

CITY OF  
**WEST CHICAGO**

WHERE HISTORY & PROGRESS MEET

**Plan Commission/Zoning Board of Appeals**

**Tuesday, June 6, 2023**

**7:00 p.m.**

**West Chicago City Hall**

**Council Chambers**

**475 Main Street**

**West Chicago, IL 60185**

**A G E N D A**

1. **Call to Order, Roll Call and Determination of a Quorum**
2. **Pledge of Allegiance**
3. **Chairperson's Comments**
4. **Public Comment**
5. **Approval of the Draft May 2, 2023 Plan Commission Meeting Minutes**
6. **Public Hearing of Case PC 23-05 – Zoning Text Amendment – Article XII of Appendix A of the Code of Ordinances of the City of West Chicago**  
Proposed Zoning Text Amendments to Article XII - Signs, of Appendix A (the Zoning Code), of the Code of Ordinances of the City of West Chicago.
7. **Review and Recommendation of Case 23-05 – Zoning Text Amendment – Article XII of Appendix A of the Code of Ordinances of the City of West Chicago**
8. **Petition Updates/Staff Report**
9. **Adjournment** – Next Meeting Wednesday, July 5, 2023 at 7:00 p.m.

The Rules of Procedure for the Plan Commission/Zoning Board of Appeals can be found on the City's website at <https://westchicago.org/community-development/>

cc: Plan Commission Members      School Districts #25, #33, #94, #303, #46  
Mayor      West Chicago Fire Protection District  
City Council      West Chicago Park District  
M. Guttman      West Chicago Public Library District  
T. Dabareiner      DuPage County Building & Zoning  
M. Patel      Warrenville Plan Commission  
J. Sterrett      News Media

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Ruben Pineda  
MAYOR  
Nancy M. Smith  
CITY CLERK

Michael L. Guttman  
CITY ADMINISTRATOR

**Draft**  
**PLAN COMMISSION/ZONING BOARD OF APPEALS**  
**May 2, 2023 7:00 P.M.**

**1. Call to Order, Roll Call and Establishment of a Quorum**

Chairperson Laimins called the meeting to order at 7:11 p.m. Roll call found Chairperson Laimins, and Commissioners Hale, Banasiak, and Kasprak present. Commissioners Billingsley, Slattery, and Henkin were absent. With four members present, a quorum was established.

Staff in attendance included City Planner John Sterrett.

**2. Pledge of Allegiance**

Chairperson Laimins led the Commission in the Pledge of Allegiance.

**3. Chairperson's Comments**

None.

**4. Public Comment**

None.

**5. Approval of draft meeting minutes from April 4, 2023**

Commissioner Kasprak made a motion, seconded by Commissioner Banasiak, to approve the draft meeting minutes of the April 4, 2023 Plan Commission meeting with a noted correction under the approval of the draft meeting minutes from February 7, 2023. With a voice vote of three ayes, zero noes, and one abstention, the motion carried.

**6. Public Hearing of Case PC 23-04 – Tropical Smoothie Café – 1856 N Neltnor Boulevard – Amendment to the Kmart Planned Unit Development**

Commissioner Hale made a motion, seconded by Commissioner Kasprak, to open the public hearing. With a voice vote of all ayes, the motion carried.

Mr. Sterrett was duly sworn in. Mr. Sterrett stated that this is a request from Jace Food Group, LLC for an amendment to the existing Planned Unit Development at Mosaic Crossing for Lot 3 of the original Kmart PUD at 1865 North Neltnor Boulevard in the B-3 Shopping District. The petitioner is proposing to renovate an existing vacant building on the property for a Tropical Smoothie Café restaurant with a drive-through. The existing building had originally been constructed and used as a bank with drive-through teller services. The petitioner intends to use the existing window, located on the south side of the building that was previously used for teller service as the pickup window for the café.

The proposed drive-through for the café will have a menu board and order speaker west of the building, in the front yard. The location of the menu board and order station allows for 5 vehicle stacking spaces from the pickup window to the ordering station. Five additional stacking space from the order station are able to be accommodated in the drive-through lane as well. The Zoning Code

prohibits menu boards and vehicle stacking spaces in the actual front yard, unless approved by the City Council. By code, the required vehicle stacking spaces have to begin at the order station. To allow the drive-through to be configured and operated as proposed, the petitioner is seeking an amendment with deviations from the zoning code to allow the stacking spaces and the menu board in the front yard.

Staff is supportive of this configuration since the location of the property in the shopping center is a significant distance from the street entrance. The property has no direct access onto Neltnor Boulevard and the distance from the ordering station to the nearest street access will prevent vehicle stacking from affecting the public right-of-way. For this, staff recommends that the Plan Commission pass a motion recommending approval of the amendment to the planned unit development with the two deviations being sought, and that it is incorporates into this motion the findings of fact staff has proposed on page 2 of the staff report.

Cullen DeCuna, representing the petitioner, was duly sworn in. Mr. DeCuna provided a brief overview of the request.

With all members of the public having had the opportunity to speak, and with all Plan Commissioners having the opportunity to question the petitioner and staff, Commissioner Kasprak made a motion, seconded by Commissioner Banasiak, to close the public hearing. With a voice vote of all ayes, the motion carried and the public hearing was closed.

## **7. Review and Recommendation of Case PC 23-04 – Tropical Smoothie Café – 1856 N Neltnor Boulevard – Amendment to the Kmart Planned Unit Development**

The Plan Commission deliberated the proposed amendment to the planned unit development. After a brief discussion, Commissioner Kasprak made a motion, seconded by Commissioner Hale, to recommend approval of the proposed amendment with the condition that the drive-through be developed in substantial conformance with the Site Plan prepared by Kolbrook Design consisting of one sheet dated February 27, 2023 with a latest revision date of March 23, 2023, and that the following Finding of Fact shall be incorporated into this recommendation:

That the intent of the proposed amendment to the Final PUD is to utilize existing aspects of the original drive-through layout for the bank and convert it to a high functioning and efficient drive-through for a fast-service restaurant. No significant changes to the site are proposed and the drive-through circulation should work in a manner similar to what was previously approved for the development of the site as a bank.

A roll call vote found Commissioners Kasprak, Hale, Banasiak, and Chairperson Laimins voting “aye” and no one voting “no”. With a roll call vote of four (4) “aye” and zero (0) “no”, the motion carried.

## **11. Petition Updates/Staff Report**

Mr. Sterrett provided a brief update on upcoming projects.

## **12. Adjournment**

With no further business to discuss, Commissioner Kasprak made a motion, seconded by Commissioner Hale to adjourn the meeting. With a voice vote of all ayes, the motion carried and the Plan Commission, at 7:20 p.m., adjourned.

Respectfully Submitted,  
John Sterrett, City Planner

**City of West Chicago**  
**Community Development Department**  
**Report to the Plan Commission/Zoning Board of Appeals**  
**June 6, 2023**



**Case:** PC 23-05  
**Petitioner:** City of West Chicago  
**Summary:** Proposed Zoning Text Amendments to Article XII - Signs, of Appendix A (the Zoning Code), of the Code of Ordinances of the City of West Chicago.

**Recommendation:** Staff recommends the Plan Commission pass a motion recommending **approval** of the proposed Zoning Text Amendments.

**Background.**

Staff has prepared a series of amendments to the text of the City’s sign regulations located in Article XII of the Zoning Code. The majority of the proposed amendments deal with deleting references to the regulation of signage content. In the 2015 U.S. Supreme Court decision of *Reed v. Town of Gilbert*, the Court held that the content of a sign may not be regulated and that local sign ordinances must be “content-neutral”. Regulating signs based on their content is considered a violation of First Amendment rights, according to the decision in *Reed*. The Court further explained that signs may only be regulated by their size, location, building materials, lighting, moving parts, and portability. Staff has proposed amendments that will allow the sign regulations to be consistent with the *Reed* decision. Other amendments proposed by staff include inserting language into Article XII that reflects existing regulations for signs found elsewhere in the Code as well as clarification of existing regulations.

The entire Sign Code is attached with the proposed amendments highlighted in red. All new text has been underlined and all text proposed to be deleted has been stricken. Members of the Plan Commission should review these amendments prior to the Plan Commission meeting on June 6<sup>th</sup>. A public hearing will occur at the meeting to review the proposed amendments. During the hearing, staff will present each proposed amendment at which time the Plan Commission may ask questions related to each. Following the close of the public hearing, the Plan Commission should discuss and deliberate the proposed changes. The Plan Commission should then make a recommendation to the City Council on the proposed Zoning Text Amendments.

**Public Notice.**

A notice of public hearing for the proposed Zoning Text Amendments was published in the May 22, 2023 edition of the Daily Herald, in accordance with Section 5.6-2(B) of the West Chicago Zoning Code.

For questions, please contact John H. Sterrett, City Planner (630) 293-2200 ext. 158 or at [jsterrett@westchicago.org](mailto:jsterrett@westchicago.org).

## **ARTICLE XII. SIGNS<sup>1</sup>**

### **12.1. Purpose.**

This section establishes comprehensive regulations for the control of signs and other street graphics **in order** to preserve, protect and promote the public health, safety and general welfare. More specifically, this section is intended to assist in achieving the following objectives:

- (A) To foster high quality commercial and industrial development and to enhance the economic vitality of existing businesses/industries by promoting the reasonable, orderly and effective display of street graphics;
- (B) To encourage sound street graphics display practice and to mitigate the objectionable effects of competition in respect to the size and placement of street graphics;
- (C) To protect pedestrians and motorists from any damage or injury that might result from the improper construction, placement or use of street graphics;
- (D) To protect the public investment in streets and highways by reducing the obstructions and distractions which might cause traffic accidents; and
- (E) To preserve the value of private property by assuring the compatibility of street graphics with nearby land uses.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### **12.2. Sign permit.**

(Ord. No. 08-O-0067, § 1, 8-5-2008)

#### **12.2-1. Permit required.**

Upon the effective date of this ordinance, no sign or other street graphic, except those listed in section 12.3, shall be erected, expanded, altered, relocated or reconstructed without a sign permit issued by the administrator. **No permit shall be required when an existing sign is altered in a manner that includes only a sign face replacement.**

(Ord. No. 08-O-0067, § 1, 8-5-2008)

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<sup>1</sup>Editor's note(s)—Ord. No. 08-O-0067, § 1, adopted August 5, 2008, amended app. A, article XII, §§ 12.1—12.6-7, in its entirety to read as herein set out. Formerly, article XII, pertained to similar subject matter, and derived from Ord. No. 2010, § 1, adopted October 19, 1992; Ord. No. 2722, §§ 1, 2, adopted December 6, 1993; Ord. No. 2733, §§ 23, 24, adopted April 4, 1994; Ord. No. 4123, § 9, adopted September 22, 1998; Ord. No. 01-O-0017, § 1, adopted June 18, 2001; Ord. No. 01-O-0108, § 1, adopted October 14, 2001.

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### 12.2-2. Application.

Every applicant for a sign permit shall submit to the administrator in narrative and/or graphic form all of the items of information listed below:

- (A) Name, address and telephone number of the applicant;
- (B) Name and address of the owner of the premises on which the sign is to be erected, if different from section A.;
- (C) Location of the building, structure or lot where the proposed project is located, dimensions, area, overall height, illumination and method of support/attachment;
- (D) Description of the proposed sign indicating proposed location, dimensions, area, overall height, illumination and method of support/attachment;
- (E) Relationship of the proposed sign to nearby traffic control devices.
- (F) Amount of street frontage that the building which proposes to display the sign has and the total area of all existing signs on said premises; and
- (G) Such other information as the administrator shall reasonably require in determining full compliance with this ordinance.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.2-3. Certificate of appropriateness.

- (A) The historic preservation commission shall review each permanent sign application, **required under Section 12.2-1 of this Article**, for any establishment located within any established historic district or otherwise designated as a historical landmark. Such signs shall follow these procedures:
  - (1) The applicant shall complete and submit a sign permit application, as set forth in section 12.2-2, and a certificate of appropriateness application to the administrator.
  - (2) The administrator shall review the sign permit application for compliance with the regulations set forth in this article and forward the certificate of appropriateness application to the historic preservation commission.
  - (3) The historic preservation commission shall review the application for compatibility with the historic district and the historic site on which it is located and return its findings to the administrator:
  - (4) If the proposed sign is in full compliance with the regulations set forth in this article and the certificate of appropriateness has been approved by the historic preservation commission, the administrator shall issue the applicant a sign permit. No sign permit shall be issued without an approved certificate of appropriateness.
- (B) A certificate of appropriateness shall be issued when a sign or street graphic is found to be compatible with the character of the historic district and of the historic site on which it is located. The historic preservation commission may consider the following when determining the compatibility of a sign:
  - (1) *Design*. The design of the sign related to the building's architectural style.
  - (2) *Placement*. The location of the sign related to the architectural details of the building.

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- (3) *Size*. The scale and proportions of the sign related to the scale and proportions of the available sign area on the building and the building itself.
  - (4) *Material*. The quality and durability of the material of the sign and the relation of the material to the building's materials.
  - (5) *Mounting*. The method by which the sign is mounted related to the architectural style and material of the building.
  - (6) *Color*. The color(s) of the sign related to the color(s) of the building.
  - (7) *Number*. The proliferation of signs on a building or lot.
  - (8) *Other*. Any feature that may impact the visual character of the historic district or of the historic site on which the sign is located.
- (C) ~~In order To~~ to protect the distinctive visual character of the historic district or of the specific historic site, the historic preservation commission may require changes to a proposed sign or street graphic that are more restrictive than the regulations established elsewhere in this article.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.3. Exempt signs.

Every sign enumerated below that complies with the indicated requirements may be erected in any zoning district of this municipality without a permit. The area of said signs shall not be debited against the displaying establishment's sign area allowance.

- (A) Construction signs. Such signs shall be limited to one (1) sign per lot in residential districts, shall be limited to one (1) per street frontage in nonresidential districts, shall not exceed thirty-two (32) square feet in area per sign, shall be confined to the site of the construction and shall be removed within fourteen (14) days after the issuance of an occupancy permit.
- (B) Directional and informational signs. Such signs shall not exceed three (3) square feet in area per sign.
- (C) Flags. Flags shall be limited to four (4) permanent flags per lot, provided that the flagpole for any such flag shall not exceed thirty (30) feet in height (including the height of any structure upon which it is mounted), and the length of any such flag shall not exceed one-third ( $\frac{1}{3}$ ) of the height of the flagpole to which it is attached (including the height of any structure upon which it is mounted).
- (D) Garage, yard, or estate sale signs on private residential property. Such signs shall not exceed four (4) square feet in area per sign, shall be confined to the premises on which the sale is conducted and shall not be posted for longer than three (3) days.
- (E) Government facility signs, including signs used for identification, information, or directional purposes and other signs incidental thereto. Such signs shall not be located within the vision triangle as defined in section 12.6-3 and shall comply with the regulations set forth in section 12.7.
- (F) Governmental or public signs, such as traffic control signs, railroad crossing signs, legal notices, etc.
- (G) Holiday signs, or similar signs such as happy birthday signs, provided that such signs shall not be displayed more than thirty (30) days prior to or after the holiday, except when the date of the holiday is between December 1<sup>st</sup> and March 1<sup>st</sup>, in which case such signs shall not be displayed more than ninety (90) days after the holiday.
- (H) Home occupation signs ~~identifying only the name and occupation of the resident~~. Not more than one (1) such sign shall be displayed on any zoning lot. Such signs shall be non-illuminated, flush-mounted, and shall not exceed two (2) square feet in area.



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- (I) House numbers and/or name of occupant signs located on the lot to which the sign pertains. Such signs shall neither exceed three (3) square feet in area for single-family dwellings nor six (6) square feet for multiple-family dwellings.
  - (J) Integral signs carved into stone or inlaid so as to become part of the building and memorial tributes.
  - (K) Interior signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs **are located at least six (6) feet away from a window. ~~do not attract attention from the exterior of said buildings.~~**
  - (L) Political campaign signs announcing candidates, seeking public office and/or political issues and other pertinent information. Such signs shall be confined to private property. Political campaign signs in residential districts shall not exceed sixteen (16) square feet in area, except for properties having frontage along Neltnor Boulevard (IL Route 59), North Avenue (IL Route 64), or Roosevelt Road (IL Route 38), in which case such signs shall not exceed thirty-two (32) square feet.
  - (M) Property regulation signs. Such signs shall not exceed three (3) square feet in area.
  - (N) Public interest signs publicizing a charitable or nonprofit event of general public interest. Signs shall not exceed thirty-two (32) square feet in size, ten (10) feet in height and shall be located on private property, with a maximum of one (1) sign per lot frontage. Public interest signs may be erected twenty-one (21) days before an event and shall be removed no more than two (2) days after an event.
  - (O) Real estate signs indicating the sale, rental or lease of the single-family or two-family residential property on which they are located. Such signs shall not exceed four (4) square feet in area and shall be limited to one (1) sign per street frontage. All such signs shall be removed within seven (7) days after the sale, rental, or lease.
  - (P) Real estate signs indicating the sale, rental or lease of the multiple-family residential property on which they are located. Such signs shall not exceed sixteen (16) square feet in area when indicating the sale, rental or lease of a dwelling located in a building consisting of greater than ten (10) units and shall not exceed four (4) square feet in area when indicating the sale, rental or lease of a dwelling located in a building consisting of ten (10) or fewer units. All such signs shall be limited to one (1) per street frontage and shall be removed within seven (7) days after the sale, rental, or lease.
  - (Q) Real estate signs indicating the sale, rental or lease of the nonresidential property on which they are located. Such signs shall not exceed thirty-two (32) square feet in area, except when located in the Turner Junction Historic District, in which case such signs shall not exceed twenty-four (24) square feet in area. All such signs shall be limited to one (1) sign per street frontage and shall be removed within seven (7) days after the sale, rental, or lease.
  - (R) Special events signs when approved by the city council.
  - (S) Utility company signs that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.
  - (T) Window signs displayed for a temporary period of not more than thirty (30) days provided such signs comply with regulations set forth in section 12.7-5.

**(U) The replacement of a sign face on an existing sign structure.**

(Ord. No. 08-O-0067, § 1, 8-5-2008; Ord. No. 11-O-0012, § 1, 5-16-2011)

#### **12.4. Prohibited signs.**

The following signs are strictly prohibited:

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- (A) Mobile/portable signs. This section shall not apply to temporary signs as described in section 12.10.
  - (B) Signs painted directly on the surface of any exterior wall of any building.
  - (C) Pennants, streamers, ribbons, strings of light bulbs, spinners and similar signs. This section shall not apply to temporary signs as described in section 12.10 or holiday and special event signs as permitted by section 12.3(G).
  - (D) Signs attached to trees, fences or public utility poles, other than warning signs issued by public utilities.
  - (E) Defunct signs, including the posts or other supports therefore, that advertise or identify an activity, business, product or service no longer conducted on the premises where such sign is located.
  - (F) Roof-mounted signs.
  - (G) Billboards (including all off-premises advertising signs).
  - (H) Signs or other street graphics that shall revolve, rotate or mechanically move in any manner.
  - (I) Signs or other street graphics erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape or driveway.
  - (J) Signs or other street graphics erected or maintained in such a manner that they interfere with, obstruct the view of or are likely to be confused with any authorized traffic sign, signal or device. Accordingly, no street graphic shall contain the words "stop," "go," "caution," "danger," "warning," or similar words.
  - (K) Neon tubing or light emitting diode (LED) around the perimeter of a window or other opening visible from the property boundary.
  - (L) Any sign or other street graphic not expressly permitted by this ordinance shall be deemed prohibited.
  - (M) Signs related to Video Gaming that are prohibited under Chapter 9, Article XXVII, of the Code of Ordinances.
  - (N) Box signs on commercial multi-tenant buildings.
  - (O) Sidewalk signs unless located in the B-1 Central Business District.
  - (P) Window signs that completely block view through a window from outside.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

## **12.5. Sign area.**

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### **12.5-1. Calculation of sign area.**

The area of every sign shall be calculated as follows:

- (A) If a sign is enclosed by a box or outline, the total area (including the background) within that outline shall be deemed the sign area.
- (B) If a sign consists of individual letters, parts or symbols, the area of no more than two (2) imaginary squares or rectangles, which would completely enclose all the letters, parts or symbols shall be deemed the sign area.

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(C) In calculating the sign area, only one (1) side of any multi-faced sign shall be counted.

(Ord. No. 08-O-0067, § 1, 8-5-2008; Ord. No. 12-O-0008, § 2, 4-16-2012)

### **12.5-2. Sign area exclusions.**

(A) In calculating sign area for freestanding signs, the area displaying the property's address or range of addresses shall not be counted.

(B) In calculating sign area for temporary signs, pennants, streamers, ribbons, strings of light bulbs, spinners, and similar signs shall not be counted.

(C) The area of any base or support structure shall not be counted in calculating sign area, unless it is used to display signage.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### **12.6. General sign regulations.**

(Ord. No. 08-O-0067, § 1, 8-5-2008)

#### **12.6-1. Design standards.**

All signs shall be designed in accordance with the standards set forth in article VII, section 7.13(l) of the Zoning Ordinance.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

#### **12.6-2. Illumination.**

Illumination of signs and other street graphics is permitted, subject to the following requirements:

(A) Only white light is permitted in residential zoning districts and within two hundred (200) feet thereof.

(B) The light from any illuminated sign shall not cause illumination in excess of one-tenth (0.10) foot candles at any property line of an adjoining residential use or four (4) foot candles at any property line of an adjoining a nonresidential use.

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

(D) No sign shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color. Beacon lights and illumination by flame are prohibited.

(E) The light from any illuminated sign or other street graphic shall be shaded, shielded or directed so as to avoid the creation or continuation of any nuisance or traffic hazard.

(F) Signs shall not exceed a maximum illumination of five thousand (5,000) candelas per square meter during daylight hours and a maximum illumination of five hundred (500) candelas per square meter between dusk to dawn, as measured from the sign's face, at maximum brightness.

(G) Changeable copy signs for institutional uses in residential districts shall not be illuminated between the hours of 10:00 p.m. and 7:00 a.m.

(Ord. No. 08-O-0067, § 1, 8-5-2008; Ord. No. 12-O-0008, § 10, 4-16-2012)

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### **12.6-3. Intersection visibility.**

All signs shall be designed and installed to minimize potential obstruction of critical sight lines associated with visibility triangles. Within a visibility triangle, unobstructed visibility between two and one-half (2½) feet and eight (8) feet above grade shall be maintained.

(Ord. No. 08-O-0067, § 1, 8-5-2008; Ord. No. 17-O-0002, § 5, 1-16-2017)

### **12.6-4. Landscaping required.**

All freestanding, development identification and shopping center identification signs shall minimize the impact on surrounding properties and rights-of-way by providing vegetative enhancement in accordance with the following:

- (A) A landscape area equal to one and one half (1 and ½) times the sign area installed around the base of the sign. Where the area around the base of a sign is insufficient in size to accommodate landscaping, the administrator may permit installation of a portion of the required landscaping at an alternate location on the site.
- (B) The landscaped area shall consist of any combination of flowering annuals, perennials, shrubs or trees. Sod or turf areas shall not qualify as part of the required landscape area.
- (C) The landscaped area shall not be located or maintained within a public right-of-way.
- (D) A landscape plan shall be submitted with the sign permit application and shall conform to the landscaping regulations set forth in article XIV of the Zoning Ordinance.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### **12.6-5. Structural and maintenance requirements.**

- (A) Every sign or street graphic shall be designed and constructed in conformity with the applicable provisions of the city's building code, and shall be free of any exposed bracing, angle iron, guywire, cables, etc.
- (B) The electrical component of any illuminated sign or other street graphic shall conform to the applicable requirements of the city's electrical code.
- (C) Every sign or street graphic shall be maintained in a neat and attractive condition by its owner. The street graphic supports shall be kept painted/treated to prevent rust or deterioration.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### **12.7. Regulation based on sign type.**

(Ord. No. 08-O-0067, § 1, 8-5-2008)

#### **12.7-1. Changeable copy signs.**

Not more than one (1) changeable copy sign shall be displayed on any zoning lot. All such signs shall comply with the following regulations:

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- (A) Shall only be allowed when incorporated into the design of a freestanding sign. Flush-mounted signs, projecting signs, and window signs containing changeable copy shall be prohibited.
  - (B) Allowable area:
    - (1) For signs for institutional uses in residential districts, the changeable copy portion of the sign shall not exceed the area (in square feet) determined by the following formula: (total freestanding sign area + six (6) square feet) x 0.5 = maximum area of the changeable copy portion of the sign.
    - (2) For all other signs, the changeable copy portion of the sign shall not exceed thirty (30) percent of the sign area of the freestanding sign of which it is a part.
  - (C) Shall be located at least fifty (50) feet from any residential district property line.
  - (D) Shall comply with the following regulations when containing changeable copy that may be changed by electronic means:
    - (1) The display shall not be animated, flashing, or scrolling. Messages must instantaneously change without transitions or off time.
    - (2) The frequency of message change shall be restricted to no more than once every ten (10) seconds, except that the frequency of message change for signs for institutional uses in residential districts shall be restricted to no more than once every (60) seconds.
  - (E) Sidewalk signs shall be exempt from this subsection.

(Ord. No. 08-O-0067, § 1, 8-5-2008; Ord. No. 11-O-0042, § 1, 8-15-2011; Ord. No. 12-O-0008, § 11, 4-16-2012)

### **12.7-2. Flush-mounted signs.**

An establishment may have multiple flush-mounted signs, provided the total area of such signs does not exceed that of what is permitted below:

- (A) The sign area allowance per unit for facades having street frontage shall be computed according to the following formula:

One and one-half (1 and ½) square feet of sign per every one (1) foot of linear street frontage for the first one hundred (100) feet of such frontage, plus one (1) square foot of sign area per every one (1) foot of frontage in excess of one hundred (100) feet.
- (B) The sign area allowance per unit for facades without street frontage shall be computed according to the following formula:

One (1) square foot of sign per every one (1) linear foot of length for the first one hundred (100) feet of the facade, plus one-half (½) square foot of sign area per every one (1) foot of length in excess of one hundred (100) feet.
- (C) The sign shall not project more than eighteen (18) inches from the wall or surface to which it is attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign).
- (D) The sign shall not extend above the roofline of the building to which it is attached.
- (E) The sign shall not be painted directly on any exterior wall **or window**.
- (F) The sign shall not contain changeable copy.
- (G) Flush-mounted signs on all multi-tenant buildings in a business district shall be comprised of channel lettering only, consistent in size and style.**

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(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.7-3. Freestanding signs.

Not more than one (1) freestanding sign shall be displayed on any zoning lot, unless otherwise approved by the city council. All freestanding signs shall comply with the following regulations:

- (A) Shall not intrude into any public right-of-way.
- (B) Shall not be erected closer than five (5) feet to any lot line, except when located in the Turner Junction Historic District, in which case no setback shall be required.
- (C) Shall be located at least fifty (50) feet from any residential district property line.
- (D) Shall not exceed eighty-four (84) square feet in area.
- (E) Shall not exceed twelve (12) feet in height.
- (F) Shall display the address or range of addresses for the property on which it is located.
- (G) The base support structure shall be no more than five (5) feet in height and shall consist of a material that substantially matches the material of the principal structure on the property.**

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.7-4. Projecting signs.

An establishment may have no more than one (1) projecting sign. All projecting signs shall comply with the following regulations:

- (A) Shall not project more than four (4) feet from the wall or surface to which it is attached (if such wall/surface is not vertical, the projection shall be measured from the closest point of the wall/surface to the sign).
- (B) Shall maintain a minimum of eight (8) feet of clearance from the ground to the bottom of any such sign that projects over a walkway.
- (C) Shall be debited against the displaying establishment's sign area allowance for flush-mounted signs.
- (D) Shall not exceed twelve (12) square feet in area.
- (E) Shall not project higher than the building height.
- (F) Shall contain only the name of the business, business owner, and/or appropriate logo.
- ~~(G) Shall not be internally illuminated.~~
- (H) Shall not contain changeable copy.
- (I) Shall only be permitted for first and second floor establishments. Signs for second floor establishments shall be located over or within two (2) feet of the first floor pedestrian access.
- (J) All structural supports shall be removed at the time of removal of any sign or signs for which they provide support, except that a structural support may remain for a period of not more than thirty (30) day following the issuance of a permit to change the face of a sign, or erect a different sign, using the same structural support.
- (K) No sign projecting over a public right-of-way shall be erected without complying with the following insurance or bond requirements:

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(Supp. No. 139)

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- (1) *Insurance required prior to permit:* Every applicant for a permit or for a sign which will project over a public right-of-way or which is so located that it may fall upon the same, shall file with the community development department, before the permit is granted, a liability insurance policy covering all damage or injury that might be caused by the sign, or a certificate of insurance, issued by an insurance company authorized to do business in the State of Illinois.
  - (2) *Coverage required:* The policy shall be a multi-peril policy with the limits of liability not less than one million dollars (\$1,000,000). The city, its officers, agents and employees shall be named as additional parties insured.
  - (3) *Length of coverage:* Such liability insurance policy shall be maintained in force throughout the life of the permit; and if at any time it is not in full force, the permit shall be revoked.
  - (4) *Bond in lieu of insurance:* In lieu of insurances as provided for in this section, the applicant may file an indemnity bond, with a corporate surety satisfactory to the administrator, in the amount on one million dollars (\$1,000,000), which will provide that the principal surety will indemnify and hold harmless the City, its officers, agents and employees from all claims, loss or suits resulting from such sign.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.7-5. Window signs.

An establishment may display multiple permanent or temporary window signs. All window signs shall conform to the following regulations:

- (A) Shall not cover more than fifty (50) percent of the total window space of a building façade, **unless located in a historic district, in which case signs shall cover no more than twenty (20) percent of the total window space of a building façade.**
- (B) Permanent window signs shall be debited against the displaying establishment's sign area allowance for flush-mounted signs, but temporary window signs shall not.
- (C) Shall not contain changeable copy.
- (D) Temporary window signs shall not be displayed for more than thirty (30) days.
- (E) Shall require a building permit.**

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.7-6. Sidewalk signs.

An establishment may not display more than one (1) sidewalk sign. The city reserves the right **to the** limit the number of sidewalk sign permits issued **in order** to ensure proper flow of pedestrian and vehicular traffic and otherwise promote the health, safety and welfare of the public. In that event permit applications shall be processed and accepted on a first come, first serve basis. All sidewalk signs shall comply with the following regulations:

- (A) Shall only be allowed in the B-1, Central Business Zoning District and in the Turner Junction Historic District. When located in the Turner Junction Historic District the city's historic preservation commission shall also approve the sign.
- (B) Shall only be permitted when the sign is incidental to the operation of a business on private property contiguous to the sidewalk.

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- (C) Shall not be attached or affixed to the sidewalk, parkway, pole, tree or any other public facility.
  - (D) Shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles and in no event shall the sidewalk sign reduce the open portion of any sidewalk to less than four (4) feet in width.
  - (E) Shall not exceed six (6) feet in height.
  - (F) Shall not exceed eight (8) square feet in area.
  - (G) Shall not be displayed during times of inclement weather such as high winds, heavy rain or snow fall.
  - (H) The location and height shall conform with section 12.6-3 of this chapter with respect to intersection visibility.
  - (I) Shall only be allowed to be displayed on the sidewalk during the establishment's business hours.
  - (J) Shall be not be illuminated.
  - (K) Shall comply with the following insurance and bond requirements:
    - (1) *Insurance required prior to permit:* Every applicant for a permit or for a sign which will be located in a public right-of-way or which is so located that it may fall upon the same, shall file with the community development department, before the permit is granted, a liability insurance policy covering all damage or injury that might be caused by the sign, or a certificate of insurance, issued by an insurance company authorized to do business in the State of Illinois.
    - (2) *Coverage required:* The policy shall be a multi-peril policy with the limits of liability as determined by the city from time to time. The city, its officers, agents and employees shall be named as additional parties insured.
    - (3) *Length of coverage:* Such liability insurance policy shall be maintained in force throughout the life of the permit; and if at any time it is not in full force, the permit shall be revoked.
    - (4) *Bond in lieu of insurance:* In lieu of insurances as provided for in this section, the applicant may file an indemnity bond, with a corporate surety satisfactory to the administrator, in an amount as determined by the city from time to time, which will provide that the principal surety will indemnify and hold harmless the city, its officers, agents and employees from all claims, loss or suits resulting from such sign.
  - (L) The permittee shall indemnify, defend, protect, and hold harmless the city, its corporate authorities, officers, employees, agents and volunteers from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses incurred in connection therewith, including but not limited to reasonable attorney's fees, expert witness fees and costs of defense (collectively, the "losses") directly or proximately resulting from permittee's acts or omissions, except to the extent that the city is the sole legal cause of said losses. The foregoing notwithstanding, under no circumstances shall the issuance of any permit provided for under the West Chicago Municipal Code, including but not limited to a sidewalk sign permit, to the permittee or any other person or entity constitute an act of negligence or willful misconduct. Nothing set forth in the said permit shall be deemed a waiver by the city of any defenses or immunities relating to the permittee or its property, or to any person or entity or their property, that are or would be otherwise available to the city or its corporate authorities, officers, employees, agents, and volunteers under the provisions of the Illinois Local Government and Governmental Employees Tort Immunity Act, or that are otherwise available to local governments and their corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or



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the United States of America. The provisions of this section shall survive the expiration or earlier termination of each sidewalk sign permit, or the renewal thereof.

- (M) The city may suspend or revoke the permit for any reason including, but not limited to, violations of any provision of the West Chicago Municipal Code after providing at least three (3) days written notice, except in an emergency, to the permittee.
- (N) Permits issued hereunder shall be obtained annually and shall be valid from January 1 or the date of permit issuance, whichever is later, through December 31 of the same year.

(Ord. No. 11-O-0042, § 2, 8-15-2011)

## 12.8. Regulation based on use.

Certain business or development types are hereby found to be unique with respect to their sign requirements and are therefore justified to have unique sign regulations.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.8-1. Automobile service station signs.

In addition to the signs permitted by other sections of this article, the following signs are permitted uniquely for automobile service stations:

- (A) Two (2) signs per pump island which designate the function of the island as "self-service" or "full service." Such signs shall not have more than two (2) faces and shall not exceed three (3) square feet per face.
- (B) One (1) sign per pump island which advertises the sale of ancillary goods or services available on the premises. Such signs shall not have more than two (2) faces and shall not exceed two (2) square feet per face.
- (C) Pump safety or instructional signs such as "no smoking" or "stop motor," shall be allowed as necessary and in reasonable size, ~~provided that such signs are not combined with the company brand name, company logo, or company colors in a manner to be construed as both advertising and instructional in purpose.~~

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.8-2. Development identification signs.

- (A) Development identification signs shall be permitted for subdivisions, business parks, and multiple-family complexes.
- ~~(B) All signs shall contain only the name of the subdivision, business park or multiple family complex and appropriate logo.~~
- ~~(C)(B)~~ One (1) sign may be erected on each side of each street leading into such development entrance, for a total of two (2) single-faced signs per entrance.
- ~~(D)(C)~~ If there is more than one street leading into such development, the distance between entrance signs along the perimeter of such development shall be at least five hundred (500) feet.
- ~~(E)(D)~~ All signs placed at each entrance shall be uniform in appearance.

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(Supp. No. 139)

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~~(F)~~(E) The sign area of an individual sign shall not exceed eighty-four (84) square feet.

~~(G)~~(F) The maximum height of an individual sign shall not exceed ten (10) feet.

~~(H)~~(G) Shall be located at least ten (10) feet from adjacent right-of-way lines.

~~(I)~~(H) Shall be located at least fifty (50) feet from any residential district property line.

~~(J)~~(I) Shall be located in a sign easement or outlot for maintenance purposes.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.8-3. Drive-through restaurant signs.

In addition to the signs permitted by other sections of this article, drive-through restaurants shall be permitted to have menu display signs for drive-through customers. All menu display signs shall comply with the following regulations:

- (A) Menu display signs shall be freestanding or flush-mounted.
- (B) Each drive-through restaurant shall be permitted to have a maximum of two (2) menu display signs.
- (C) The area of an individual sign shall not exceed thirty-two (32) square feet.
- (D) The maximum sign height shall not exceed eight (8) feet.
- (E) The sign(s) shall be located in the side or rear yard only and shall be placed so as not to be readable from the public right-of-way.
- (F) Shall be located at least fifty (50) feet from any residential district property line.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.8-4. Institutional signs.

Institutional signs located in nonresidential zoning districts shall comply with the regulations for freestanding signs as set forth in section 12.7-3. Institutional signs located within a residential zoning district shall be limited to one (1) sign per street frontage and shall comply with the following regulations:

- (A) The maximum sign height shall not exceed ten (10) feet.
- (B) The area of an individual sign shall not exceed fifty (50) square feet.
- (C) Shall be located at least ten (10) feet from adjacent right-of-way lines.
- (D) Shall be located at least fifty (50) feet from any residential district property line.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### 12.8-5. Shopping center ~~identification~~ signs.

In addition to the sign area allowed for the individual businesses therein, shopping centers shall be allowed identification signs in compliance with the following regulations:

- (A) Shopping centers with less than five hundred (500) linear feet of frontage shall comply with the regulations set forth in section 12.7-3.

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- (B) Shopping centers with more than five hundred (500) linear feet of frontage shall have no more than two (2) identification signs placed no closer together than two hundred (200) feet.
  - (C) The maximum area for such signs shall not exceed one hundred twenty (120) square feet individually or two hundred (200) square feet in the aggregate.
  - (D) The maximum height of such signs shall not exceed twenty-two (22) feet.
  - (E) Shall be located at least one hundred (100) feet from any residential district property line.

~~(F) Such signs shall be used solely to identify the shopping center and businesses or activities conducted therein. All such signs shall include an area to identify all of the individual businesses or activities conducted within the shopping center.~~

~~(G)~~(F) Shall display the address or range of address for the property on which it is located.

~~(H)~~(G) All signs shall be located in a sign easement or outlot for maintenance purposes.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

## **12.9. Regulation based on location.**

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### **12.9-1. Residential districts.**

The following signs shall be permitted in all residential districts:

- (A) Exempt signs as set forth in section 12.3.
- (B) Changeable copy signs ancillary to institutional signs.
- (C) Development identification signs.
- (D) Institutional signs.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### **12.9-2. Business and manufacturing districts.**

The following signs shall be permitted in all business and manufacturing districts:

- (A) Exempt signs as set forth in section 12.3.
- (B) Changeable copy signs.
- (C) Flush-mounted signs.
- (D) Freestanding signs.
- (E) Window signs.
- (F) Automobile service station signs.
- (G) Development identification signs.
- (H) Drive-through restaurant signs.
- (I) Institutional signs.

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- (J) Shopping center identification signs.
  - (K) Temporary signs.
  - (L) Projecting signs.
  - (M) Sidewalk signs (only in the B-1 Central Business District).

(Ord. No. 08-O-0067, § 1, 8-5-2008; Ord. No. 11-O-0042, § 3, 8-15-2011)

### **12.9-3. Historic districts.**

The following types of signs shall be permitted within the historic districts:

- (A) Exempt signs as set forth in section 12.3.
- (B) Changeable copy signs ancillary to institutional signs or ancillary to freestanding signs designating fuel prices at an automobile service station.
- (C) Flush-mounted signs.
- (D) Freestanding signs.
- (E) Projecting signs.
- (F) Window signs.
- (G) Automobile service station signs.
- (H) Development identification signs.
- (I) Drive-through restaurant signs.
- (J) Institutional signs.
- (K) Shopping center identification signs.
- (L) Temporary signs.
- (M) Sidewalk signs (only in the Turner Junction Historic District).

(Ord. No. 08-O-0067, § 1, 8-5-2008; Ord. No. 11-O-0042, § 4, 8-15-2011)

### **12.10. Temporary signs.**

The provisions of this section shall regulate all temporary signs, with the exception of all signs specifically described and regulated in section 12.3. ~~If an establishment does not have an existing sign, a temporary sign may be used. Temporary signs may also be used by establishments with an existing sign, but shall be limited to events outside of the normal business activities to promote a special event.~~

(Ord. No. 08-O-0067, § 1, 8-5-2008)

#### **12.10-1. Temporary sign permit.**

- (A) Every applicant shall submit an application to the administrator, as set forth in section 12.2-2.
- (B) An individual permit shall be limited to a maximum of fourteen (14) days.
- (C) Such signs shall be removed within twenty-four (24) hours after the expiration of the permit unless a new permit has been obtained.
- (D) No more than four (4) permits shall be issued for any one business in any calendar year.

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(Ord. No. 08-O-0067, § 1, 8-5-2008)

### **12.10-2. Temporary sign regulations.**

- (A) Not more than four (4) temporary signs, none of which shall exceed thirty-two (32) square feet in area or forty-eight (48) square feet in the aggregate, shall be permitted on a parcel of property. Pennants, streamers, ribbons, strings of light, bulbs spinners and similar signs shall be counted as one (1) temporary sign but shall not be counted towards the total sign area.
- (B) Temporary signs shall be set back a minimum of five (5) feet from all property lines and shall not be placed within the vision triangle as set forth in section 12.6-3.
- (C) Any temporary sign suspended over a walkway shall maintain a minimum of eight (8) feet of clearance from the ground to the bottom of such sign.
- (D) Temporary signs shall not contain changeable copy.
- (E) Temporary signs shall be anchored and supported in a manner that prevents the signs from becoming hazards to the public health and safety.

(Ord. No. 08-O-0067, § 1, 8-5-2008)

### **12.11. Nonconforming signs.**

A nonconforming sign that does not pose an important peril to life or property may remain and be maintained by ordinary repairs, but shall not be:

- (A) Altered or enlarged in such a way as to increase its nonconformity.
- (B) Replaced by another nonconforming sign (provided that changing the message on a changeable copy sign shall not be deemed a violation of this provision).
- (C) Relocated, unless it is made to conform with this ordinance.
- (D) Reconstructed after incurring damage in an amount exceeding fifty (50) percent of its market value at the time of loss as determined by the administrator.
- (E) Permitted after the activity, business, product or service no longer is conducted on the premises.
- (F) Sign faces may be replaced on a nonconforming sign.**

(Ord. No. 08-O-0067, § 1, 8-5-2008)