



**REGULAR ZONING BOARD OF APPEALS MEETING
WEDNESDAY, OCTOBER 9, 2024
5:00 PM**

1. Pledge of Allegiance

2. Call to Order

3. Approve Agenda

4. Approval of Minutes

4.1. Minutes From The September 11, 2024 Meeting

5. City Council Action Report

5.1. City Council Action Report Of The September 23, 2024 Meeting

6. Unfinished Business

6.1. **Case SU 2024-09** A Special Use Request Submitted by Shane Kelley For The Operation of a Towing And Automobile Repair Business With Short Term Vehicle Storage at 407 South 3rd Street.

7. New Business

7.1. **Case SU 2024-10** A Special Use Request Submitted By Peter Colvin On Behalf Of Clean & Lube Incorporated For The Operation Of An Automotive Clean and Lube Business At 1610 Broadway Street.

7.2. **Case V 2024-17** A Variance Request Submitted By Richard Evans For The Property Located At 1500 South 2nd Street To Reduce The Minimum Rear Building Setback From 30 Feet to 5 Feet.

7.3. Amending Sign Code Sections 4-3-8-8-1, 4-3-8-8-7, 4-3-8-8-13, 4-3-8-8-15 and Adding Section 4-3-8-8-18, 4-3-8-8-19 and Removing Section 4-3-8-9

8. Any Other Business Before the Board

9. Public Input

10. Adjourn



City of Pekin

**PROCEEDINGS OF THE REGULAR MEETING
OF THE ZONING BOARD OF APPEALS OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF CITY HALL ROOM 202
111 S. CAPITOL ST
ON WEDNESDAY, SEPTEMBER 11, 2024 AT 5:00 PM
CHAIRMAN DON HILD PRESIDING**

Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Hild.

Call to Order

The regular meeting of the Pekin Zoning Board of Appeals was called to order and all members were physically present. A quorum was declared by Chairman Hild.

Attendee Name	Organization	Title	Status	Arrived
Chris Deverman	Zoning Board of Appeals	Commissioner	Present	5:00 PM
Donald Hild	Zoning Board of Appeals	Chair	Present	5:00 PM
David Huskisson	Zoning Board of Appeals	Commissioner	Present	5:00 PM
Kim Joesting	Zoning Board of Appeals	Commissioner	Present	5:00 PM
Mary Lanane	Zoning Board of Appeals	Commissioner	Present	5:00 PM
Kelly Madden	Zoning Board of Appeals	Commissioner	Present	5:00 PM
Amy Wilson	Zoning Board of Appeals	Commissioner	Present	5:00 PM

Approve Agenda

RESULT:	PASSED (UNANIMOUS)
MOVER:	Commissioner Deverman
SECONDER:	Commissioner Joesting
AYES:	Commissioners Deverman, Hild, Huskisson, Joesting, Lanane, Madden and Wilson

A motion to approve the agenda was made by Commissioner Deverman with a second

by Joesting.

Approval of Minutes

4.1. Minutes from the August 14, 2024 Meeting

RESULT:	PASSED (UNANIMOUS)
MOVER:	Commissioner Lanane
SECONDER:	Commissioner Deverman
AYES:	Commissioners Deverman, Hild, Huskisson, Joesting, Lanane and Madden.
ABSTAIN:	Commissioner Wilson

Motion made to approve the minutes from August 14, 2024 was made by Commissioner Lanane and seconded by Deverman.

4.2. Minutes from the September 4, 2024 Meeting

City Council Action Report

5.1. City Council Action Report Of The August 26, 2024 Meeting

5.2. City Council Action Report Of The September 4, 2024 Meeting

New Business

6.1. Case V 2024-15 A variance request submitted by Kim and Linda Bright for the property located at 22 Rosewood Lane to reduce the minimum building setbacks for a detached carport.

RESULT:	PASSED (UNANIMOUS)
MOVER:	Commissioner Wilson
SECONDER:	Commissioner Madden
AYES:	Commissioners Deverman, Huskisson, Joesting, Lanane, Madden and Wilson
ABSTAIN:	Commissioner Hild

Public Input Open: 5:03pm Public Input Closed: 5:05pm

Kim Bright, owner, states that he is asking for a variance to replace the existing carport with a new one.

Motion made to approve made by Wilson and seconded by Madden.

Commissioner Lanane states that she thinks a variance is reasonable given there was a carport previously in same location. Wilson asked if the height of the carport was going to be higher than the peak of the roof on the house and Kim stated it would not. Commissioner Wilson also asked what material the

new carport would be made with and Kim stated the same material as before; steel. Commissioner Hild stated that the original carport should never have been allowed and Kim stated that he did check with the city when he originally put the carport in place, since it was not a permanent structure.

6.2. Case V 2024-16 A variance request submitted by Dustin Maquet on behalf of Nathan and Brooke Schmidgall for the property located at 228 Margaret Street to increase the maximum height of a fence on the west and south property lines to 8 feet.

RESULT:	PASSED (UNANIMOUS)
MOVER:	Commissioner Madden
SECONDER:	Commissioner Wilson
AYES:	Commissioners Deverman, Hild, Huskisson, Joesting, Lanane, Madden and Wilson

Public Input Open: 5:10pm Public Input Closed: 5:12pm

Dustin Maquet, owner of The Railhouse, stated he wants to replace the fence that was previously in place.

Motion to approve made by Commissioner Madden and seconded by Wilson. Nic Maquet stated that inspections staff have been to the site and that it would be tough to keep the fence at 6 feet. Commissioner Wilson asked what style of fence it would be, and it would be cedar and a flat top. Commissioner Lanane wanted to note the hardship is the slope of the lot. Deverman asked about screening the dumpster and Dustin said it his dumpster and Gro Up does not have one (the dumpster in the photo is Dustin's but while work was being done, the owner of Grow Up let him put his dumpster on their property).

6.3. Case SU 2024-09 A Special Use request submitted by Shane Kelley for the operation of a towing and automobile repair business with short term vehicle storage at 407 South 3rd Street.

Public Input Open: 5:17 pm Public Input Closed: 5:17 pm

There is no public input on this case.

Motion to discuss made by Joesting and seconded by Lanane .

Nic said that the city shut this down as this individual has been moving around town and, due to numerous complaints about the junk that is lying around, it has been brought to the city. Kelley owns a towing company but "junking" would not be allowed. Attorney Jeff stated that the SU would not allow the "junking" so he could not proceed (at the state level). Nic stated that their interactions with Kelley have been civil, and they have moved some of the cars out, but it took them two months to get the SU application, zero permits have been pulled and there are code issues within the building.

Commissioner Wilson asked if the property owner would be willing to make (Kevin Morrow) the corrections and Nic said, yes, Kevin has been on sight for each of the inspections and seemed to be willing to make the necessary corrections to become compliant with the code. Wilson asked if the gravel was acceptable to code and Nic said it is gravel, but at this time he did not know the depth of the gravel, that would need to be inspected. There are

concerns about the property owner and the applicant not being at this meeting to ask questions and to understand the expense before them. Nic has concerns that if we approve this, it will grow into something more than what the SU is for. Hild asked if we sent letters to the surrounding residents and Nic explained that only certain SU require a letter, this one does not. Commissioner Wilson stated that she feels we cannot make a decision based on fears of what could happen and asked if there was a way that we could table this and request that the property owner come back so that we can address these questions. The attorney states that it is not an unreasonable request. Commissioner Madden agrees with Wilson that he would like to give the owner of the property a chance to respond to our questions. Wilson stated that she would like clarification if there is an agreement between the property owner and the applicant. Wilson would also like to see the fence and more details (site plan). The attorney suggested sending letters to the neighbors to allow for a more formal discussion, and it allows the community to have feedback with the City. Hild suggested tabling it and if the owner does not choose to respond or show up to the next meeting, we can then deny it. Wilson suggested a more detailed site plan as well and within a certain time period (7 days) so that the neighbors can be adequately informed. Wilson made a motion to table and continue to the meeting on Oct 9th. Seconded by Commissioner Lanane. All agreed.

Any Other Business Before the Board

Chairman Hild does not recall what requires a letter to be sent out notifying neighbors of a change (the specifics). Nic Maquet explained the details of the code and what requires a letter and what does not.

Commissioner Wilson asked for a copy of the requirements for the neighbors to be informed to be sent to the board so they can review it on their own. Nic Maquet will send this section of the code to the board members.

Chairman Hild asked about the zoning of Faith Baptist Church and Nic Maquet stated they rezoned it R4 from OS1. Chairman Hild asked what they were building and Nic stated a storage area for a bus.

Hild also asked why American Motor Trend (AMT) does not have a screened in area for all the cars outside the bays. Hild asked if anything could be done? Nic said there is, and he will look at the property to identify any violations there are, such as, dumpster enclosure, how long vehicles are sitting, etc.

Hild suggested we include a definition of the word "variance". Discussion regarding the requirements for a variance was a round table. Chairman Hild wanted to know if the area between Broadway and Court, is it still a truck route? Dave Nutter stated that it is not a truck route, but there is one offender and the PD has been made aware of the issue.

Public Input

No additional public input.

Adjourn

Motion to adjourn by Commissioner Joesting and seconded by Commissioner Deverman at 6:10pm.

City Council Action Report
Meeting Date
September 23, 2024 5:30 PM

All zoning cases that were recommended for approval during the regularly scheduled Zoning Board of Appeals meeting held on Wednesday September 11, 2024 were approved at the regularly scheduled City Council meeting held on Monday September 23, 2024.

- Case V 2024-15 was Approved
- Case V 2024-16 was Approved



REQUEST FOR COUNCIL ACTION

Agenda Date: October 9, 2024
To: Members of the Zoning Board of Appeals
From: Nic Maquet, Chief Building Official

AGENDA ITEM: **Case SU 2024-09** A Special Use Request Submitted by Shane Kelley For The Operation of a Towing And Automobile Repair Business With Short Term Vehicle Storage at 407 South 3rd Street.

DESCRIPTION: A Special Use request was submitted by Shane Kelley for the operation of a towing and automobile repair business with short-term vehicle storage at 407 South 3rd Street. Said property is zoned I-1 Light Industrial with a legal description, SEC 3 T24N R5W CINCINNATI ADD LOTS 91 & 92 (E OF RR) ALSO TRACT N & ADJ NE ¼, with the following PIN: 04-10-03-214-001 in Tazewell County, Illinois

SUMMARY

Update: Mr. Kevin Morrow has withdrawn his application effective September 18, 2024, please see the attached letter

The property was previously used as a school bus business which had onsite bus storage and repair. Most recently, the property was used as a construction business with Morrow construction occupying the property. The petitioner was found to be operating at this location without a special use permit after the city received numerous complaints regarding the condition of the property. The property was found to have numerous inoperable vehicles sitting on the property. Staff did meet onsite and informed the petitioner that he would need to cease business at this location and remove the junked vehicles from the property until such time, a special use permit was granted, and the property was brought into compliance with city code. The property is zoned I-1 Light Industrial. City code **section 4-3-6-6-3** requires that all automotive repair businesses and locations such as a towing business that would have short-term auto storage located within the I-1 Light Industrial zoning district obtain a special use permit to operate. This Special Use would allow for this business to operate a towing and automobile repair/sales business with short-term auto storage at this location.

(1) Auto engine and body repair and undercoating shop, when completely enclosed.

(5) Short-term car storage for wrecked automobiles where such storage is for periods not to exceed six months and when no such storage is undertaken for the wrecking or salvaging of automobiles or parts thereof. All such storage areas shall be graded and maintained to assure adequate drainage, pollution, and erosion control for the subject and surrounding properties. The storage area shall comply with all applicable municipal, state and federal guidelines and regulations for hazardous material waste and pollution control. A minimum recommended surface cover is four inches of coarse gravel or crushed rock over a compacted base. The storage area shall be completely fenced and obscured from public view with solid panels, chain link fence with solid strip panels or similar type of construction.

STAFF NOTES

- The western section of the property has a 6-foot tall chain link fence that abuts railroad property.
- A fenced storage area shall be built, and the fence shall be so constructed that it obscures the view of all stored vehicles awaiting repair or disposal.
- Inspections Department staff and Fire Department staff have conducted a pre-occupancy inspection of the property and have given the tenant a list of code issues that they must correct prior to occupancy being given if a special use is granted
- Staff recommends denial

FINANCIAL IMPACT:
N/A**REVIEWED BY:**

Nic Maquet, Chief Building Official

Final Approval - 10/7/2024

SU 2024



September
Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

Board of Appeals Application for Consideration

<u>Type of Request (check one):</u> ☒ A. Special Use (\$125) ☐ B. Residential Variance (\$125) ☐ C. Non-Residential Variance (\$125) ☐ D. Map Amendment/Rezoning (\$125) ☐ E. Annexation (\$125)	Request Property Address or PIN: <u>407 S 3rd St.</u> Current Zoning (if known): _____ Proposed Zoning (if rezoning request): _____ Current Use: _____ Proposed Use (if different): _____
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Property Owner Name:	<u>Kevin Morrow</u>
Mailing Address:	<u>210 D St. Pekin IL 61554</u>
Phone:	<u>(309) 349-0094</u>
Alternative Phone:	
E-Mail Address:	<u>SKexteriors3@yahoo</u>

Applicant Name (if different):	<u>Shane Kelley</u>
Mailing Address:	<u>2111 Valentine Pekin IL 61554</u>
Phone:	<u>309-885-2978</u>
Alternative Phone:	
E-Mail Address:	<u>ShaneKelley14K@gmail.com</u>



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

Please summarize your request and explain why it is necessary:

I, Shane Kelley would like to open a Shop up
for my tow business to help the community
out with any Automotive or towing Needs, I will
Put a fence up if Necessary or needed.

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.

Kevin Morrow

Owner Signature

7/22/24

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.

[Signature]

Applicant Signature

7/22/24

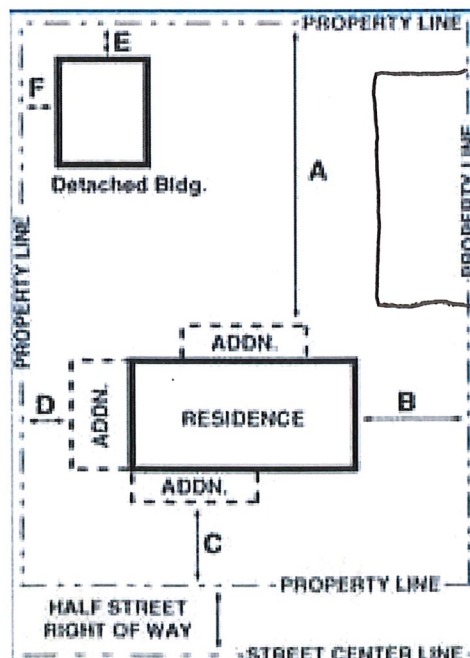
Date



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

The following attachments are required for consideration of your request:

- I. Site Plan:** An electronic copy (preferred) or two physical copies of a site plan for the proposal showing:
1. A scale of not less than one inch equals fifty feet (1" = 50') if the subject property is less than three (3) acres and one inch equals one hundred feet (1" = 100') if three (3) acres or more. Date, north point and scale.
 2. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties. The location of all existing and proposed structures on the subject property and all structures within one hundred feet (100') of the subject property. The location of all existing and proposed drives and parking areas. The location and right-of-way widths of all abutting streets and alleys.
 3. Attachments such as landscape plan, photograph or renderings of existing and proposed site, building layouts or elevations, etc. are commended in order to provide accurate and sufficient information for review by the Development Review Committee and consideration by the Plan Commission.
 4. The names, addresses, and phone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan (commercial projects only).





Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

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.

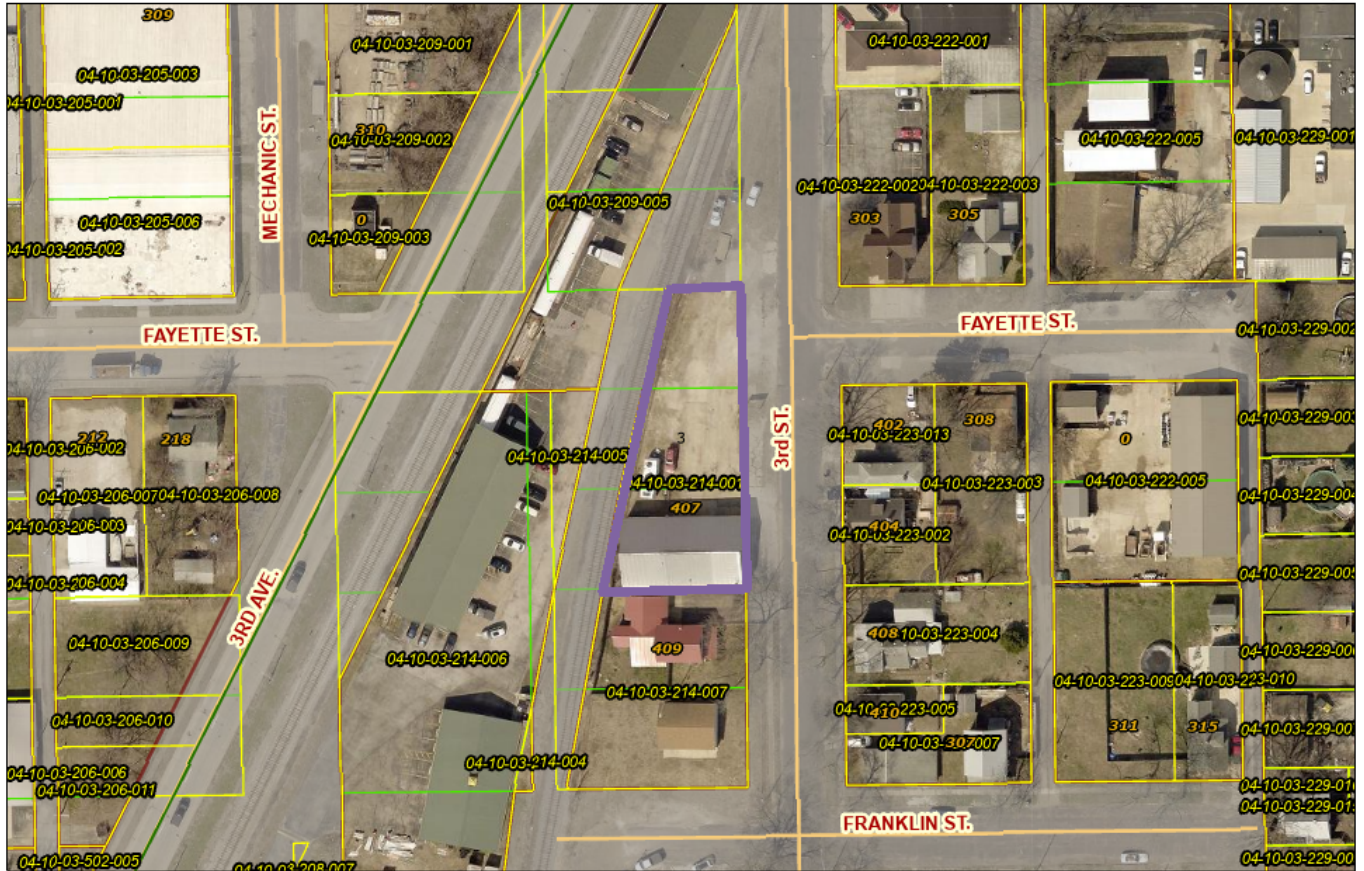
2. Is the variance needed due to special and unique circumstances not caused by the applicant’s or owner’s own actions?

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

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

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

Tazewell County GIS

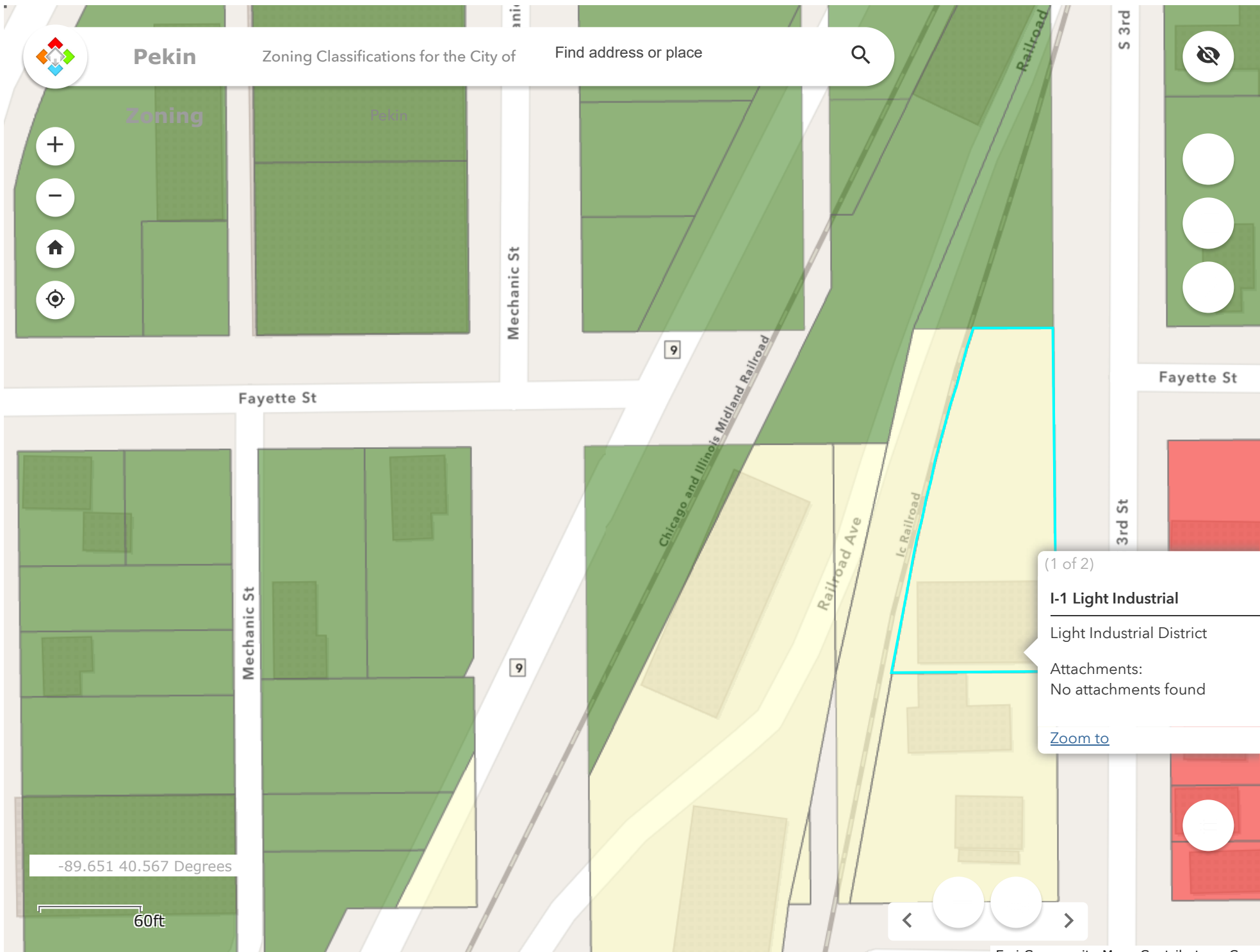


Tazewell County GIS parcel and map records contained herein are for property tax purposes only. This information has been compiled from the most accurate source data from the public records of Tazewell County. This information must be accepted and used with the understanding that the data was collected 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.



1:1,423

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Sept. 18, 2024

To who it may concern,

I, Kevin Morrow, would like to withdraw
my application for a special use permit
at 407 S 3rd st. Pekin

Thank you
Kevin Morrow



REQUEST FOR COUNCIL ACTION

Agenda Date: October 9, 2024
To: Members of the Zoning Board of Appeals
From: Nic Maquet, Chief Building Official

AGENDA ITEM: **Case SU 2024-10** A Special Use Request Submitted By Peter Colvin On Behalf Of Clean & Lube Incorporated For The Operation Of An Automotive Clean and Lube Business At 1610 Broadway Street.

DESCRIPTION: A Special Use request was submitted by Peter Colvin on behalf of Clean & Lube Incorporated for the operation of an automotive clean and lube business at 1610 Broadway Street. Said property is zoned B-3 General Business with a legal description, SEC 2 T24N R5W TRACT OF LAND (100'X136') LYING IN N 1/2 OF E 1/2 IN NE 1/4 .34 AC, with the following PIN: 04-10-02-220-023, in Tazewell County, Illinois.

SUMMARY

The petitioner, Peter Colvin, on behalf of Clean & Lube Incorporated is requesting a special use permit to operate a car wash with an oil change facility at the property commonly known as 1610 Broadway Street. The current zoning of the property is B-3 General Business. The City code does allow a car wash as a principal use in the B-3 zoning district, but for any automotive work such as oil changes a special use permit is required. A plan review and permits will be required to ensure the rest of the property is code compliant.

Sec. 4-3-6-5-3 Special Uses

- (7) Automotive repair business, such as muffler shops, shock absorber replacement shops, tire stores, undercoating shops and minor engine repair shops, subject to the following conditions:
- Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street.
 - Access to and from such use shall not be cause for traffic to utilize residential streets.
 - Outdoor storage of parts or materials shall be prohibited.
 - Vehicles awaiting repair shall not be allowed to be stored outside the building for more than 48 hours for each such vehicle awaiting repair.
 - Areas for off-street parking required for customer use shall not be utilized for the storage of vehicles awaiting repairs.
 - All vehicle servicing or repair shall be conducted within a building.
 - Suitable containers shall be provided and utilized for the disposal of used parts, and such containers shall be screened from public view.
 - A four-foot, six-inch obscuring wall shall be provided and maintained on those property lines adjacent to or abutting a residential district.
 - A site plan shall be submitted to the Zoning Board of Appeals for its review and approval; prior to issuance of a building permit.

APPLICATION NOTES

We would like to remodel and reopen the vacant car wash. Since most small self-serve car washes are not profitable anymore (the reason why this one is closed), we would like to replace 2 of the existing car wash bays with oil change bays and offer both oil changes and car washes for a more sustainable business model. Our research shows there is a community need in Pekin for both services.

STAFF NOTES

- The property had formerly been used as a car wash and the footprint of the building will not change. Traffic flow in and out of the bays will stay the same.
- Staff expects the proposed property use to be very similar to how it was used solely as a car wash
- Staff does recommend approval

FINANCIAL IMPACT:

N/A

REVIEWED BY:

Nic Maquet, Chief Building Official

Final Approval - 10/7/2024

Case
SV 2024-10



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

Board of Appeals Application for Consideration

<u>Type of Request (check one):</u> A. Special Use (\$125) YES	Request Property Address or PIN 1610 Broadway Street, Pekin IL Current Zoning (if known): B-3 General Business Proposed Zoning (if rezoning request): Current Use: Vacant-former carwash Proposed Use: Re-open carwash with 2 Oil Change replacing 2 car wash bays:
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Property Owner Name:	C & W DG Holdings LLC c/o Brook Wood
Mailing Address:	260 E. Oak St, PO Box 609, Harrison MI 48625
Phone:	989-429-4077
Alternative Phone:	
E-Mail Address:	Brook@mannconstruction.net

Applicant Name (if different):	Peter Colvin
Mailing Address:	PO Box 294, Douglas MI 49406
Phone:	616-893-1398
Alternative Phone:	
E-Mail Address:	peter.colvin@svn.com



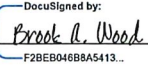
Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

Please summarize your request and explain why it is necessary:

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CERTIFICATION BY PROPERTY OWNER

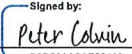
I certify that I am the owner of the property, which is the subject of this request. I certify that all the information contained in this application form or any attachments, documents, or plans submitted herewith are true to the best of my knowledge and belief. If an applicant is signing below, that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

DocuSigned by:

F2BE046B8A5413...
Owner Signature

9/9/2024
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.

Signed by:

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Applicant Signature

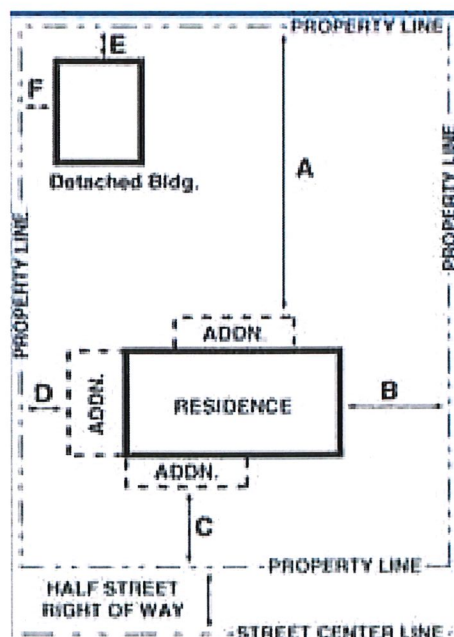
9/9/2024
Date



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

The following attachments are required for consideration of your request:

- I. Site Plan:** An electronic copy (preferred) or two physical copies of a site plan for the proposal showing:
1. A scale of not less than one inch equals fifty feet (1" = 50') if the subject property is less than three (3) acres and one inch equals one hundred feet (1" = 100') if three (3) acres or more. Date, north point and scale.
 2. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties. The location of all existing and proposed structures on the subject property and all structures within one hundred feet (100') of the subject property. The location of all existing and proposed drives and parking areas. The location and right-of-way widths of all abutting streets and alleys.
 3. Attachments such as landscape plan, photograph or renderings of existing and proposed site, building layouts or elevations, etc. are commended in order to provide accurate and sufficient information for review by the Development Review Committee and consideration by the Plan Commission.
 4. The names, addresses, and phone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan (commercial projects only).



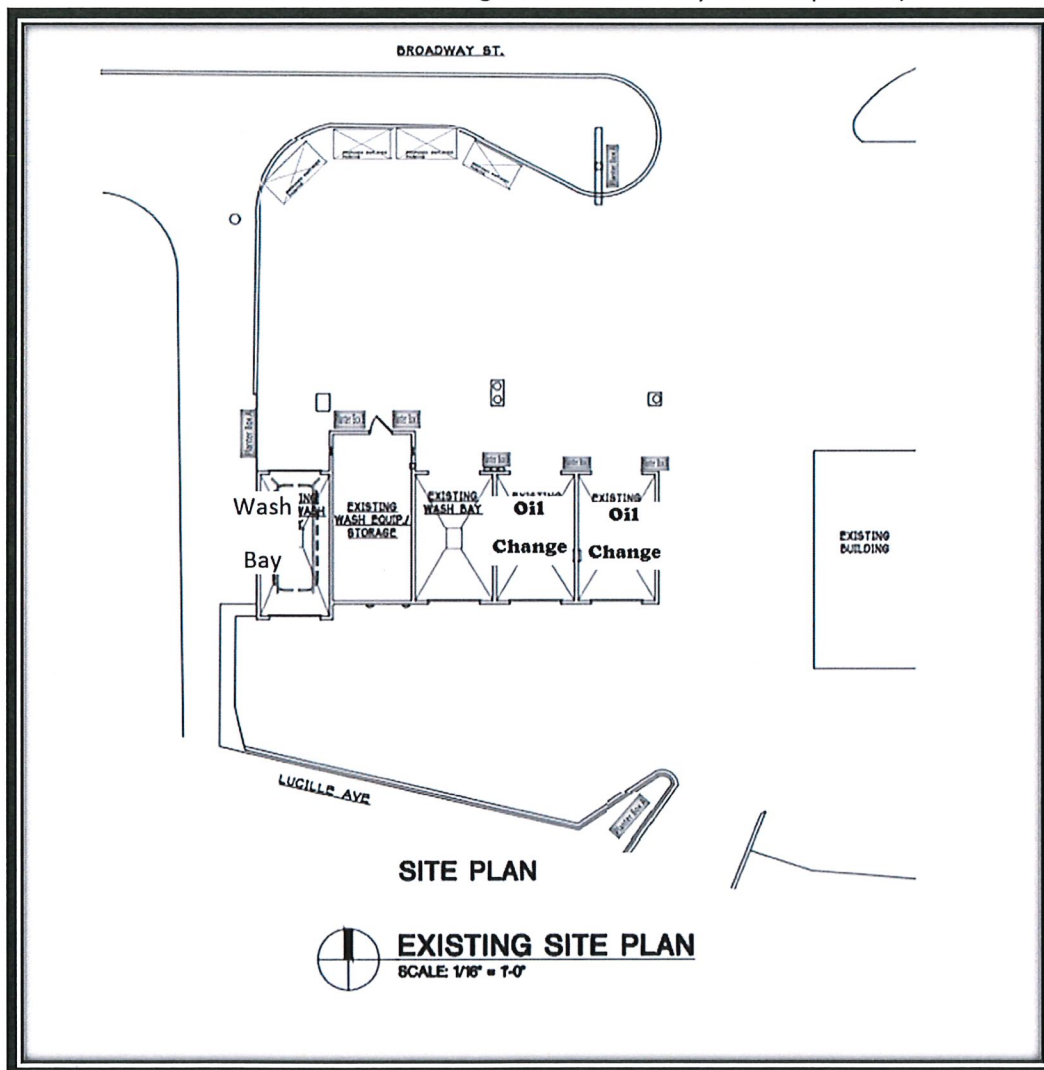
Pekin Before & After



Clean & Lube Pekin IL Post-Renovation Plan



2 Oil Change Bays, 1 Existing Self-Serve Bay & 1 Existing Automatic Bay (which may be converted to Self-Serve if the cost of renovating the Automatic Bay is too expensive).



ALTA/NSPS LAND TITLE SURVEY

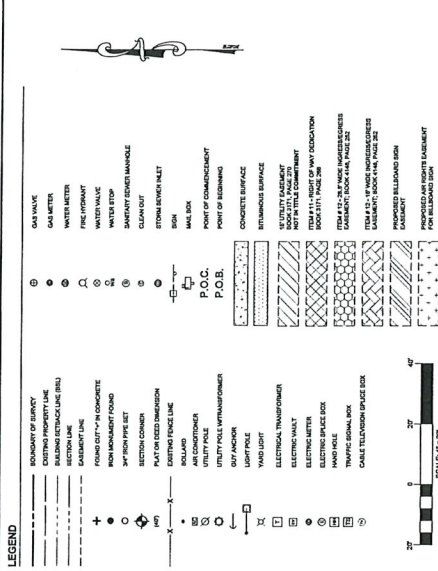
REVISION

DATE

ALTA/NSPS LAND TITLE SURVEY

PROJECT NO. 42-24-42

1 OF 1



POTENTIAL ENCROACHMENT STATEMENT

ENCROACHMENT STATEMENT

ENCROACHMENT STATEMENT

GENERAL NOTES:

THE PROPERTY SHOWN ON THIS SURVEY IS THE SAME AS THE PROPERTY SHOWN ON THE SURVEY DATED 10/10/2024.

LEGAL DESCRIPTION FROM SCHEDULE "A" OF THE STURGEON GENERAL'S COMMITMENT FOR TITLE INSURANCE

COMMITMENT NO. 2024-428, DATED JUNE 10, 2024

THE PROPERTY SHOWN ON THIS SURVEY IS THE SAME AS THE PROPERTY SHOWN ON THE SURVEY DATED 10/10/2024.

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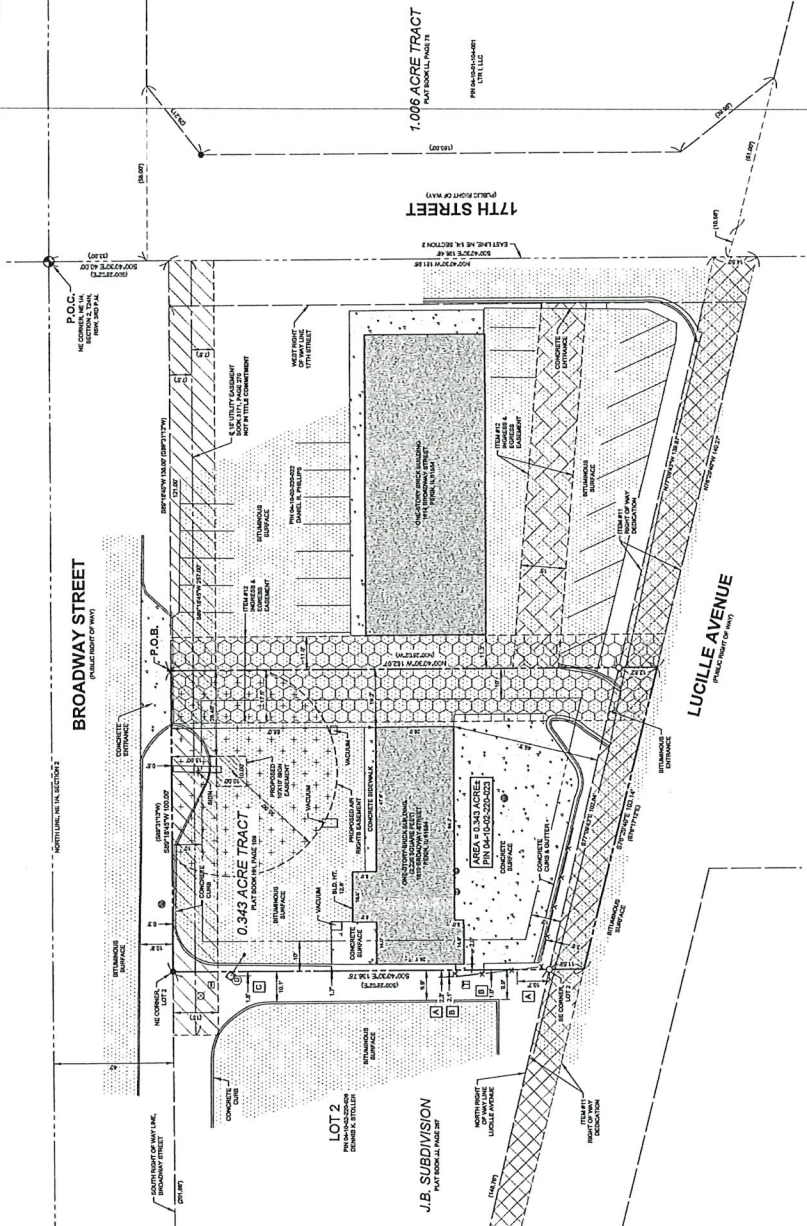


TABLE A NOTES

ITEM NO.	DESCRIPTION
ITEM NO. 1	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 2	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 3	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 4	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 5	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 6	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 7	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 8	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 9	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 10	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 11	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 12	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 13	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 14	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 15	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 16	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 17	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.

INFORMATION TAKEN FROM SCHEDULE "B" - PART II EXCEPTIONS OF STEWART TITLE GUARANTY COMPANY'S COMMITMENT FOR TITLE INSURANCE, COMMITMENT NO. 2024-428, DATED JUNE 10, 2024

ITEM NO.	DESCRIPTION
ITEM NO. 1	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 2	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 3	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 4	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 5	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 6	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 7	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 8	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
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ITEM NO. 16	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.
ITEM NO. 17	ENCROACHMENT ON THE SURVEYED PROPERTY BY THE ADJACENT PROPERTY.



Clean & Lube Pekin IL Team

Property Owner:

C & W DG Holdings LLC

Brook & Kim Wood

260 E. Oak St, PO Box 609, Harrison MI 48625

Email: Brook@mannconstruction.net Phone: 989-429-4077

Project Developer:

Colvin Team Real Estate LLC (dba Easy Leasebacks)

Peter Colvin & Chris Colvin

PO Box 294, Douglas MI 49406

Email: peter.colvin@svn.com Phone: 616-893-1398

Architect, Design, MEP's, Permits, Construction:

Mann Construction Inc

Trent Wood

260 E. Oak St, PO Box 609, Harrison MI 48625

Email: Trent@mannconstruction.net Phone: 989-429-8726

Business Owner (Tenant)

Clean & Lube Incorporated

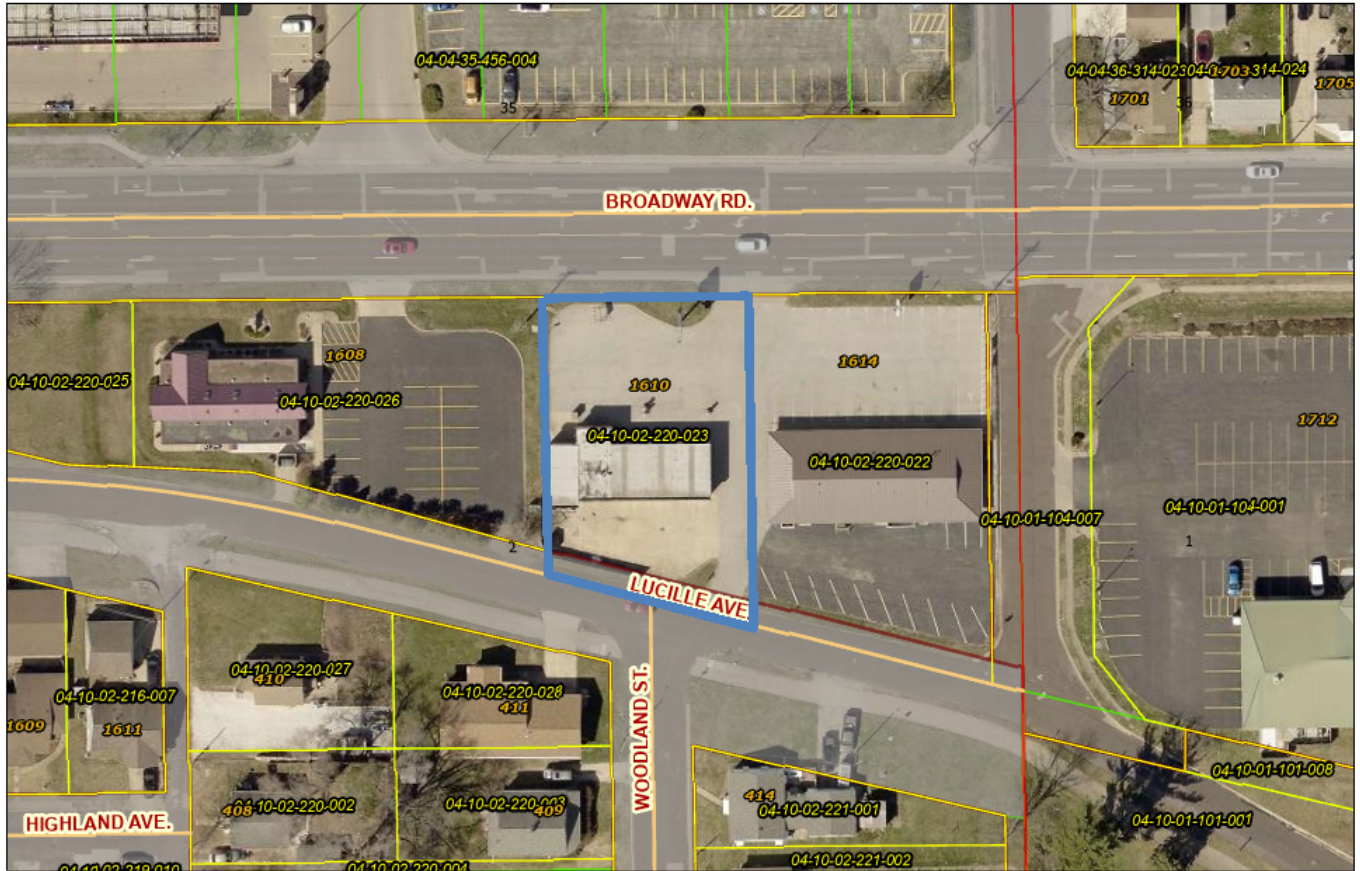
Steven Kokic

6545 Market Avenue N, Suite 100

Canton, OH 44721

Email: steve.kokic@gmail.com Phone: 437-876-0139

Tazewell County GIS



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1:1,041





REQUEST FOR COUNCIL ACTION

Agenda Date: October 9, 2024
To: Members of the Zoning Board of Appeals
From: Nic Maquet, Chief Building Official

AGENDA ITEM: **Case V 2024-17** A Variance Request Submitted By Richard Evans For The Property Located At 1500 South 2nd Street To Reduce The Minimum Rear Building Setback From 30 Feet to 5 Feet.

DESCRIPTION: A Variance request submitted by Richard Evans for the property located at 1500 South 2nd Street to reduce the minimum rear building setback from 30 feet to 5 feet. Said property is zoned I-1 Light Industrial with a legal description, SEC 10 T24N R5W A TRACT 162 X207 OF NW 1/4 NW 1/4 (EXC STATE) 1.277 AC, with the following PIN: 10-10-10-100-003 in Tazewell County, Illinois.

SUMMARY

The Petitioner Richard Evans is seeking a variance to reduce the minimum building setback from 30 feet to 5 feet. The front of the property faces 2nd street. The property is currently zoned I-1 Light industrial and has the following building setbacks:

- 30ft Minimum front
- 10Ft Minimum side
- 20 Ft Minimum combined side
- 30Ft Minimum rear

Surrounding Property Zoning

- West I-2 General industrial
- East I-1 Light Industrial
- South I-1 Light Industrial
- North I-1 Light Industrial

The current location where the proposed building would go is already being occupied by vac-trucks and other heavy equipment. The purpose of an enclosed building would be to keep the equipment indoors in a heated environment to keep it from freezing up in the winter time. Mr. Evans has spoken with staff about storm water detention and the location of the proposed storm water detention is highlighted on the attached site plan. Since Mr. Evans acquired the property, he has made numerous improvements to it and the addition of the building will better obscure equipment from public view. The addition of storm water detention onsite will also benefit the property and the city's storm water system.

APPLICATION NOTES

Propose making 30ft setback to 5ft to make room for a new storage building to heat vac-trucks. Superior Environmental Solutions is currently renting the building and is planning to expand from 5 Vac-Trucks to 10 Vac-trucks. The location they are in is best for them as they do most of their work at the ethanol plant across the street.

STAFF NOTES

Staff does recommend approval and sees no negative effects to the surrounding area by granting this variance.

FINANCIAL IMPACT:

N/A

REVIEWED BY:

Nic Maquet, Chief Building Official

Final Approval - 10/7/2024



Cose
U. 2024-17

Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

Board of Appeals Application for Consideration

<u>Type of Request (check one):</u> ☐ A. Special Use (\$125) ☐ B. Residential Variance (\$125) ☒ C. Non-Residential Variance (\$125) ☐ D. Map Amendment/Rezoning (\$125) ☐ E. Annexation (\$125)	Request Property Address or PIN: <u>10-10-10-100-003</u> Current Zoning (if known): <u>I-1</u> Proposed Zoning (if rezoning request): _____ Current Use: <u>Industrial</u> Proposed Use (if different): <u>Industrial</u>
---	--

Property Owner Name:	<u>Richard Evans</u>
Mailing Address:	<u>1128 Koch Street, Pekin, IL</u>
Phone:	<u>309-208-5008</u>
Alternative Phone:	<u>309-347-1977</u>
E-Mail Address:	<u>Kochstministorage@hotmail.com</u>

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



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

Please summarize your request and explain why it is necessary:

propose making 30' setback to 5' to make room for new Storage Building to heat back trucks SRS company Renting building is planing on expanding from 5 backtrucks to 10 trucks that Location is best they do most of there work in Alcohol plant hextore.

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

Richard Ciro

Owner Signature

Sept 14, 24
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.

Richard Ciro

Applicant Signature

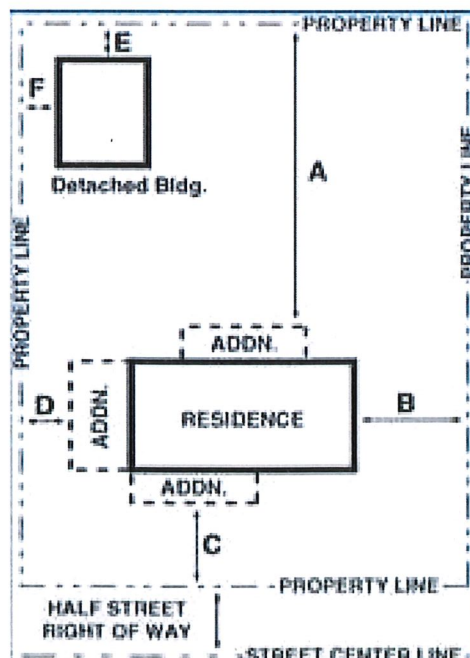
Sept 14, 24
Date



Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

The following attachments are required for consideration of your request:

- I. Site Plan:** An electronic copy (preferred) or two physical copies of a site plan for the proposal showing:
1. A scale of not less than one inch equals fifty feet (1" = 50') if the subject property is less than three (3) acres and one inch equals one hundred feet (1" = 100') if three (3) acres or more. Date, north point and scale.
 2. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties. The location of all existing and proposed structures on the subject property and all structures within one hundred feet (100') of the subject property. The location of all existing and proposed drives and parking areas. The location and right-of-way widths of all abutting streets and alleys.
 3. Attachments such as landscape plan, photograph or renderings of existing and proposed site, building layouts or elevations, etc. are commended in order to provide accurate and sufficient information for review by the Development Review Committee and consideration by the Plan Commission.
 4. The names, addresses, and phone numbers of the architect, planner, designer, engineer or person responsible for the preparation of the site plan (commercial projects only).





Planning and Zoning Department
111 S. Capitol Street, Pekin, Illinois 61554 – (309) 478-5364

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.

corner lot makes 30' set back on new Building

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

no

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

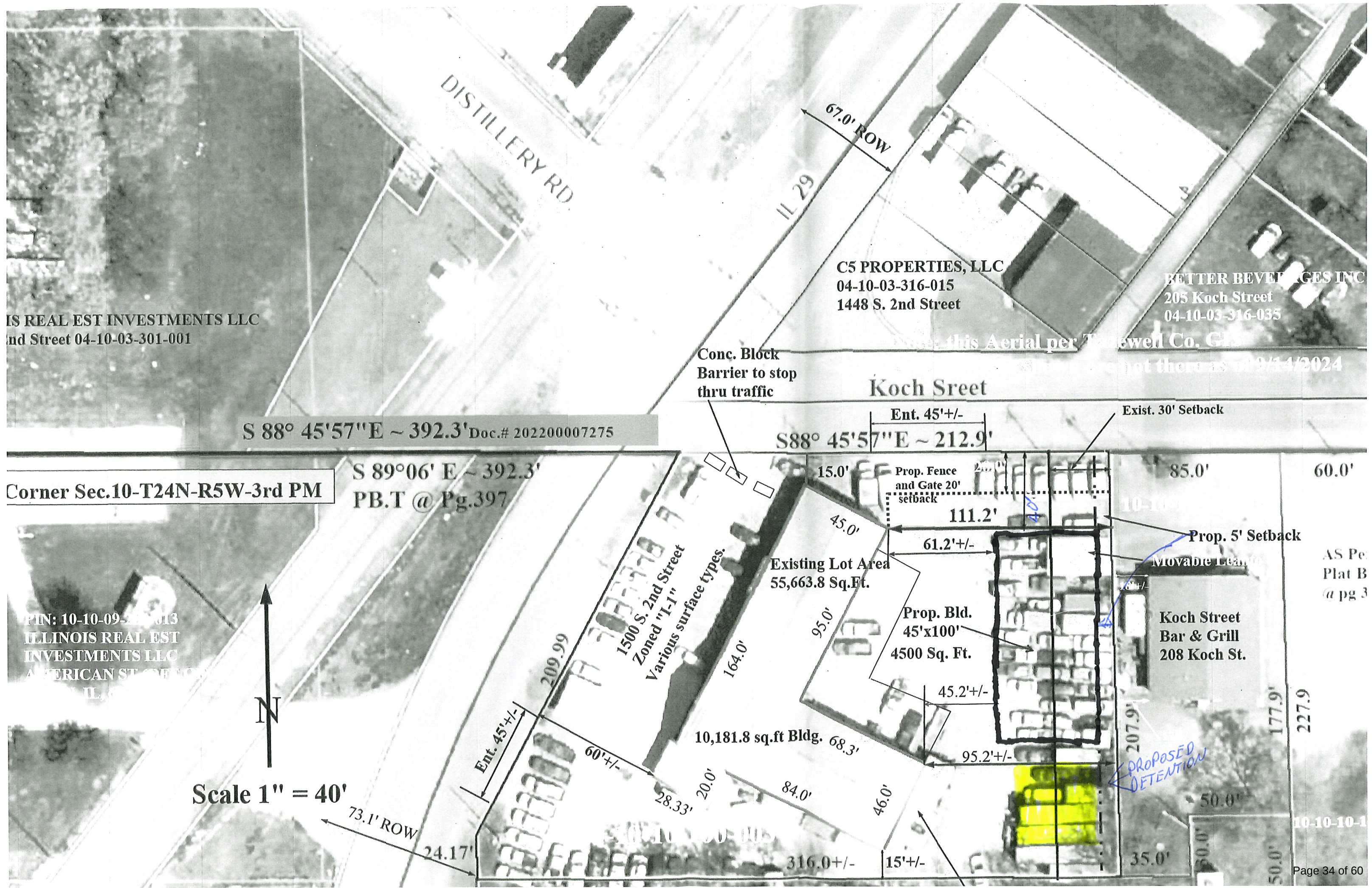
no

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

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

yes



IS REAL EST INVESTMENTS LLC
nd Street 04-10-03-301-001

C5 PROPERTIES, LLC
04-10-03-316-015
1448 S. 2nd Street

BETTER BEVERAGES INC
205 Koch Street
04-10-03-316-035

this Aerial per Towne Co. GIS
not there as of 9/14/2024

Conc. Block
Barrier to stop
thru traffic

Koch Street

S 88° 45'57"E ~ 392.3' Doc.# 202200007275

Corner Sec.10-T24N-R5W-3rd PM

S 89°06' E ~ 392.3'
PB.T @ Pg.397

PIN: 10-10-09-0013
ILLINOIS REAL EST
INVESTMENTS LLC
AMERICAN STREET CO
IL



Scale 1" = 40'

1500 S. 2nd Street
Zoned "I-1"
Various surface types.

Existing Lot Area
55,663.8 Sq.Ft.

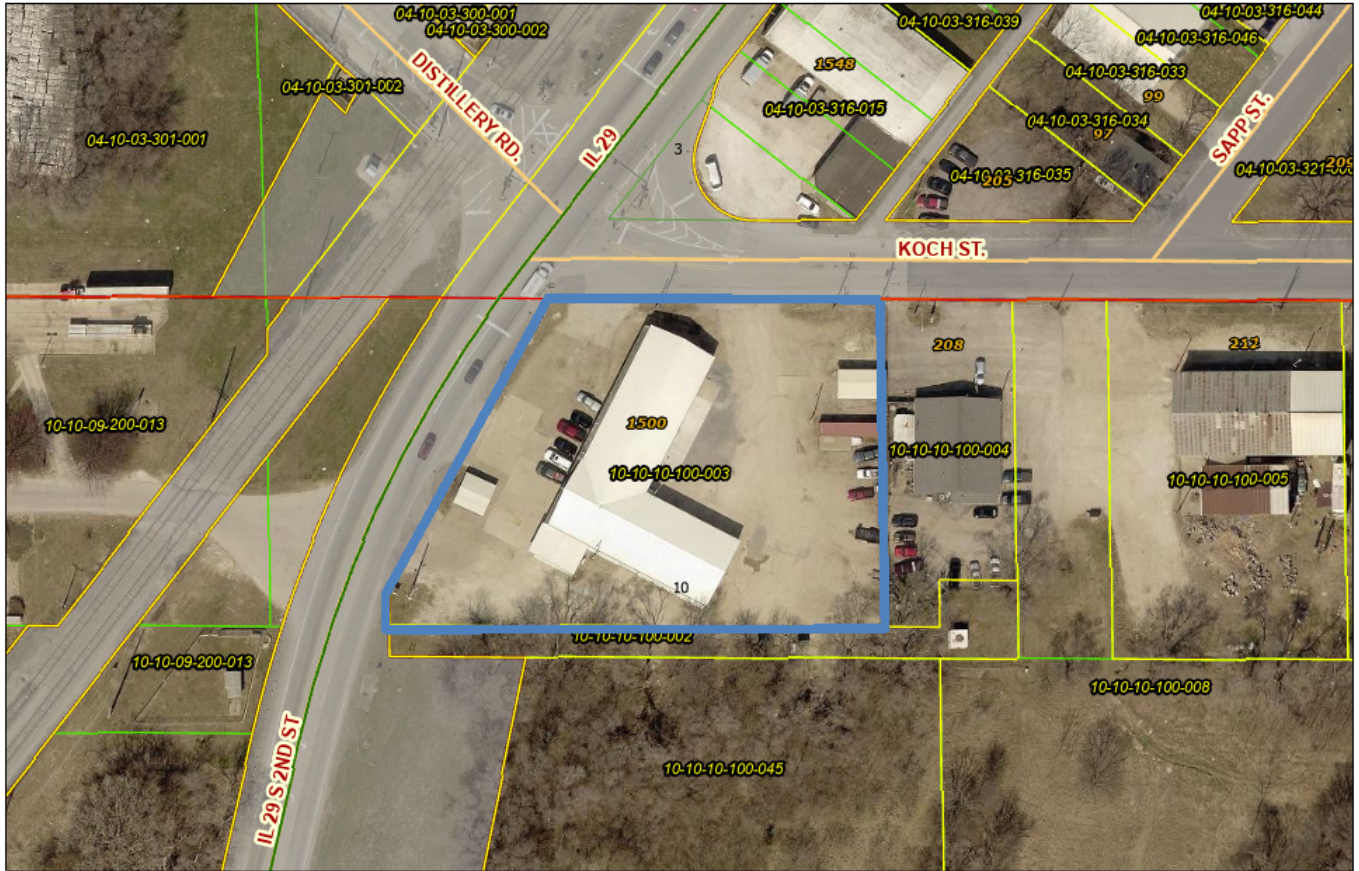
Prop. Bld.
45'x100'
4500 Sq. Ft.

Koch Street
Bar & Grill
208 Koch St.

AS Pe
Plat B
@ pg 3

PROPOSED
DETENTION

Tazewell County GIS



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0 0.01 0.03 0.05 mi

**REQUEST FOR COUNCIL ACTION**

Agenda Date: October 9, 2024
To: Members of the Zoning Board of Appeals
From: Nic Maquet, Chief Building Official

AGENDA ITEM: Amending Sign Code Sections 4-3-8-8-1, 4-3-8-8-7, 4-3-8-8-13, 4-3-8-8-15 and Adding Section 4-3-8-8-18, 4-3-8-8-19 and Removing Section 4-3-8-9

DESCRIPTION: Most off-premises signs and billboards utilize the old form of paper/canvas display, but with the new digital age, it has brought a new type of sign in the form of a changeable/electronic LED screen. The City of Pekin Zoning Board of Appeals has worked diligently to revise the outdated and insufficient regulations for these new types of off-premises signs and billboards, which include the duration time of messages, transition time between messages, brightness of sign, sizes of sign faces, spacing between off-premises signs and location of these types of off-premises signs and billboards for reasonable and safe standards to regulate such signs and billboards for the protection of the motoring public and the surrounding areas. This code update includes the following code sections, Amending Sections 4-3-8-8-1, 4-3-8-8-7, 4-3-8-8-13, 4-3-8-8-15 and Adding Section 4-3-8-8-18, 4-3-8-8-19 and Removing Section 4-3-8-9

FINANCIAL IMPACT:
N/A

REVIEWED BY:

Nic Maquet, Chief Building Official

Final Approval - 10/7/2024

Sec. 4-3-8-8. Signs.

- (a) *Purpose.* The purpose of this Title is to establish a comprehensive system of sign controls regarding the construction, installation, and maintenance of signs that will:
- (1) 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.
 - (2) Create a more attractive business and economic climate by enhancing and protecting the orderly and effective display of signs and discourage sign clutter.
 - (3) 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.

Sec. 4-3-8-8-1. Definitions.

As used in this Title, the following terms shall have the following 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 and usually displayed on the sidewalk or ground.

Air dancer tube. 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.

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.

Decorative base. A base of a ground sign that is constructed out of, or affixed or adorned with, limestone, sandstone, granite, stone, or other similar material customarily used in landscaping.

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.

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 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.

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.

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.

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.

Permanent sign. A sign permanently attached to the ground, wall or building that is intended to be displayed for an indefinite period of time.

Pole. A freestanding sign with visible support structure.

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 or more poles, uprights, or braces from the ground and not supported by a building or a base structure.

Real estate sign. 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.

Scenic area. Any location within the city that is within 1000 feet of a park, or the locations so described within this code.

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 skybeams 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 prerecorded or streaming.

Vision triangle. A triangular area determined by a diagonal line connecting two points measured along the property lines of abutting streets 25 feet equidistant from the intersection of those property lines, so as to obstruct or obscure the vision of drivers of motor vehicles on either or both streets.

Wall sign. A sign that is attached directly to an exterior wall of a building and dependent upon a building for support and projects 18 inches 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 of a window intended for viewing from the exterior of such a building. A window sign may be either permanent or temporary. Shadowbox 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.

Sec. 4-3-8-2. General provisions.

- (a) *Conformance.* All signs shall be approved by the Building Official and shall conform to all applicable Code and Ordinances of the City of Pekin.
- (b) *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.

-
- (1) 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 any sign shall automatically expire on the 181st day after said permit was granted.
- (c) *Variances.* 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.
- (1) *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 or his/her designee.
- (2) A sign variance may only be approved by the City Council. An administrative modification may be approved by the City Manager or his/her designee. Applications eligible for an administrative modification are defined in this Section.
- (3) Administrative modifications that may be approved by the City Manager or his/her designee are limited to the following:
- a. A modification to the maximum sign area or maximum sign height of no more than ten percent.
 - b. Modifications or additions to the permitted sign materials.
 - c. Modifications to the required sign landscape area and landscape materials.
 - d. 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.
- (4) *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 is determined that the application is complete, the Building Official will forward a copy of the application to the Zoning Administrator.
- (5) *Administrative modification.* 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.
- (6) 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.
- (7) 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 (c)(1), (2), and/or (3) above, no new fees for the sign variance are required. Appeals must be filed within 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.
- (8) *Sign variance.* Upon receipt of a completed variance application, the Zoning Board of Appeals will review the application and forward its recommendation to the City Council.
- a. 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.

-
- b. 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.
 - c. 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.
- (9) *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:
- a. The proposed sign is compatible with the character of the surrounding area.
 - b. The proposed sign is not detrimental to the development of the surrounding area.
 - c. The proposed sign is not detrimental to the public health, safety, or welfare.
- (10) *Expiration.* The sign variance or administrative modification is considered part of the sign permit and is subject to the expiration provisions for the sign permit. 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.
- (d) *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.

Sec. 4-3-8-8-3. 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 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 façades.
 - 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.
 - h. Electrical wiring:
 - 1. 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.
 - 2. 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.
- (3) *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 30 days of written notice for permanent signs or 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 30 days of written notice for permanent signs or 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.
- (4) *Illumination standards.*

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- 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 foot-candle unless such signs are allowed to extend over the lot line, where the maximum of one foot-candle is measured at the back of curb or edge of pavement.
 - g. For electronic message signs, the maximum brightness is limited to 5,000 nits when measured from the sign's face at its maximum brightness, during daylight hours, and 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 hour before sunset and one-half hour after sunrise.

Sec. 4-3-8-8-4. 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 4-3-8-8-15.
- (b) After 20 continuous years of a display, the owner of a painted sign may file an Application for Historical Status with the Tourism Committee. The fee for such application shall be \$25.00. If after due inquiry the Tourism Committee determines that the painted sign has been continuously displayed for 20 years, the Tourism Committee shall recommend that the Council 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 subsection (a) above and Section 4-3-8-8-3(3)a.

Sec. 4-3-8-8-5. Prohibited signs.

The following signs shall be prohibited within the City:

- (1) Wall signs projecting above any roofline of a building or structure.
- (2) Signs painted on any wall other than those permitted by Section 4-3-8-8-4.
- (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 and visibility problems to adjoining properties or vehicular traffic.

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- (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 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 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.
 - (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 sign are exempt from this provision.

Sec. 4-3-8-8-6. Exempt signs.

Notwithstanding the provisions of this Division, the following signs shall not require a permit:

- (1) Bulletin boards not over 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.
- (2) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or aluminum.
- (3) Traffic or other municipal signs, legal notices, danger and such temporary emergency or non-advertising signs as may be approved by the City.
- (4) Signs advertising the rental, sale or lease of the property upon which it is located.

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- (5) A-frame or sandwich board signs are permitted in the business districts, subject to the following:
- One A-frame sign is permitted per establishment, including one for each tenant in a multi-tenant development. A minimum 15-foot separation is required between all A-frame signs.
 - An A-frame sign must be placed within 15 feet 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.
 - A-frame signs are limited to six square feet in area per side and three feet in height.
 - The placement of A-frame signs outdoors is limited to business hours only. A-frame signs must be stored indoors at all other times.
 - A-frame signs must not be used outdoors when high winds, heavy rain, or snow conditions exist.
 - Illumination of A-frame signs is prohibited. No A-frame sign may have any type of electronic component.
- (6) *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:
- Construction activity signs are permitted in all zoning districts on all sites with active construction projects.
 - Construction activity signs may be installed only after approval of a building permit for such activity and shall be removed as follows:
 - Signs for additions, alterations, or repairs to existing structures the sign shall be removed after 90 days or when the permit expires, whichever occurs first.
 - Signs for new construction the signs shall be removed prior to the final inspections or when the permit expires, whichever occurs first.
 - 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:
 - Signs are limited to 16 square feet in area for construction sites for individual single-family or two-family dwellings and for any site of less than one acre in lot area. Construction activity signs are limited to 32 square feet in area for all other construction sites.
 - Freestanding construction activity signs are limited to seven feet in height and must be located not less than five feet from any lot line.
 - Construction activity signs shall not be illuminated.
- (7) *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:
- 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.
 - Real estate signs are limited to one per street frontage.
 - Real estate activity signs may be constructed as either freestanding, wall, or window signs.
 - Real estate activity signs are limited to 12 square feet in area in residential districts and 32 square feet in all other districts.

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- e. Freestanding signs are limited to five feet in height and must be located within five feet from any lot line.
 - f. Real estate activity signs may not be illuminated.
 - g. Real estate activity signs must be removed within five 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 48 hours prior to the event and must be removed within 24 hours of the end of the event.
- (8) *Window sign.* 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.
- a. All window signs, whether temporary or permanent, are limited to no more than 30 percent 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.
 - b. Up to five percent of window area may be illuminated, including any neon or LED sign, but this area is included in the maximum total area of 30 percent. Flashing or animation is prohibited.
- (9) *Signs in residential zones.* Flags and temporary signs shall be permitted, subject to the following limitations:
- a. Flags and temporary signs shall be permitted in residential zones so long as the flag or temporary sign does not exceed 12 square feet in area.

Sec. 4-3-8-8-7. Sign permit required—Permanent and temporary signs.

- (a) *Air dancer tubes.* Air dancer tubes shall be allowed with a permit, subject to the following restrictions:
- (1) No business or establishment shall be granted a permit for more than one air dancer tube at any given time.
 - (2) Air dancer tubes may not be installed in a manner that intrudes or encroaches upon any public right-of-way.
 - (3) Air dancer tubes must be set back from all adjacent or adjoining streets or roadways in a distance equal to the air dancer tube's height.
- (b) *Attention-getting device.* Attention-getting devices are permitted for non-residential uses in non-residential districts.
- (1) Each establishment may have one freestanding and one wall-mounted attention-getting device installed or mounted simultaneously.
 - (2) Attention-getting devices are limited to the following display periods:
 - a. When the attention-getting device advertises an event that has a specific start and end time: a total display period of 30 days prior to the start of the event, the time period of the event, and three days following the end of the event.
 - b. All other attention-getting device advertisements (non-time specific): 30 days.
 - (3) A maximum of four display periods per year is permitted with a minimum of 30 days between displays.
 - (4) Attention-getting devices for multi-tenant sites are subject to the following rules:
 - a. The display period and separation period apply to each establishment individually rather than the site as a whole.

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- b. For multi-tenant sites, the property owner(s) and/or tenants must coordinate display of attention-getting devices among tenants.
 - (5) Freestanding attention-getting devices are subject to the following:
 - a. One freestanding attention-getting device is allowed for every 15 feet of street frontage. There must be a 15-foot separation between freestanding attention-getting devices.
 - b. Freestanding attention-getting devices are limited to a maximum of 15 feet and 32 square feet in area.
 - c. Freestanding attention-getting devices must be located a minimum of five feet 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.
 - (6) Wall mounted attention-getting devices are limited to 32 square feet.
 - (c) *Awning sign.* Awning signs are permitted for multi-family dwellings and non-residential uses in any district.
 - (1) Awning signs must maintain a minimum vertical clearance of eight feet.
 - (2) Awning signs may encroach into the public right-of-way but must be located at least two feet from the curb line.
 - (3) 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.
 - (4) Sign copy on any awning sign surface is limited to 25 percent of each surface area. A valance is considered a separate surface area.
 - (5) Solid awnings are permitted lettering attached to and located above the top of the awning to a maximum height of 24 inches.
 - (6) Awning signs may be externally illuminated, and lighting must be focused on the printed area.
 - (7) Back-lit awnings are prohibited.
 - (d) *Blade sign (projecting signs).* Blade signs are permitted for non-residential use districts.
 - (1) One blade sign is permitted per establishment with frontage on a street. For a corner lot, one blade sign is permitted for each street frontage.
 - (2) Blade signs may encroach into the public right-of-way but must be located at least two feet from the curb line.
 - (3) Blade signs must maintain a minimum vertical clearance of seven feet six inches. No blade sign affixed to a building may project higher than the building height, including the sign support structure.
 - (4) 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.
 - (5) Blade signs may be internally or externally illuminated. If externally illuminated, all lighting must be directed onto the sign face from above.
 - (e) *Banners.* Banner shall be permitted in all non-residential zones, provided that they are not displayed for more than 30 days.
 - (f) *Canopy sign.* Canopy signs are divided into the following types: non-structural and structural.

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- (1) *Non-structural canopy signs.* Non-structural canopy signs are permitted multifamily dwellings and non-residential uses in all districts.
- a. Non-structural canopy signs must maintain a minimum vertical clearance of seven feet six inches.
 - b. Non-structural canopy signs may encroach into the public right-of-way but must be located at least two feet from the curb line. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall.
 - c. Non-structural canopy signs must be made of a durable, weather-resistant material such as canvas, canvas-like material, nylon, or vinyl-coated fabric.
 - d. Sign copy on any canopy sign surface is limited to 25 percent of each surface area.
 - e. Non-structural canopy signs may be externally illuminated, and lighting must be focused on the printed area.
 - f. Back-lit canopies are prohibited.
- (2) *Structural canopy signs.* Structural canopy signs are permitted as follows:
- a. Freestanding structural canopy signs are prohibited.
 - b. In residential zones, structural canopy signs attached to the principal structure shall be permitted, but only for structures that constitute a "multi-family dwelling," as defined in Section 4-3-1-2 of the Pekin City Code.
 - c. In non-residential zones, structural canopy signs attached to the structure shall be permitted, provided that the structure is not used for residential purposes.
 - d. 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 from the curb line. Support posts must maintain a minimum separation of five feet between posts and five feet between the posts and any building wall, provided the designated PAR is not obstructed.
 - e. Freestanding structural canopy signs are subject to the setback requirements of the district where they are located or ten feet from any lot line, whichever is greater. Freestanding structural canopy signs are limited to a maximum height of 25 feet.
 - f. All structural canopy signs attached to a building must maintain a minimum vertical clearance of seven feet six inches. Freestanding structural canopy signs must maintain a minimum vertical clearance of 15 feet.
 - g. For structural canopies attached to a building, sign copy is limited to 25 percent 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 24 inches.
 - h. For freestanding structural canopies, sign copy is limited to a maximum of 25 percent of the area of each façade. No sign may be mounted above the top of the roof of the structural canopy, but a sign mounted on the structural canopy façade may extend a maximum of 12 inches above the roofline.
 - i. Structural canopy signs must be made of permanent building material, such as metal, brick, stucco, or concrete.
 - j. Structural canopy signs may be internally or externally. 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 façade of the canopy. The illuminated band is limited to 20 percent of the overall height of the façade of the canopy.

(g) *Electronic message sign.*

- (1) 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.
- (2) 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.
- (3) Electronic message signs must be a minimum of 25 feet 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.
- (4) Electronic message signs must be integrated into the larger sign structure. The electronic component is limited to a maximum of 70 percent of the total area of a sign.
- (5) Only one 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 lot.
- (6) Each message or image displayed on an electronic message sign must be static for a minimum of four seconds. Multi-color messages and static images are permitted. Unless the content or message is scrolling, transitions between content and messages must be instantaneous.

(h) *Ground sign.*

Ground sign types. Ground signs are regulated as the following types in this Title:

- (1) Ground signs—Standard are permitted for multi-family dwellings and non-residential uses in any district.
- (2) Ground signs—Multi-tenant retail center are permitted for multi-tenant retail centers in any district.
- (3) Ground signs—Residential subdivision are permitted for residential subdivisions in any district.
- (4) General ground sign regulations. The following regulations apply to all ground signs:
 - a. 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 70 percent and a maximum of 130 percent of the width of the base.
 - b. 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 above the adjacent ground where they are installed.
 - c. 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 above the adjacent ground where they are installed, provided that if the ground sign is located on a street corner or intersection, such sign may not be situated in a manner that obstructs the vision triangle.
 - d. Ground signs must be set back five feet from any lot line. No sign may project into, over, or otherwise encroach on a public right-of-way.
 - e. Ground signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.

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- f. Ground signs must be constructed of brick, wood or simulated wood, stone, concrete, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction. The base on which a ground is principally supported should typically be constructed of masonry material.
 - g. Ground signs—standard: Ground signs—standard are subject to the following limitations on sign area, sign height, and sign number:
 - 1. One ground sign—standard is permitted per street frontage. When a lot has over 150 feet of street frontage, an additional ground sign is permitted for each additional access point to the lot along that frontage.
 - 2. Ground sign—standard height and area are limited to the maximums indicated in other sections of this Code [and] "Ground signs—standard," of this Section.
 - 3. 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.
 - h. 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:
 - 1. One 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 50 feet 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 lot.
 - i. Ground signs—multi-tenant retail center permissions are as follows:
 - 1. Maximum sign area of 120 square feet of area per sign.
 - 2. Maximum sign height of 12 feet.
 - j. Ground signs—residential subdivision: Ground signs—residential subdivision are subject to the following sign area, sign height, and sign number permissions.
 - 1. One ground sign—residential subdivision is permitted for each access point to the development. A minimum separation of 50 feet is required between ground signs.
 - 2. Ground signs—residential subdivision are permitted a maximum sign area of 120 square feet per sign and a maximum sign height of eight feet per sign.
 - k. Ground sign landscaping: All ground signs must be landscaped at the base of the sign in accordance with the following:
 - 1. Landscape must extend a minimum of two feet from the sign base on all sides with small shrubs a minimum of 18 inches 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. If such sign is located within a vision triable, the maximum height at maturity for any planting shall not exceed 30 inches.
 - 2. 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 entire perimeter of the sign base is not required. Landscape must extend a minimum of two feet from the sign base around a minimum of 50 percent of the perimeter of the sign base, and must be planted with shrubs, trees, perennials, or other live groundcover.

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3. 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.
 4. All landscape must be maintained in good condition, and free and clear of rubbish and weeds.
 5. The owner of any ground sign landscaping shall maintain compliance with these provisions, including replacing any dead plantings.
- (i) **Marquee:** Marquees are permitted for commercial uses in B-2 District.
- (1) Marquees must be supported solely by the building to which they are attached. No exterior columns or posts are permitted as supports.
 - (2) 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.
 - (3) 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.
 - (4) Marquees must be erected over a building entrance and are limited to the width of the building entrance plus an additional five feet on each side of the entrance doors covered by the marquee.
 - (5) All marquees must maintain a minimum vertical clearance of eight feet, 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.
 - (6) Marquees may encroach into the public right-of-way but must be located at least two feet from the curb line.
 - (7) Marquees are permitted lettering attached to and located above the roof of a marquee to a maximum height of 48 inches.
 - (8) 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.
 - (9) Marquees may be internally illuminated.
 - (10) Marquees bare-bulb illumination outlining is prohibited.
- (j) **Menu board.** Menu boards are permitted for all drive-through facilities in any district.
- (1) Menu boards are limited to a maximum of two per drive-through lane.
 - (2) Menu boards are limited to 75 square feet in sign area and eight feet 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 75 square feet.
 - (3) Menu boards are permitted an additional ten square feet of sign area for temporary signs attached to the top or sides of the menu board.
 - (4) Menu boards must be located a minimum of 15 feet from any residential district lot line. This is measured from sign face to lot line, including any public right-of-way.

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- (5) Menu boards may be internally illuminated and also contain an electronic screen for interaction with each customer.
- (k) *Suspended signs.* The following standards apply to signs suspended or mounted under awnings, canopies, galleries, or arcades.
- (1) 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.
 - (2) Suspended signs must maintain a minimum vertical clearance of seven feet six inches.
 - (3) A maximum of one suspended sign is permitted per business establishment with frontage where the awning, canopy, gallery, or arcade is located.
 - (4) Suspended signs are limited to a maximum of six square feet in area.
 - (5) Suspended signs must be securely fixed to the awning with metal supports.
 - (6) Suspended signs must be made of wood, metal, plastic, or high-density urethane (HDU) foam board or similar durable foam construction.
- (l) *Wall sign.* Wall signs are permitted for all non-residential uses in any district.
- (1) Wall signs are permitted on all façades 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 structure.
 - (2) The maximum size of a wall sign is established at one and one-half square feet per linear foot of building wall where the wall sign will be mounted or 40 square feet, whichever is greater. The square footage from different façades cannot be combined to create a larger sign on any one façade.
 - (3) In a multi-tenant structure, each tenant is permitted a wall sign of one and one-half square feet per linear foot of business frontage or 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.
 - (4) The number of individual wall signs on a façade is not limited, however the cumulative sign area of all signs on that façade cannot exceed the maximum allowable sign area.
 - (5) Wall signs may be internally or externally illuminated. If externally illuminated, all light must be directed onto the sign face.
 - (6) Wall signs must be safely and securely attached to the building wall. Wall signs must project less than 18 inches from the building wall. Wall signs may encroach into the public right-of-way no more than 18 inches.
 - (7) 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.
 - (8) 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.
 - (9) 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.

Sec. 4-3-8-8. Nonconforming signs.

- (a) Nonconforming signs in existence at the time of this section may be continued until replacement or repair of any portion of the sign would exceed 50 percent of the replacement cost.
- (b) All temporary nonconforming signs must be removed or brought into conformance within 30 days of the effective date of this ordinance [from which this Section derived].
- (c) 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.
- (d) 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.
- (e) No nonconforming sign may be altered or enlarged in any way that increases the nonconformity of the sign or sign structure.

Sec. 4-3-8-9. Permitted signs.

- (a) *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.
- (b) *On-premises signs.* On-premises 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.
- (c) *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.
- (d) *Nonconforming signs.* Nonconforming signs in existence may be continued until replacement or repair of the sign would exceed 50 percent of the replacement cost.

Sec. 4-3-8-10. 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.

Sec. 4-3-8-11. 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.

Sec. 4-3-8-12. Permanent signage allowed.

- (a) 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 linear foot of building frontage or 120 square feet whichever is larger.

Example: Building front covers 150 feet; therefore, the largest sign allowed would be 300 square feet. A building that has only 50 feet would be allowed a sign of 120 square feet.

- (b) A facility shall not have more sign coverage that exceeds the total of more than three square feet per one linear foot of building frontage for buildings having frontage of 100 linear feet or larger. Buildings less than 100 linear feet shall have a maximum of 120 square feet.

Example: Building front covers 150 feet; therefore, the cumulative total of signage allowed would be 450 square feet. A building that has only 35 feet would still be allowed only a total of 120 square feet.

- (c) 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.
- (d) 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.
- (e) Signs, awnings, or canopies, only within a B-2 and B-3 Business District; provided, further, that the bottoms of signs and valances of any awnings or canopies are no less than eight feet above immediate grade and project no closer than two feet from the nearest curb or pavement edge.
- (f) No sign, otherwise permitted, shall project above or beyond the maximum height of 50 feet above the ground level; except that, for a planned commercial or shopping center development involving five 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.
- (g) Gas stations with canopies covering the pumps shall be allowed only one canopy mounted sign per side.

Sec. 4-3-8-13. Signs in or abutting a residential district.

- (a) 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.
- (b) Off-premises signs shall not be permitted in any residential district unless otherwise specifically stated in this code.

Sec. 4-3-8-14. Portable signs.

- (a) No portable sign shall be displayed without first obtaining a permit.
 - (1) 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.
 - (2) Portable signs shall not exceed 32 square feet in area per side.
 - (3) Portable signs shall not obstruct parking places or automobile or pedestrian travel lanes.
 - (4) Portable signs shall not be located so as to obstruct traffic vision.
 - (5) 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.

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- (6) 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.
 - (7) 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.
 - (8) 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.
 - (9) 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:
 - a. The wheels and frame are removed.
 - b. The sign shall be placed in a permanent concrete base to withstand 70 mph winds, and cannot be moved.
 - c. Connections to an energy source for lighting shall be in accordance with all City and National codes.

Sec. 4-3-8-15. Murals.

- (a) *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. Such 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.
- (b) *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 use in residential zoning districts, upon satisfaction of the applicable permit requirements.
- (c) *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 4-3-8-5(8).
- (d) *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 eighth and one-half-inch by 11-inch reduction suitable for photocopying, that identifies:
 - a. The façade on which the mural is proposed;
 - b. The location of existing and proposed murals;

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- c. The mural dimensions; and
 - d. The height of the mural above grade.
 - (2) Site plan drawn to scale, and one eighth and one-half-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.
 - (5) No fee is required for a mural permit
 - (e) *Design requirements, mural size and materials.*
 - (1) No part of the mural shall exceed 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) No part of the mural shall extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.
 - (f) *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.
 - (g) *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. Moralists 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.
 - (h) *Alterations.* Alterations to the mural area may be allowed but must be approved by obtaining new permit through the process described in this Section.
 - (i) *Pre-existing murals.* 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.

Sec. 4-3-8-8-16. 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) The following regulations shall apply to all zoning districts unless otherwise specified:
 - 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 between content and messages must be instantaneous.
 - 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.

(Ord. No. 4002-22-23, § 2, 7-25-2022)

Sec. 4-3-8-17. Permit fee schedule.

Where a permit is required pursuant to this Section 4-3-8-8, the following application fees shall apply:

On premises signs (one time)	\$30.00
Off premises signs less than 200 ft ² (annual)	\$150.00
Off premises signs 200 ft ² or greater (annual)	\$250.00
Off premises electronic multiple message signs (annual)	\$500.00

(Ord. No. 4002-22-23, § 2, 7-25-2022)

Sec. 4-3-8-18. Off-premises signs.

Off-premises signs shall be allowed in the B-3, I-1, I-2 and PUD zoning districts. No off-premises sign shall be erected in the city without a special use permit. The off-premises sign permit shall be granted only after approval by the city council subsequent to receipt of a recommendation from the zoning board of appeals following a hearing for special use as provided in chapter 4 of this Code.

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(Supp. No. 5)

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- (a) *Procedure for obtaining off-premises sign permit.* A person wishing to erect an off-premises sign within the city shall make application for a permit to the chief building official on forms provided by the building inspections department. The chief building official shall forward the application to the zoning board of appeals, which shall hold a public hearing on the application at a regularly scheduled or special meeting. Notice of the time and place of the hearing together with a brief description of the subject matter shall be published one (1) time, not more than thirty (30), nor less than fifteen (15) days prior to the hearing in a newspaper of general circulation in the city. Following the public hearing, the zoning board of appeals shall forward its recommendation on the application to the city council for final action.
- (b) *Procedure for obtaining permit to apply automatic changeable technology to an existing, legal off-premises sign.* A person wishing to add automatic changeable technology to an existing, legal off-premises sign within the city shall make an application for a permit to the chief building official on forms provided by the building inspections department. The chief building official shall confirm that the off-premises sign in question is legal, that the proposed automatic changeable technology conforms to the provisions of subsection 4-3-8-8-18(c)(7) and, if so, issue a permit.
- (c) *Standards for off-premises signs.* In addition to the applicable construction standards in subsection 4-3-8-8-3(b) and the zoning regulations found at chapter 4 of this Code, the zoning board of appeals shall determine if the off-premises sign meets the following requirements of this section:
- (1) The special use standards as provided in subsection 4-3-2-1-4 shall be met.
 - (2) All off-premises signs shall be freestanding.
 - (3) No off-premises sign may be erected which exceeds three hundred (300) square feet in off-premises sign area, ten (10) feet in height and thirty (30) feet in length, including border and trim, but excluding ornamental base or apron, supports and other structural members. The maximum size limitation shall apply to each side of the off-premises sign or off-premises sign structure. A maximum of two (2) off-premises signs may be erected on a facing, in which event the facing shall be deemed to be one (1) off-premises sign, the size of which may not exceed the dimensions listed in this section. Off-premises signs may be double-faced or be placed back-to-back or V-type. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire off-premises sign.
 - (4) No off-premises sign shall be closer than one thousand (1,000) feet to another off-premises sign or to any school, park, church or other place of worship.
 - (5) In accordance with subsection 4-3-2-1-4 of this Code, whenever the zoning board of appeals shall recommend a special use permit for an off-premises sign, it shall condition such special use permit on the inclusion of adequate landscaping unless it finds landscaping wholly inappropriate because of the location of the off-premises sign.
 - (6) The granting of the permit is otherwise in the best interests of the health, safety and welfare of the city's residents.
 - (7) If the off-premises sign uses or incorporates automatic changeable technology, the off-premises sign shall be subject to the following additional restrictions:
 - a. The off-premises sign shall not be located within one hundred fifty (150) feet of an existing residentially used lot unless all parts of the changeable copy off-premises sign are oriented so that no portion of the off-premises sign face is visible from an existing or permitted principal structure on that lot;
 - b. No audio speakers or pyrotechnics shall be used or associated with the off-premises sign;

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- c. The maximum brightness is limited to 5,000 nits when measured from the off-premises sign's face at its maximum brightness, during daylight hours, and 500 nits when measured from the off-premises sign's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunrise and sunset. The off-premises sign shall 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 hour before sunset and one-half hour after sunrise
 - d. The off-premises sign display shall not incorporate video, motion pictures, or intensely flashing or scintillating lights, provided scrolling or animated copy shall be permissible where not elsewhere prohibited by law
 - e. All requirements as listed in subsection 4-3-8-8-16
- (d) *Scenic areas.* No off-premises sign shall be erected in any of the following designated scenic areas:
- (1) The area of Court Street and Mineral Springs Park, starting from the intersection of Court Street and Audubon Drive and ending at the intersection of Court Street and South 13th Street
 - (2) The area of Parkway Drive and Coal Miners Park, starting from the intersection of Parkway Drive and Court Street and ending at the intersection of Parkway Drive and Broadway Street
 - (3) The area of Front Street and the Pekin Riverfront Park, starting from the intersection of Front Street and Broadway and ending at the Intersection of Front Street and St Mary Street
 - (4) The area of Derby St, starting from the intersection of Derby Street and 14th Street and ending at the intersection of Derby Street and 2nd Street
 - (5) No off-premises signs shall be allowed within 1000 Feet of any public recreation area.
- (e) Existing off-premises signs in existence as of September 23, 2024, which do not conform to or comply with this code are subject to the following provisions:
- (1) Existing off-premises signs may continue in use for the purpose used and as existing on September 23, 2024, but may not be replaced or structurally altered without complying in all respects with this Code; provided, however, an existing off-premises sign in a residential district may not be enlarged or altered to include digital displays
 - (2) If such off-premises signs are hereafter damaged or destroyed due to any reason or cause whatsoever, the off-premises sign may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this section; provided, however, that if the cost of repairing the off-premises sign to the former use, physical dimensions, and location would be ten percent or more of the cost of a new off-premises sign of like kind and quality, then the off-premises sign may not be repaired or restored, except in full compliance with this Code.
- (f) *Co-location on adjoining premises.* Any of the provisions of subsections (b) and (c), above, to the contrary notwithstanding, an off-premises sign may be located in the B-3, I-1, I-2 and PUD zoning districts, but only if all of the following conditions are met:
- (1) The off-premises sign is located on-premises adjacent to the premises being advertised by the off-premises sign.

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- (2) The off-premises sign is located on the same sign structure as an on-premises sign located on the adjacent premises, thereby eliminating the need for a separate sign structure to support the off-premises sign.
 - (3) The sign structure for the on-premises sign which will serve as the sign structure for the co-located off-premises sign has a height in excess of thirty-five (35) feet and has been lawfully erected.
 - (4) The area of the off-premises sign does not exceed the authorized maximum area for an on-premises sign at the proposed location of the off-premises sign.
 - (5) The co-location has been authorized as a special use in accordance with the procedure set forth at subsection (a) of this section.
 - (6) Co-Location on an Off-Premises sign shall be limited to one co-located off-premises sign

Sec. 4-3-8-8-19. Penalty.

Any person violating any provision of this Article shall be subject to penalty as provided in Section 1-1-15.