors, polished metal, or highly glazed tiles, which would increase glare.
- e) The use of neon or LED lighting as a sign accent is permitted only in the business, office, and industrial districts. When lit, lighting must be continuously illuminated. Flashing neon or LED lighting is prohibited.
- f) For all signs with the exception of electronic message signs, the maximum allowable foot-candle at the lot line is one (1) foot-candle unless such signs are allowed to extend over the lot line, where the maximum of one (1) foot-candle is measured at the back of curb or edge of pavement.
- g) For electronic message signs, the maximum brightness is limited to five thousand (5,000) nits when measured from the sign's face at its maximum brightness, during daylight hours, and five hundred (500) nits when measured from the sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. The sign must have an ambient light meter and automatic or manual dimmer control that produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one-half ($1/2$) hour before sunset and one-half ($1/2$) hour after sunrise.

6. Painted Signs

a. Painted signs shall be permitted on walls or other structures, provided that the sign complies with the requirements for painted murals set forth in **section**

b. After 20 continuous years of a display, the owner of a painted sign may file an Application for Historical Status with the **[who do we want to oversee this]**. The fee for

Commented [JG4]: Another formatting issue to deal with once we put into final form

Formatted: Font: 9 pt

Formatted: Font: 12 pt

Commented [JG5]: I do not know if the ZBA ever designated an official to handle this. I'd have it go to the city manager because that office already handles administrative modifications

Formatted: Font: 9 pt

Formatted: Font: 12 pt

CONFIDENTIAL ATTORNEY WORK PRODUCT

such application shall be \$25.00. If after due inquiry the [redacted] determines that the painted sign has been continuously displayed for 20 years, the [redacted] shall issue a written Certificate of Historical Status to the owner of the sign. Upon issuance of the Certificate of Historical Status, the owner of the sign shall be relieved of all maintenance obligations under sections 4(a) and 6(a).PROHIBITED SIGNS

1. Wall signs projecting above any roofline of a building or structure.
2. Signs painted on any wall.
3. Signs using bare bulb lighting.
4. Signs using illuminated intermittent lighting or flashing effects.
5. Rotating or revolving signs.
6. Reflecting signs that cause glare & visibility problems to adjoining properties of vehicular traffic.
7. Signs or banners placed across any public right-of-way, except by permission of the City Council.
8. Displays upon any sign or any other advertising structure of any obscene material. For purposes of this subsection, "obscene" means speech which (1) under community standards, appeals to the prurient interest; (2) taken as a whole, is a patently offensive depiction or description of sexual conduct; and (3) lacks serious literary, artistic, political, or scientific value.
9. Any sign unlawfully installed, erected or maintained.
10. Business signs on trees or utility poles, whether public or private.
11. Signs erected or placed in the public right-of-way. The City may remove such signs, and the cost incurred shall be recoverable from the owner of the sign. A \$10.00 per sign fee, to cover the resources of the City involved in the removal of the sign, shall be recoverable for each sign, from the owner of the sign. Any sign not claimed within thirty (30) days shall be destroyed.
12. Roof Signs.
13. Strobe lights, moving or fixed spotlights, floodlights/searchlights.
14. Obsolete copy and obsolete signs. For any sign that becomes obsolete after the effective date of this title, all obsolete copy must be removed within thirty (30) days of the discontinuance of the activity that is the subject of such copy. Compliance with the requirement to remove obsolete copy is not satisfied by reversing (i.e., turning such copy so that it faces inward), rotating, altering, covering, or otherwise hiding or obfuscating such copy. In the case of obsolete copy upon panels within a sign frame, such panels must be removed and replaced with a blank panel or panel with lawfully approved copy. No sign frame may remain unfilled or allow any internal part or element of the sign structure to be visible.

Commented [JG6]:

Formatted: Font: 9 pt

Formatted: Font: 12 pt

Commented [JG7]:

Formatted: Font: 9 pt

Formatted: Font: 12 pt

Formatted: Font: 14 pt

Formatted: Font: 12 pt

CONFIDENTIAL ATTORNEY WORK PRODUCT

15. Signs shall not make use of the words STOP, LOOK, DETOUR, DANGER, CAUTION, WARNING, or any other word, phrase, symbol, or character in a manner that misleads, interferes with, or confuses traffic.
16. Video display signs.
17. Vehicle signs on unlicensed, uninsured or inoperable vehicles that are placed on the vehicle for the primary purpose of attracting attention to an occupant's presence within a building at which the vehicle is being parked. This does not include signs painted on or applied to vehicles, trucks or busses that are being operated and stored in the normal course of business, such as signs located on delivery trucks, moving vans and rental trucks, provided that the primary purpose of such vehicles is not the display of such sign and that they are parked or stored in areas related to their use as vehicles and all such vehicles are in operable condition. Vehicles displaying a For Sale signs are exempt from this provision.

EXEMPT SIGNS – NO PERMIT REQUIRED

1. Bulletin boards not over twenty (20) square feet in area for religious institutions, when the same are located on the premises of said institutions; provided, however, if said signs are electrically illuminated, an electrical permit must be obtained.
 - a. Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or aluminum.
 - b. Traffic or other Municipal signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the City.
 - c. Signs advertising the rental, sale or lease of the property upon which it is located.
2. A-Frame Sign:
 - a) A-frame signs are permitted in the business districts.
 - b) One (1) A-frame sign is permitted per establishment, including one (1) for each tenant in a multi-tenant development. A minimum fifteen-foot (15') separation is required between all A-frame signs.
 - c) An A-frame sign must be placed within fifteen feet (15') of the primary entrance of the business and must not interfere with pedestrian traffic or violate standards of accessibility as required by the ADA or other accessibility codes.
 - d) A-frame signs are limited to six (6) square feet in area per side and three feet (3') in height.

CONFIDENTIAL ATTORNEY WORK PRODUCT

- e) The placement of A-frame signs outdoors is limited to business hours only. A-frame signs must be stored indoors at all other times.
 - f) A-frame signs must not be used outdoors when high winds, heavy rain, or snow conditions exist.
 - g) Illumination of A-frame signs is prohibited.
 - h) No A-frame sign may have any type of electronic component.
3. Construction Activity Sign. On a lot where active construction is taking place, one temporary sign is permitted in conjunction with such construction and may identify the proposed use for the property and the contractors involved in the construction subject to the following:
- a) Construction activity signs are permitted in all zoning districts on all sites with active construction projects.
 - b) Construction activity signs may be installed only after approval of a building permit for such activity and shall be removed as follows:
 - i. Signs for additions, alterations, or repairs to existing structures the sign shall be removed after ninety (90) days or when the permit expires, whichever occurs first.
 - ii. Signs for new construction the signs shall be removed prior to the final inspections or when the permit expires, whichever occurs first.
 - c) Construction activity signs may be either freestanding signs, wall mounted signs or installed on accessory structures such as fences and are subject to the following:
 - i. Signs are limited to sixteen (16) square feet in area for construction sites for individual single-family or two-family dwellings and for any site of less than one (1) acre in lot area. Construction activity signs are limited to thirty-two (32) square feet in area for all other construction sites.
 - ii. Freestanding construction activity signs are limited to seven (7) feet in height and must be located not less than five (5) feet from any lot line.
 - iii. Construction activity signs shall not be illuminated.
4. Real Estate Activity Sign: When a structure or lot is offered for sale, lease, or rent, such lot is permitted an additional temporary sign as follows:
- a. Real estate activity signs are permitted in all districts. Real estate signs must be located on the site of the property for sale, lease, or rent.
 - b. Real estate signs are limited to one (1) per street frontage.
 - c. Real estate activity signs may be constructed as either freestanding, wall, or window signs.
 - d. Real estate activity signs are limited to sixteen (126) square feet in area in residential districts and thirty-two (32) square feet in all other districts.

CONFIDENTIAL ATTORNEY WORK PRODUCT

- e. Freestanding signs are limited to five feet (5') in height and must be located within five feet (5') from any lot line.
 - f. Real estate activity signs may not be illuminated.
 - g. Real estate activity signs must be removed within five (5) days of final closing, lease, or rental. If such real estate signs are used in conjunction with a promotional event related to the sale, lease or rent, such signs may be installed forty-eight (48) hours prior to event and must be removed within twenty-four (24) hours of the end of the event.
5. Window Sign:
- a) Window signs are permitted in all districts, except that signs containing illumination of any kind, including but not limited to LED lighting, shall not be permitted in residential zones, except residential.
 - b) All window signs, whether temporary or permanent, are limited to no more than thirty percent (30%) of the surface of each window area. Window area is counted as a continuous surface until divided by an architectural or structural element. Mullions are not considered an element that divides window area.
 - c) Up to five percent (5%) of window area may be illuminated, including any neon or LED sign, but this area is included in the maximum total area of thirty percent (30%). Flashing or animation is prohibited.
6. Signs in Residential zones. Signs in residential zones shall be permitted, subject to the following limitations:
- a. Signs in residential zones shall not exceed 12 square feet in area:
 - b. Excluding Window Signs, no dwelling unit may display more than five signs at a time. ~~Political Signs. Signs advertising for or promoting the candidacy of a person for elected public governmental office; provided, however, that such signs do not exceed 12 square feet in area per side.~~

Commented [JG8]: We should consider moving the off-premises section for residential here.

It seems really odd that we'd require a permit for a garage sale or church potluck sign.

Formatted: Font: 9 pt

Formatted: Font: 12 pt

SIGN PERMIT REQUIRED - PERMANENT AND TEMPORARY SIGNS:

1. Attention-Getting Device:
- a) Attention-getting devices are permitted for non-residential uses in ~~the~~ non-residential districts.
 - b) Each establishment may have one (1) freestanding and one (1) wall-mounted attention-getting device installed or mounted simultaneously.
 - c) Attention-getting devices are limited to the following display periods:
 - i. When the attention-getting device advertises an event that has a specific start and end time: a total display period of thirty (30) days prior to the start of the event, the time period of the event, and three (3) days following the end of the event.

CONFIDENTIAL ATTORNEY WORK PRODUCT

- ii. All other attention-getting device advertises (non-time specific):
Thirty (30) days.
 - iii. A maximum of four (4) display periods per year is permitted with a minimum of thirty (30) days between displays.
 - d. Attention-getting devices for multi-tenant sites are subject to the following rules:
 - i. The display period and separation period apply to each establishment individually rather than the site as a whole.
 - ii. For multi-tenant sites, the property owner(s) and/or tenants must coordinate display of attention-getting devices among tenants.
 - e. Freestanding attention-getting devices are subject to the following:
 - i. One (1) freestanding attention-getting device is allowed for every seventy-five feet (75') of street frontage. There must be a fifteen-foot (15') separation between freestanding attention-getting devices.
 - ii. Freestanding attention-getting devices are limited to a maximum height of fifteen feet (15') and thirty-two (32) square feet in area.
 - iii. Freestanding attention-getting devices must be located a minimum of five feet (5') from a lot line, as measured from the outermost portion of the sign. No part of a freestanding attention-getting device may extend over the lot line.
 - f. Wall mounted attention-getting devices are limited to thirty-two (32) square feet.
2. Awning Sign:
- a) Awning signs are permitted for multi-family dwellings and non-residential uses in any district.
 - b) Awning signs must maintain a minimum vertical clearance of seven feet six inches (7'6").
 - c) Awning signs may encroach into the public right-of-way but must be located at least two feet (2') from the curb line.
 - d) Awning signs must be made of a durable, weather-resistant material such as canvas, canvas-like material, nylon, vinyl-coated fabric, or permanent building material such as metal.
 - e) Sign copy on any awning sign surface is limited to twenty five percent (25%) of each surface area. A valance is considered a separate surface area.
 - f) Solid awnings are permitted lettering attached to and located above the top of the awning to a maximum height of twenty-four inches (24").
 - g) Awning signs may be externally illuminated, and lighting must be focused on the printed area.

CONFIDENTIAL ATTORNEY WORK PRODUCT

- h) Back-lit awnings are prohibited.
- 3. Blade Sign (Projecting Signs):
 - a) Blade signs are permitted for non-residential use districts.
 - b) One (1) blade sign is permitted per establishment with frontage on a street. For a corner lot, one (1) blade sign is permitted for each street frontage.
 - c) Blade signs may encroach into the public right-of-way but must be located at least two feet (2') from the curb line.
 - d) Blade signs must maintain a minimum vertical clearance of seven feet six inches (7'6"). No blade sign affixed to a building may project higher than the building height, including the sign support structure.
 - e) Blade signs must be constructed of wood or simulated wood, metal, durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Blade signs constructed of canvas or similar material must be mounted so that they are held taut between support posts.
 - f) Blade signs may be internally or externally illuminated. If externally illuminated, all lighting must be directed onto the sign face from above.
- 4. Banners: Banner shall be permitted, provided that they are not displayed for more than 30 days.
- 5. Canopy Sign: Canopy signs are divided into the following types: non-structural and structural.
 - a) Non-Structural Canopy Signs:
 - i. Non-structural canopy signs are permitted for multi-family dwellings and non-residential uses in all districts.
 - ii. Non-structural canopy signs must maintain a minimum vertical clearance of seven feet six inches (7'6").
 - iii. Non-structural canopy signs may encroach into the public right-of-way but must be located at least two feet (2') from the curb line. Support posts must maintain a minimum separation of five feet (5') between posts and five feet (5') between the posts and any building wall.
 - iv. Non-structural canopy signs must be made of a durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric.
 - v. Sign copy on any canopy sign surface is limited to twenty five percent (25%) of each surface area.

CONFIDENTIAL ATTORNEY WORK PRODUCT

- vi. Non-structural canopy signs may be externally illuminated, and lighting must be focused on the printed area.
 - vii. Back-lit canopies are prohibited.
- a) **Structural Canopy Signs:**
- i. Structural canopy signs are permitted as follows:
 - ~~A. Freestanding structural canopy signs are prohibited.~~
 - ~~A.B. In residential zones, structural canopy signs attached to the principal structure shall be permitted, but only for structures that constitute a for "multi-family dwelling," as defined in section 4-3-1-2 of the Pekin City Code.s.~~
~~Freestanding structural canopy signs are prohibited.~~
 - ~~B.C. In non-residential zones, structural canopy signs attached to the principal structure shall be permitted, provided that the structure is not used for residential purposes, are permitted for non-residential uses. Freestanding structural canopy signs are prohibited.~~
 - ii. Freestanding structural canopy signs are permitted for non-residential uses Structural canopy signs attached to the principal structure may encroach into the public right-of-way but must be located at least two feet (2') from the curb line. Support posts must maintain a minimum separation of five feet (5') between posts and five feet (5') between the posts and any building wall.
 - iii. Freestanding structural canopy signs are subject to the setback requirements of the district where they are located or ten feet (10') from any lot line, whichever is greater. Freestanding structural canopy signs are limited to a maximum height of twenty-five feet (25').
 - iv. All structural canopy signs attached to a building must maintain a minimum vertical clearance of seven feet six inches (7'6"). Freestanding structural canopy signs must maintain a minimum vertical clearance of fifteen feet (15').
 - v. For structural canopies attached to a building, sign copy is limited to twenty five percent (25%) of each surface area. Such signs are permitted lettering attached to and located above the top of a structural canopy to a maximum height of twenty- four inches (24").
 - vi. For freestanding structural canopies, sign copy is limited to a maximum of twenty five percent (25%) of the area of each facade. No sign may be mounted above the top of the roof of the structural canopy, but a sign mounted on the structural canopy facade may extend a maximum of twelve inches (12") above the roofline.

Commented [JG9]: Correct numbering after we finish

Formatted: Font: 9 pt

Formatted: Font: 12 pt

CONFIDENTIAL ATTORNEY WORK PRODUCT

- vii. Structural canopy signs must be made of permanent building material, such as metal, brick, stucco, or concrete.
- viii. Structural canopy signs may be internally or externally illuminated. If externally illuminated, the lighting must be focused on the sign. In addition, freestanding structural canopies for gas stations are permitted an illuminated band along each facade of the canopy. The illuminated band is limited to twenty percent (20%) of the overall height of the facade of the canopy.

6. Electronic Message Sign:

a) Motor vehicle service stations in any district are permitted an electronic message sign to display copy graphic that is required to be displayed by law, such as fuel prices. The total sign area of the electronic message signs cannot exceed that permitted by this section.

- b) Electronic message signs are permitted as part of a ground sign - standard, ground sign - multi-tenant retail center, wall sign, or marquee sign and are subject to the requirements for those sign types within that district.
- c) Electronic message signs must be a minimum of twenty-five feet (25') from the lot line of any residential district. This is measured from sign face to the residential lot line, including any public right-of-way.
- d) Electronic message signs must be integrated into the larger sign structure. The electronic component is limited to a maximum of seventy percent (70%) of the total area of a sign.
- e) Only one (1) electronic message sign per lot is permitted. For the purposes of this regulation, a multi-tenant development where the development as a whole is comprised of separate lots of record, the entire development, including out lot parcels and inline development, is considered one (1) lot.
- f) Each message or image displayed on an electronic message sign must be static for a minimum of four (4) seconds. Multi-color messages and static images are permitted. Unless the content or message is scrolling, transitions between content and messages must be instantaneous. Any change in an electronic message must be instantaneous, without scrolling, fading in, dropping in, or similar moving copy changes.
- g) Electronic message signs cannot operate as a commercial off- premises sign, that is to direct attention to a specific business, product, service, entertainment event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property upon which the sign is located.

Formatted: Font: 12 pt, Font color: Auto, Not Highlight

Formatted: Font: 12 pt, Font color: Auto

CONFIDENTIAL ATTORNEY WORK PRODUCT

- h) Electronic message signs must display static text messages only, with no animation or effects simulating animation or video. Any scrolling, flashing, spinning, revolving, or shaking animation, or movement of the message or any component of the sign is prohibited. Any message change sequence must be accomplished immediately by changing from one (1) screen to another without transition by means of, for example, fade or dissolve mode. Video display screens are prohibited.

6. Ground Sign

- a) Ground Sign Types: Ground signs are regulated as the following types in this title:

- i. Ground signs - standard are permitted for multi-family dwellings and non-residential uses in any district.
- ii. Ground signs - multi-tenant retail center are permitted for multi-tenant retail centers in any district.
- iii. Ground signs - residential subdivision are permitted for residential subdivisions in any district.

- b) General Ground Sign Regulations: The following regulations apply to all ground signs:

- i. When the ground sign is designed with the base of the ground sign structure installed at grade, the monument base must be designed as an integral part of the sign structure. The width of the top of the sign face must be a minimum of seventy percent (70%) and a maximum of one hundred thirty percent (130%) of the width of the base.
- ii. In order to create flexibility for ground signs installed where the ground is not level, structural (non-decorative) posts may extend out of the ground but are limited to a maximum of six inches (6") above the adjacent ground where they are installed.
- iii. A ground sign may be designed with decorative posts that are part of the overall sign structure and sign design, and such decorative posts may extend out of the ground for a maximum of two feet (2') above the adjacent ground where they are installed.
- iv. Ground signs must be set back five feet (5') from any lot line. No ground sign may project into, over, or otherwise encroach on a public right-of-way.
- v. Ground signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.
- vi. Ground signs must be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane

CONFIDENTIAL ATTORNEY WORK PRODUCT

(HDU) foam board or similar durable foam construction. The base on which a ground is principally supported should typically be constructed of masonry material.

- c) Ground Signs - Standard: Ground signs - standard are subject to the following limitations on sign area, sign height, and sign number:
 - i. One (1) ground sign - standard is permitted per street frontage. When a lot has over one hundred fifty feet (150') of street frontage, an additional ground sign is permitted for each additional access point to the lot along that frontage.
 - ii. Ground sign - standard height and area are limited to the maximums indicated in other sections of this Code "Ground Signs - Standard", of this section.
 - iii. Any business or office district with frontage along Court St and Veterans Dr. is permitted a ground sign that meets the standards of the B-3 District, as shown in other sections of this Code of this section.
- d) Ground Signs - Multi-Tenant Retail Center: Ground signs - multi-tenant retail center are subject to the following sign area, sign height, and sign number permissions:
 - i. One (1) ground sign - multi-tenant retail center is permitted per street frontage of a lot. An additional ground sign is permitted for each additional access point to the lot, however a minimum separation of fifty feet (50') is required between ground signs. For the purposes of this regulation, a multi-tenant development where the development as a whole is comprised of separate lots of record, the entire development, including out lot parcels and inline development, is considered one (1) lot.
 - ii. Ground signs - multi-tenant retail center permissions are as follows:
 - A. Maximum sign area of one hundred twenty (120) square feet of area per sign.
 - B. Maximum sign height of twelve feet (12').
- e) Ground Signs - Residential Subdivision: Ground signs - residential subdivision are subject to the following sign area, sign height, and sign number permissions.
 - i. One (1) ground sign - residential subdivision is permitted for each access point to the development. A minimum separation of fifty feet (50') is required between ground signs.

Formatted: Font: 12 pt

CONFIDENTIAL ATTORNEY WORK PRODUCT

- ii. Ground signs - residential subdivision are permitted a maximum sign area of one hundred twenty (120) square feet per sign and a maximum sign height of eight feet (8') per sign.
- f) Ground Sign Landscaping: All ground signs must be landscaped at the base of the sign in accordance with the following:
- i. Landscape must extend a minimum of two feet (2') from the sign base on all sides with small shrubs a minimum of eighteen inches (18") in height at planting in a single row around the perimeter of the sign base. The remainder of the required landscape area must be planted with trees, perennials, or other live groundcover.
 - ii. If a ground monument sign is designed with a decorative base and such decorative base extends to the ground, the single row of shrubs around the perimeter of the sign base is not required. Landscape must extend a minimum of two feet (2') from the sign base around a minimum of fifty percent (50%) of the perimeter of the sign base, and must be planted with shrubs, trees, perennials, or other live groundcover.
 - iii. Landscape is required on a site, ground sign landscape is included in the total amount of landscape required on a site. Where a sign is installed in any landscape area of a site, the specific landscape requirements of this section do not apply, and the sign landscape must be integrated into the overall site landscape plan. Sign landscape must be shown on the landscape plan.
 - iv. All landscape must be maintained in good condition, and free and clear of rubbish and weeds.
7. Marquee:
- a) Marquees are permitted for commercial uses in B-2 District.
 - b) Marquees must be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.
 - c) The roof of a marquee may not be used for any purpose other than to form and constitute a roof and must be constructed of noncombustible material.
 - d) Water from the roofs of a marquee may not drain, drip, or flow onto the surface of a public right-of-way. Sufficient downspouts, drains, and gutters must be installed as part of each marquee to prevent water from the roof of the marquee from flowing onto the surface of a public right-of-way.

CONFIDENTIAL ATTORNEY WORK PRODUCT

- e) Marquees must be erected over a building entrance and are limited to the width of the building entrance plus an additional five feet (5') on each side of the entrance doors covered by the marquee.
- f) All marquees must maintain a minimum vertical clearance of eight feet (8'), and the roof of the marquee structure must be erected below the second-floor windowsill and must not conceal any significant architectural features or ornamentation of the building.
- g) Marquees may encroach into the public right-of-way but must be located at least two feet (2') from the curb line.
- h) Marquees are permitted lettering attached to and located above the roof of a marquee to a maximum height of forty-eight inches (48").
- i) Marquees are permitted an electronic message component if the district allows electronic message signs. Marquees are also permitted a changeable message board as part of the marquee structure. However, the marquee may only have either a changeable message board sign or an electronic message sign.
- j) Marquees may be internally illuminated.
- k) Marquees bare-bulb illumination outlining is prohibited.

8. Menu board:

- a) Menu boards are permitted for all drive-through facilities in any district.
- b) Menu boards are limited to a maximum of two (2) per drive-through lane.
- c) Menu boards are limited to seventy-five (75) square feet in sign area and eight feet (8') in height. The menu board may be designed as separate freestanding signs grouped together and may include the use of preview boards designed as separate freestanding signs installed a distance earlier in the drive-through lane, however the total area of all signs must not exceed seventy five (75) square feet.
- d) Menu boards are permitted an additional ten (10) square feet of sign area for temporary signs attached to the top or sides of the menu board.
- e) Menu boards must be located a minimum of fifteen feet (15') from any residential district lot line. This is measured from sign face to lot line, including any public right-of-way.
- f) may be internally illuminated. Menu boards may also contain an electronic screen for interaction with each customer.

9. Suspended Signs: These standards also apply to signs suspended or mounted under awnings, canopies, galleries, or arcades.

CONFIDENTIAL ATTORNEY WORK PRODUCT

- a) Suspended signs must be attached to the underside of an awning, canopy, gallery, or arcade. Suspended signs must not project beyond the awning, canopy, gallery, or arcade.
- b) Suspended signs must maintain a minimum vertical clearance of seven feet (7').
- c) A maximum of one (1) suspended sign is permitted per business establishment with frontage where the awning, canopy, gallery, or arcade is located.
- d) Suspended signs are limited to a maximum of six (6) square feet in area.
- e) Suspended signs must be securely fixed to the awning with metal supports.
- f) Suspended signs must be made of wood, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction.

10. Wall Sign:

- a) Wall signs are permitted for all non-residential uses in any district.
- b) Wall signs are permitted on all facades of a structure. On a site consisting of multiple structures, each structure is permitted wall signs per the regulations of this section. The square footage from different structures cannot be combined to create a larger sign on any one (1) structure.
- c) The maximum size of a wall sign is established at one and one-half ($1\frac{1}{2}$) square feet per linear foot of building wall where the wall sign will be mounted or forty (40) square feet, whichever is greater. The square footage from different facades cannot be combined to create a larger sign on any one (1) facade.
- d) In a multi-tenant structure, each tenant is permitted a wall sign of one and one-half ($1\frac{1}{2}$) square feet per linear foot of business frontage or forty (40) square feet, whichever is greater, for each tenant. The square footage from different tenants cannot be combined to create a larger sign than allowed by this section.
- e) The number of individual wall signs on a facade is not limited, however the cumulative sign area of all signs on that facade cannot exceed the maximum allowable sign area.
- f) Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.
- g) Wall signs must be safely and securely attached to the building wall. Wall signs must project less than eighteen inches (18") from the

CONFIDENTIAL ATTORNEY WORK PRODUCT

building wall. Wall signs may encroach into the public right-of-way no more than eighteen inches (18").

- h) No wall sign affixed to a building, including sign support structure, may project beyond the ends or top of the wall or higher than the roofline of the structure to which it is attached.
- i) Wall signs must be constructed of wood or simulated wood, metal, durable, weather-resistant material like canvas, canvas-like material, nylon or vinyl-coated fabric, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. Wall signs constructed of material must be mounted so that they are held taut against the wall. Painted wall signs are prohibited.
- j) Wall signs are permitted on architectural appurtenances, such as chimneys or penthouses, which are part of the structure. Wall signs must not cover any window, windowsill, transom sill, or significant architectural feature of the structure.

NONCONFORMING SIGNS

1. Nonconforming signs in existence at the time of this ordinance may be continued until replacement or repair of any portion of the sign would exceed fifty (50) percent of the replacement cost.
2. All temporary nonconforming signs must be removed or brought into conformance within thirty (30) days of the effective date of this ordinance.
3. The sign face of an existing nonconforming permanent sign may be replaced, but the structure cannot be altered to accommodate such change. A change in sign face requires a permit.
4. No nonconforming sign and sign structure may be relocated, in whole or part, to any other location on the same or other lot, unless the entire sign and sign structure conforms to all regulations applicable to the lot where the sign is relocated.
5. No nonconforming sign may be altered or enlarged in any way that increases the nonconformity of the sign or sign structure.

PERMITTED SIGNS

1. Directional Signs. All directional signs required for the purpose of orientation, when established by the City, County, State or Federal Government, shall be permitted in all districts.
2. ~~On-Premises Signs~~~~Accessory Signs~~. ~~On-Premises Signs~~~~Accessory Signs~~ shall be permitted in any use district. On-Premises signs must comply with all other applicable rules and regulations set forth in this Code. By way of example, an On-Premises Sign located on a lot zoned Residential must comply with the requirements for signs in Residential Zones, including the restriction that such signs be no more than 12 square feet in area.

Commented [JG10]: What is the difference between "sign permit required" and "Permitted Signs"?

Are we trying to say these types of signs are always permitted? If so, this content could be moved to the "Exempt-No Permit Required" section.

Formatted: Font: 9 pt

Formatted: Font: 12 pt

CONFIDENTIAL ATTORNEY WORK PRODUCT

3. Real Estate Signs. Signs used for advertising land or buildings for rent, lease or sale shall be permitted when located on the land or building intended to be rented, leased or sold.
- ~~4. Freestanding accessory signs may be located in the required front yard, except as otherwise provided herein, or as controlled by other codes and ordinances of the City.~~
- ~~5.4.~~ Nonconforming Signs. Nonconforming signs in existence may be continued until replacement or repair of the sign would exceed fifty (50) per cent of the replacement cost.

REMOVAL OF SIGNS

Any sign including the sign structure, retractable canopy or awning, which advertises a business no longer being conducted or a product no longer being sold from the premises to which the sign relates is considered obsolete and shall be removed within 30 days from last day of business. Signs left in good repair which remove all aspects of a former business and present a solid color blank slate are not considered obsolete.

REVOCATION OF SIGN PERMIT

All rights and privileges accrued under the provisions of this Article or any amendment hereto are mere licenses and may be revoked upon the violation of any of the conditions contained herein. If the work authorized under an erection permit has not been completed within 180 days after the date of issuance, said permit shall become null and void.

PERMANENT SIGNAGE ALLOWED

1. The maximum size of a sign shall be determined by location of the structure and structure frontage. In general, the maximum size for one sign shall be determined by the following: two square feet of sign per one (1) linear foot of building frontage or one hundred twenty (120) square feet whichever is larger. Example: Building front covers one hundred fifty (150) feet; therefore, the largest sign allowed would be three hundred (300) square feet. A building that has only fifty (50) feet would be allowed a sign of One hundred twenty (120) square feet.
2. There shall be a clean space of not less than seven (7) feet between the lowest part of a sign and the ground or surface.
3. A facility shall not have more sign coverage that exceeds the total of more than three (3) square feet per one (1) linear foot of building frontage for buildings having frontage of one hundred (100) linear feet or larger. Buildings less than One hundred (100) linear feet shall have a maximum of one hundred twenty (120) square feet. Example: Building front covers One

CONFIDENTIAL ATTORNEY WORK PRODUCT

hundred fifty (150) feet; therefore, the cumulative total of signage allowed would be four hundred fifty (450) square feet. A building that has only thirty-five (35) feet would still be allowed only a total of one hundred (120) square feet.

4. Building location determinations. Buildings on corner lots or in large complexes where access to the structure or business is available on more than one side shall be considered to have more than one building front for purposes of calculating the amount of signage allowed. Calculations for signage will be determined by counting each side as a separate frontage.
- ~~5. Off-Premises Signs shall be permitted, but only in Commercial and Industrial Zones and only by special use. Off-Premises signs shall be permitted in Planned Unit Developments (PUD) by special use only. Non-accessory signs are permitted in the PUD by special use only.~~
- ~~6.5. Billboards are allowed in the Commercial & Industrial zones with a site plan approved by the Zoning Board of Appeals and City Council~~
- ~~7.6.~~ Signs, awnings, or canopies, only within a B-2 & B-3 Business District; provided, further, that the bottoms of signs and valances of any awnings or canopies are no less than eight (8) feet above immediate grade and project no closer than two (2) feet from the nearest curb or pavement edge.
- ~~8.7.~~ No sign, otherwise permitted, shall project above or beyond the maximum height of fifty (50) feet above the ground level; except that, for a planned commercial or shopping center development involving five (5) acres or more under one ownership, the Board of Appeals may modify the height limitation. The Board shall, however, respect all yards and setbacks in modifying height requirements.
- ~~9.8.~~ Gas stations with canopy's covering the pumps shall be allowed only 1 canopy mounted sign per side.

SIGNS IN OR ABUTTING A RESIDENTIAL DISTRICT

- ~~1. No sign in excess of two (2) square feet in area shall be allowed in a residential district, except temporary for sale, lease or rent signs, garage sale signs (as provided in this Section), and traffic control signs and devices.~~
- ~~2.1.~~ The light intensity or brightness from any illuminated sign located in a district abutting a residential district shall not disrupt the reasonable peaceful enjoyment of surrounding properties. Illuminated signs visible to adjacent residential properties shall be turned off and not operated between the hours of 11:00 P.M. and 7:00 A.M.”
- ~~3.2.~~ ~~Off-Premises Signs~~~~Non-accessory signs~~ shall not be permitted in any residential district unless the sign (1) qualifies as a “Temporary Sign”; (2) does not exceed 12 square feet in area; and (3) the business, person, activity, goods, products, or services to which the sign pertains is located on a lot zoned Residential. ~~Off-Premises signs in Residential Zones may be placed (1) in the public right-of-way with the permission of the owner of the property abutting~~

Commented [JG11]: Big first amendment problem here.

Formatted: Font: 9 pt

Formatted: Font: 12 pt

Formatted: Font: 14 pt

Formatted: Font: 12 pt

Formatted: Font: 14 pt

Formatted: Font: 12 pt

Commented [JG12]: This would eliminate possibility that businesses start popping up cheap temporary signs in Residential, for example a 3x4 sign for McDonalds that meets the definition of temporary sign.

Formatted: Font: 9 pt

Formatted: Font: 12 pt

CONFIDENTIAL ATTORNEY WORK PRODUCT

such right of way and (2) on private property with the permission of the property owner. All Off-Premises Signs placed in a Residential Zone must be removed by the person or entity responsible for placement of the sign within 24 hours after the business, person, activity, goods, products, or services so-advertised cease to be offered at the location stated on the sign.
~~except that non-accessory signs pertaining to garage sale signs are permitted as described in this Section, and non-accessory signs pertaining to real estate development located within the City and designed to promote the sale of lots or homes within a subdivision located within the City may be permitted on a temporary basis in any use district but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale and shall be subject to the requirements and conditions of all applicable codes and ordinances of the City, approved by the Building Official and a temporary permit issued.~~

Formatted: Font: 14 pt

Formatted: Font: 12 pt

GARAGE SALE SIGNS

- ~~1. Garage sale signs shall not be larger than four (4) square feet per side.~~
- ~~2. Garage sale signs shall not be placed on trees or utility poles.~~
~~—Garage sale signs may be placed in the public right-of-way with the permission of the owner of the property abutting such right-of-way.~~
- ~~3. A directional non-accessory garage sale sign may be placed on property other than the location of the garage sale only with the permission of the property owner.~~
- ~~3. No more than three (3) signs advertising a garage sale may be displayed for any garage sale.~~
- ~~3. No garage sale sign may be displayed more than one day prior to the garage sale. All garage sale signs shall be removed prior to 8:00 p.m. of the last day of the garage sale.~~
- ~~3. The violation of any provisions of this Subsection (6)d, shall be punishable by a fine of twenty-five (25.00) dollars each day that any violation of any provision of this Section of this Code continues shall constitute a separate offense. In addition to such fine, the City may remove any signs in violation of this Subsection (6)d.~~

Commented [JG13]: This is also content based. So I rewrote the above provision to allow off-premises advertising if the sign is small (12 square feet) and temporary. This would allow yard sales, real estate signs, and signs for church events, without having to try to explicitly exempt those signs, which gets us into trouble.

Formatted: Font: 9 pt

Formatted: Font: 12 pt

PORTABLE SIGNS

1. No portable sign shall be displayed without first obtaining a permit.
 - a. Portable signs shall be licensed as temporary signs for periods not to exceed 21 days. Each property is limited to six portable sign permits within a calendar year. The effective date of a permit must be at least 30 days after expiration of the most recent prior permit.
 - b. Portable signs shall not exceed 32 square feet in area per side.

CONFIDENTIAL ATTORNEY WORK PRODUCT

- c. Portable signs shall not obstruct parking places or automobile or pedestrian travel lanes.
 - d. Portable signs shall not be located so as to obstruct traffic vision.
 - e. Any lighting of a portable sign shall be of a type that cannot be confused with traffic controls and will not cause vehicle drivers to be distracted.
 - f. Any electrical connections shall be in accordance with all City codes and shall not be exposed in any way which will constitute a safety hazard.
2. *Fees.* The fee for each portable sign permit shall be \$20.00. The fee will be waived if the portable sign is to be used for noncommercial, nonprofit use.
3. *Seasonal businesses.* A seasonal business may obtain a permit for a portable sign for a fee of \$30.00 dollars per month, with a limit of four permits per calendar year.
4. *Portable sign into a permanent sign.* A portable sign on a frame with wheels may be turned into a permanent sign if the following conditions are met:
5. The wheels and frame are removed.
6. The sign shall be placed in a permanent concrete base to withstand 70 mph winds, and cannot be moved.
7. Connections to an energy source for lighting shall be in accordance with all City and National codes.
- ~~8. *Portable signs within residential districts.* Portable signs shall be prohibited within a residential district, except for the following types of portable signs listed and exempted below:~~
- ~~i. Signs advertising the rental, sale or lease of the property upon which the sign is located; provided, however, that such sign is not more than 12 square feet in area per side and that it be removed from the subject lot within not more than 15 days following the sale, lease or rent of the subject property. Notwithstanding the provisions of this Subsection (8), an open house sign relating to real estate sale/lease, not more than nine square feet in area per side, may be placed:~~
 - ~~— For directional signs:~~
 - ~~0. from Friday 12:00 noon until the following Sunday at 6:00 p.m.;~~
 - ~~0. In the public right of way with the permission of the owner of the property abutting the right of way;~~
 - ~~0. On private property with the permission of the property owner.~~
 - ~~i. For non-directional signs:~~
 - ~~0. one open house sign (in addition to any permitted for sale sign) at any time on the property (but not in the public right of way) which is for sale and the subject of the open house.~~

Commented [JG14]: Massive first amendment problem here

Formatted: Font: 9 pt

Formatted: Font: 12 pt

CONFIDENTIAL ATTORNEY WORK PRODUCT

- ~~1. Signs placed by individuals or by not for profit organizations entirely for not for profit purposes. Such signs shall however be subject to the permitting and duration requirements as stated within this code.~~
- ~~b. Signs advertising for or promoting the candidacy of a person for elected public governmental office; provided, however, that such signs do not exceed 12 square feet in area per side.~~

Formatted: Font: 14 pt

Commented [JG15]: Add 15 back in. my sense is that section 9 through 15 should be subsections for section 8, exemptions for portable signs in residential.

Also, as I now read this, political signs in residential need a permit. Do we really want to do that? We could handle this by exempting portable signs in residential from the permit requirement. If that's the intent, we need to make that more clear.

Formatted: Font: 9 pt

Formatted: Font: 14 pt, Font color: Red

Formatted: Font: 12 pt, Font color: Red

Formatted: Font: 12 pt, Font color: Auto

Formatted: Left

MURALS

PURPOSE: The purpose is to permit and encourage art murals on a content-neutral basis on certain terms and conditions. It is not the intent of this Section to deny or restrict material protected by the First Amendment. Art murals comprise a unique medium of expression which serves the public interest. Art murals have purposes distinct from signs and confer different benefits. Auch purposes and benefits include improved aesthetics; avenues for artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion. This Section also allows murals on historic property in a way that will not diminish the historic or character-defining features of the property.

Formatted: Font: 11.5 pt, Font color: Auto

PERMITTED MURALS: Art murals that meet all of the following criteria are permitted in all non-residential zoning districts and on structures with legal non-residential used in residential zoning districts, upon satisfaction of the applicable permit requirements.

Formatted: Font: 12 pt, Font color: Auto

Formatted: Font: 12 pt

Formatted: Font: 12 pt, Font color: Auto

PROHIBITED MURALS: The following are prohibited:

1. Murals on structures with solely a single-family or multiple family residential use and associated accessory structures in residential zoning districts.
2. Murals which would result in a property becoming out of compliance with the provisions of this Code or land use conditions of approval for the development on which the mural is to be located.
3. Murals of any material characterized as obscene as defined in section 6(a)(8), ~~an obscenity.~~

Formatted: Font: 12 pt

Formatted: Font: 12 pt, Font color: Auto

CONFIDENTIAL ATTORNEY WORK PRODUCT

Administrative review process. Art murals are subject to application and approval by the Building Official. If an application is denied by the Building Official, the applicant may seek approval from the Zoning Board of Appeals upon submittal of an application pursuant to Division 2 of this Article and the following:

1. Building elevation drawn to scale, and one 8½-inch by 11-inch reduction suitable for photocopying, that identifies:
 - a) The facade on which the mural is proposed,
 - b) The location of existing and proposed murals,
 - c) The mural dimensions,
 - d) The height of the mural above grade,
2. Site plan drawn to scale, and one 8½-inch by 11-inch reduction suitable for photocopying, that identifies:
 - a) Property lines.
 - b) Building location and façade on which the mural will be located.
 - c) Names of streets that abut site.
 - d) North arrow.
3. Written description of the type of mural (painted, mosaic, etc.) and details showing how the mural is to be affixed to the wall.
4. Written consent from the building owner.

Design Requirements; Mural size and materials.

1. No part of the mural shall exceed thirty (30) feet in height or higher than the floor level of the third floor, measured from grade, for projects on buildings greater than two stories, whichever is more restrictive. Any mural exceeding the permitted height shall be subject to the special use review process pursuant to this Section.
2. Expiration. If the mural is not completed within six (6) months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured.
3. Maintenance. Building owners are responsible for ensuring that a permitted mural is maintained in good condition and is repaired in the case of vandalism or accidental destruction. Muralists and building owners are encouraged to consider protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair permitted of the mural if needed.
4. Alterations. Alterations to the mural area may be allowed but must be approved by obtaining new permit through the process described in this Section.
5. Grandfather clause. Any displays constituting murals under this Section currently in existence at the time of approval of the ordinance from which this Section is derived shall be deemed to be allowed under this Section. Any material alterations, other than routine maintenance, to such a mural would be subject to the provisions herein.

CONFIDENTIAL ATTORNEY WORK PRODUCT

6. The mural shall not extend more than six (6) inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.

Expiration, maintenance, alterations, and removal of murals

Expiration. If the mural is not completed within six months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured.

Maintenance. Building owners are responsible for ensuring that a permitted mural is maintained in good condition and is repaired in the case of vandalism or accidental destruction. Muralists and building owners are encouraged to consider protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed.

Alterations. Alterations to the mural area may be allowed but must be approved by obtaining new permit through the process described in this Section.

Grandfather clause. Any displays constituting murals under this Section currently in existence at the time of approval of the ordinance from which this Section is derived shall be deemed to be allowed under this Section. Any material alterations, other than routine maintenance, to such a mural would be subject to the provisions herein

Regulations for electronic multiple message signs and exterior lighting.

These regulations offer specific construction and operation regulations for the safe and appropriate use of electronic multiple message signs, which include any flashing or running lights creating an illusion of movement, but are not limited to electronic message boards, reader boards and billboard displays.

1. All outdoor lighting in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
2. All outdoor lighting in all use districts shall be directed toward and confined to the ground areas of lawns or parking lots. String lights used in connection with business premises for commercial purposes must be installed and maintained in compliance to the most current adopted building and electrical codes.
3. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.
5. Regulations. The following regulations shall apply to all zoning districts unless otherwise specified:

CONFIDENTIAL ATTORNEY WORK PRODUCT

- a) Electronic multiple message signs shall be permitted to change their message no more than once per every ten seconds.
- b) ~~Unless the content or message is scrolling, transitions~~Transitions between content and messages ~~must be instantaneous, shall not be more than three seconds between displayed messages.~~
- c) Automatic dimming must be maintained by light sensing devices or a scheduled dimming timer that automatically dims the intensity of the light emitted by the sign during ambient low light and nighttime hours not to exceed 500 nits of intensity and during daytime hours not to exceed 5,000 nits of intensity.
- d) Multiple message signs must contain a default design that will freeze the message in one position if a malfunction occurs.
- e) Spacing between signs shall not be closer than 1,000 feet in all industrial zoning districts.
- f) Location of multiple message signs must not be adjacent to official traffic control signs that could confuse the motoring public.
- g) Maintenance of multiple message signs shall include replacement of bulbs, LEDs, pixels and shall be in working and properly illuminating condition at all times.

Formatted: Font: 14 pt, Font color: Auto

Formatted: Font: 12 pt