

McHenry County Sign Ordinance

Adopted by the McHenry County Board: February 1, 2005

Amended by the McHenry County Board: March 1, 2005

Amended by the McHenry County Board: June 19, 2007

Amended by the McHenry County Board: March 16, 2010

TABLE OF CONTENTS

ARTICLE ONE	INTENT AND PURPOSE
ARTICLE TWO	DEFINITIONS
ARTICLE THREE	EXEMPT SIGNS
ARTICLE FOUR	PROHIBITED SIGNS
ARTICLE FIVE	REGULATIONS GENERAL REGULATIONS COMPUTATIONS: AREA OF SIGN FACE(S) NUMBER OF FREESTANDING SIGNS LOCATION OF FREESTANDING SIGNS HEIGHT OF FREESTANDING SIGNS WALL SIGNS DEVELOPMENT SIGNS PD-E, PD-R and/or CORI DISTRICTS
ARTICLE SIX	NON-CONFORMING SIGNS
ARTICLE SEVEN	PERMITS, FEES, ENFORCEMENT APPLICATION REQUIREMENTS FEES ENFORCEMENT PENALTIES INTERPRETATION APPEALS VARIATIONS
ARTICLE EIGHT	MISCELLANEOUS PROVISIONS SEVERABILITY EFFECTIVE DATE RELATIONSHIP TO OTHER LAWS
APPENDIX	CODES

ARTICLE ONE - INTENT AND PURPOSE

101 STATEMENT OF INTENT AND PURPOSE

The objectives of this ordinance are:

- To regulate and control the location, erection, number and maintenance of signs in order to enhance the aesthetic environment of McHenry County while promoting the public safety, health and general welfare of the community;
- To afford the business community equal and fair opportunity to advertise and promote its products and services without discrimination;
- To minimize the possible adverse effect of signs on nearby public and private property; and,
- To enable the fair and consistent enforcement of these sign regulations.

This ordinance establishes standards for the erection, display, safety and maintenance of signs in unincorporated areas of McHenry County. Sign regulations are compatible with the objectives set forth in the *McHenry County Comprehensive Land Use Plan* and *Zoning Ordinance*.

ARTICLE TWO - DEFINITIONS

201 DEFINITIONS, GENERAL

Words and phrases used in this ordinance shall have the meanings set forth in Article Two. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Words in the singular shall include the plural; those in the plural shall include the singular. Words in the present tense shall include the past and future tenses and words in the future tense shall include the present tense. Words used in the masculine gender shall include the feminine and neuter genders. The word "shall" is mandatory, while the word "may" is permissive.

202 LISTING OF DEFINITIONS

Words, terms, and phrases underlined within definitions are those, which are themselves defined in this article.

- 202.1 Abandoned sign A sign, which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and/or for which no legal owner can be found. The definition shall also include any structure, which no longer supports the sign for which, it was designed.
- 202.2 Area of the sign face The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single sign face and not including any structural elements outside the limits of such sign and not forming an integral part of the display. Also known as copy area.
- 202.3 Attention-getting device Any sign designed for the purpose of attracting attention, promotion or advertising.
- 202.4 Awning Any structure made of cloth or other non-rigid material attached to and projecting from a building, and including structures, which are fixed or so erected as to permit their being raised or retracted to a position against the building when not in use.
- 202.5 Banner Any sign of lightweight fabric or similar material which is mounted to a pole or building by permanent frame at one or more edges.

202.6	Building	A <u>structure</u> designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, which is permanently affixed to the land. The term “building” is to be construed under this ordinance as if preceded by the word “permanent” and as if followed by the words “or parts thereof”.
202.7	Building; accessory structure	<p>A <u>building</u> or <u>structure</u> which:</p> <p>(1) is detached from but located on the same <u>zoning lot</u> as the <u>principal building</u> or <u>structure</u>, except as may be specifically provided elsewhere in this ordinance;</p> <p>(2) is subordinate in area, extent or purpose to the <u>principal building</u>; and</p> <p>(3) is clearly operated and maintained solely for the comfort, convenience, necessity or benefit of the occupants, employees, customers or visitors of or to the <u>principal building</u>.</p>
202.8	Building; principal structure	The primary <u>building</u> or <u>structure</u> upon a <u>lot</u> or <u>parcel</u> which is designed, used or intended to be occupied and maintained for the principal use. A <u>sign</u> regulated under the provisions of this ordinance shall not be included in the definition of a principal building or structure.
202.9	Building marker, plaque	A <u>sign</u> indicating the name of a <u>building</u> , date and/or cornerstone with incidental information about its construction, which <u>sign</u> is cut into a masonry surface or made of bronze or other permanent material, which is affixed to the <u>building</u> .
202.10	Bulletin board	A board used for the posting of events, notices, hours or related information.
202.11	Canopy	A <u>structure</u> , other than an <u>awning</u> , made of cloth, metal, or other material with frames attached to a <u>building</u> and carried by a frame supported by the ground or sidewalks.
202.12	Code Enforcement Officer	Personnel designated by the McHenry County Board as the employee responsible for enforcing and administering the requirements of this ordinance.

202.13	District or zoning district	An area or areas within the unincorporated portions of McHenry County for which the regulations and requirements governing use, lot size, building bulk, <u>yards</u> , setbacks, and other conditions of use are uniform as established by the <i>McHenry County Zoning Ordinance</i> .
202.14	Flag	Any fabric, <u>banner</u> , or bunting, which contains distinctive colors, patterns, or other visual representations.
202.15	Frontage, lot or parcel	That boundary of a <u>lot</u> or <u>parcel</u> along a dedicated <u>street right-of-way</u> , non-dedicated <u>street</u> , right-of-way or any easement of access recorded prior to June 25, 1978, as measured between side lot or parcel lines. For a corner lot, the shortest <u>lot</u> or parcel line adjoining the <u>street right-of-way</u> or easement is the front lot or parcel line or frontage.
202.16	<i>Highway Advertising Control Act of 1971</i>	An act relating to the control of <u>signs</u> on land adjacent to the Federal Aid Primary System and the National System of Interstate and Defense Highways in Illinois, 225 ILCS 440/1 et. <u>seq.</u> as amended from time to time.
202.17	Historic marker, plaque	A <u>sign</u> such as a commemorative plaque, memorial tablet, or emblem of an official historical body identifying the historical relevance or designation of the <u>building</u> or property.
202.18	Logo	A mark or symbol created for an individual, company or product that translates the impression of the body it is representing into a graphic image.
202.19	Lot	A lot of record which is a part of a subdivision, the plat of which has been duly authorized and recorded in the Office of the Recorder of Deeds of McHenry County, Illinois, and which is intended to be used as a unit by one (1) <u>principal building</u> and its <u>accessory structures</u> . Within all <u>zoning districts</u> , all lots are lots of record as required by and in conformance with the <i>McHenry County Subdivision Ordinance</i> and <i>Illinois Plat Act</i> . See <u>Zoning lot</u> .
202.20	Nameplate	A <u>sign</u> , which displays the name, <u>address</u> and/or the nature of the occupation of the occupant.

202.21	Parcel	An area of land described by metes and bounds or by division making reference to the original government survey. For purposes of this ordinance, a parcel is not a <u>lot</u> .
202.22	Pennant	Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in wind.
202.23	Right- of-way	A strip of land occupied or intended to be occupied for public road purposes. (<i>McHenry County Access Management Ordinance</i>)
202.24	Road easement line	A line measured thirty (30) feet from the existing centerline of either a public or a private non-dedicated road or as otherwise indicated by recorded plat or deed.
202.25	Sign	Any surface, fabric, or device bearing lettered, pictorial or sculptured material designed to convey information visually and exposed to public view, or a <u>structure</u> (including billboard or poster panel) designed to carry the above type of visual information. For the purposes of this ordinance the definition of a sign shall also include, but not be limited to, the <u>area of the sign face</u> , the base or apron structure, supporting framework, bracing and/or decorative trim.
202.26	Sign, address	<u>Address</u> numerals and other sign information required by law or governmental order, rule or regulation.
202.27	Sign, animated	Signage that uses mechanical movement or change of lighting to depict action or create a special effect or scene.
202.28	Sign, awning	A <u>wall sign</u> affixed flat to the surface of an <u>awning</u> (base material).
202.29	Sign, canopy	A <u>wall sign</u> attached to, hung from or painted on a <u>canopy</u> , projecting from and supported by the <u>building</u> and extending beyond the building wall, building line or street lot line.

202.30	Sign, changeable copy	<u>Sign</u> on which copy is changed manually in the field or a <u>sign</u> , which is electronically or electrically controlled where different copy changes are shown on the same lamp bank.
202.31	Sign, construction	A <u>temporary sign</u> announcing proposed or current construction, which primarily indicates the name of the project and the <u>address</u> . Such signage may also include the names of architects, engineers and similar artisans, and similar persons or firms having a role or interest in the construction activity.
202.32	Sign, development	A <u>permanent sign</u> ground mounted (monument-type) at major entrances designed to identify a residential, business, office or industrial development, which contains no commercial advertising.
202.33	Sign, directional	Signage designed and erected solely for the purpose of directing or guiding automotive or pedestrian traffic or parking and containing no advertising matter.
202.34	Sign, entrance and exit	<u>Signs</u> marking and designating ingress and egress to and from property.
202.35	Sign, flashing	<u>Illuminated sign</u> on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.
202.36	Sign, freestanding	Signage held up by <u>structures</u> or supports that is placed on or anchored in the ground and that is independent from any <u>building</u> or other <u>structure</u> ; also referred to as a ground sign.
202.37	Sign, illuminated	Signage, which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tube.
202.38	Sign, incidental	<u>Nameplates</u> or <u>signs</u> designating home occupations, <u>accessory uses</u> , such as a doctor's office or similar <u>use</u> , or advertising the sale of farm products produced on the premises.
202.39	Sign, institutional	Signage, by which symbol and/or name identifies a facility which provides a public service, which benefits members of a community, such as but not

		limited to, governmental, educational and recreational facilities, religious institutions, cemeteries, and public and/or charitable facilities. Institutional signs may also provide announcements of services or activities to be held therein.
202.40	Sign, joint identification	Signage which serves as a common or collective identifier for a group of persons or businesses operating on the same <u>zoning lot</u> (e.g., shopping center, office complex, etc.).
202.41	Sign, non-conforming	Signage which was lawfully erected and maintained prior to enactment of this ordinance and which fails by reason of such adoption, revision or amendment to conform with the present regulations and requirements of this ordinance.
202.42	Sign, permanent	A <u>sign</u> constructed of durable material(s), intended for long-term use attached to a <u>building, structure</u> or the ground in a manner that requires compliance with adopted building codes.
202.43	Sign, political	<u>Temporary sign</u> advocating or opposing any political proposition, candidate for public office or issue of public interest subject to statutory regulation.
202.44	Sign, portable	A <u>temporary sign</u> that obtains its structural stability with respect to wind or other normally applied forces by means of its geometry or character.
202.45	Sign, projecting	Signage which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.
202.46	Sign, roof	Signage, which is erected, constructed, painted and maintained on or above the roof of a <u>building</u> .
202.47	Sign, special event	A <u>temporary sign</u> or other <u>attention getting device</u> used to make an announcement.
202.48	Sign, temporary	A <u>sign</u> or <u>attention getting device</u> , with or without a structural frame, intended for a limited period of display such as but not limited to, sales, special promotions, seasonal decorations, auctions, business grand openings, etc. Symbols, figures, balloons and other similar items shall be considered

		a temporary sign.
202.49	Sign, wall	A <u>sign</u> directly attached to the surface of masonry, concrete, frame or other approved <u>structures</u> and which the <u>area of the sign face</u> does not extend more than fifteen (15) inches from the surface of the approved <u>structure</u> .
202.50	Sign, window	Any <u>sign</u> , picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, which is placed inside a window or upon a window.
202.51	Structure	Anything constructed, erected or placed, which requires location in or on the ground, or in or on a body of water, or is attached to something having a location on the ground including earthen works.
202.52	Structure, accessory	See Building, accessory structure.
202.53	Structure, principal	See Building, principal.
202.54	Street	A vehicular way which: (1) is an existing state, county, township or municipal roadway; or (2) is shown upon a plat approved pursuant to law.
202.55	Yard	The space between the <u>lot</u> line and building line on the same <u>zoning lot</u> with a <u>principal building</u> or group of <u>buildings</u> , which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this ordinance, and which extends along a <u>lot</u> or parcel line and at right angles thereto to a depth or width determined by the nearest point of the <u>principal building</u> . Refer to the <i>McHenry County Zoning Ordinance</i> for further clarification.
202.56	Zoning lot	A <u>parcel</u> or <u>lot</u> or combination thereof or fractions thereof considered or treated as a single unit that meets the requirements of the <u>zoning district</u> in which it is located. A zoning lot may or may not coincide with the definition of lot or <u>parcel</u> .

ARTICLE THREE - EXEMPT SIGNS

301 EXEMPTIONS

In addition to specific signs listed below, the following are likewise, exempted from the regulations contained in this ordinance:

- signs required by law,
- signs integrated into or on a coin-operated machine, vending machine, gasoline pump, or telephone booth,
- signs carried by a person.

The following signs are allowed in all zoning districts subject to requirements specified herein. Exempt signs shall not be required to obtain a sign permit.

- 301.1 Agricultural property signage Sign erected in a zoning district where agricultural uses are permitted, which must relate to the sale of farm products, grown, bred or produced on the premises or the agricultural nature of the property. Said signs shall not be more than thirty-two (32) square feet in area for a single faced sign and sixty-four (64) square feet for a double faced sign; any illumination thereof shall be non-flashing, uncolored, and confined to the area of the sign face.
- 301.2 Banners Temporary signs of any nature, when such banners are hung in pedestrian oriented areas. For purposes of this ordinance, a pennant shall not be considered a banner.
- 301.3 Building marker, plaque A permanently mounted cornerstone type sign, not exceeding four (4) square feet per sign per building.
- 301.4 Bulletin board Structure not exceeding twelve (12) square feet in area when said structure is located on the premises of said use.
- 301.5 Changeable copy sign A permanent sign whose area of the sign face shall not exceed thirty-two (32) square feet when located on the premises of said use.
- 301.6 Construction sign One (1) temporary sign may be located on a lot or parcel which has frontage on a public street. Illumination is not permitted. Maximum area for commercial projects is thirty-two (32) square feet;

for residential projects maximum area allowed is sixteen (16) square feet. Said signage shall be removed no later than thirty (30) business days after the approved final inspection.

301.7 Directional/Informational signage

A sign, that directs and/or guides automobile or pedestrian traffic on private property including, but not limited to, signage, which identifies restrooms, public telephones, walkways and similar features or facilities. Said sign may be illuminated, shall be non-flashing and all illumination shall be confined to the area of the sign face. Such signs may be of a beaded reflector type. Entrance and exit signs designating ingress and/or egress to and from parking areas shall not exceed thirty (30) inches in height or four (4) square feet in area. There shall be no more than two (2) entrance and exit signs for each access point.

301.8 Flagpole

In RESIDENTIAL, ESTATE and AGRICULTURAL ZONING DISTRICTS one (1) free-standing flagpole shall be allowed. In BUSINESS, OFFICE and INDUSTRIAL ZONING DISTRICTS three (3) free-standing flagpoles shall be allowed. No more than three (3) flags shall be allowed per pole.

301.9 Historical marker; plaque

A sign noting the landmark designation or historical significance of said structure not exceeding two (2) square feet per area of sign face.

301.10 Institutional signage

Permanent sign(s) located on premises. One (1) institutional sign shall be permitted in each yard abutting a road or street provided that the area of the sign face(s) does not exceed one-hundred fifty square (150) feet and that the sign height (including framing) does not exceed twenty (20) feet.

301.11 Nameplate

Professional or occupational unlit sign not to exceed two (2) square feet in area and to be directly fastened to a building or structure. This includes home occupations as defined in the *McHenry County Zoning Ordinance*.

301.12 Subdivision informational signage

Temporary sign not to exceed two hundred fifty-six (256) square feet in area shall be allowed to announce the opening and sale of lots within a new subdivision. Such signs shall be located on private

property within the new subdivision and not in any right-of way or road easement. Such signs shall be removed within thirty (30) days of the sale of the last lot within the subdivision. One (1) sign shall be allowed at each entrance to the subdivision, however no more than two (2) such signs shall be allowed per subdivision. Signs greater than thirty-two square (32) feet shall conform to the sign height and setback regulations of this ordinance.

301.13 Temporary Sign

Signs of any nature shall be allowed without a permit provided that they are removed within thirty (30) days after the event for which the sign has been posted has been completed. The area of the sign face for a single faced sign shall not exceed thirty-two (32) square feet and for a double-faced sign shall not exceed sixty-four (64) square feet.

301.14 Vehicle lettering

Signs such as permanent lettering on operating, validly licensed motor vehicles, where the sign is clearly incidental to the primary use of the vehicle or trailer.

301.15 Kiosks or similar structures

Kiosks or similar structures when such structures are located within pedestrian oriented districts, such as but not limited to, parks, conservation district pathways, school campuses, etc.

301.16 Scoreboards

Scoreboards for athletic fields.

ARTICLE FOUR - PROHIBITED SIGNS

401 PROHIBITED SIGNS

401.1 The following signs and advertising devices are hereby prohibited in all zoning districts:

1. Animated sign, flashing sign and other attention getting devices except as otherwise provided for in this ordinance. NOTE: For the purposes of these regulations, time and temperature signs and changeable copy signs shall not be considered flashing signs.
2. Signs, which emit sounds including, but not limited to, voice, music and/or similar methods of advertising.
3. Roof signs.
4. Signs, which project beyond the right-of-way or road easement line of any alley or street.
5. Signs painted directly on a building wall on residential properties.
6. Unsafe signs where a sign is not tightly fastened or firmly in position is in danger of falling or is otherwise unsafe.
7. Any sign, which is unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance.
8. Any sign erected, constructed, maintained, tacked, pasted, typed, painted or otherwise affixed to poles, posts, fences, trees, rocks or other structures or natural features, which displays advertising matter, and is located either wholly or partially within the right-of-way of any public road or highway outside the incorporated towns or cities of McHenry County. However, this shall not apply to official highway markers or other authorized traffic control device.
9. Any sign that imitates any official highway marker, traffic signal, traffic sign or other authorized traffic control device.
10. Signs placed on or affixed to vehicles and/or trailers, which are parked on private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to any business activity.
11. Signs that pose a traffic hazard.
12. Signs that are located within the sight distance triangle requirements of this Ordinance.

ARTICLE FIVE - REGULATIONS

501 GENERAL REQUIREMENTS FOR ALL SIGNAGE

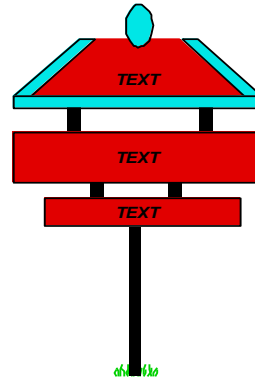
Each permitted sign shall meet the following standards:

1. Any sign which is located such that the major portion of the area of the sign face will directly face structures in any ESTATE and/or RESIDENTIAL ZONING DISTRICT, then the illumination of such signage shall be directed at the area of the sign face, shaded and so limited that there will not be any glare to the occupants of property in the ESTATE and/or RESIDENTIAL ZONING DISTRICT. In no event shall a sign have flashing, rotating or moving intermittent lights.
2. No sign shall obstruct any fire escape, or any window, or door, or openings as a means of egress or for fire-fighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof. No sign shall be attached in any form, shape, or manner to a fire escape or be so placed as to interfere with any opening required for ventilation.
3. No sign shall be erected within one hundred (100) feet of any railroad grade crossing or placed in such manner as to create an obstruction of full view of the intersection of a highway and/or railroad right-of-way.
4. Signage on a parcel or lot abutting Federal Aid Primary roads or any highway that is part of the National System of Interstate and Defense Highways shall be subject to the rules and regulations of the *Highway Advertising Control Act of 1971*, 225 ILCS 440/1 et. seq. as amended and this ordinance.
5. Refer to the APPENDIX of this ordinance for building and electrical code requirements.

502 COMPUTATIONS

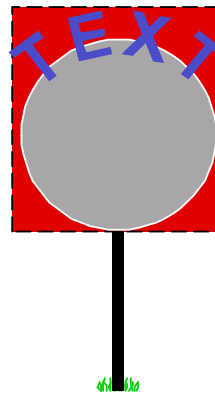
502.1 COMPUTATION OF AREA OF INDIVIDUAL SIGN FACE

The area of a sign face [individual] shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation or emblem contained within the area of the sign face but not including any ornamental base or apron, supporting framework, bracing or decorative trim. Refer to illustrations on right.



502.2 COMPUTATION OF AREA OF MULTIFACED SIGNS

The area of the sign face for a sign with more than one (1) face shall be computed by adding together all areas of sign faces attached to any sign structure supporting all said areas of sign faces. For multi-faced signage, including back-to-back signage, refer to illustrations on right.



- = Area of Sign Face
- = Square Footage of Border
"not to exceed 15% of the area of the sign face, exclusive of copy"
- = Supporting Framework

502.3 AREA OF SIGN FACE AND NUMBER OF FREE STANDING SIGNS

The area of the sign face and number of freestanding signs shall be permitted by zoning district in accordance with the following regulations:

1. On lots, parcels or zoning lots in the B-1, B-2, B-3, O, I-1 and I-2 ZONING DISTRICTS having frontage of fifty (50) feet or less, one (1) freestanding sign not to exceed two hundred sixty (260) square feet (area of the sign face) shall be permitted. A sign's frame borders may be fifteen (15) percent in excess of two hundred-sixty (260) square feet (area of sign face), exclusive of copy.
2. On lots, parcels or zoning lots in the B-1, B-2, B-3, O, I-1 and I-2 ZONING DISTRICTS having frontage greater than fifty (50) feet, no single freestanding sign shall exceed two hundred-sixty (260) square feet (area of sign face). The gross area of any multi-faced shall not exceed five hundred-twenty (520) square feet (of sign face). A sign's frame borders may be fifteen (15) percent in excess of two hundred sixty (260) square feet (area of sign face) and five hundred twenty (520) square feet (area of sign face) respectively, exclusive of copy.

3. On any lot, parcel or zoning lot in the B-1, B-2, B-3, O, I-1 and I-2 ZONING DISTRICTS containing one freestanding sign of two hundred-sixty (260) square feet (area of sign face) or less one (1) additional freestanding sign not to exceed one hundred fifty (150) square feet (area of sign face) shall be permitted provided a minimum separation of fifty (50) feet is maintained between signs that are located on the same parcel. **Signs greater than two hundred sixty (260) square feet (area of sign face) are not allowed.** A sign's frame borders may be fifteen (15) percent in excess of one hundred fifty (150) square feet (area of sign face), not to exceed two hundred sixty (260) square feet (area of sign face) if permitted, exclusive of copy.

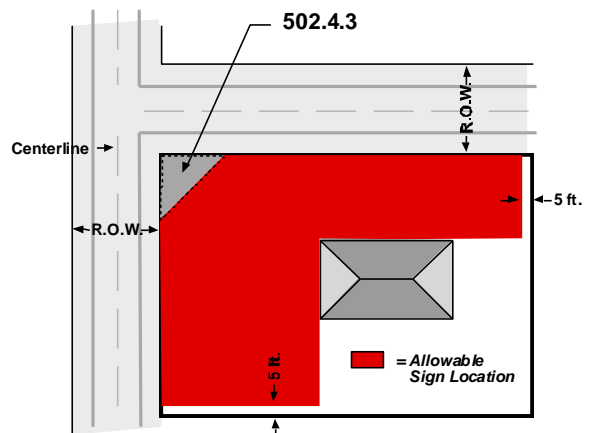
4. **If applicable**, additional freestanding signs not to exceed two hundred sixty (260) square feet (area of sign face) may be allowed on a lot, parcel or zoning lot in the B-1, B-2, B-3, O, I-1 and I-2 ZONING DISTRICTS, provided a minimum separation of one hundred fifty (150) feet is maintained between all freestanding signs that are located on the same parcel. **Signs greater than two hundred sixty (260) square feet (area of sign face) are not allowed.** A sign's frame borders may be fifteen (15) percent in excess of one hundred fifty (150) square feet (area of sign face), not to exceed two hundred sixty (260) square feet (area of sign face) if permitted, exclusive of copy.

NOTE: Additional freestanding signs must provide, at a minimum, a fifty (50) foot separation between all other non-freestanding signs, located on the same parcel, which are permitted by this ordinance.

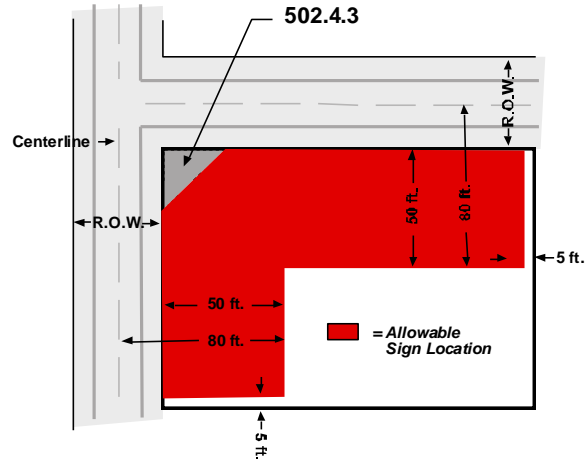
5. In all other zoning districts, see Article THREE, EXEMPT SIGNS.

502.4 LOCATION OF FREESTANDING SIGNS

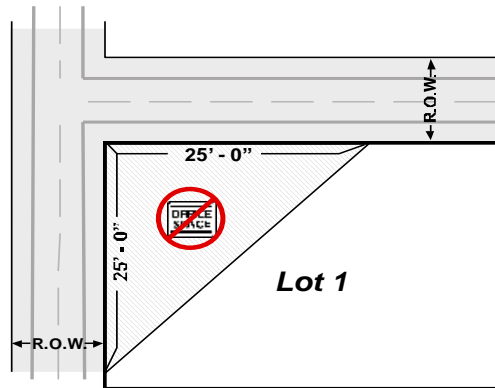
1. Signs as permitted by this ordinance shall only be allowed in those yards, which abut a road or street. In addition, all parts of every freestanding sign shall be, at a minimum, no closer than five (5) feet from side lot, parcel or zoning lot lines. In no case shall any part of any sign extend into a utility easement or project beyond boundaries of the lot, parcel or zoning lot upon which said sign is located. Refer to the illustration on right.



2. For lots, parcels or zoning lots without established yards, signs as permitted by this ordinance, shall only be allowed within a maximum distance of fifty (50) feet from an established right-of-way or eighty (80) feet from the centerline of a road or street, whichever is greater. (Note: This requirement establishes areas that constitute yards abutting a road or street where permitted signage is allowed.) All parts of every freestanding sign shall be, at a minimum, no closer than five (5) feet from side lot, parcel or zoning lot lines. Refer to illustration on the right.



3. Any sign, permitted in the B-1, B-2, B-3, O, I-1 and/or I-2 ZONING DISTRICT, constructed on a corner lot, parcel or zoning lot shall conform to the requirements of the sight distance triangle which is the triangular area formed by the road easement lines and a line connecting said road easement lines at points twenty-five (25) feet from the point of intersection.



4. Signs greater than one hundred fifty (150) square feet in area of sign face shall be located no closer than one hundred (100) feet to any RESIDENTIAL, ESTATE and/or AGRICULTURAL ZONING DISTRICT.

502.5 COMPUTATION OF HEIGHT

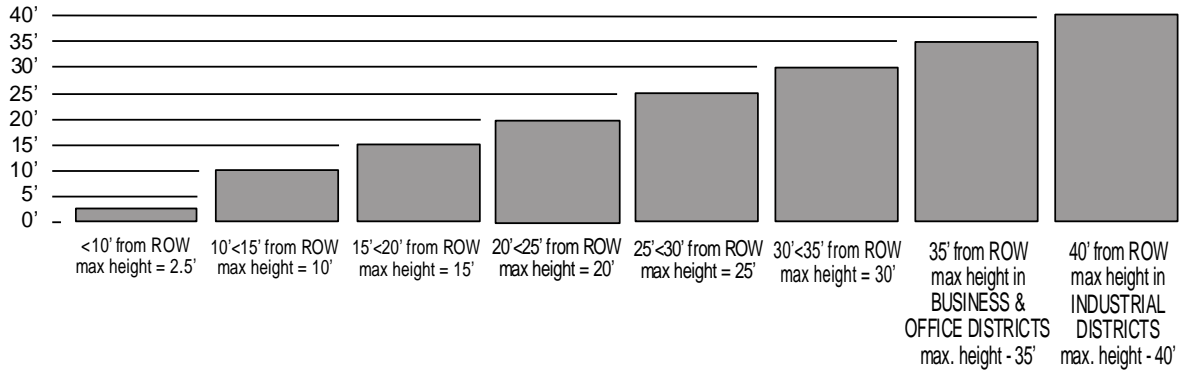
The height of a sign shall be computed as the vertical distance from the base of the sign at normal grade to the highest part of the sign. Normal grade is construed as the lower of:

- (1) the existing grade prior to construction; or
- (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating.

502.6 SIGN HEIGHT – FREESTANDING SIGNS

1. Freestanding signs placed less than ten (10) feet from a road easement line shall be allowed a maximum height of two and one-half (2.5) feet, as measured from the existing grade to the top of the sign.

2. Freestanding signs placed ten (10) feet from a road easement line shall be allowed a maximum height of ten (10) feet, as measured from the existing grade to the top of the sign.
3. Freestanding signs placed greater than ten (10) feet from the road easement line shall be allowed an increase in height of five (5) feet for each five (5) feet of distance from the road easement line. The maximum height of freestanding signs shall not exceed the height allowed for the principal structure in each respective zoning district as measured from the existing grade to the top of the sign. Refer to illustration below.



4. No freestanding sign shall be erected within the sight distance triangle to a height of greater than two and one-half (2.5) feet as measured from the existing grade of the intersecting streets to the top of the sign. Refer to Section 502.4.2.
5. In all other zoning districts, see Article Three – EXEMPT SIGNS.

503 WALL SIGNS - BUSINESS, OFFICE AND INDUSTRIAL DISTRICTS

1. In the BUSINESS, OFFICE and INDUSTRIAL ZONING DISTRICTS there shall be no limit as to the number of wall signs allowed. However, the total square footage of all wall signs shall be calculated by multiplying the lineal feet of lot, parcel or zoning lot frontage as follows:

ZONING DISTRICT	Non-Illuminated	Illuminated
B-1	2	2
B-2	3	2
B-3	3	2
O	3	2
I-1	4	2
I-2	4	2

2. Wall signs attached to a building or buildings shall not project more than fifteen (15) inches from the wall upon which they are attached. Wall signs shall be attached to walls or other surfaces and made part of the main structure.

3. No wall sign may be higher than the allowable height of the principal structure in the zoning district in which it is located.
4. Projecting signs, including awnings, shall maintain a clearance of ten (10) feet above the ground or pavement.
5. For the purposes of these regulations, signs attached to or placed upon principal and/or accessory structures are considered to be wall signs and are to be considered in calculations of total square footage of building signage.
6. In all other zoning districts, see Article Three - EXEMPT SIGNS.
7. Refer to the APPENDIX for building and electrical code requirements.

504 RESIDENTIAL, BUSINESS, OFFICE, and/or INDUSTRIAL DEVELOPMENT SIGNS

In the ESTATE, RESIDENTIAL, BUSINESS, OFFICE and INDUSTRIAL ZONING DISTRICTS, permanent sign ground mounted (monument-type) strictly for the purpose of identifying the development and which no commercial advertising is allowed shall be subject to the following requirements:

1. A sign on each side of an entrance to a development may be erected, but not at more than two (2) different entrances.
2. The area of the sign face shall not exceed thirty-two (32) square feet.
3. The maximum height of the sign shall not exceed six (6) feet as measured from the existing grade to the top of the sign and shall be set back from the right-of-way a minimum of ten (10) feet.
4. Any residential development sign legally located within a township road right-of-way existing prior to the enactment of this Ordinance but which violates the provisions of this Ordinance, may continue to be maintained, used and, upon application to and approval from the appropriate Highway Commissioner, replaced or reconstructed so long as the reconstructed sign does not occupy a greater amount of square footage or height than as occupied on the date of adoption or amendment of this ordinance

505 PD-E, PD-R and/or CORI ZONING DISTRICTS

Signage shall be reviewed, on a case-by-case basis, in conjunction with the submitted request for a PLANNED DEVELOPMENT and/or CORI ZONING DISTRICT. Applicants wishing to vary the locational, height and/or size regulations of this ordinance must submit a *sign plan* indicating each deviation from the requirements herein.

ARTICLE SIX NON-CONFORMING SIGNS

601 STATEMENT OF POLICY

It is not the intent of this ordinance to encourage the continuation of non-conforming signs but rather to bring such signs into conformance with adopted policies. Non-conforming signs are permitted to continue subject to **all** of the provisions stated below.

601.1 GENERAL PROVISIONS

All signs unless otherwise exempted by this ordinance, legally existing prior to the enactment of this ordinance but which shall violate the provisions of this ordinance, may continue to be maintained and used subject to the following provisions:

1. Enlargement: Non-conforming signs shall not be enlarged, expanded, or extended to occupy a greater amount of square footage or height than as occupied on the date of adoption or amendment of this ordinance.
2. Relocation: Non-conforming signs shall not be moved in whole or in part to any other portion of the lot, parcel, zoning lot or building not so occupied on the date of adoption of this ordinance, except if such sign shall be relocated in conformance with the requirements of this ordinance.
3. Destruction: Should any non-conforming sign be destroyed by any means to an extent greater than fifty (50) percent of its area of the sign face, structure, replacement cost, singularly or in combination thereof, said non-conforming sign shall not be reconstructed except in conformance with the requirements of this ordinance.
4. Non-conforming signs shall be allowed to have their copy changed by repainting, replacement of sign panels etc., to reflect changing business, occupation or other advertising material. However, replacement of copy shall utilize the existing sign structure, which shall not be enlarged or relocated.
5. Non-conforming signs shall be allowed to be maintained and repaired to ensure that they are in a safe condition and in compliance with all applicable code requirements. Normal maintenance and/or repair shall not alter the non-conforming status of a sign.
6. If a non-conforming sign is located on a lot, parcel, or zoning lot, no new sign shall be allowed while the non-conforming sign remains in use.

ARTICLE SEVEN - PERMITS, FEES, ENFORCEMENT

701 PERMITS

701.1 PERMIT APPLICATION REQUIREMENTS

Except as otherwise provided for in this ordinance, no sign subject to the regulations of this ordinance shall be erected without obtaining a sign permit. To obtain a sign permit the person(s) erecting the sign shall make an application for a sign permit on forms provided by the Code Enforcement Officer or his/her designee. Applications for sign permits shall contain or have attached the following information:

1. Name, address, telephone number of the applicant (sign contractor) and property owner(s) of the property upon which the sign is to be affixed. No permit application shall be considered complete without signatures of the property owner(s) as well as the applicant, if different. The permit application shall also include the date on which the sign is to be erected or displayed.
2. A copy of a plat of survey signed and sealed by a registered surveyor indicating the permanent parcel number(s) of the subject property.
3. A site plan showing the accurate placement of existing, as well as, proposed signage on the subject property.
4. The number, type and square footage of existing signage located on the subject property.
5. One (1) blueprint or ink drawing of the plans and specifications of the sign to be erected or affixed and the method of construction and attachment to a building or placement in the ground. Such plans and specifications shall include details of dimensions, materials, and weight.
6. An affidavit stating that the information contained in the application is true and correct and in conformance with the requirements of this ordinance. In addition, the affidavit shall also include a statement of compliance with building and electrical codes found in the Appendix of this ordinance.
7. Such other information as the Code Enforcement Officer shall require to determine full compliance with this and other applicable ordinances adopted by McHenry County.

701.2 ISSUANCE OF A SIGN PERMIT

It shall be the duty of the Code Enforcement Officer, upon the filing of an application for a sign permit, and payment of the permit fee by the applicant, to examine such application and notify the applicant by mail within fifteen (15) business days of receipt of the application and permit fee of any deficiencies in the application. If the application is deemed to be incomplete, the applicant may submit the required information within

fifteen (15) business days of receipt of a notice that the application is incomplete and the applicant shall not be charged any additional fee. If more than fifteen (15) business days elapse after the receipt of the notification that the application is incomplete without the applicant submitting the additional information, the permit application shall be deemed denied and the applicant must initiate a new permit application and pay a new application fee. If the application is complete, the Code Enforcement Officer shall determine if the sign meets all provisions of this and all other applicable ordinances adopted by McHenry County and shall issue or deny a permit within forty-five (45) business days of receipt of the completed permit application and permit fee. If more than forty-five (45) business days elapse after the receipt of a complete permit application and the permit is not issued or denied by the Code Enforcement Officer, the permit application shall be deemed approved. If a permit application is denied, the Code Enforcement Officer shall state the reasons for the denial of the application in writing and shall cause a copy of said document to be sent to the applicant's address listed on the permit application. Said document shall also contain a notification of the applicant's right to appeal the decision pursuant to Section 706.

701.3 PERIOD OF VALIDATION

Any permit issued shall become invalid if the authorized work is not started within six (6) months of the permit issue date. Likewise, if a *Certificate of Completion* cannot be issued within nine (9) months of the permit issue date, said permit shall become null and void. Upon the termination or revocation of a permit, or upon discovery of a sign being improperly installed or installed with falsified application information, the permittee shall remove that signage at no cost to McHenry County. In the event of the failure, neglect or refusal of the permittee to do so, McHenry County may proceed to remove the same and charge the expenses to the permittee.

702 PERMIT FEES

No permit to erect a sign shall be issued until a fee, as provided for in the building permit fee schedule adopted by McHenry County, has been paid to the Department of Planning & Development.

702.1 SIGN TAGS

Sign permit tags shall be displayed in a prominent position. A separate tag shall also be prominently exhibited showing the name of the sign company.

702.2 PERMIT TO ALTER A SIGN

Whenever a holder of a permit desires to enlarge or alter the area of the sign face, or structure, he/she shall be required to submit an application for a new permit and pay the full fee. There shall be no refund or credit for fees previously paid.

703 ENFORCEMENT

703.1 CODE REQUIREMENTS

The provisions of the building codes and electrical codes adopted and amended from time to time by the County of McHenry, Illinois shall govern the construction, alteration and maintenance of all signs for which permits are issued.

The enforcement of all provisions of said codes and this ordinance shall be implemented by the Code Enforcement Officer and/or his/her designee(s).

Code requirements can be found in the APPENDIX of this ordinance.

703.2 REMOVAL of UNSAFE and/or ABANDONED SIGNS

If the Code Enforcement Officer finds that any sign is unsafe, insecure or otherwise dangerous to the public, or has been constructed, erected or maintained in violation of the provisions of this ordinance, or if the sign has been abandoned [sign] for more than six (6) months, the Code Enforcement Officer shall give written notice to the owner of the subject property. If the owner of the subject property fails to remove or alter the structure so as to comply with the standards herein within fifteen (15) days after receipt of said notice, the Code Enforcement Officer shall have authority to remove the sign at the owner of the subject property's expense.

703.3 MAINTENANCE REQUIRED

The owner of a sign shall be required to maintain the sign in a safe condition in accordance with Article Eight. If the sign is illuminated, the source of illumination shall be kept in a state of safe working order at all times.

704 PENALTIES

The Code Enforcement Officer, upon finding that any provision of this ordinance or any condition or permit issued under this ordinance is being violated, is hereby authorized to institute legal proceedings to enjoin violations.

Any person found to be in violation shall be subject to a fine not less than one-hundred (\$100.00) dollars nor more than five-hundred (\$500.00) dollars for each offense. A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

705 INTERPRETATION OF THIS ORDINANCE

This ordinance shall be interpreted strictly and in accordance with standards set forth in the following section. The Code Enforcement Officer's decision shall be subject to appeal as provided in Article Seven, Section 706 APPEALS.

705.1 STANDARDS

Whenever any provision of this ordinance overlaps, contradicts or covers the same subject matter as any other provision of this ordinance or any other ordinance, regulation, statute or rule, the more restrictive or higher standard shall control.

705.2 MINIMUM PROCEDURES

In the interpretation and application of this ordinance, the provisions shall be held to be minimum requirements for the promotion and protection of the public health, safety, comfort and welfare.

706 APPEALS

706.1 SCOPE OF APPEALS

Any person aggrieved by any decision made with respect to this ordinance by the Code Enforcement Officer may appeal to the McHenry County Zoning Board of Appeals. Such appeal shall be taken within thirty (30) days of the receipt of the decision being appealed, by filing with the Code Enforcement Officer a *Petition for Appeal*, specifying the grounds there of. Refer to Article Eight of the *McHenry County Zoning Ordinance* for requirements for filing a *Petition for Appeal*. The Code Enforcement Officer shall forthwith transmit to the Zoning Board of Appeals the *Petition for Appeal* and all other papers constituting the record upon which the action appealed from was taken. All final administrative decisions of the Zoning Board of Appeals are subject to judicial review under the provisions of the Administrative Review Act, 735 ILCS 5/3-101 et. seq., as amended, and all amendments and modifications thereof and the rules adopted pursuant thereto.

706.2 PETITION FOR AN APPEAL

A petition for an appeal shall contain the following information:

1. Name and address of the petitioners (sign contractor and owner(s) of the subject property);
2. Location of the property in question;
3. A copy of the Code Enforcement Officer's letter outlining the decision being appealed;
4. Identification of the ordinance provision(s) in dispute;
5. A description of the proposed sign, including application packet information if applicable; and
6. A statement detailing grounds for the appeal.

706.3 HEARING OF APPEAL

The McHenry County Zoning Board of Appeals shall hear a timely filed *Petition for Appeal* within thirty (30) days of filing said petition. At the hearing on the *Petition for Appeal*, any party may appear in person, by agent or by attorney. The Zoning Board of Appeals may affirm or reverse, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Code Enforcement Officer. If the Zoning Board of Appeals fails to grant or deny an appeal within thirty (30) days from the date the *Petition for Appeal* is filed, the appeal shall be deemed approved.

707 VARIATIONS

Variations may be granted only when in conformity with AUTHORIZED VARIATIONS and the STANDARDS FOR VARIATION established below. No variation, that has been granted, shall be valid for a period longer than twelve (12) months from the date of granting unless a sign permit is obtained within that period and the sign is erected or at a minimum construction or rehabilitation has commenced.

707.1 AUTHORIZED VARIATIONS

Variations from the regulations for this ordinance shall be reviewed and heard by the McHenry County Hearing Officer. All requests for variation(s) will be decided by the McHenry County Board and granted **ONLY** for the following instances:

1. To permit a setback for a sign that is ~~up to twenty-five (25) percent~~ less than the required setback.
2. To permit the area of the sign face or height of a freestanding sign to be increased by up to twenty-five (25) percent more than the maximum height or area allowed.

707.2 ADMINISTRATIVE VARIATIONS

Upon written request, the Code Enforcement Officer may grant variances up to ten (10) percent as related to the two (2) AUTHORIZED VARIATIONS listed above, after receipt of signed return receipts from all adjoining landowners, **and only** if none of the adjoining property owners files a written objection within fifteen (15) days of receipt of said notice.

707.3 The fee schedule for AUTHORIZED VARIATIONS shall be set by the McHenry County Board.

707.4 STANDARDS FOR VARIATION

The McHenry County Hearing Officer may recommend and the McHenry County Board may grant a variance authorized by this ordinance if it finds that the variation requested is required because of the following special or unique hardships:

1. Exceptional narrowness, shallowness, or shape of the premises on which a sign is to be located; or
2. Exceptional topographic conditions or physical features uniquely affecting the premises on which a sign is to be located.

A request to vary the location, size or height of a sign because said signage would be more profitable or more valuable, shall not be considered a special or unique hardship as required by this section. The McHenry County Board shall grant a variation only if it finds that there are no other reasonable alternatives for a sign permitted by this ordinance if the variation is not granted.

707.5 PETITION FOR VARIATION

Refer to Article Eight of the *McHenry County Zoning Ordinance* for filing requirements.

ARTICLE EIGHT - MISCELLANEOUS PROVISIONS

801 SEVERABILITY

This ordinance and any amendment hereto and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided, that the remainder of the ordinance or amendment hereto shall not be affected hereby. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid as applied to a particular property, building or other structure, it is hereby provided, that the application of such portion of the ordinance to other property, buildings or structures shall not be affected hereby. Whenever any condition or limitation is included in any order authorizing the construction of a sign, it shall be conclusively presumed that the authorizing officer or board considered such condition or limitation necessary to carry out the spirit and purpose of this ordinance or the requirements of some provision hereof, and to protect the public health, safety and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

802 EFFECTIVE DATE

This ordinance shall be in full force and effect upon its enactment by the McHenry County Board in accordance with the provisions of law until repealed or amended by a subsequent McHenry County Board ordinance or resolution or by a federal or *State of Illinois Statute*, regulation or rule.

803 RELATIONSHIP TO OTHER LAWS

Whenever any provisions of this ordinance overlaps, contradicts, or covers the same subject matter as any other provision of this ordinance or any other ordinance, regulation, statute or rule, the more restrictive or higher standard shall control.

The County of McHenry, Illinois shall fully comply with all applicable laws, which prohibit discrimination on the basis of race, color, religion, sex, national origin, age, veteran or disability status, especially in relation to this ordinance.

804 CONDITIONAL USE

Any signage to be located on property that has been granted a conditional use permit pursuant to Article 5 of the McHenry County Zoning Ordinance must comply with the signage requirements as specified on the conditional use permit. If the conditional use permit does not specify signage requirements, signage on the property will be subject to

the requirements in this ordinance for the property's underlying zoning. Prior to acquiring additional signage on property that has been granted a conditional use permit where the permit does not specifically allow for such signage an amendment to the conditional use permit must be granted under the procedures outlined in Article 5 of the McHenry County Zoning Ordinance.

APPENDIX: BUILDING CODES for SIGNS

IDENTIFICATION

Every sign regulated under the *McHenry County Sign Ordinance* hereafter erected, constructed or maintained, for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign and shall have affixed on the front thereof the permit number tag issued for said sign or other method of identification approved by the Code Enforcement Officer.

DESIGN AND CONSTRUCTION

General: Signs shall be designed and constructed to comply with the provisions of the International Building Code (IBC) in determining use of materials, loads and stresses.

Permits, Drawings and Specifications: Where a permit is required, as provided in Chapter 1 (IBC), construction documents shall be required. These documents shall show the dimensions, materials and required details of construction, including loads, stresses and anchors.

Wind Load: Signs shall be designed and constructed to withstand wind pressure as provided for in Chapter 16 (IBC).

Seismic Load: Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as provided for in Chapter 16 (IBC).

Working Stresses: For signs regulated under the *McHenry County Sign Ordinance*, the allowable working stresses shall conform to the requirements of Chapter 16 (IBC). The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

Exceptions:

The allowable working stresses for steel and wood shall be in accordance with the

provisions of Chapter 22 and Chapter 23 (IBC).

The working strength of chains, cables, guys or steel rods shall not exceed one-fifth of the ultimate strength of such chains, cables, guys or steel.

Attachment: Signs attached to masonry, concrete or steel shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied.

ELECTRICAL

Illumination: A sign shall not be illuminated by other than electrical means, and electrical devices and wiring shall be installed in accordance with the requirements of the National Electrical Code (NEC). Any open spark or flame shall not be used for display purposes unless specifically approved.

Electrical service: Signs that require electrical service shall comply with the National Electrical Code (NEC).

GROUND SIGNS

Wooden anchors and supports: Where wood anchors or supports are embedded in the soil, the wood shall be pressure treated with an approved preservative.

WALL SIGNS

Exterior wall mounting details: Wall signs attached to exterior walls of solid masonry, concrete or stone, shall be safely and securely attached by means of metal anchors, bolts or expansion screws of not less than 3/8-inch (9.5 mm) diameter and shall be embedded at 5 inches (127 mm). Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorages secured to an unbraced parapet wall.

PROJECTING SIGNS

General: Projecting signs shall be constructed entirely of metal or other noncombustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure. The dead load of projecting signs not parallel to the building or structure and the load due to wind pressure shall be supported with chains, guys or steel rods having net cross-sectional dimension of not less than 3/8-inch (9.5 mm) diameter. Such supports shall be erected or maintained at an angle of at least 45 percent (0.78 rad) with the horizontal to resist the dead load and at angle of 45 percent (0.78 rad) or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds 30 square feet (2.8 m²) in one facial area, there shall be provided at least two such supports on each side not more than 8 feet (2438 mm) apart to resist the wind pressure.

Attachment of supports: Supports shall be secured to a bolt or expansion screw that will develop the strength of the supporting chains, guys or steel rods, with a minimum 5/8-inch (15.9-mm) bolt or lag screw, by an expansion shield. Turnbuckles shall be placed in chains, guys or steel rods supporting projecting signs.

Wall mounting details: Chains, cables, guys or steel rods used to support the live or dead load of projecting signs are permitted to be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.

Additional loads: Projecting sign structures which will be used to support an individual on a ladder or other servicing device, whether or not specifically designed for the servicing device, shall be capable of supporting the anticipated additional load, but not less than a 100-pound (445 N) concentrated horizontal load and a 300-pound (1334N) concentrated vertical load applied at the point of assumed or most eccentric loading. The building

component to which the projecting sign is attached shall also be designed to support the additional loads.