

**ORDINANCE NO. 11-6-1851**

**AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE VILLAGE'S SIGN REGULATIONS**

**WHEREAS**, the Village of Lindenhurst has enacted regulations regarding signs that have been codified in Chapter 157 of the Village Code, and

**WHEREAS**, from time-to-time, the Village reviews its regulations to determine whether it needs to be updated or amended, and

**WHEREAS**, the Village Board recently reviewed its sign code and determined that certain regulations need to be amended, and

**WHEREAS**, the Village Board of the Village of Lindenhurst finds and determines that the proposed amendments to Chapter 157, referred to as the Village's Sign Code, are desirable and in the best interests of the Village and its residents, as more fully described in this ordinance,

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Lindenhurst, Lake County, Illinois, as follows:

**SECTION I RECITALS:** The recitals listed above are incorporated into this Ordinance as if fully set forth in this Section 1.

**SECTION II:** Chapter 157 of the Village of Lindenhurst Code of Ordinances is hereby deleted in its entirety and replaced with the following:

**§ 157.0100 PURPOSE.**

The purpose of this chapter is to protect the public health, safety, and welfare by:

- A. Providing a procedure for the fair and consistent enforcement of this chapter through the establishment of a sign permit system to allow a broad variety of sign types in the village of Lindenhurst subject to the standards and procedures of this chapter;

- B. Ensuring that signs are designed, constructed, installed, and maintained so that public health, safety, and welfare are not compromised;
- C. Assuring that the advertising needs of village businesses are met while maintaining the physical appearance of all areas of the village of Lindenhurst;
- D. Creating a more attractive economic and business climate within the village of Lindenhurst;
- E. Protecting signs from obstruction by other signs;
- F. Prohibiting all signs not expressly permitted by this chapter;
- G. Reducing the distractions, obstructions, and hazards to pedestrian and auto traffic caused by the indiscriminate placement and use of signs;
- H. Encouraging the effective use of signs as a means of communication; and
- I. Protecting property values by minimizing the adverse effects of signs upon public and private property.

**§ 157.0200 SCOPE.**

The regulations of this chapter shall govern and control the type, location, erection, movement, reconstruction, enlargement, expansion, alteration, conversion, operation, maintenance, placement, relocation, removal, size, number, and character of all signs in the village of Lindenhurst visible from any public street, public walkway, or public or private common open space. Any sign not expressly permitted by these regulations shall be prohibited unless said sign is a legal nonconforming sign as described under § 157.1101 of this chapter. The regulations of this chapter also relate to the location of signs, by function and type, within zoning districts established under the provisions of the village of Lindenhurst zoning ordinance as amended. The regulations of this chapter shall be in addition to the provisions of the village of Lindenhurst zoning ordinance and other village of Lindenhurst codes and ordinances applicable to the construction and maintenance of signs.

**§ 157.0300 PERMIT REQUIRED AND EXCEPTIONS TO REQUIRING A SIGN PERMIT.**

- A. Permit Required.** No sign shall hereafter be located, erected, moved, reconstructed, enlarged, expanded, altered, converted, operated, placed, or relocated without obtaining a sign permit from the zoning administrator except those signs specifically excluded under subsection 157.0300B.
- B. Exceptions to Requiring a Sign Permit.** The following signs shall not require a sign permit:

1. Memorial signs, commemorative plaques, and memorial tablets displayed on public property, in cemeteries (including tombstones), or at historic sites.
2. Address numerals and non-illuminated nameplate signs that are in accordance with 96.62.
3. For purpose of orientation, off site directional signs when established by the village, not exceeding 2 square feet.
4. Legal notices.
5. On site traffic directional signs and parking signs which bear no advertising and do not exceed 3 square feet in area and no more than 36 inches in height (including on site traffic directional signs) shall be limited to 1 per driveway. The prohibition of pole signs notwithstanding, on site traffic directional signs and parking signs may be pole signs.
6. Governmental signs and governmental entity flags which are the official flags of the United States, state of Illinois, Lake County, the village of Lindenhurst, U.S. prisoner of war flag, and flags of nationally recognized societies or institutions which are properly displayed as may be permitted under 157.0400 (FF) of this chapter.
7. "No Trespassing", "No Dumping", and "No Hunting" signs provided that no such sign shall exceed 2 square feet.
8. No more than 1 "Open/Closed" and 1 "Vacancy/No Vacancy" sign, not exceeding 2 square feet, displayed for each business.
9. Window signs not exceeding 25% of the glass areas that are used for exits/entrances or necessary for visibility to exits/entrances. All other glass areas shall be considered part of the building and held to the same restrictions and regulations as any other part of the building as set forth in this chapter.
10. Government related and quasi-government related, off premises, directional signs to give sufficient public notice of the location of governmental facilities, hospitals, colleges, schools, and unincorporated areas. The maximum size of each sign shall be 4 square feet.
11. Political issue signs. (See also 157.1000 (A) of this chapter.)
12. Holiday decorations of a temporary, primarily decorative nature, clearly incidental to and customarily associated with traditional accepted civic, patriotic, or religious holidays.

13. The maximum number of private neighborhood crime watch signs per lot shall be 1. The maximum size of such private neighborhood crime watch sign shall be 1 square foot.
14. Signs affected by stipulated judgments to which the village of Lindenhurst is a party, entered by courts of competent jurisdiction.
15. Temporary residential garage sale and/or residential rummage sale signs held in conjunction with residential garage sales and/or residential rummage sales. (See also 157.1000(D) of this chapter.)
16. Home security signs in residential neighborhoods.
17. On site temporary signs for special events/civic organizations at places of worship, schools, public parks, and municipal buildings. (See also 157.1000(C) of this chapter.)
18. Interior signs erected within the confines of a building and which signs are not visible through windows or other open or transparent areas.
19. Repainting, changing of parts, and preventive maintenance of signs located on the site without changing or altering sign design, logo, or wording.
20. Grand opening sign(s)/banner(s) as permitted under 157.1000(E) of this chapter.

**§ 157.0400 SIGNS PROHIBITED IN ALL ZONING DISTRICTS.**

The following signs are hereby prohibited in all zoning districts in the village of Lindenhurst unless a sign ordinance variance is granted pursuant to 157.1105 of this chapter:

- A. Any sign displaying flashing or intermittent lights or lights of changing degrees of intensity, except as expressly permitted by Section 157.0800.
- B. Any sign that obscures or interferes with a sign displayed by public authority for the purpose of giving traffic instructions or direction or other public information.
- C. Any sign that obstructs a clear view to and from traffic along any public street right of way, entrance, or exit.
- D. Any sign that uses the word "stop" or "danger" or otherwise presents or implies the need or requirement of stopping or caution for the existence of danger or which is a copy or imitation of, or which, for any reason, is likely to be confused with any sign displayed by public authority.

- E. Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress for any building, or egress for any building, as required by law. No sign shall be attached to a standpipe.
- F. Any sign or illumination that causes any direct glare into or upon any building, other than the building to which the sign may be related.
- G. Off site and off premises signs which advertise businesses, establishments, activities, goods, products, facilities, or services or other message not made, produced, sold, or present on the premises or site where the sign is installed and maintained other than those which are permitted under 157.0800 and 157.1000 of this chapter.
- H. Inflatable advertising devices or signs.
- I. Portable trailer signs, either fixed or movable.
- J. Banners which are temporary signs or devices of paper, fabric, plastic, or other flexible materials and are suspended by wires or poles to advertise a special event except as provided for in 157.1000(C) of this Chapter.
- K. Off premises directional signs except as provided for by 157.1000 of this chapter.
- L. Any sign that violates any provision of any law of the state of Illinois relative to outdoor advertising.
- M. Snipe signs which do not identify a public utility such as a public telephone or which do not identify a recognized and/or real danger to public safety.
- N. Sandwich signs.
- O. Any sign located within a public right of way except as provided by this chapter.
- P. Billboard signs. It shall be unlawful to erect a billboard sign in any area of the village of Lindenhurst.
- Q. Wall signs which are painted directly upon walls.
- R. Signs as a principal use in any zoning district except as otherwise provided for in this chapter.
- S. The posting of any signs on any permanent or temporary structure or building, pole, or tree located in any public street right of way, public park, or other public way or place within the Village of Lindenhurst.

- T. Vehicles or any other type of property with "For Sale" signs when located within any public right of way or within any nonresidential zoning lot when vehicles or property are not being sold by a licensed business located within the zoning lot.
- U. Signs mounted to fences except as permitted under the provisions of this chapter.
- V. Statues used for commercial purposes.
- W. Temporary signs affixed to permanent signs.
- X. Signs painted or mounted on rocks or other natural features or affixed to trees.
- Y. A temporary sign attached to a motor vehicle or trailer parked on public or private property so as to be seen from the public right of way for more than 3 consecutive hours for the purpose of advertising a product or directing people to a business activity.
- Z. A sign of any character, including any sign advertising the exact nature and kind of business conducted on the premises, for the exhibition, by posting, painting, or in any other manner displaying of any statement, word, character, or illustration of any obscene, indecent, or immoral nature.
- AA. Searchlights.
- BB. Signs which are deemed by the zoning administrator to be in disrepair, hazardous, defective, structurally unsound, or otherwise unsafe.
- CC. Abandoned signs.
- DD. Signs on any wall, fence, or standard facing the side of any adjoining lot located in any residential zoning district classification.
- EE. Those signs which are prohibited by the village of Lindenhurst zoning ordinance and/or this chapter.
- FF. Real estate sales signs greater than 6 square feet. (See also 157.1000 of this chapter.)
- GG. Any sign which, or any part of which, is in motion by any means, including fluttering or rotating, or other signs set in motion by movement of the atmosphere. This includes all flags, pennants, whirling objects, windsocks, banners, or other entity(ies) attached to strings or lines. Exceptions to this prohibition shall include the following:
  - 1. The flag of the United States of America, U.S. prisoner of war flag, state of Illinois, village of Lindenhurst, and flags of nationally recognized societies or

institutions mounted no higher than 25 feet and limited to 1 such flag of each type per lot or parcel of land located in the NB, CB, PBC, O, BK, M, I, RO, and nonresidential PUD districts. Said flags shall not exceed 5 feet by 8 feet in size.

2. The flag of the United States of America, U.S. prisoner of war flag, state of Illinois, village of Lindenhurst, flags of nationally recognized societies or institutions, and windsocks in the E, SE, S, R-1, R-2, R-3, and residential PUD districts. Said flags shall not exceed 5 feet by 8 feet in size. Said windsocks shall not exceed 7 feet in length.

HH. All pole signs which are not listed in 157.0300 (B) of this chapter.

- II. Any grand opening sign(s)/banner(s) which is not approved pursuant to 157.1000 (E) of this chapter.

#### **§ 157.0500 SIGN AREA AND HEIGHT DETERMINATION.**

Sign area shall be defined by the following:

- A. **Sign Area Calculation for Freestanding and Marquee Signs:** In the case of freestanding and marquee signs, the entire surface area of the sign on which copy could be placed (including background and sign framing) and which is the smallest rectangle, triangle or circle (as applicable) which encloses the entire sign structure is the sign area. Where a sign has 2 display faces back to back, the area of only 1 face shall be considered the sign area. Where a sign has more than 1 display face, all areas which can be viewed simultaneously shall be considered the sign area.
- B. **Sign Area Calculation For Wall, Fascia, Awning/Canopy and Graphic Signs:**
  1. For wall, fascia, awning/canopy and graphic signs whose message is fabricated together with the background which visually borders or frames that message (and which sign background is not a structural part of the wall, fascia, awning or canopy upon which said sign background is placed), the sign area shall be the total area of the background (inclusive of the message area itself) which is the smallest rectangle, triangle or circle (as applicable) that visually borders or frames that message and sign background.
  2. For wall, fascia, awning/canopy and graphic signs whose message is fabricated together with the sign background which visually borders or frames that message (and which sign background is a structural part of the wall, fascia, awning or canopy upon which said sign background is placed), the sign area shall be the smallest rectangle, triangle or circle (as applicable) that visually borders or frames that message.

C. **Sign height and clearance shall be determined as follows:**

1. **Height of a Freestanding Sign:** The height of a freestanding sign shall be measured as indicated in 157.1400 of this chapter for the definition of "Sign Height".
2. **Clearance of a Projecting Sign:** The clearance of a projecting sign shall be measured from the base of the sign face area to the average elevation of the ground directly below the sign.
3. **Height of a Wall Sign:** The height of a wall sign shall be measured from the grade level of the base of the building below the sign to the top of the sign area. The top of the sign shall be no higher than the actual building height.

**§ 157.0600 Standards for Signs in all Zoning Districts**

The purpose of this section is to establish minimum regulations and standards for the display of signs in the village of Lindenhurst.

- A. All permanent signs shall incorporate similar colors, materials, and/or appearance as the architectural style of the principal building or surrounding buildings as determined by the Zoning Administrator.
- B. **Freestanding Sign Performance Standards:** The following are sign performance standards for freestanding signs:
  1. **Distance of Sign to Other Objects or Property Line.** No freestanding sign shall be closer than a distance equal to the height of the sign to any other sign, building, structure, or property line.
  2. **Underground Electrical Service Required.** All illuminated freestanding signs shall have underground electrical service.
  3. **Required Landscaping at Base of Freestanding Sign.** All freestanding signs shall provide a landscaped area with appropriate natural plant material ground cover and other landscape plantings located at the base of said freestanding sign equal in area to the sign area. When earthen berms are used as part of said landscaping, the earthen berms shall maintain a side slope of no greater than 3:1 with a maximum berm height of 3 feet above adjacent surrounding grade. When earthen berms are used, earthen berms shall count towards the maximum permissible sign height.
  4. **Maintenance of Area Surrounding Sign.** All freestanding signs and the premises surrounding the freestanding signs shall be maintained by the owner thereof in a clean and sanitary condition, and free and clear of all litter.



5. **Traffic Visibility and Signage Placement.** With respect to signage and related signage structures (including poles) or vegetation the following shall apply:
- a. No portion of a monument graphic shall project over or into a public right of way, municipal easement, or into sight visibility triangles.
- C. **Wall, Fascia, Awning/Canopy, Marquee, And Graphic Sign Performance Standards:** The following are sign performance standards for wall, fascia, awning/canopy, marquee, and graphic signs:
1. **Placement of Wall and Fascia Signs.** Wall and fascia signs placed against the exterior walls of buildings shall not project more than 12 inches from a building wall surface and shall not be placed to extend above the parapet wall. Wall signs and/or fascia signs shall not extend beyond the edge of any wall or other surface to which they are mounted.
  2. **Placement of Fascia Signs.** The bottom edge of fascia signs shall be placed a distance not to exceed 12 inches above the lowest line of the building fascia.
  3. **Painted Wall Signs.** Wall signs painted directly onto a wall shall not be permitted.
  4. **Minimum Height of Awning/Canopy Signs.** Awning/canopy signs in all districts shall have a minimum height of 8 feet of clearance from the surrounding grade.
- D. **No Signs Allowed Within Public Street Rights of Way:** No signs, including traffic signs and similar regulatory notices except those of a duly constituted governing body, shall be allowed to project over or be located within a public street right of way.
- E. **Roof Mounted Signs Not Allowed:** No signs shall be mounted to or painted on the roof of any building or structure. Signs shall not extend higher than the lowest roofline, with the exception of structures with Mansard roofs, which sign shall not extend higher than the top of the eave line.
- F. **Signs and Required Buffer Yards:** Signs may be located within a village of Lindenhurst zoning ordinance required buffer yard along a public street right of way and in the front yard only. No signs, however, shall be located along any side or rear lot line within a required buffer yard.
- G. **Sign Interference with Railroad or Traffic Signs, Signals, or Devices Not Permitted:** Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices, nor be lighted in such a way so as to cause glare or impair driver visibility upon public ways.

H. **Construction Standards:** The following construction standards shall apply:

1. All letters, figures, characters, or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure and shall comply with all requirements of this chapter and Building Codes. The Zoning Administrator shall have the final determination on whether a sign is safely and securely built, attached to the sign structure and complies with all requirements of this chapter.
- I. **Sign Maintenance:** The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of obnoxious substances, rubbish, and weeds.

## **§ 157.0700 SIGN REGULATIONS BY ZONING DISTRICT**

### **§ 157.0701 NEIGHBORHOOD BUSINESS (NB) REGULATIONS**

The regulations of this section shall apply to signs located in Neighborhood Business (NB) zoning districts:

#### **A. Permitted Signs**

1. Freestanding – 1 sign per zoning lot is permitted. For shopping centers, 1 sign per entrance is permitted.
2. Wall
3. Fascia
4. Awning/Canopy
5. Marquee
6. Graphic

With respect to wall, fascia, awning/canopy, and graphic signs, where more than 1 of these sign types are shown as a "permitted sign", the total sign area (maximum sign area) of all such signs cannot exceed the maximum sign area requirements of any 1 of the permitted sign types indicated in this section.

#### **B. Maximum Total Sign Area for All Signs**

1. 225 square feet
2. Excludes the freestanding sign area which identifies a shopping center up to a maximum of 140 square feet.

#### **C. Maximum Sign Area for Freestanding Signs**

1. 145 square feet.

2. Maximum of 140 square feet for 1 freestanding sign which identifies a shopping center is allowed.

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. 0.60 square foot per 1 linear foot of exterior storefront wall width which fronts on a public street up to a maximum of 175 square feet per public street frontage. Signs may be a minimum of 25 square feet.

**E. Maximum Sign Height for all Permitted Signs**

1. 15 feet

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.
2. **Wall, Fascia, Awning/ Canopy, Marquee and Graphic Signs:** Shielded spotlight, internally illuminated message signs, backlighted, and internally illuminate signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0702 COMMERCIAL BUSINESS (CB) AND PLANNED BUSINESS CENTER (PBC) REGULATIONS**

The regulations of this section shall apply to signs located in Commercial Business (CB) and Planned Business Center (PBC) zoning districts:

**A. Permitted Signs**

1. Freestanding – 1 sign per zoning lot is permitted. For shopping centers, 1 sign per entrance is permitted.
2. Wall
3. Fascia
4. Awning/Canopy
5. Marquee
6. Graphic
7. LED as regulated in 157.0800 of this chapter

With respect to wall, fascia, awning/canopy, and graphic signs, where more than 1 of these sign types are shown as a "permitted sign", the total sign area (maximum sign area) of all such signs cannot exceed the maximum sign area requirements of any 1 of the permitted sign types indicated in this section.

**B. Maximum Total Sign Area for All Signs**

1. 270 square feet.
2. Excludes the freestanding sign area which identifies a shopping center or business park up to a maximum of 300 square feet.

**C. Maximum Sign Area for Freestanding Signs**

1. 135 square feet
2. Maximum of 300 square feet for 1 freestanding sign which identifies a shopping center is allowed.

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. 0.70 square foot per 1 linear foot of exterior storefront wall width which fronts on a public street up to a maximum of 250 square feet per public street frontage. Signs may be a minimum of 25 square feet.

**E. Maximum Sign Height for all Permitted Signs**

1. 15 feet.
2. Maximum of 18 feet for 1 freestanding sign which identifies a shopping center is allowed.

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.
2. **Wall, Fascia, Awning/ Canopy, Marquee and Graphic Signs:** Shielded spotlight, internally illuminated message signs, backlighted, and internally illuminate signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0703 OFFICE (O) REGULATIONS**

The regulations of this section shall apply to signs located in Office (O) zoning districts:

**A. Permitted Signs**

1. Freestanding – 1 sign per zoning lot is permitted. For shopping centers, 1 sign per entrance is permitted.
2. Wall
3. Fascia
4. Awning/Canopy
5. Graphic

With respect to wall, fascia, awning/canopy, and graphic signs, where more than 1 of these sign types are shown as a "permitted sign", the total sign area (maximum sign area) of all such signs cannot exceed the maximum sign area requirements of any 1 of the permitted sign types indicated in this section.

**B. Maximum Total Sign Area for All Signs**

1. 225 square feet.

2. Excludes the freestanding sign area which identifies a shopping center or a business park up to a maximum of 140 square feet.

**C. Maximum Sign Area for Freestanding Signs**

1. 70 square feet

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. 0.30 square foot per 1 linear foot of exterior storefront wall width which fronts on a public street up to a maximum of 125 square feet per public street frontage. Signs may be a minimum of 25 square feet.

**E. Maximum Sign Height for all Permitted Signs**

1. 12 feet.

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.
2. **Wall, Fascia, Awning/ Canopy, Marquee and Graphic Signs:** Shielded spotlight, internally illuminated message signs, backlighted, and internally illuminate signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0704 MANUFACTURING (M) REGULATIONS**

The regulations of this section shall apply to signs located in Manufacturing (M) zoning districts:

**A. Permitted Signs**

1. Freestanding – 1 per entrance to a zoning lot only.
2. Wall
3. Fascia
4. Graphic

With respect to wall, fascia, awning/canopy, and graphic signs, where more than 1 of these sign types are shown as a "permitted sign", the total sign area (maximum sign area) of all such signs cannot exceed the maximum sign area requirements of any 1 of the permitted sign types indicated in this section.

**B. Maximum Total Sign Area for All Signs**

1. 225 square feet.

**C. Maximum Sign Area for Freestanding Signs**

1. 70 square feet

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. 0.40 square foot per 1 linear foot of exterior storefront wall width which fronts on a public street up to a maximum of 150 square feet per public street frontage. Signs may be a minimum of 25 square feet.

**E. Maximum Sign Height for all Permitted Signs**

1. 12 feet.

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.
2. **Wall, Fascia, Awning/ Canopy, Marquee and Graphic Signs:** Shielded spotlight, internally illuminated message signs, backlighted, and internally illuminate signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0705 BUSINESS PARK (BK) REGULATIONS**

The regulations of this section shall apply to signs located in Business Park (BK) zoning districts:

**A. Permitted Signs**

1. Freestanding – 1 per entrance to a zoning lot only or 1 freestanding sign per entrance.
2. Wall
3. Fascia
4. Awning/Canopy
5. Graphic
6. LED as regulated in 157.0800 of this chapter

With respect to wall, fascia, awning/canopy, and graphic signs, where more than 1 of these sign types are shown as a "permitted sign", the total sign area (maximum sign area) of all such signs cannot exceed the maximum sign area requirements of any 1 of the permitted sign types indicated in this section.

**B. Maximum Total Sign Area for All Signs**

1. 225 square feet.
2. Excludes the freestanding sign area which identifies a business park up to a maximum of 140 square feet.

**C. Maximum Sign Area for Freestanding Signs**

1. 55 square feet

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. 0.40 square foot per 1 linear foot of exterior storefront wall width which fronts on a public street up to a maximum of 200 square feet per public street frontage. Signs may be a minimum of 25 square feet.

**E. Maximum Sign Height for all Permitted Signs**

1. 8 feet.

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.
2. **Wall, Fascia, Awning/ Canopy, Marquee and Graphic Signs:** Shielded spotlight, internally illuminated message signs, backlighted, and internally illuminate signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0706 INSTITUTIONAL (I) REGULATIONS**

The regulations of this section shall apply to signs located in Institutional (I) zoning districts:

**A. Permitted Signs**

1. Freestanding – 1 per entrance to a zoning lot only.
2. Wall
3. Fascia
4. Marque
5. Graphic
6. LED as regulated in 157.0800 of this chapter

With respect to wall, fascia, awning/canopy, and graphic signs, where more than 1 of these sign types are shown as a "permitted sign", the total sign area (maximum sign area) of all such signs cannot exceed the maximum sign area requirements of any 1 of the permitted sign types indicated in this section.

**B. Maximum Total Sign Area for All Signs**

1. 180 square feet.

**C. Maximum Sign Area for Freestanding Signs**

1. 90 square feet

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. 0.30 square foot per 1 linear foot of exterior storefront wall width which fronts on a public street up to a maximum of 100 square feet per public street frontage. Signs may be a minimum of 25 square feet.

**E. Maximum Sign Height for all Permitted Signs**

1. 12 feet

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.
2. **Wall, Fascia, Awning/ Canopy, Marquee and Graphic Signs:** Shielded spotlight, internally illuminated message signs, backlighted, and internally illuminate signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0707 PLANNED UNIT DEVELOPMENT (NON-RESIDENTIAL) (PUD) REGULATIONS**

The regulations of this section shall apply to signs located in Planned Unit Development (Non-residential) (PUD) zoning districts:

**A. Permitted Signs**

1. Freestanding – 1 sign per zoning lot is permitted. For shopping centers, 1 sign per entrance is permitted.
2. Wall
3. Fascia
4. Awning/Canopy
5. Graphic

**B. Maximum Total Sign Area for All Signs**

1. 270 square feet

**C. Maximum Sign Area for Freestanding Signs**

1. 145 square feet

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. 0.40 square foot per 1 linear foot of exterior storefront wall width which fronts on a public street up to a maximum of 150 square feet per public street frontage. Signs may be a minimum of 25 square feet.

**E. Maximum Sign Height for all Permitted Signs**

1. 15 feet.
2. For wall signs on a principal building of 10,000 square feet or more in floor area, the maximum sign height shall be 28 feet.

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.



2. **Wall, Fascia, Awning/ Canopy, Marquee and Graphic Signs:** Shielded spotlight, internally illuminated message signs, backlighted, and internally illuminate signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0708 RESIDENTIAL (R-3) REGULATIONS**

The regulations of this section shall apply to signs located in Residential (R-3) zoning districts:

**A. Permitted Signs**

1. Freestanding – 1 per entrance to subdivision

**B. Maximum Total Sign Area for All Signs**

1. 24 square feet.

**C. Maximum Sign Area for Freestanding Signs**

1. 24 square feet

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. Not permitted

**E. Maximum Sign Height for all Permitted Signs**

1. 6 feet

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0709 RECREATION AND OPEN SPACE (RO) REGULATIONS**

The regulations of this section shall apply to signs located in Recreation and Open Space (RO) zoning districts:

**A. Permitted Signs**

1. Freestanding –1 sign per zoning lot is permitted. For shopping centers, 1 sign per entrance is permitted.
2. Wall
3. Fascia
4. Marque
5. Graphic
6. LED as regulated in 157.0800 of this chapter

With respect to wall, fascia, awning/canopy, and graphic signs, where more than 1 of these sign types are shown as a "permitted sign", the total sign area (maximum sign area) of all such signs cannot exceed the maximum sign area requirements of any 1 of the permitted sign types indicated in this section.

**B. Maximum Total Sign Area for All Signs**

1. 135 square feet.

**C. Maximum Sign Area for Freestanding Signs**

1. 70 square feet

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. 0.25 square foot per 1 linear foot of exterior storefront wall width which fronts on a public street up to a maximum of 75 square feet per public street frontage. Signs may be a minimum of 25 square feet.

**E. Maximum Sign Height for all Permitted Signs**

1. 6 feet

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.
2. **Wall, Fascia, Awning/ Canopy, Marquee and Graphic Signs:** Shielded spotlight, internally illuminated message signs, backlighted, and internally illuminate signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0710 PLANNED UNIT DEVELOPMENT (RESIDENTIAL) (PUD) REGULATIONS**

The regulations of this section shall apply to signs located in Planned Unit Development (Residential) (PUD) zoning districts:

**A. Permitted Signs**

1. Freestanding - 1 per entrance to subdivision

**B. Maximum Total Sign Area for All Signs**

1. 135 square feet.

**C. Maximum Sign Area for Freestanding Signs**

1. 70 square feet

**D. Maximum Sign Area for all Wall, Fascia, Awning/Canopy Signs**

1. Not permitted

**E. Maximum Sign Height for all Permitted Signs**

1. 6 feet

**F. Permitted Lighting**

1. **Freestanding Signs:** Shielded spotlight, internally illuminated message signs and internally illuminated signs.

**G. Temporary Signs**

1. Temporary signs are permitted in accordance with Section 157.1000

**§ 157.0800 LIGHT EMITTING DIODE (LED) SIGN REGULATIONS**

Light Emitting Diode (LED) signs shall be permitted under the following conditions:

- A. Movement, including flashing, scrolling or rotating so as to draw attention are prohibited.
- B. The background of the electronic message area shall be black.
- C. Electronic messages (text and logos) must be static or depicted for a minimum of eight seconds.
- D. The electronic message area of a freestanding sign shall not exceed forty (40) square feet.
- E. The electronic message area shall be restricted to the bottom portion of the allowable sign.
- F. Electronic messages (text and logo) shall be of one color.
- G. Animated signs, sign that change image signs, video signs or tri-vision signs shall be prohibited.
- H. The electronic message area shall not have an undue brightness, which shall be defined as 5,000 nits during the day and 500 nits at night.
- I. The owner/user shall reduce the level of brightness if determined by the Village that the light levels exceed the levels specified.
- J. The electronic message area shall be programmed to dim and brighten automatically in response to changes in ambient light.

- K. Prior to issuance of a permit for the sign, the applicant shall provide written certification from the sign manufacturer or installer that the light intensity has been factory preset not to exceed the levels specified above.
- L. The electronic message area shall be controlled electronically by a computer or other similar device that has a manual override.
- M. The electronic message area shall be turned off at all times when the business or use that it serves is closed. LED signs may remain on until 11:00 PM. LED signs that display fuel prices are exempt from this requirement.
- N. The electronic message area shall either freeze or go blank in the event of a malfunction.
- O. LED Signs shall only be permitted in CB, CBR-2, RO and I zoning districts, except messages that display fuel prices, which may be permitted in any zoning district where a fuel station is permitted.
- P. LED Signs shall only be allowed as a freestanding ground signs and shall not be in addition to the number of allowed freestanding signs.
- Q. No LED sign shall be located within 100 feet of a residential use.
- R. LED signs shall only display promotional messages of a good or service that is being offered at the place of business on the particular zoning lot that said sign is located, with the exception of advertisements for community events such as Village, Park District or other local taxing body sponsored events, and events for local recreation and civic organizations.
- S. Fuel prices on signs at gas stations may be displayed in electronic numbers in lieu of changeable copy numbers.
- T. Signs used to display fuel prices shall be for the exclusive use of the display of fuel prices and may not display any other type of message or advertisement. Signs that display fuel prices may not change until a change in the price of fuel has occurred. The fuel price displayed on an electronic message board sign shall not scroll, move or flash and must be static.

#### **§ 157.0900 REGULATIONS FOR PERMANENT DEVELOPMENT SIGNS**

- A. **Development Signs:** The following regulations apply to all development signs placed in the village of Lindenhurst:
  - 1. **General.** All development signs shall be freestanding signs.

2. **Residential Development Signs.** Residential development signs shall only provide the name of the subdivision or condominium development.
3. **Content of Development Signs.** A development sign shall contain only the name of the development and shall not have any individual store names, wording, telephone numbers, or similar features contained on it or attached to it.
4. **Lighting of a Development Sign.** Lighting of a development sign may be provided by internal lighting, backlighting, the general lighting of the sign area, or by shielded spotlights.
5. **Maximum Sign Area.** The total maximum sign area of a permanent development sign shall be 120 square feet.
6. **Maximum Sign Height.** The maximum sign height of a permanent development sign shall be 6 feet.
7. **Required Landscaping.** Landscaping shall be provided as indicated under 157.0600 of this chapter.
8. **Location.** The location of development signs shall be determined through the development approval process.

#### **§ 157.1000 TEMPORARY SIGNS**

Temporary signs shall conform to all regulations of this section.

- A. **Political or Public Issue Signs.** Temporary signs announcing candidates seeking public political office, public issues which are the subject matter of an upcoming public referendum, or other political announcements may be erected or displayed provided that:
  1. Such political issue signs shall not exceed a sign area of 16 square feet of cumulative total sign area for all such signs on any 1 premises and may be double faced.
  2. Such political issue signs shall be confined within private property only with the express permission of the property owner upon whose property said sign(s) is placed.
  3. Such political issue signs shall not be attached to buildings, fences, mailboxes, utility poles, public signs, or any other accessory structure, shall not be placed within public or private rights of way.
- B. **Real Estate Signs.** Real estate signs may be erected or displayed and maintained provided that:

1. Only one (1) real estate sign may be located adjacent to each separate street frontage of a lot. Signs shall be located entirely within the property to which the signs apply; they shall not be directly illuminated. Real estate signs shall be removed within fifteen (15) days after the sale of the property or a lease signed for the rental of the property. Real estate signs shall not exceed the following maximum area requirements:
  - i. For the R-3, NB, CB, PBC, O, BK, M, I, RO and PUD zoning districts: thirty-two (32) square feet.
  - ii. For all other zoning districts: six (6) square feet for individual lots and thirty-two (32) square feet for subdivisions and condominium projects.
2. No real estate sign shall be nearer than ten (10) feet from the property line if placed upon vacant property, and if placed on land improved by a building, it shall not be placed nearer than five (5) feet from any property line or public street right-of-way line unless the building is less than five (5) feet from the property line or public street right-of-way line, in which case it may be placed in or upon a front or side door or window of the building. If there is a wall upon the property line, then such sign may be placed on or against such wall.
3. Open house directional signs are permitted if they comply with the following requirements:
  - i. They are not larger than three (3) square feet in dimension.
  - ii. They are only displayed between 10:00 a.m. and 5:00 p.m. on weekends and 10:00 a.m. and 1:00 p.m. on Mondays.
  - iii. No more than five (5) signs are displayed for any property which is for sale.
  - iv. No sign shall be attached to buildings, fences, mailboxes, utility poles, other signs or any other structure.
  - v. Signs shall be allowed on privately owned property with the permission of the property owner. No signs shall be placed on any publicly owned lands or upon any public street right-of-way.

C. **Special Event/ Civic Organization Signs.** Temporary special event signs at places of worship, schools, public parks, municipal property, and public streets shall be reviewed and approved by the Zoning Administrator on an individual basis. All such temporary special event signs shall comply with the following:

1. Such temporary special event signs shall be limited in use not to exceed 30 consecutive calendar days per event.

2. Such temporary special event signs shall be allowed on privately owned property with the permission of the property owner.
3. No such temporary special event signs shall be placed upon any public street right of way, unless otherwise approved by the Zoning Administrator.
4. The maximum size of each such temporary special event sign allowed shall be determined by the Zoning Administrator.

D. **Temporary Residential Garage Sale and/or Residential Rummage Sale Signs.** Temporary residential garage sale and/or residential rummage sale signs may be erected or displayed provided that:

1. Signs announcing temporary residential garage sales and/or residential rummage sales shall be allowed on privately owned property with the permission of the property owner. No such signs shall be placed upon any publicly owned lands or upon any public street right of way.
2. Such signs shall display the name and/or address of the party responsible for the sign and the dates of the temporary residential garage sale and/or residential rummage sale.
3. Such temporary residential garage sales and/or residential rummage sales signs shall not exceed 6 square feet in area.
4. Such temporary residential garage sales and/or residential rummage sales signs may be erected for a period of no longer than 4 consecutive days and shall be removed immediately the day the sale ends.
5. Such temporary residential garage sales and/or residential rummage sales signs shall not be attached to buildings, fences, mailboxes, utility poles, public signs, public appurtenances, or any other accessory structure.
6. Only 2 such temporary residential garage sales and/or residential rummage sales, each having a duration of not more than 4 consecutive days, may be held during any calendar year on any residential lot in the village.

E. **Grand Opening Sign(s)/Banner(s).** Temporary grand opening sign(s)/banner(s) may be erected by new businesses in nonresidential zoning districts within the village if approved by the Zoning Administrator, subject to the following:

1. They shall be erected only on a face of the building containing the business.

2. The final location, number, size, color(s), material and any other details thereof shall be subject to the sole discretion of the Zoning Administrator.
3. They shall be maintained in a condition satisfactory to the Zoning Administrator and if they are not satisfactorily maintained in the sole determination of the Zoning Administrator they shall be removed immediately upon notice from the Village.
4. They shall not be illuminated by any temporary or additional lighting.
5. They shall be erected for a period not to exceed 30 days.

**F. Temporary Development Signs.** Temporary Development Signs in violation of provisions of 157.0400 (S) removed by the Village in accordance with provisions of 157.1108 (C) shall be subject to a \$50 fine per sign. Fine amounts may be deducted from the Developer's Escrow account held at the Village.

**§ 157.1100 ADMINISTRATION OF THIS CHAPTER**

**§ 157.1101 NONCONFORMING SIGNS**

- A. Loss of Legal Nonconforming Status of a Sign:** A sign loses its legal nonconforming status and shall be considered in violation of this chapter if 1 or more of the following occurs:
1. The sign is structurally altered in any way, except for normal maintenance or repair, which tends to make or makes the sign less in compliance with the requirements of this chapter than it was before the alteration.
  2. If, for any reason, the sign is destroyed, damaged, or in disrepair such that the cost to reconstruct or repair the sign equals or exceeds 50% of the sign's actual value as determined by the Zoning Administrator for the village of Lindenhurst.
  3. The sign is determined to be abandoned under the provisions of 157.1104 of this chapter.
  4. The sign is moved, either in whole or in part, to any other location.
- B. Signs Erected Without A Permit:** Any sign erected without a required sign permit shall be deemed an illegal sign. (See also 157.1108 of this chapter.)

**§ 157.1102 ZONING ADMINISTRATOR**

- A. Zoning Administrator Designated to Administer This Chapter:** The Village of Lindenhurst Zoning Administrator or his/her designee is hereby designated as the Village of Lindenhurst's authorized agent to:



1. Record and file all applications for sign permits with any accompanying plans and documents.
2. Make inspections of signs and enter at reasonable times any building, structure, property, or premises in the Village of Lindenhurst to perform any duty imposed upon the zoning administrator by this chapter or to enforce this chapter.
3. Make such reports to the Plan Commission, Village Board, and Zoning Board of Appeals as the Village of Lindenhurst may require.
4. Zoning Administer this chapter as specified.

B. **Zoning Administrator Declarations:** The Zoning Administrator may declare any sign as unlawful, defective, structurally unsound, or otherwise unsafe and order its removal if said sign(s) is deemed by the Zoning Administrator to:

1. Endanger the public health, safety, and welfare. Any such declaration shall state the reasons of the Zoning Administrator for declaring that the sign(s) endangers the public health, safety, and welfare.
2. Not have the required sign permit.
3. Have an expired sign permit.
4. Violate any of the provisions of this chapter, the Village of Lindenhurst Zoning Ordinance, or the village of Lindenhurst Building or Electrical Code.

C. **Emergency Removal of Dangerous or Defective Signs:** In an emergency situation, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign without notice. The cost of such removal of a dangerous or defective sign shall be considered a debt owed to the Village of Lindenhurst by the owner of the sign and the owner of the property upon which the sign was located and may be recovered by the Village of Lindenhurst through court action or by an assessment against the property upon which the sign was located.

#### **§ 157.1103 PERMIT APPLICATION**

- A. **Application Filing:** A sign permit application and all applicable fees shall be filed with the Zoning Administrator on forms furnished by the Zoning Administrator prior to the commencement of work to construct any sign in the Village of Lindenhurst which requires a sign permit.
- B. **Content of Sign Permit Application:** The sign permit application shall, at a minimum, contain the following information:

1. Name, address, and telephone number of the applicant for the sign permit.
  2. The name, address, and telephone number of the person, firm, corporation, or association erecting the sign.
  3. The location of the building, structure, lot, or property to which or upon which the sign is proposed to be attached or erected.
  4. Written consent of the property owner and lessee (if applicable) of the building, structure, lot, or property to which or upon which the sign is to be attached or erected.
  5. A scaled drawing of such sign indicating the design, dimensions, materials to be used, lettering, colors, and type of illumination, if any, and the method of construction or attachment.
  6. A scaled site drawing indicating the location and position of the property boundaries, any existing signs, and of the proposed sign and a photograph of the building and/or site of the sign placement. In addition, when landscaping is required at the base of a freestanding sign, pursuant to this chapter, a landscape plan meeting the requirements of the Village Zoning Ordinance shall also be submitted for Village review and approval.
  7. Information (or type of information message and/or images) to be displayed on the face(s) of the sign.
  8. Calculations or other evidence showing that the sign structure and design meets the requirements of all applicable village of Lindenhurst codes and ordinances including the village of Lindenhurst's applicable structure provisions of the building code and, if the sign or its illumination is electrical, the village of Lindenhurst's electrical code.
  9. For LED sign submittals, information as required in 1570800.
  10. Payment of all sign permit and other applicable fees as set forth by the village of Lindenhurst.
- C. **Issuance of Sign Permit:** The Zoning Administrator shall issue all sign permits (including temporary signs) for signs located, erected, moved, reconstructed, enlarged, expanded, altered, converted, operated, placed, or relocated in the Village of Lindenhurst and which meet the requirements of this chapter. If the Zoning Administrator denies the issuance of a sign permit, the reason(s) for said denial shall be so stated in writing to the applicant for the sign permit. If the zoning administrator issues a sign permit in error, then the Zoning Administrator shall issue an order to the sign owner and/or owner of the property upon which the sign is placed to have the sign removed pursuant to the procedures under 157.1108(D) of this chapter.

- D. **Expiration of Sign Permit:** A sign permit shall become null and void if work authorized under said sign permit has not been completed within a 6 month period following the issuance of said sign permit.
- E. **Sign Permit Exceptions:** The actions indicated below do not require a sign permit for an existing conforming sign:
1. Changing the advertising copy or message on an existing marquee sign.
  2. Any operation which does not modify the sign or sign structure for any existing conforming sign.

### **§ 157.1104 ABANDONMENT**

All signs and sign messages shall be removed by the owner or lessee to the premises upon which an on premises or off premises sign is located when the business it advertises is no longer conducted or, for an off premises sign, when lease payment and rental income are no longer provided. All signs shall be removed by the owner or lessee from the premises upon which an on premises sign message or sign is located within 30 days of the vacation of the premises. If the owner or lessee fails to remove the sign or sign message, the Zoning Administrator, shall give the owner 30 days' written notice to remove said sign or sign message. Upon failure to comply with this notice, the Village of Lindenhurst may cause removal to be executed, the expenses of which shall become a lien on the property upon which the sign message or sign is located as of the date of the removal of the sign message or sign and shall automatically be extended upon the current or next tax roll as a special assessment against the property.

### **§ 157.1105 VARIANCES AND APPEALS**

- A. **Variance Process:** Upon application to the Village Board, the Village Board may determine and vary the regulations of this chapter in harmony with their general purpose and the limitations on variances set forth in this section, only in the specific instances hereinafter set forth, where the Village Board makes findings of fact according to the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter. The village board may place conditions upon the granting of any variance or appeal to the provisions of this chapter. No such variance, however, shall be used to waive or vary any requirement of the village of Lindenhurst zoning ordinance.
1. An applicant for a variance shall submit sketches, drawings or photographs of the property and the proposed sign, and shall explain in a written petition in what manner the sign varies from the provisions of this chapter, and why a variance is needed.

2. Village Board may approve/deny all variance requests based on the presence of the following conditions:
  - a. Undue and unnecessary hardship is present due to unique or unusual conditions pertaining to the specific building, parcel, property or use in question.
  - b. The unusual conditions that do not generally apply to other properties.
  - c. Variance would not be materially detrimental to the property owners in the vicinity.
  - d. There shall be no other reasonable alternative that would conform to the Village Code.
  - e. The proposed sign would enhance the property and surrounding properties and rights of way.
  - f. The entire area around the sign will be well landscaped to mitigate any adverse effects of the sign.
3. The Village Board may apply additional conditions to the sign(s).
4. The Village Board may approve any sign variance that is in the best interest of the Village of Lindenhurst.

#### **§ 157.1106 INDEMNIFICATION FOR SIGN INSTALLATION AND MAINTENANCE**

By the holding of a sign permit, any person who holds said sign permit who installs or maintains a sign(s) which involves in whole or in part, the location, erection, movement, reconstruction, enlargement, expansion, alteration, conversion, operation, maintenance, placement, relocation, or removal of a sign or any other sign work shall agree to hold harmless and indemnify the village of Lindenhurst, its officers, agents, consultants, and employees, from any and all claims of negligence resulting from the location, erection, movement, reconstruction, enlargement, expansion, alteration, conversion, operation, maintenance, placement, relocation, or removal of a sign or any other sign work insofar as this chapter has not specifically directed the placement of the sign.

#### **§ 157.1107 LIMITATION OF LIABILITY**

The Village of Lindenhurst's acceptance of fees as provided herein shall not be deemed an assumption of liability by the village of Lindenhurst. The owner of any building, structure, or land upon which a sign is located, erected, moved, reconstructed, enlarged, expanded, altered, converted, operated, placed, or relocated shall be liable for any damages and injuries that may

be caused to persons or property thereby.

#### **§ 157.1108 VIOLATIONS AND PENALTY**

- A. **Violation Of The Provisions of This Chapter:** It is hereby declared unlawful for any person, firm, or corporation to construct, place, install, alter, change, maintain, use, or to permit the construction, placement, installation, alteration, change, maintenance, or use of any sign contrary to or in violation of any provisions of this chapter, or any provision designated as a condition or approval of a sign permit by the village of Lindenhurst.
- B. **Illegal Signs or Prohibited Signs:** The construction, placement, installation, alteration, change, maintenance, or use of any illegal sign or prohibited sign is hereby declared unlawful and a violation of this chapter.
- C. **Removal of Illegal Signs from the Right-of-Way:** Any sign illegally located within a road right of way may be removed immediately and disposed of by an employee of the village without notice to the owner.
- D. **Removal of Illegal and Prohibited Signs:** Other than listed in division (C) of this section, illegal and prohibited signs shall be removed by either the sign owner or the owner of the property upon which the sign is placed within 10 days after written notice from the Zoning Administrator of the Village of Lindenhurst. Upon failure to comply with this notice, the Zoning Administrator shall cause a citation to be issued and may seek from the court an order removing the sign at the cost of the owner of the sign and/or the property owner of the property upon which the sign is placed.
- E. **Violation Fines:** See § 10.99, "General Penalty", of this code.

#### **§ 157.1109 PERMIT AND INSPECTION FEES**

Sign permit and sign inspection fees shall be as set forth in the village of Lindenhurst "fee ordinance" as amended.

#### **§ 157.1110 PERMIT REVOCATION**

The Zoning Administrator may revoke any sign permit which violates any provision of this chapter, the Village of Lindenhurst Zoning Ordinance, or the Village of Lindenhurst Building or Electrical Codes, or which has been secured by subterfuge, or is void, or which has been issued by mistake, misunderstanding, or error of the Village of Lindenhurst.

#### **§ 157.1200 SEVERABILITY**

## § 157.1201 PART, DIVISION, SECTION, PROVISION, OR PORTION OF THIS CHAPTER

If any part, division, section, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

## § 157.1202 APPLICATION OF THIS CHAPTER TO A PARTICULAR SIGN

If an application of this chapter to a particular sign is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other sign not specifically included in said judgment.

## § 157.1300 RULES OF CONSTRUCTION

The language set forth in the text of this chapter shall be interpreted in accordance with the following rules of construction:

- A. **Singular and Plural:** The singular number includes the plural, and the plural the singular.
- B. **Tense:** The present tense includes the past and future tenses, and the future the present.
- C. **Shall and May:** The word "shall" is mandatory; the word "may" is permissive.
- D. **Gender:** The masculine gender includes the feminine and neuter genders.
- E. **Defined Words and Terms:** Whenever a word or term defined hereinafter appears in the text of this chapter, its meaning shall be construed as set forth in the definition thereof; and any word appearing in parentheses between a word and its definition herein, shall be construed in the same sense as that word.
- F. **Words Not Defined Herein:** Any words not defined in 157.1400 of this chapter shall be presumed to have their customary dictionary definitions.
- G. **Words "This Chapter":** Shall mean this sign ordinance of the village of Lindenhurst, Lake County, Illinois.

## § 157.1400 DEFINITIONS

**AWNING.** A structure overhang made of canvas, metal, wood, plastic, or other like material extended before a window, door, portico, or entrance to a building.

**BACKLIGHTING:** The message is raised beyond the sign's background and the lighting illuminates the sign from behind in the form of backlighting.

**BANNER.** A sign having characters, letters, symbols, or illustrations which is typically

nonilluminated, elongated, made of or applied to cloth, plastic, paper, or fabric of any kind, or other material with or without a frame, and usually used as a temporary display for the special announcement of a coming event.

**BILLBOARD.** See definition of **SIGN, OFF SITE** or **OFF PREMISES**.

**BUFFER YARD.** An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Buffer yards are typically defined by a delineated easement graphically indicated on the face of a site plan, landscape plan, subdivision plat, or condominium plat. Buffer yards may be required between zoning districts and/or land uses to eliminate or minimize conflicts between them as set forth in the village of Lindenhurst zoning ordinance as amended.

**BUILDING, PRINCIPAL.** A nonaccessory building in which the principal use of the zoning lot on which it is located is conducted.

**CB DISTRICT.** References in this chapter to the CB district shall include both the CB and CBR-2 zoning districts of the village of Lindenhurst zoning ordinance.

**CANOPY.** See definition of **AWNING**.

**COPY.** The wording on a sign surface in either permanent or removable letter form.

**COPY, CHANGEABLE.** A sign message such as a manual, electronic, or electric controlled time and temperature message, message center or reader board, whether electronic, electric, or manual, where copy changes.

**ELECTRONIC MESSAGE AREA.** The component of a sign that uses changing lights to form a message or series of messages that are electronically programmed or modified by electronic processes.

**ENTRANCE, PARK.** A principal vehicular entryway from an abutting public street right of way serving a unified development which consists of 3 or more separate zoning lots.

**ERECT.** In terms of signage to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs directly upon a wall.

**FACADE.** The elevational surface of a building.

**FASCIA.** A band located at the top edge of a building but below the actual roofline and above the building wall. Fascia material is typically of a different type than either the actual roof or the building wall.

**FENCE.** A barrier of posts, wire, rails, boards, metal sheets, trees, shrub hedge, or other material which is used as a boundary or means of protection or confinement.

**FLAGS.** Devices generally made of flexible materials, such as cloth, paper, or plastic and displayed on strings or wires.

**GENERAL LIGHTING:** The sign has neither an internal light nor an external light source which is intended to specifically light that sign. Rather, the sign depends on the general lighting of the area (i.e., parking lot, street, or pedestrian area lighting) for illumination.

**GRADE.** For the purposes of determining sign height, the elevation or level of the public street closest to the sign as measured at the street curb or edge of pavement if no curbs are present. Where no street grade has been established, the village engineer shall establish such street grade or its equivalent for the purpose of this chapter.

**HEIGHT, STRUCTURE.** The vertical distance measured from the average ground elevation to the highest point on such structure.

**INTERNAL ILLUMINATED MESSAGE:** The sign is made of metal, wood, or other material that is not translucent, and the message is cut out of the material and replaced with translucent material. The sign's light source is located inside the sign.

**INTERNAL ILLUMINATED SIGN:** The sign face is made of translucent material with internal light source.

**LIGHT EMITTING DIODE (LED):** Means a sign utilizing technology of diode arranged in pixels to create messages changeable by electronic means. Such signs shall include other similar signs such as liquid crystal display signs, fiber optic signs, plasma display screen signs, incandescent signs, or any such signs using similar technologies.

**LOT.** A parcel of land having frontage on a public street or other officially approved means of vehicular access, occupied or intended to be occupied by a principal structure or use and of sufficient size to meet minimum zoning ordinance requirements for use, width, frontage, area, yard, and open space provisions as set forth in the zoning ordinance.

**LOT OF RECORD.** An area of land designated as a lot on a subdivision plat recorded or registered pursuant to statute.

**MAINTENANCE, SIGN.** For the purposes of this chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not change or alter the basic copy, design, or structure of the sign.

**MURAL.** A picture or photograph painted or applied directly on a wall and which in no way



identifies a product.

**NIT.** A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter. Nits are used to describe the brightness of displays.

**PENNANTS.** See definition of **FLAGS**.

**POLE.** A shaft or shafts used for mounting a sign thereon and with a width, as measured when viewing the sign face display area, less than the sign width.

**POLE SIGN.** See definition of **SIGN, POLE**.

**R-3 DISTRICT.** References in this chapter to the R-3 district shall include the R-3 and R-4 zoning districts of the village of Lindenhurst zoning ordinance.

**REHABILITATION.** The restoration of existing shopping center buildings previously in a substandard and/or outdated condition without drastically changing the floor plan or form of the structural elements of the shopping center building. Rehabilitation includes improvements made to the exterior of said existing shopping center building for which rehabilitation plans have been submitted to the village and approved by the village board. Said shopping center buildings shall have existed prior to January 1, 1980, and said shopping center buildings shall occupy a site or parcel of land at least 5.50 contiguous acres in area.

**ROOFLINE.** The top or bottom edge of a roof or building parapet, whichever, excluding any cupolas, pylons, chimneys, or other minor projections.

**SEARCHLIGHT.** An apparatus for projecting a beam of light that is more than 1 mile in length and is visible from a distance of more than 5 miles.

**SHIELDED SPOTLIGHT:** The sign is lighted by spotlights specifically directed at it. The spotlights are fully shielded so that they are not visible from streets or adjoining property. Any spotlights permitted to illuminate signs shall be shielded such that their light source cannot be seen from adjoining roads.

**SHOPPING CENTER.** A group of 2 or more commercial establishments located on a site or parcel which is planned, developed, constructed, owned, and managed as a unit with customer and employee parking provided on site.

**SIGN.** Any object, device, display, structure, supporting structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, religious group, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or

scoreboards located on athletic fields are not considered as signs. Signs do not include the flag or emblem of any nation, official U.S. prisoner of war flags, organization of nations, state, county, city, township, religious, fraternal, or civic organization.

**SIGN, ABANDONED.** A sign which no longer correctly advertises a bona fide business, lessor, owner, product, or activity conducted or product available on the premises where the sign is displayed or elsewhere. Any sign remaining after demolition of a principal building shall be deemed to be abandoned.

**SIGN, AREA OF.** See 157.0500 (A), "Sign Area Determination", of this chapter.

**SIGN, AUXILIARY.** A sign which provides special information such as direction, price, sales information, hours of operation, or warning, and which does not include names, brand names, or information regarding product lines or services. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, and signs which list prices of gasoline.

**SIGN, AWNING/CANOPY.** A sign which is fastened to an awning or canopy including signs which are attached by metal screws, or metal bands that are hung from, or attached to, the underside of a parapet wall or roof eave and made of any material.

**SIGN, BALLOON.** A sign supported by wind, air, or other gas and attached to the ground, a building, structure, or other sign.

**SIGN, CANOPY.** See definition of **SIGN, AWNING/CANOPY.**

**SIGN, CONSTRUCTION.** A temporary sign identifying an architect, broker, developer, engineer, contractor, or financial institution funding the project, subcontractor, and/or material supplier (with applicable telephone numbers) participating in construction on the property on which the sign is located.

**SIGN, DEVELOPMENT.** A sign whose purpose is exclusively limited to the identification of a platted subdivision, condominium, or development and which names such subdivision, condominium, or development without further elaboration, display, or advertisement.

**SIGN, DIRECTORY.** A sign used to identify the tenants of a shopping center, business park, office park, or industrial park.

**SIGN, FASCIA.** A sign that is located on the fascia of a building.

**SIGN, FENCE.** A sign that is located, placed upon, or attached to a fence.

**SIGN, FREESTANDING.** A self-supporting sign resting on or supported by means of a base on the ground and not supported by or attached to a building and is not attached to a pole or poles. A freestanding sign does not include "pole signs" as defined herein but does include those pole

signs which are on site traffic directional signs and parking signs which bear no advertising and do not exceed 3 square feet in area and no more than 36 inches in height (including on site traffic directional signs).

**SIGN, GOVERNMENTAL.** A sign used for posting legal notices, identification of streets, traffic regulation, notice of danger, or other emergencies by a governmental authority.

**SIGN, GRAPHIC.** A sign which is a pictorial representation (including illustrations or decoration), emblem (including devices, letters, symbols, or trademarks), or any other figure of similar character which is used to announce, direct or attract attention, or advertise.

**SIGN, GROUND.** See definition of **SIGN, FREESTANDING.**

**SIGN HEIGHT.** The vertical distance as measured from the surrounding grade to the highest point of such sign. In the case of the height of a sign situated upon an earthen berm, said sign height shall be inclusive of the height of the earthen berm as measured from the surrounding grade of the earthen berm to the highest point of such sign.

**SIGN, ILLUMINATED.** A sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes designed and provided for such illumination.

**SIGN, INFLATABLE.** See definition of **SIGN, BALLOON.**

**SIGN, MARQUEE.** A permanent sign containing changeable copy which is used to announce special events or information. A portable sign or a temporary sign shall not be considered a marquee.

**SIGN, MEMORIAL AND PLAQUES.** Any sign or tablet used for the purpose of identifying the names of buildings and the date of erection and which are cut into any masonry surface or inlaid so as to be part of the building or structure, or which are attached to a building or structure and which are constructed of bronze or other noncombustible material.

**SIGN, MESSENGER.** A sign displaying the time, date, temperature, or other information.

**SIGN, NAMEPLATE.** A sign indicating the name, address, or profession of a person occupying a lot.

**SIGN, NONCONFORMING.** A sign which does not meet the requirements of this chapter.

**SIGN, NONCONFORMING (ILLEGAL).** A sign that did not meet village of Lindenhurst regulations, codes, and ordinances when it was originally installed and/or does not meet the regulations of this chapter if constructed or erected subsequent to the adoption of this chapter.

**SIGN, NONCONFORMING (LEGAL).** A sign that did meet village of Lindenhurst regulations,

codes, and ordinances when it was originally installed but does not meet the regulations of this chapter.

**SIGN, NONILLUMINATED.** A sign which is not illuminated by lights, designed and provided for the purpose, either external or internal.

**SIGN, OFF SITE or OFF PREMISES.** A sign which is not located on the same property as the establishment which the sign pertains to, or where the product, service, or activity is not present, or where the sign does not pertain to the use of their site. However, a sign which is located within the same PUD containing only health services uses as defined in the village's zoning ordinance and which pertains to a health services use within the PUD, shall not be considered an off site or off premises sign.

**SIGN, OFF SITE DIRECTIONAL.** A sign that provides off site directional information following a standard format for important municipal, emergency, or educational uses, or identifies general commercial areas or places.

**SIGN, ON SITE or ON PREMISES.** A sign which is located on the same property as the establishment which the sign's message pertains to, or where the product, service, or activity is present, or where the message pertains to the use of the site upon which the sign is located.

**SIGN, ON SITE DIRECTIONAL.** A sign indicating the direction or location of some on site facility or service incidental to a use and not advertising the use in any way. Such signs shall include vehicular entrance and exit signs, vehicular flow signs, and instructional signs.

**SIGN, PAINTED WALL.** Any sign which is applied with paint or similar substance on the face of a building wall.

**SIGN, PERMANENT.** A sign displayed for more than 30 consecutive days, made of materials intended for more than short term use, and which is not a "temporary sign" as defined in this chapter.

**SIGN PERMIT.** The permit required by this chapter prior to a sign being located, erected, moved, reconstructed, enlarged, expanded, altered, converted, operated, placed, or relocated where such sign complies with all provisions of this chapter.

**SIGN, POLE.** Any sign which is supported by a pole or poles. (See also definition of **POLE**.)

**SIGN, POLITICAL.** See definition of **SIGN, POLITICAL ISSUE**.

**SIGN, POLITICAL ISSUE.** A sign which announces candidates seeking public political office, public issues which are the subject matter of an upcoming public referendum, or other political announcements.

**SIGN, PORTABLE.** A permanent sign mounted on a frame and/or chassis which is designed for easy and repeated relocation.

**SIGN, PROJECTING.** A sign, other than a wall sign, that is attached to and projects more than 12 inches from the wall or face of a building or structure, including fascia, awning/canopy, and marquee signs.

**SIGN, REAL ESTATE.** A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**SIGN, ROOF.** Any sign erected upon, against, or above the lowest roofline of any building or structure.

**SIGN, SANDWICH.** A sign which is movable and not secured or attached directly or indirectly to the ground, structure, or building.

**SIGN, SNIPE.** A temporary sign or poster affixed to a pole, tree, structure, building, fence, etc.

**SIGN, STRUCTURE.** Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers or sign roofs.

**SIGN, TEMPORARY.** A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material and intended to be displayed for a short period of time (30 or less consecutive days unless otherwise indicated in this chapter) nor more than 3 times per calendar year. Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer.

**SIGN, TRESPASSING.** A sign intended to warn off trespassers upon the property which the sign is located.

**SIGN, UNDER CANOPY.** A sign suspended beneath a canopy.

**SIGN, USE.** The sign(s) permitted for each land use.

**SIGN, WALL.** A sign mounted parallel to a building facade or other vertical building or structure surface. Wall signs shall also include those signs which are placed below the outside edge of a building overhang and those which are placed below the lowest roofline.

**SIGN, WINDOW.** A sign painted or installed on a window surface for purposes of viewing from outside the premises.

**STRUCTURE.** Anything constructed or erected which requires location on the ground, including a fence or freestanding wall. A sign, billboard, or other advertising medium, detached or projecting, shall be construed to be a structure.

**TEMPORARY DEVELOPMENT SIGNS.** Means any banner, pennant, valance, or advertising display constructed by cloth, canvas, light fabric, cardboard, wallboard, plastic, or other material, with or without frames, intended to be displayed for a short period of time advertising or publicizing a residential or commercial development project.

**TRI-VISION SIGNS.** A sign capable of presenting three separate images sequentially by rotating triangular cylinders.

**VIDEO SIGN.** Any sign which uses lights, video, a TV screen, cathode ray tubes or other similar items to display a message, image moving picture or video.

**VILLAGE BOARD.** The village board of the village of Lindenhurst, Lake County, Illinois.

**WALL.** An upright surface of a building or structure (not including fences) serving to enclose, divide, support, or protect the building. Such upright surface shall be the furthest extension of the building's edges and include overhangs covering a boardwalk, false roofs, and unenclosed porches.

**YARD, FRONT.** A yard extending along the full length of the front lot line between the side lot lines.

**YARD, REAR.** A yard extending along the full length of the rear lot line between the side lot lines. On a corner lot, the rear yard shall be that yard directly opposite the front yard.

**YARD, SIDE.** A yard extending along a side lot line from the front yard to the rear yard.

**ZONING ADMINISTRATOR.** The village administrator of the village of Lindenhurst, Lake County, Illinois, or the village administrator or designee.

**ZONING BOARD OF APPEALS.** The zoning board of appeals of the village of Lindenhurst, Lake County, Illinois.

**ZONING DISTRICT.** As defined by the village of Lindenhurst zoning ordinance and its accompanying maps as amended.

**ZONING LOT.** A single tract of land located within a single block which (at the time of filing for a sign permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

**Passed and Approved** by the President and Board of Trustees of the Village of Lindenhurst,

Illinois, this 27th day of June, 2011.

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**VILLAGE PRESIDENT**

ATTEST:

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Village Clerk

**TRUSTEES**

**AYE**

**NAY**

Bill Anderson

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Patty Chybowski

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Patrick Dunham

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Dominic Marturano

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Tracy McGrath

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Timothy Wayne

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