

ORDINANCE # 2004- 30

**AN AMENDMENT TO SECTION 12 (SIGNS) AND SECTION 13 (ADMINISTRATION)  
OF THE KENDALL COUNTY ZONING ORDINANCE**

WHEREAS, Kendall County regulates development under authority of its Zoning Ordinance and related ordinances; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures for amendments have been followed including a Public Hearing held before the Kendall County Zoning Board of Appeals.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Sections 12 and 13 of the Kendall County Zoning Ordinance as provided in attached Exhibit "A".

IN WITNESS OF, this Amendment to the Kendall County Zoning Ordinance was approved by the Kendall County Board on August 17, 2004.

Paul Anderson  
Attest:

John A. Church  
John A. Church  
Kendall County Board Chairman

Paul Anderson  
Kendall County Clerk

## EXHIBIT "A"

### **Draft Sign Ordinance Modifications: (last revised 8/13/04)**

#### **3.0 DEFINITIONS**

OFF PREMISE IDENTIFICATION SIGN. A sign displaying the name and or logo of a business and which is situated on a parcel of land other than the property for which the sign is identifying.

#### **12.06 GENERAL STANDARDS ~~(Amended 10/17/2000)~~ ( Amended April 2004)**

##### **A. LOCATION.**

1. No sign shall be located in a sight triangle easement formed by intersecting streets. The sides of the triangle formed by the right-of-way of the intersecting streets shall be thirty (30) feet in length as measured outward from the point of intersections of said rights-of-way or at equivalent points on private streets.
2. No sign shall be allowed to encroach upon the public right-of-way or public property.
3. All signs shall be located on the premises for which they are advertising except where indicated otherwise under Sections 12.04, 12.10.D.8, and 12.12 of this Ordinance. Real estate and development signs may be located off site for a period not to exceed two (2) years, provided that a special use is granted pursuant to Section 12.12 of this Ordinance.

## 12.08 AGRICULTURAL DISTRICT

B. PERMITTED SIGNS. In all agricultural districts the following classes of signs are permitted in accordance with regulations set forth herein:

1. Non-flashing Non-illuminated Signs, as follow:

- a. Crop identification signs, not exceeding six (6) square feet in area, advertising a product grown or produced on the property. The duration of these signs shall be limited to the growing season. Crop Identification Signs shall be unlimited in number, and shall not require a permit.
- b. Wall or Free-Standing Signs associated with permitted uses, not exceeding thirty-two (32) square feet in gross surface area. One wall or free-standing sign shall be permitted on each frontage.
- c. Free-standing and political Temporary Signs as regulated in section 12.14.

2. Non-flashing Illuminated Signs, as follow:

- a. Wall or Free-Standing Signs associated with government, institutional and approved special uses, not exceeding thirty-two (32) square feet in gross surface area. One wall or free-standing sign shall be permitted on each frontage (Amended April 2004) .

Hours of illumination shall be limited to 6:00 AM and 11:00 PM daily except that public safety facilities may be illuminated 24 hours a day. Churches shall also be exempt for this provision on those days of the year when special services or events are held for the observance of religious holidays.

2.3. Location and Height.

- a. Crop Identification Signs shall not be placed in a public right-of-way.
- b. Free-Standing Signs shall be placed no closer than ten feet from the property line, provided the Planning, Building and Zoning Department may require a greater setback or other location, so that said sign will not obstruct the view along any highway, at any intersection, private driveway, field entrance, or other point of ingress or egress.
- c. No sign attached to the wall of a building or other structure shall extend above the roofline of that building or structure.
- d. No sign shall exceed eight (8) feet in height from grade to the highest point of the sign.

12.10 BUSINESS DISTRICTS.

A. PERMITTED SIGNS.

1. Signs relating only to the name and use of buildings or premises upon which they are placed. Advertising signs and outdoor billboards advertising products or matters not related to the occupancy and use of the premises shall not be permitted. The following signs shall be permitted and governed as follows:
  - a. Wall Signs. One wall sign not exceeding five (5) percent of the total square footage of the building facade upon which it is placed.
  - b. Canopy, Marque or Awning Signs. The surface area of a Canopy, Marque or Awning sign shall not exceed ten (10) square feet, or thirty (30) percent of the exterior surface area of the canopy, marquee or awning attached to the building front, whichever is greater. Such signs shall be harmonious in scale and proportion with the building they are mounted to and with the architectural elements of the building.
  - c. Free-standing Signs. One ground-mounted sign or pole sign per lot not exceeding fifty (50) square feet per face.
  - d. Directories. For buildings with multiple tenants, a directory sign may be substituted in lieu of the allowable free-standing sign subject to review and approval by the Planning, Building and Zoning Department as to height and overall square footage.
  - e. Public or semipublic buildings, or public park identification sign. Not more than one sign per street frontage not exceeding thirty-two

( 32) square feet in size per face inclusive of any logo.

- f. Nameplates. One attached, non-illuminated sign not exceeding two ( 2) square feet in size displaying the name, occupation, and/or service located upon the premises, and the address.
- g. Temporary Signs. Temporary Signs shall be permitted as described in Section 12.14.

2. Location and Height.

- a. Wall Signs. Wall Signs shall be face mounted on the building wall, projecting not more than twelve ( 12) inches from the facade of the building. Such signs shall not project above the parapet wall, mansard, or other roofline and shall be recessed where involving a pitched roof location.
- b. Canopy, Marquee or Awning Signs. Such signs shall be completely within the borderline of an outer edge of the marquee or canopy, and shall in no instance be lower than eight feet above the ground surface over which the marquee or canopy is constructed.
- c. Ground-mounted Signs. Such signs shall not exceed eight ( 8) feet in height from grade to the highest point on the sign and shall be located no closer than ten feet to any property line. Such signs shall not be located so as to obstruct vision at a vehicular entry or exit from the property.
- d. Pole Signs. Such signs shall not exceed twenty ( 20) feet in

height. The bottom of the sign shall be at least ten ( 10) feet above surrounding grade.

**B. OTHER REQUIREMENTS.**

1. Number of signs. Each building or property shall be allowed a maximum of two signs, which may be either an attached sign, a ground-mounted sign, a pole sign, a canopy sign, a wall sign, or an awning sign. Window Signs and nameplates are excluded from this maximum of two signs.
2. Buildings with multiple occupancy. For buildings and/or property containing more than one business or tenant, each business or tenant may have one wall sign conforming to the requirements of this section. Each sign must be attached to the lease unit containing the business tenant identified.
3. Additional Signs. Each building or property may have one additional attached sign on walls containing a main entrance which faces customer parking areas and is not visible from either a public or private street. For this exception to apply, the signs must be attached to the same wall as their respective entrances and both the signs and the entrances must be upon the same plane of the building.
4. Painted Wall Signs. No sign may be painted, or similarly posted directly on the surface of any wall. Nor shall any sign be permitted to be placed on any wall, fence, or standard, facing the side of any adjoining lot located in any Residential District.
5. Integrated Shopping Centers. For integrated shopping centers containing five or more stores or shops, one ( 1) additional sign may be erected not exceeding one hundred ( 100) square feet in area advertising only the name and the location of the integrated shopping center. Such sign shall be placed not less than ten ( 10) feet

from the front property lines of the premise upon which the sign is located and the bottom edge of such signs shall be at least eight feet above the surrounding ground. The overall height shall not exceed twenty (20) feet above grade.

6. **Flashing Signs.** No illuminated sign shall be of the flashing or intermittent type. Signs which may be in conflict with public traffic signals shall not be permitted.

7. **Changeable Copy Signs.** Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, and shall not exceed 40% of the total permitted sign area.

8. **Off-Premise Signs.** Off premise signs shall only be allowed subject to the conditions and restrictions as set forth in Section 12.12 of this ordinance with the following exception:

1. The Zoning Administrator may grant a conditional use for an Off-Premise Identification sign provided one or more of the following conditions exist::

a) When the building or parcel of land on which the business is located is a land-locked or partially landlocked parcel of land that does not have frontage onto any adjoining roadway and is not part of an integrated shopping center or an outlot within and integrated shopping center.

b) When the building or parcel of land on which the business is located obtains its primary access onto an adjoining roadway by means of a private drive or shared ingress/egress easement.



c) The building or parcel on which the business is located is setback more than 200 feet from the road to which the private drive or ingress/egress easement provides access.

Such signs may be placed within in the private drive or ingress/egress easement providing access to the property or on a lease parcel of an adjoining property subject to the approval of the Zoning Administrator. Such signs shall further comply with the size, height, visibility and setback requirements of Section 12.10.A. of this Ordinance and shall be so located as not to obstruct vehicular movement.

At his or her discretion, the Zoning Administrator may refer such requests to the Zoning Board of Appeals for input prior to making a final determination on whether to grant or deny such request. In the event the request is denied by the Zoning Administrator, the applicant may pursue an appeal of the decision in accordance with the provisions as stated in Section 13.05 of this Ordinance.  
( Amended April 2004)

#### 12.12 SPECIAL USE SIGNS ~~(Amended 10/17/2000)~~ ( Amended April 2004)

~~The Zoning Board of Appeals may recommend and the County Board may permit the use of signs not withstanding limitations set forth in the underlying zoning classification. However, e~~Outdoor advertising structures which advertise off-premise commercial messages may not be permitted by this section except where otherwise provided within Section 12.06 A-3 and Section 12.10.B.8 of this Ordinance. All other commercial off-premise advertising structures may be permitted via a special use only in the M-2 and M-3 Manufacturing Districts.

#### 13.04 VARIATIONS. [*Amended - 03/21/2000*]

A. PURPOSE AND CONDITIONS.

1. In order that the spirit of this ordinance may be observed and substantial justice done, the Zoning Board of Appeals shall upon application or appeal determine and vary the terms thereof, other than permitted or special use restrictions the variance of which shall not be permitted, upon making a finding of fact that, owing to special conditions, a literal enforcement of the provisions of this amended ordinance would result in a particular hardship or practical difficulty.
2. In making its determination as to whether there is a particular hardship or practical difficulty, the Zoning Board of Appeals shall take into consideration the extent to which the following conditions, all favorable to the applicant or appellant, have been established by the evidence.
  - a. That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.
  - b. That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.
  - c. That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

- d. That the granting of the variation will not materially be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - e. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood; and
  - f. That the proposed variance complies with the spirit and intent of the restrictions imposed by this amended ordinance.
3. The Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variation as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood, and better to carry out the general intent of this amended ordinance.
- B. **AUTHORIZED VARIATIONS.** Variation from the regulations of this amended ordinance shall be granted by the Zoning Board of Appeals only in accordance with the standards set forth in subsection 13.04-A hereof and may be granted in the following instances only, and in no others:
1. To permit the extension of a district to include an entire lot where the boundary line of the district divides a lot of record in the effective date of this amended ordinance.
  2. To permit the change of a location, height, or bulk (such as: maximum allowable building footprint, floor area ratio, etc.) requirement., ~~with the exception of signs which require a special use permit in accordance with Section 12.12.~~ (AMENDED April, 2004)
  3. To permit a structure in a side, rear, or front yard in which that structure is prohibited.
  4. To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area of the lot.
  5. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading berth or twenty percent of the required number, whichever is greater.
  6. To increase by not more than twenty-five percent the maximum distance that required parking spaces are permitted to be located from the use served.

7. To permit the same off-street parking facilities to qualify as a required facility for two or more uses, provided the substantial use of such facility by each user does not take place at approximately the same hours of the same day of the week.
8. To permit the construction of one (1) single family detached dwelling on any agriculturally zoned parcel less than forty (40) acres in size, which:
  - a. Was legally recorded and existing prior to March 8<sup>th</sup>, 1977,
  - b. Meets the lot size standards contained in Section 7.01 C. 15.
    - a.
  - c. Had no dwelling unit existing thereon on said date.

In addition to considering the standards set forth in Section 13.04 A. 2. above in making written findings of fact and recommendation, the Zoning Board of Appeals shall consider the following findings of fact:

- The petitioner must have purchased the property prior to May 1, 2000;
- The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased;
- Did the petitioner pay a premium price for the property because it was buildable (for example, substantially more than agricultural land was selling for at that time) ; and
- Whether the property is viable for agriculture or any other reasonable use.