

VILLAGE OF ELBURN

ORDINANCE NO. 2016-06

AN ORDINANCE AMENDING
THE VILLAGE OF ELBURN'S SIGN ORDINANCE

ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF ELBURN

ON THE 21 DAY OF March, 2016

Published in pamphlet form by authority of the
Board of Trustees of the Village of Elburn, Kane County, Illinois
This ___ day of _____, 2016

ORDINANCE NO. 2016-06

**AN ORDINANCE AMENDING
THE VILLAGE OF ELBURN'S SIGN ORDINANCE**

WHEREAS, 65 ILCS 5/11-80-15(a) of the Illinois Municipal Code provides that "[t]he corporate authorities of each municipality may license street advertising by means of billboards, sign boards, and signs and may regulate the character and control the location of billboards, sign boards, and signs upon vacant property and upon buildings"; and

WHEREAS, pursuant to the above authority, the Village of Elburn adopted multiple revisions to the Village of Elburn's Sign Ordinance in Ordinance No. 2009-03, passed on March 16, 2009; and

WHEREAS, the Village of Elburn's Sign Ordinance was adopted to, among other things, preserve public health, safety, and welfare, promote pedestrian and traffic safety, maintain and enhance community appearance, minimize the adverse effect of signs on nearby public and private property, and ensure the value of private property; and

WHEREAS, the Village of Elburn's sign ordinance separates commercial sign regulations from non-commercial sign regulations because, as held by the United States Supreme Court, non-commercial speech—including non-commercial signage, is afforded greater protection than commercial speech under the First Amendment to the United States Constitution; and

WHEREAS, the Village seeks to prevent the inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message, by adding a "substitution clause" to the Village of Elburn's Sign Ordinance; and

WHEREAS, based upon the prior precedential decisions of the Seventh Circuit Court of Appeals, which has jurisdiction over the Village, the non-commercial sign regulations, as

currently adopted and in effect, met applicable standards for content neutrality under the First Amendment.

WHEREAS, on June 18, 2015, the U.S. Supreme Court issued a decision in the case of *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218 (2015); and

WHEREAS, the Supreme Court held in *Reed v. Town of Gilbert, Ariz.*, that content-based classifications in signage ordinances are not content-neutral, are subject to strict scrutiny, and are therefore presumptively unconstitutional; and

WHEREAS, the *Reed* decision caused the Seventh Circuit Court of Appeals to reverse its interpretation of content neutrality in regulating non-commercial signs; and

WHEREAS, provisions of the Village of Elburn's Sign Ordinance are now presumptively unconstitutional; and

WHEREAS, the President and Board of Trustees find that multiple revisions to the Village of Elburn's Sign Ordinance are required to comply with the *Reed* decision.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Elburn, Kane County, Illinois as follows:

SECTION ONE. That the Village of Elburn Sign Ordinance adopted on March 16, 2009, as Ordinance No. 2009-03, as amended, is hereby repealed in its entirety.

SECTION TWO. That the Ordinance Authorizing and Regulating Signs attached hereto as **EXHIBIT A** is hereby adopted.

SECTION THREE. That the General Code Penalty Provisions of Section 202.99 of the Village of Elburn Codified Ordinances are hereby applicable to violations of the aforesaid Ordinance Authorizing and Regulating Signs.

SECTION FOUR. That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION FIVE. That the Village of Elburn's adoption of this Ordinance and such pamphlet shall constitute notice that the determination is effective and that this is the determination of this public body.

SECTION SIX. That this Ordinance shall be in full force and effect from and after its passage and approval by the President and Board of Trustees.

Trustee	Aye	Nay	Absent	Abstain
Ken Anderson	✓			
Bill Grabarek	✓			
Dave Gualdoni	✓			
John Krukoff	✓			
Patricia Schuberg	✓			
Jeff Walter	✓			
Mayor Dave Anderson				

PRESENTED to the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 21 day of March, 2016.

PASSED by the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 21 day of March, 2016.

SIGNED by the President of the Board of Trustees of the Village of Elburn, Kane County, Illinois, this ____ day of _____, 2016.

(SEAL)



ATTEST:



Diane McQuilkin
Village Clerk
Village of Elburn, Kane County, Illinois



David Anderson
Mayor
Village of Elburn, Kane County, Illinois

STATE OF ILLINOIS)
)
COUNTY OF KANE)

SS

CLERK'S CERTIFICATE

I, Diane McQuilkin, the duly qualified and acting Village Clerk of the Village of Elburn, Kane County, Illinois (the "District"), and as such official I am the keeper of the records and files of the Village and the Board of Trustees (the "Board") thereof. I do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

**ORDINANCE NO. 2016-06
AN ORDINANCE AMENDING
THE VILLAGE OF ELBURN'S SIGN ORDINANCE**

which Ordinance was adopted by the Board of Trustees at a regular meeting held on the 21 day of March, 2016.

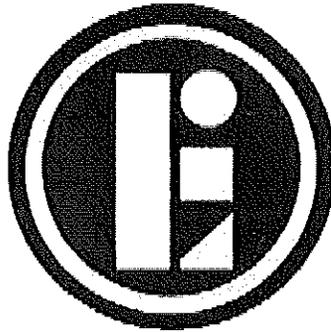
I do further certify that a quorum of said Board of Trustees was present at said meeting; that the deliberations and vote of the Board on the adoption of said ordinance were conducted openly; that said meeting was called and held at a specific time and place convenient to the public; that the agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board at least 48 hours in advance of holding said meeting; that notice of said meeting was duly given to all of the news media requesting such notice; that said meeting was called and held in strict compliance with the provisions of the Open Meeting Act of the State of Illinois, as amended, and with the provisions of the applicable statutes of the State of Illinois, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand this 21 day of March, 2016.



Diane McQuilkin
Diane McQuilkin
Village Clerk, Village of Elburn, Kane County, Illinois

***AN ORDINANCE AUTHORIZING AND REGULATING
SIGNS***



VILLAGE OF ELBURN, ILLINOIS

February, 2016

Prepared By

The Village of

Elburn

SIGN ORDINANCE, VILLAGE OF ELBURN
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**SIGN ORDINANCE
VILLAGE OF
ELBURN**

1.1 GENERAL PROVISIONS

- A. Applicability** – The regulations set forth in this Ordinance shall apply to and govern signs in all zoning districts in the Village of Elburn. No sign shall be erected, repaired, altered, relocated or maintained except in conformance with the regulations for the district in which it is located, unless the sign is otherwise specifically regulated by special use provision or provisions relating to variances.
- B. Purpose** – This Ordinance is established in order to create the standards for a comprehensive and balanced system of signage regulations. The purpose of this Ordinance is to regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed upon private property for exterior observation. Furthermore, this Ordinance furthers the following ends:
- a. To encourage, as a means of communication in the Village of Elburn, signs that are:
 - 1. Compatible with existing land uses and buildings;
 - 2. Appropriate to the type of activity to which they pertain;
 - 3. Expressive of the identity of individual proprietors;
 - 4. Legible in the circumstances in which they are seen; and
 - 5. Respectful of the reasonable rights of other property and sign owners;
 - b. To preserve, protect and promote public health, safety and welfare;
 - c. To improve pedestrian and traffic safety;
 - d. To maintain and enhance community appearance;
 - e. To augment the Village's ability to attract sources of economic development by promoting the reasonable, orderly, and effective display of signs;
 - f. To maintain and enhance community appearance and the Village's

ability to attract sources of economic development by promoting the reasonable, orderly and effective display of signs;

- g. To minimize the possible adverse effect of signs on nearby public and private property;
- h. To ensure the value of private property by assuring the compatibility of signs with surrounding land use values;
- i. To ensure that signs are designed as integral architectural elements of the building and site, to which they principally relate; and
- j. To protect against the destruction of, or encroachment on, historic places within the Village.

1.2 **DEFINITIONS** – The following words, terms and phrases used in this Ordinance shall be defined according to the following:

Abandoned

Sign: A sign which no longer directs attention to or advertises any person, business, lessor, owner, product, idea, place, activity, institution or service which is conducted or available.

Advertising

Message: A commercial message or communication describing products or services being offered or available to the public.

Animated

Sign: Any sign that physically moves, uses an electronic process or remote control, or changes lighting to modify the message of the sign.

Area of Sign:

Sign area shall be the gross surface area within a single continuous perimeter composed of a single rectangle enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures, together with any material, or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports becomes enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. For computing the area of any sign which consists of individual letters or separate graphic elements, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters or elements.

Awning:

A temporary shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework when an awning contains, embodies or displays any verbiage, trademark, logo or similar representation, these elements shall constitute a "sign".

Background

Area: The entire area of a sign on which a copy could be placed, as opposed to the copy area, when referred to in connection with wall signs.

Banner:

A sign with its copy on non-rigid material such as cloth, plastic, fabric or paper with not supporting framework.

Beacon: A stationary or revolving light (also known as a “searchlight”) which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention. This term is not intended, however, to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Billboard: See definition of “Off-Site Sign.”

Building Face

Or Wall: The wall and window area of a building in one plane or elevation.

Building Frontage:

The linear length of a building facing the right-of-way.

Business Frontage:

The frontage of a lot on: a public right-of-way; a privately-owned circulation road, which functions as a collector and distributor of commercial traffic; or a parking lot that serves the business establishment.

Canopy:

A structure other than an awning made of cloth, metal or other materials with frames affixed to a building and carried by a frame which is supported by the ground. When a canopy contains, embodies or displays any words, trademark, logo or similar representation, those elements constitute a sign.

Changeable

Copy:

Letters, numerals, or other graphics which are not permanently affixed to a structure and/or set for permanent display, and are intended to be alterable through manual or electronic means.

Construction

Sign:

A temporary sign placed within a parcel of property upon which construction activities of any type are being actively performed.

Decorative

Lighting:

Any type of lighting element applied to the interior or exterior of a window door, or exterior building surface, which is intended to be viewed from the exterior of the building or structure.

Facade:

The exterior face of wall of a building as it is presented to view.

The apparent width and/or height of a building as viewed from streets, driveways and parking lots. Minor changes in wall elevations do not constitute the creation of additional facades.

Flag: A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole, rope, or structure.

Flashing

Sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, reflective materials, or an externally mounted intermittent light source. Automatic changing signs such as the public service time, temperature and date signs, or electronically controlled message centers shall be classified as "changeable copy signs", not "flashing signs".

Free-Standing

Sign: Any sign supported by structures or supports that are placed on, or anchored in the ground, and are independent from any building or other structure.

**Gasoline
Service**

Station: A business facility which is primarily distinguished by the retail sale of gasoline and related petroleum products necessary for the day-to-day operation of automobiles and commonly referred to as a "gas station". Such a facility may, in addition, offer maintenance and repair services for automobiles.

Glaring

Signs: Signs with light sources or which reflect brightness in a manner which constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, Light Emitting Diode (LED) signs, as well as holographic signs.

Good

Repair: Not included in normal maintenance or repair are the following: replacing more than fifty (50) percent of the uprights, in whole or in part, or extending the height above ground, or similar activities which substantially changes a sign such as anything which increases the size or value of the sign.

Government

Sign: A sign that is constructed, placed, or maintained by federal, state, or

local government(s), or a sign that is required to be constructed, placed, or maintained by federal, state, or local law.

Ground

Sign: Any sign where the bottom side of the sign is placed, or mounted on a base at least as wide as the sign that is permanently placed, on the ground. A ground sign shall not have any visible posts, poles, pylons, or other supports designed to raise the sign above the ground. Ground signs are also referred to as monument signs.

**Height of a
Sign:**

The vertical distance measured from grade to the highest point of the sign.

**Home
Occupation
or
Name Plate**

Sign: A sign less than two (2) square feet in size installed upon the face of a residential property.

**Illuminated
Sign,**

External: Any sign externally illuminated by a source of light which is cast upon the surface or face of the sign to illuminate by reflection only.

**Illuminated
Sign,**

Internal: Any sign, all or any part of which:

- (1) Is made of incandescent neon, or other types of lamps attached thereto.
- (2) Has a border of incandescent or fluorescent lamps thereto, attached and reflecting light thereon.
- (3) Is transparent, and lighted by electricity or other methods of illumination.

Inflatable

Sign: An inflatable object or balloon at least three (3) feet in diameter.

Marquee: Any sign covered structure projecting from and supported by a building with independent roof and drainage provisions and which is erected over a doorway(s) as protection against the weather.

Memorial

Sign: A sign, tablet, or plaque no larger than five (5) square feet.

Non-Residential Development

Sign: A permanent, freestanding sign located at a major entrance of a non-residential development or commercial center.

Non-Conforming Sign (Legal):

A non-conforming sign shall be any sign which:

- (1) A sign which was lawfully erected and maintained prior to such time as it came within the purview of this Ordinance and any amendments hereto, and which fails to conform to all applicable regulations and restrictions contained in this Ordinance; or
- (2) A non-conforming sign for which a permit has been issued.

Obscene: Statements, words, suggestions, or pictures of an indecent or immoral character, such as will offend public morals or decency.

Obsolete

Sign: A sign located upon the premises of a tenant, business, organization, activity, or service that has ceased to operate or occupy the site for longer than thirty (30) days.

On-Site

Sign: A sign that relates solely to a business use or profession conducted, or to a principal commodity service or entertainment sold, provided, or offered upon the premises where the sign is located.

Off-Site

Sign: A sign that relates in whole or in part to a business use or profession conducted, or to commodities, services, activities, ideas, slogans or entertainment not offered at or relating to the zoning lot upon which the sign is placed.

Open House

Sign: A sign placed upon a residential property that, while normally not publically accessible, has been temporarily opened to the public.

Parapet: That vertical portion of the wall of a building that rises above the roof level.

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 a series, designed to move in the wind.

Permanent

Sign: Any sign that is not a temporary sign. Such signs shall be constructed in accordance with the Village Building Code in effect at the time of construction.

Person: Any individual, corporation, partnership, limited liability company, organization, association, or other identifiable entity or group of individuals or entities that have joined together for a particular purpose.

Pole Sign: A sign mounted on one or more freestanding pole(s) or pylons.

Portable

Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to:

- (1) Signs designed to be transported by means of wheels.
- (2) Signs converted to "A" or "T" frames.
- (3) Balloons and inflatable signs.
- (4) Signs attached to, or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations.

Projecting

Sign: Any sign affixed to a building or wall in such a manner that is leading edge extends more than six (6) inches beyond the surface of such building or wall.

Real Estate

Sign: A sign placed upon a property that is actively marketed for sale or rent, as evidenced by the property's listing in a multiple listing service.

Residential

Development

Sign: A permanent freestanding sign made of stone, brick, concrete, or wood located at a major entrance of a Planned Unit Development or residential subdivision.

Roof Line: Either the edge of the roof or the top of the parapet, whichever is higher, but excluding any mansards, cupolas, pylons, chimneys or any minor projections. In cases where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Roof Sign: Any sign erected, constructed, and maintained entirely or partially upon or over the roof of any building, with the principal support on the roof.

Roof Sign, Integral: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**Rummage
Sale or
Garage Sale
Sign:**

A sign located at a residence or other property at which (1) no routine for-profit activity is conducted, and (2) the public is temporarily invited to conduct business.

Setback: For the purpose of this Ordinance, the setback of a sign shall be defined as the shortest horizontal distance between a property line and the closest edge of a sign, including the structure and base:

- (1) Where a property line extends into a street right-of-way, the setback of a sign shall be the shortest horizontal distance between the closest edge of a sign, including the structure and base, the back of curb, and the edge of the pavement of the adjacent street.
- (2) Where a sign is located along an access drive, the setback of a sign shall be the shortest horizontal distance between the closest edge of a sign, including the structure and base, the back of curb, and the edge of the pavement of the adjacent access drive.

Sign: A sign is any name, identification, description, advertisement, display, or illustration which is affixed to or painted or represented directly upon a building, structure, or other outdoor surface or piece of land; and which directs attention to an object, idea, product, philosophy, place, activity, person, institution, service organization, or business.

The term "sign" shall not include any name, identification, description, advertisement, display, or illustration located completely within an enclosed building or structure, unless the content thereof shall be exposed to view from the outside of the building.

(1) For the purpose of this Ordinance, a building, or portion of a building, or any item or material (opaque, transparent, colored or illuminated) physically attached to a building which departs from standard architectural treatment in an attempt to attract attention to the premises by reason of color scheme and/or illumination, or part of a building or façade not required structurally or for maintenance, and which is intended to direct attention to products, goods, services, events or entertainment, shall be considered a "sign" and be subject to all pertinent regulations, including sign area as defined herein.

Each display surface of a sign or sign face must be considered to be a sign.

Sign Face: The entire area of a sign on which copy could be placed.

Temporary Sign: Any sign that is used only temporarily, and not permanently mounted. This includes any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time.

Unlawful Sign: A sign which contravenes the terms of this Ordinance or which the Zoning Enforcement Officer has declared to be unlawful because it poses a danger to public safety by reason of dilapidation or abandonment; a non-conforming sign for which any permit required under any previous ordinance was not obtained.

Vehicular Signs: Any advertising, business, or commercial signs attached to an automobile, which is parked or placed in position for display to the

public.

Wall Sign: A sign which is painted on or placed against a building or other structure and which is attached to the exterior front, rear or side wall of a building. The term "wall sign" shall include a sign attached to a mansard roof and not protruding, wholly or partially, above the highest point of the roof of the building or structure to which the mansard roof is attached.

Window Sign: A sign that is posted on the interior or exterior of a window of a building or structure which is intended to be read from the exterior of the building structure.

Temporary Sign: A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic, cardboard, wallboard, plywood, or other like materials that is intended or appears to be intended to be displayed for a limited period of time.

1.3 MEASUREMENTS

A. Area of Individual Signs.

- a. The area of a sign shall be determined by the outer dimensions of the frame or enclosure surrounding the sign face.
- b. The area of a sign face or lettering not enclosed in a frame, is determined by calculating the smallest rectangle that will encompass the extreme limits of the sign, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. This area calculation does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- c. A double-faced sign shall count as two (2) signs. A double-faced sign shall count as one (1) sign for Real Estate, Open House and Garage Sale Signs ONLY.

1.4 PROHIBITED SIGNS

The following signs are prohibited in all zoning districts within the Village of Elburn unless otherwise provided for this Ordinance:

- A. **Off-Site Signs**, unless otherwise provided herein.
- B. **Animated Signs**, unless otherwise provided herein.
- C. **Obsolete Signs**. Property owners are required to remove signs within thirty (30) days of the date that a tenant, business, organization, activity, or service has ceased to operate or occupy the site of the sign. However, if the sign structure is in good repair and meets all setback, size and other regulations of this Ordinance, the structure may be left in place and a blank sign panel installed;
- D. **Vehicle Signs**, except when the following criteria are met:
 - a. Such vehicle at no time remains in one visible location for more than twenty-four (24) consecutive hours;
 - b. Such vehicle is actually used by it's owner or another as a means of transportation of people or goods;
 - c. Such vehicle displays current registration and is insured to operate on public streets in the State of Illinois; and
 - d. Any sign determined by the Zoning Enforcement Officer and/or Chief of Police to not constitute a traffic or pedestrian danger, by reason of size, condition or illumination.
- E. **Trailer Mounted/Wheel Mounted Signs**.
- F. **Outdoor Display of Merchandise**, to attract attention to a business shall be prohibited. All merchandise shall be fully enclosed within a building, unless a special use permit is obtained in accordance with procedures established in Article XV of the Zoning Ordinance.
- G. **Billboards**, it shall be unlawful to construct, erect, locate or maintain any billboard in the Village of Elburn without complying with the following provisions:
 - a. Billboards may be allowed only along primary highways located within: the CM, Commercial Manufacturing District; or an M-1, Manufacturing District.

- b. Billboards shall be allowed only as the principal use of a zoning lot. Billboards shall not be erected on any zoning lot which contains an existing principal structure, building or use.
- c. No more than one (1) billboard shall be located on a zoning lot.
- d. No billboard shall exceed one-hundred fifty (150) square feet in sign surface area, per sign face.
- e. Billboards shall not exceed thirty-five (35) feet in height, as measured from the top of the adjacent grade to the top of the sign or sign structure.
- f. Billboards shall comply with the minimum yard, lot and setback requirements of the zoning district in which they are located.
- g. Billboards shall be located a minimum of one hundred (100) feet from any residentially zoned property.
- h. Billboards shall be located a minimum of three hundred (300) feet from any other billboard and not less than one-hundred fifty (150) feet from any other free-standing sign.
- i. Any billboard within three (3) feet of a driveway parking area or maneuvering area shall be completely surrounded by curbing that is not less than three (3) feet from the outermost perimeter of the billboard, unless the billboard is mounted on a pole with a sign clearance of at least twelve (12) feet above grade.
- j. Every billboard, including the frames, braces and supports thereof, shall be securely built, constructed, erected and certified safe by a structural engineer, registered architect, and/or sign manufacturer, as may be required by the Zoning Enforcement Officer. It shall be demonstrated, to the satisfaction of the Zoning Enforcement Officer, that posts and standards will be sunk below the natural surface sufficient to prevent over-turning.
- k. No billboard shall be erected along the Lincoln Highway (IL Route 38).

H. **Other Prohibited Signs**, including:

- a. Signs of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

- b. Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless otherwise permitted.
- c. Feature blinking, flashing, or fluttering lights or other illuminating devices which exhibit movement, except as permitted specifically by other legislation.
- d. Portable signs that do not comply with the location, size, or use restrictions of this Ordinance.
- e. Other signs that otherwise violate the provisions of this Ordinance.

1.5 GENERAL REGULATIONS

- A. **Authorization by Owner** – Except as provided in Section 1.7 below, no person shall erect, alter, or relocate any sign within the Village of Elburn without first obtaining the express consent of the owner of the land upon which the sign shall be erected, altered or relocated, in addition to obtaining a sign permit from the Zoning Enforcement Officer.
- B. **Illumination** – In addition to other applicable requirements set forth in this Ordinance, all illuminated signs must comply with the following provisions:
1. With the exception of changing signs as defined herein, all illuminated signs within the direct line of sight of dwellings in a residential district shall be turned off between the hours of eleven (11:00) p.m. and seven (7:00) a.m. unless the establishment is engaged in the operation of business during such period, in which case the sign may be lit during the hours of operation only.
 2. Illumination shall be installed or applied only through a translucent surface; or recessed into the sign structure; or if the light source is external to the sign, directed to and concentrated on the sign.
 3. Signs shall be shaded as necessary to avoid casting a bright light upon property located in any residential district or upon any public street or park.
 4. Floodlights, reflectors or other external sources of illumination shall be contained within a protective casing.
 5. Illumination shall be constant in intensity and color, and shall not consist of flashing, animated, chasing, scintillating or other illumination conveying the sense of movement. Signs which exhibit only time and temperature may be permitted.
 6. Exposed light bulbs, and LED tubes are prohibited, unless approved as a part of a Planned Unit Development.
- C. **Vertical and Horizontal Extension**
1. Any sign placed flat against a wall, mansard roof, canopy or awning shall not extend beyond any vertical corner edge of such wall, canopy, awning, roofline or parapet;
 2. In addition to the above requirements, placement of any wall sign must

meet the following provisions:

- a. Signs shall not cover, wholly or partially, any wall opening, nor project beyond the sides of the wall to which it is affixed.
- b. Signs shall not project from the wall on which they are mounted, in such a manner as to pose an obstruction or hazard to pedestrians or vehicles.

D. **Sign Placement in Public Areas** – Except for official signs erected by the Village of Elburn or other Highway Authority, no sign shall be erected on any public right-of-way, tree, utility pole, traffic standard or other public sign standard.

E. **Placement of Signs on Lots**

1. Only signs erected by the Village of Elburn, Kane County or the State of Illinois shall be permitted within a public right-of-way. All other signs shall be placed no closer than five (5) feet from any lot line.
2. Corner Lots. No sign having a height of more than thirty (30) inches above grade of the adjacent streets shall be constructed or placed within a triangular area of twenty-five (25) feet from the point of intersection of the two (2) street right-of-way lines forming such corner lot.

F. **Planned Unit Development Signs** – Signs located within a planned unit development shall be governed by those standards set forth in the underlying zoning district. Such standards may, however, be modified by the Planning Commission in accordance with the provisions of the Planned Unit Development Article XI of the Zoning Ordinance of the Village of Elburn, as now or hereafter amended.

G. **Inspection** – Every new sign in the Village of Elburn shall be subject to a general inspection, electrical inspection, footing inspection, and any other inspection(s) deemed necessary by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall authorize or conduct subsequent periodic inspections as he or she deems necessary for the purpose of ascertaining whether a sign requires removal or repair.

H. **Maintenance** – Every sign in the Village of Elburn, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable, legible and good structural condition at all times, including the replacement of nonfunctioning, broken or defective parts, painting, repainting, cleaning and any other acts required for the maintenance of such sign. Every sign and all parts thereof, including framework supports, background, anchors and wiring

systems shall be constructed and maintained in compliance with the building and electrical codes of the Village of Elburn. All signs and sign supports shall be kept painted or otherwise treated, to prevent rust, rot or deterioration.

I. Notification to Remove:

1. If the Zoning Enforcement Officer finds that any sign is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this Ordinance, the Zoning Enforcement Officer shall issue written notice of such condition or violation to the person to whom the permit for said sign has been issued.
2. All notices issued by the Zoning Enforcement Officer shall describe the sign and its location and shall specify the manner in which the sign is in violation of the ordinance(s) of the Village of Elburn. All notices issued by the Zoning Enforcement Officer shall be sent by First Class mail to the current owner. Any time period provided for in this Ordinance shall be deemed to commence on the date of the receipt of the First Class mail.
3. If the party to whom such notice is issued fails to remove or alter the sign so as to comply with the provisions of this Ordinance, within thirty (30) days of the receipt of the First Class mailing, the Zoning Enforcement Officer may remove or alter the sign at the expense of the owner.
4. The cost of removing the sign may be recovered by the Village of Elburn through any appropriate legal proceeding. The application for a sign permit shall give the Village of Elburn the right to enter the property to inspect and legally remove the sign. The cost of removal shall be deemed to include any and all incidental expenses, as well as all direct and indirect costs, incurred by the Village of Elburn in connection with removal of the sign.
5. The Zoning Enforcement Officer may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.
6. The Zoning Enforcement Officer shall not issue any sign permit to any person who refuses to pay costs or expenses incurred by the Village of Elburn in removing or altering any sign for which he or she has previously obtained a permit, regardless of whether legal proceedings have been initiated for the purpose of recovering such costs.

1.6 EXEMPTIONS

Unless otherwise stated, signs listed in this Section are permitted in all zoning districts. The following exempt signs do **not** require a sign permit and shall not be counted when calculating the number of signs or square footage on a premise. However, such signs shall conform to all other general regulations in this Ordinance (for example; height area, setbacks, clearance, etc.):

- A. **Memorial signs**, no larger than five (5) square feet.
- B. **Signs erected by a governmental body or government signs**, or under the direction of such a body.
- C. **One (1) non-residential construction identification sign**, up to a maximum of sixty four (64) sq. ft. shall be permitted. Such signs shall be confined to the site of the construction and shall be removed within three (3) days after issuance of the Certificate of Occupancy.
- D. **Temporary non-residential property real estate signs**, up to sixty four (64) sq. ft. in any commercial or industrial zoning district, and must be located on the subject property. Such sign may not be illuminated.
- E. **Residential Real Estate Signs**, subject to the following:
 - 1. Small real estate signs for properties less than one (1) acre, provided such signs shall not be more than ten (10) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a public street. Small real estate signs shall be freestanding signs set back from and not less than ten (10) feet from any lot line and shall not exceed six (6) feet in height and shall not be illuminated.
 - 2. Large real estate signs for properties more than one (1) acre, provided such signs shall not be more than thirty-two (32) square feet in area, provided that no more than one (1) such sign shall be permitted in each yard abutting a public street. Large real estate signs shall be freestanding signs set back not less than ten (10) feet from any lot line and shall not exceed ten (10) feet in height. Such signs shall not be illuminated.
- F. **Open House Signs**, subject to the following:
 - 1. Shall not exceed four (4) sq. ft. in area per sign;
 - 2. Shall be put up while the property on which the sign is located actively invites the public;
 - 3. There shall be no flags, banners or balloons attached to the signs;
 - 4. Signs may be placed within the Village right-of-way subject to the

non- objection of the property owner;

5. Shall not be placed in the State of Illinois (IL Route 47 or IL Route 38) or Kane County (Keslinger Road or Hughes Road) right-of-way.

G. **Garage Sale Signs**, subject to the following:

1. Shall not exceed four (4) sq. ft. in area per sign;
2. Shall only be erected no more than twenty-four (24) hours before the property upon which the sign is placed actively invites the public to conduct business, and must be removed when the public is no longer invited to conduct business;
3. There shall be no flags, banners, or balloons attached to the signs;
4. Signs may be placed within the Village right-of-way subject to the non- objection of the property owner;
5. Shall not be placed in the State of Illinois (IL Route 47 or IL Route 38) or Kane County (Keslinger Road or Hughes Road) right-of-way.

H. **Flags**, no more than three (3) in number per lot and provided that no flag is larger than fifty (50) sq. ft. per face and does not extend beyond the property line.

I. **Window signs**, posted within public view, shall not exceed twenty five percent (25%) of each window surface area through which or on which they are seen. Illuminated signs shall be no larger than six (6) sq. ft.

Any establishment with a liquor license shall allow for a clear view of the interior of premises.

J. **Signs required by federal, state, or local law.**

1.7 TEMPORARY SIGNS

A. General standards for temporary signs:

1. Permits for temporary signs shall be approved by the Zoning Enforcement Officer;
2. Only one (1) temporary sign per zoning lot is permitted at any given time, unless otherwise allowed by the Zoning Enforcement Officer;
3. Shall be safely anchored to the ground or building, as determined by the Zoning Enforcement Officer and/or designated agent;
4. Illumination is prohibited in or adjacent to residential districts (excluding temporary subdivision project signs);
5. Temporary signs shall not exceed thirty-two (32) square feet in area;
6. Display shall be limited to twenty (20) day periods, and shall be limited to four (4) such periods per calendar year unless otherwise allowed. Display of less than twenty (20) days shall count as the full period – remaining days shall not be applied to subsequent display periods; and
7. Must be located on the premises of the permit holder unless otherwise indicated or allowed by the sign permit.
8. One (1) advertising banner shall be permitted per wall of a commercial building that fronts onto a public street if it advertises a temporary special site promotion or sale.

B. Grand Openings, Special Events:

The following signs shall be permitted for grand openings or other special events according to the following:

1. Beacons – Only one (1) beacon shall be allowed. Beacons shall, however, be allowed to have multiple beams. Light display shall be limited to one (1) week.
2. Inflatable Signs and Tethered Balloons – Only one (1) inflatable sign or tethered balloon shall be allowed per zoning lot. Display of inflatable signs or tethered balloons shall be limited to one (1) week.
3. Pennants – Pennants shall be allowed to be displayed for a period not to exceed one (1) week.
4. Banners – Only one (1) banner shall be allowed to be displayed for a period not to exceed thirty days (30).

1.8 DOWNTOWN ELBURN SIGN DISTRICT

A. Downtown Sign District Boundaries:

The Downtown Elburn Sign District boundaries are illustrated in *Figure 1 – Downtown Sign District Boundary*.

- B. Intent: The Downtown Elburn Sign District is intended to preserve the historic character of the downtown area, while promoting the economic vitality of the downtown businesses. This district is also intended to compliment the *Old Town Design and Development Guidelines*, approved by the Elburn Village Board on September 20, 2004, Resolution 2004-09.

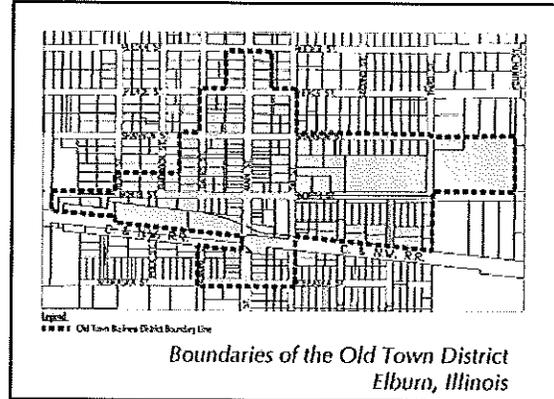


Fig. 1 – Downtown Sign District Boundary

- C. Standards: Signs permitted in the underlying zoning district, are permitted in the *Downtown Elburn Sign District*, subject to the following:

1. **Number of Signs.** Each storefront shall be limited to 2 signs, 1 primary sign and 1 secondary sign. The primary sign shall be located on the building facade, above storefront display windows and below sills of second story windows. Secondary signs may be small hanging signs or painted on a door or window, not to exceed 25% of the glass area.
2. **Awnings and Canopies.** Existing awnings and canopies should be retained and repaired as possible. New awnings and canopies should be complimentary in placement, proportion and color to the buildings original fixtures. Vinyl, plastic or metal awnings and canopies are prohibited. Lettering on awnings may be appropriate for primary or secondary signage, and lettering may be painted or sewn onto the valance. Lettering is limited to 6-8 inches.
3. **Wall Signs.** Wall mounted signs shall be no more than 2.5 feet high, and should extend across the width of the storefront. Lettering is limited to 8-18 inches in height, and shall occupy no more than 65% of the sign board.
4. **Style and Materials.** Signs shall be limited to a maximum of 3 colors, and 2 materials. Consideration of neighboring buildings, as well as the whole block, should be given when choosing colors and materials. Matching original historic signage should be attempted when possible. Wooden signs with raised lettering, metal signs, painted signs neon and gold leaf are all appropriate in the downtown. Nationally distributed or mass produced signs should be avoided.
5. **Illumination.** Lighting, where provided, should be simple and concealed. Internal illumination and flashing signs are prohibited. Concealed up-lit fixtures, fixtures of simple design, or fixtures appropriate to the building period are recommended.

6. **Sandwich Board Signs.** Sandwich board signs shall be no more than 65 (sixty-five) inches high and 30 (thirty) inches wide per sign. Only one (1) such sign shall be displayed per sales tax generating business. Such sign shall be limited to the hours between 10:00 a.m. and 7:00 p.m. Such sign shall not impede the flow of pedestrian traffic along the sidewalk.

1.9 SIGNS REGULATED BY ZONING DISTRICT:

A. All Districts:

1. Development Signs – Free-standing signs shall be permitted for the purpose of identifying Planned Unit Developments or subdivisions in any zoning district, subject to the following conditions:
 - a. Number - There shall be a maximum of one (1) such free-standing sign allowed provided, however that:
 - I. Where a planned unit development has multiple entrances along public streets, additional signs may be granted by the Village Board, upon recommendation by the Planning Commission as part of a site plan review or special use process;
 - II. Development identification signs as provided for herein shall be reviewed by the Planning Commission at a public meeting and approved by the Village Board;

B. Residential:

1. Development Signs:
 - a. Residential development identification signs shall be maintained by a Homeowners' Association or similar organization.
 - b. Development signs for residential subdivisions may be installed on masonry entry monuments, which may be constructed on both sides of the street.
 - c. The total size, including the base of a free-standing sign, shall not exceed seven (7) feet in height.
 - d. The sign area shall not exceed forty (40) square feet per side, limited to two (2) sides, or eighty (80) square feet total.
 - e. Residential development signs and entry monuments shall comply with all setback requirements set forth in this Ordinance.
2. Home Occupation/Name Plate Signs – Home occupation / name plate signs shall be permitted as follows:

- a. There shall be a maximum of one (1) such signs per zoning lot.
- b. The maximum size of any home occupation/nameplate signs shall be two (2) square feet.
- c. Home occupation/nameplate signs shall be installed flat against the face of the building, rather than in a front or side yard.
- d. Home occupation/nameplate signs shall not be illuminated.

C. **Non-Residential:**

1. **Development Identification Signs:**

- a. Non-residential identification signs shall not exceed sixty-four (64) square feet per side, limited to two (2) sides, or one-hundred and twenty-eight (128) square feet total.
- b. Non-residential Planned Unit Development signs shall not exceed nine (9) feet in height.
- c. Non-residential identification signs shall comply with all set-back requirements set forth in this Ordinance.
- d. Tenant identification may be provided on free-standing development identification signs for retail centers, provided, however:
 - i. Identification is limited to a tenant which occupies 1,000 square feet or more of gross floor area; and
 - ii. No more than six (6) such tenants are listed on each side of said sign.
- e. Tenant identification may be provided on free-standing development identification signs for all other non-residential uses, provided not more than six (6) tenants are listed on each side of the sign.

2. **Wall Signs** – Wall signs for businesses in non-residential districts shall be permitted as follows:

- a. **Number** – There shall be a maximum of one (1) such wall sign

for each business establishment provided, however that:

- i. A maximum of two (2) such wall signs shall be permitted for each business establishment when:
 - ii. The lot on which the sign refers is located on a corner lot.
 - iii. The building upon which the sign will be placed has more than one (1) business frontage. For the purposes of this Ordinance, a business frontage shall mean a public right-of-way, a customer access drive, or a parking lot which serves the commercial establishment.
 - iv. When more than one (1) business is located in a building, each establishment shall be permitted to display a wall sign on the front and corner side facades of a building.
- b. Area – The maximum size of wall signs shall not exceed five (5) percent of the building facade area upon which the sign is to be located, to a maximum of one hundred (100) square feet. When more than one sign is displayed to provide identification for businesses in a single building, the following shall apply:
- i. The total area of signs displayed on a building façade shall not, however, exceed five (5) percent of the building facade, to maximum of one hundred (100) square feet.

3. Setbacks:

- a. All development signs in any zoning district shall be set back not less than:
 - i. Fifteen (15) feet from any property line.
 - ii. Fifteen (15) feet from the back of curb of an adjacent access drive.
 - iii. Twenty (20) feet from the back of the curb of an adjacent public street.
 - iv. The sign shall not impede normal pedestrian

movement nor obstruct the line-of-sight for motor vehicle traffic.

4. **Landscaping** – Residential development identification signs shall be landscaped with trees and shrubs to blend the signs or monuments into the landscape of which they are a part.
5. **Free-Standing Ground Signs:**
 - a. There shall be a limit of one (1) freestanding ground sign per lot.
 - b. No ground sign shall exceed ten (10) feet in height. No ground sign located adjacent to a residentially zoned lot shall exceed eight (8) feet in height.
6. **Free-Standing Signs for Converted Dwellings:** Free-standing signs for businesses located in dwellings converted for commercial use shall comply with the following:
 - a. Free-standing signs shall be permitted only in lieu of wall signs otherwise allowed by the terms of this Ordinance.
 - b. Not more than one (1) free-standing sign shall be permitted for each zoning lot.
 - c. The total height, including the base of a free standing sign shall not exceed ten (10) feet in height.
 - d. The sign area shall not exceed twenty (20) square feet per side, limited to two (2) sides, or forty (40) square feet total.
 - e. The setback of the sign from all property lines shall be as determined by the Zoning Enforcement Officer, to assure that the sign is visible from the public right-of-way, but does not obstruct line of sight for motorists.
7. **Other Free-Standing Signs:** Free-standing signs proposed to serve businesses which are not located in a converted dwelling shall comply with the following:
 - a. The total height, including the base of a free-standing sign shall not exceed ten (10) feet.
 - b. The sign area shall not exceed forty (40) square feet per side, limited to two (2) sides, or eighty (80) square feet total.
 - c. Free-standing signs shall be located with a minimum setback

of fifteen (15) feet from any property line or from the back of the curb of an adjacent access drive. In all cases, the free-standing sign shall be set back twenty (20) feet from the back of the curb of an adjacent public street.

- d. Free-standing signs shall be installed so as not to impede normal pedestrian movement nor obstruct the driver line-of-sight for motor vehicle traffic.

D. **Awning or Canopy Signs:** Letters may be painted or otherwise permanently affixed to any permissible awning or canopy subject to the following conditions:

- 1. Lettering and/or symbols shall not project above, below, or beyond the physical dimensions of the awning or canopy.
- 2. Awning or canopy sign area shall count toward the total wall sign area.
- 3. Internal illumination of awnings and canopies shall be prohibited.

E. **Changeable Copy:** Changeable copy shall only be permitted for free-standing and wall signs, provided sign area does not exceed forty (40) square feet.

1.10 NONCONFORMING SIGNS:

Any sign which existed lawfully at the time of the adoption of this Ordinance and which becomes nonconforming upon adoption of this Ordinance shall be considered as legal nonconforming use and permitted to remain. It is reasonable that special conditions be placed upon the continuance of existing nonconforming signs. This special condition program permits the current owner to continue using the nonconforming sign while at the same time assuring that the sign will eventually comply with the regulations of the District in which the sign is located.

- A. **By Abandonment** – Abandonment or cessation for a period of ninety (90) days or the change of the principal use to which the nonconforming sign is accessory shall terminate immediately the right to maintain such sign.
- B. **By Destruction, Damage or Obsolescence** – The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign:
 - 1. Is damaged or destroyed, from any cause whatsoever, to the extent that its repair or replacement cost exceeds fifty (50) percent of its replacement cost as of the date it became nonconforming;
 - 2. Becomes obsolete or substandard when a request for rezoning is initiated by the owner of the property;
 - 3. Becomes a hazard or a danger to the safety or welfare of the general public.
- C. **By Change in Name or Use** – Change in the use or the name of the business shall terminate immediately the right to maintain a nonconforming sign. The owner has ninety (90) days from the change in use or tenant within which to bring the nonconforming sign into compliance.
- D. **By Redevelopment** – Nonconforming signs which are moved or affected by the redevelopment of a property; facade improvement program; or roadway widening shall not be reinstalled, but shall instead be brought into conformance with all elements of this Ordinance, unless these signs are determined to be of historic value to the Village of Elburn.

1.11 PERMIT APPLICATION AND FEES:

Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, re-erect, alter, or relocate any sign without first having obtained a sign permit. Where electrical and/or construction permits are required in connection with erecting, re-erecting, relocating, altering a sign, these shall be obtained at the same time as the sign permit.

A. **Application Procedure** – Application for a sign permit shall be made in writing on forms provided by the Zoning Enforcement Officer and shall include:

1. Site plans for free-standing signs only, in triplicate, drawn to scale and fully dimensioned, showing:
 - a. A north arrow.
 - b. A dimensioned site plan of the parcel or lot upon which the sign is to be located.
 - c. The name, address and telephone number of the person erecting the sign.
 - d. The name, address and telephone number of the person applying for the sign permit.
 - e. The name, address and telephone number of the owner of the property upon which the sign is to be erected.
 - f. The location and setback of the sign upon the parcel or lot upon which it is to be erected.
2. Three (3) copies for every sign drawing, including free-standing signs, with elevations and section details showing the sign face; exposed surfaces and horizontal dimensions in scale as to size, proportion and color, and indicating the dimensions between the lowest elevation of the sign and grade, the projection from buildings or sign structures, and a description of the sign including, but not limited to, illumination and colors.
3. Three (3) copies of structural and electrical plans.
4. The written consent of the owner of the building, structure or property upon or to which the sign is to be erected.
5. Such other information as the Zoning Enforcement Officer shall require

to show full compliance with this and all other laws and ordinances of the Village of Elburn.

6. Each application for a sign permit shall be reviewed by the Zoning Enforcement Officer for the purpose of determining compliance with the provisions of this Ordinance and all other applicable laws and ordinances of the Village of Elburn.

B. Issuance or Denial of Sign Permit:

1. The Zoning Enforcement Officer shall issue a sign permit for the erection, re-erection, alteration, or relocation of a sign in the Village of Elburn when the required permit application is properly made, all appropriate fees have been paid, and the Zoning Enforcement Officer has determined that the sign will comply with the provisions of this Ordinance and all other applicable laws and ordinances of the Village of Elburn.
2. When any application for sign permit is denied, the Zoning Enforcement Officer shall give written notice of the denial to the applicant, together with a brief statement of the reasons for the denial. Appeal from the Zoning Enforcement Officer decision to deny a permit application may be made by the applicant in accordance with the ordinances of the Village of Elburn.

- C. Variations** – Any requested variance or exception from the terms of this Ordinance shall be reviewed and evaluated by the Village Planning Commission at a public meeting. The Planning Commission shall act as a recommending body to the Village Board of Trustees, who shall be responsible for taking action on the requested variance or exception. If the Village Board of Trustees fails to approve such variance or exception within sixty (60) days of the application filing date with the Village the variance or exception shall be considered denied.

D. Limitations:

1. Sign permits allow the erection, re-erection, alteration or relocation of a sign only on the property designated in the permit and only by the person to whom the permit was issued and shall not be transferable.
2. A separate sign permit must be obtained for each sign for which a permit is required.

E. Permit Fees:

1. Every sign permit shall be accompanied by a fifty dollar (\$50.00) fee to reimburse the Village for expenses incurred in connection with its sign inspections and service. This fee will be waived for non-profit and governmental organizations.

Where it is determined that review of a sign permit is required by a Village of Elburn consultant, the applicant shall reimburse the Village of Elburn for costs incurred for said review provided, however, review costs do not exceed two-hundred and fifty dollars (\$250.00).

1.12 PENALTIES:

Any person, firm or corporation who violates any provision of this Ordinance shall be subject to a fine neither less than twenty-five dollars (\$25.00) nor more than seven-hundred and fifty dollars (\$750.00). Each day a violation occurs or continues to occur shall be deemed a separate violation as provided by local ordinance.

1.13 SEVERABILITY:

Each section and part thereof of this Ordinance is deemed to be severable and should any court of competent jurisdiction thereof hold any section or part invalid or unconstitutional, such ruling shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

1.14 SUBSTITUTION / NO DISCRIMINATION AGAINST NON-COMMERCIAL SIGNS OR SPEECH:

Signs containing non-commercial speech are permitted anywhere that commercial, advertising, or business signs are permitted, subject to the same regulations applicable to such signs. A substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a parcel or allow the substitution of an off-site commercial message in place of an on-site commercial message.

1.15 REPEAL OF INCONSISTENT ORDINANCE:

All Ordinances or parts thereof in conflict with the terms of this Ordinance are hereby repealed and have no further force and effect to the extent of such conflict.

1.16 EFFECTIVE DATE:

This Ordinance shall take effect upon passage, approval, and publication as required by law.