

PART B. KENILWORTH SIGN CODE

4.20 STATEMENT OF PURPOSE AND INTENT.

The following statement of purpose and intent is hereby adopted:

- (a) The purpose of this Part is to:
 - i. Establish a comprehensive system of sign regulation which accommodates and balances the need for a well-maintained, safe and attractive community with the need for effective communication and business identification within the Village as an important means by which to preserve the Village of Kenilworth as a desirable community in which to live and do business.
 - ii. Encourage high quality and excellence in the design of signs throughout the Village so as to promote and enhance the beauty and aesthetic character of the residential neighborhoods and protect residential property values.
 - iii. Encourage high quality and excellence in the design of signs in the "B" Business District to promote and enhance the Village's ability to attract new sources of economic development and protect property values in the "B" Business District.
 - iv. Promote the public health, safety, and general welfare through reasonable, consistent and non-discriminatory sign regulations.

- (b) This Part is further and more specifically intended to:
 - i. Protect, conserve and enhance the natural beauty of Village landscape, parks and beaches and the aesthetic quality of the Village's tranquil and historic residential neighborhoods, so as to preserve the unique character of the community and to protect property values within the Village.
 - ii. Establish standards relating to the time, manner, placement, and physical characteristics of signs within the Village to ensure that they are adequate to meet essential communication needs within the Village while safeguarding the rights of the public and individual residents to a safe, healthful and attractive environment free of visual clutter or litter.
 - iii. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain.
 - iv. Protect community aesthetics and property values by ensuring that signs are in harmony with nearby buildings, neighborhoods and conforming signs and by precluding signs that create a

nuisance to the nearby properties or neighborhoods as a result of their size, height, illumination, brightness or movement.

- v. Encourage the pedestrian-friendly nature of the Village's single, small business district and enhance the aesthetics of the business district by curtailing the size, height and number of signs and regulating the design, quality and quantity of graphic sign elements to the minimum necessary to identify business locations and the nature of the businesses.
- vi. Restrict signs which distract or obstruct the vision of motorists, bicyclists and pedestrians in the "B" Business District, so as to minimize unsafe visual or auditory distractions that might otherwise arise from the unnecessary or confusing proliferation or placement of signs or from the excessive illumination, height, size, movement or noise of signs competing for the attention of motorists, pedestrians and bicyclists.
- vii. Ensure that all signs in the "B" Business District are proportioned to the scale of, and are architecturally compatible with, existing land use, buildings and nearby residential neighborhoods.
- viii. Protect property values by precluding, to the maximum extent possible, signs that create a nuisance to the occupancy or use of adjacent properties as a result of their size, height, illumination, brightness or movement.
- ix. Preserve the historically subtle and understated lighting present throughout the Village by regulating sign illumination.
- x. Protect the right to express non-commercial opinions in all zoning districts, subject to balanced and reasonable restrictions on the size, height, location, timing and number of signs so as to safeguard the right of all residents to a safe, healthful and attractive environment free of visual clutter.
- xi. Regulate the secondary effects of speech insofar as they adversely affect community aesthetics and traffic, and bicycle and pedestrian safety, rather than to censor speech or regulate viewpoints.
- xii. Assure that all signs in the Village are designed, constructed, installed, and maintained in safe condition, and that portable, disposable temporary signs do not become unsightly litter or pose a hazard to traffic or pedestrians.

4.21 TITLE AND SCOPE.

This Part B of Article IV of the Kenilworth Zoning Ordinance shall be known as, and may be cited as, the Kenilworth Sign Code. The Kenilworth Sign Code governs and controls the location, erection, use, display, design, size, materials,

construction, installation, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all signs and sign illumination within the Village visible from any street, sidewalk, or public or private common open space and is in addition to the provisions of the Kenilworth Building and Construction Regulations applicable to the location, construction, installation, operation, maintenance, and electrical wiring of signs and sign illumination and the provisions of the Kenilworth Appearance Plan applicable to signs.

4.22 COMPLIANCE REQUIRED.

It shall be unlawful to locate, erect, use, display, construct, install, enlarge, expand, alter, operate, maintain, relocate or remove any sign or sign illumination in any zoning district except in conformance with the regulations of this Part.

4.23 DEFINITIONS.

The following terms shall have the meanings specified below. Any term used in this Part, but not defined below, shall have the meaning attributed to it in Section 2.2.

Abandoned Sign: A permanent sign which advertises, identifies or informs of a business, service or use no longer being conducted on the lot on which the sign is located, or on the premises to which the sign relates, and which has been discontinued for a period of thirty (30) days or longer.

Address Sign: A permanent sign using numerals to identify the location of a business, residence, building or structure and such other location information required by statute or government order, rule or regulation.

Advertising: Text and/or graphics on a sign promoting or offering for sale products, goods or services.

A-Frame Sign: A daily-display temporary portable sign, usually with two sign faces in the shape of an "A", "T", or "I", or a box on wheels, or a circular form, intended for daily display or one-day display on the ground, not permanently attached to any structure and easily movable.

Allowed Sign: Any sign allowed to be located, erected, used, displayed, constructed, installed, enlarged, expanded, altered, operated, maintained, relocated or removed within the Village in conformance with the regulations of this Part.

Architectural Detail Sign: A permanent wall or monument sign which is (i) carved or etched into the façade of a building or independent structure or otherwise incorporated into an architectural element of a building or structure, masonry façade, archway, pillar or fountain and (ii) integrated into and subordinate to the overall design of the architectural element.

Awning: A permanent structure consisting of a metal frame covered with canvas, fabric, vinyl, or other similar flexible material attached to a building and

extended over windows or doors or along a public sidewalk as a protection from the elements.

Awning Sign: A permanent sign painted, printed or otherwise permanently affixed to an awning. An awning that is considered an architectural element of a building and is not used for identifying the premises or the goods or services sold on or off the premises is not considered a sign.

Banner Sign: A short-term temporary portable sign printed or displayed on fabric, canvas, vinyl or other flexible material with or without an enclosing frame, or intended to be attached or suspended at two ends or continuously across the top and bottom or the long side.

Barber Pole Sign: A permanent wall or window sign in the shape of a cylindrical pole in a traditional red, white and blue spiral striped design that identifies the premises as a barber shop.

Billboard Sign: An off-premises commercial message sign.

Booster Sign: A temporary or short-term temporary portable sign celebrating or acknowledging athletic, community, civic, philanthropic, religious or educational programs, teams, seasons, events or the like.

Canopy: Any permanent structure consisting of a metal frame covered with canvas, fabric, vinyl, or other similar flexible material attached to a building for the purpose of shielding an entrance to the residential portion of the building from the elements.

Canopy Sign: A permanent sign painted, printed or otherwise permanently affixed to a canopy.

Changeable Message Sign: A permanent sign intended to be frequently altered mechanically or by hand using characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign designed to allow plaques to be replaced occasionally is not a changeable message sign.

Civic Event Sign: A short-term temporary portable sign announcing a community, civic, philanthropic, religious, educational, or similar event of interest to the community.

Combined Sign Area: The aggregate total square footage of permanent commercial message signs allowed per occupant in the "B" Business District including any combination of wall, window, projecting, awning, and monument signs. The square footage of any exempt signs is not included when calculating combined sign area.

Commercial Message Sign: A sign that announces or offers for sale products, goods or services, or that announces or directs attention to a business, product, service, profession, commodity or other commercial activity or that proposes a commercial transaction.

Construction Site Sign: A temporary sign displayed on the site of ongoing construction.

Daily-Display Temporary Sign: A sign not permanently installed, affixed or mounted and not intended for a permanent use, which is intended for daily display or one-day display by a business, entity, institution, organization or event during customary operating hours.

Demolition Site Sign: A temporary sign in the B, R-1, R-2, R-3, or R-4 zoning districts providing notice of a Building Review Commission meeting to review a demolition application for a building pursuant to the Kenilworth Building and Construction Regulations.

Digital Sign or Electronic Variable Changing Sign (“EVCS”): Any electronically programmed variable changing permanent sign depicting action, motion, light, or color changes through full motion video, electrical or mechanical means, or which uses a digital or dynamic display device to present the visual image, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. A digital sign or EVCS includes, without limitation, any sign which incorporates a flashing, blinking or animated display, or an electronic display with rotating panels, or LED lights manipulated through digital input, or “digital ink,” or any other method or technology that allows the sign face to present a series of images or displays, or digital images of any kind projected onto a sidewalk, wall or fence. A digital sign or EVCS also includes any sign that incorporates television screens, plasma screens, digital screens, flat screens, LED screens, HD screens, 3-D technology, video boards and/or holographic displays or the like to attract attention.

Dilapidated Sign: A permanent sign which is otherwise structurally sound, but is in need of painting, maintenance or repair.

Directory Sign: A permanent sign, not advertising, which identifies the location of occupants of a building or a group of buildings on the lot on which it is displayed.

Election Sign: A temporary portable sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Exempt Sign: An allowed sign for which no building permit and certificate of appropriateness is required prior to its location, erection, use, display, construction, installation, enlargement, expansion, alteration, operation, maintenance, relocation or removal.

Extensions, Cut-outs, or Embellishments: Physical extensions to a permanent sign or its structure that extend beyond the sign area or sign face to draw attention to a sign message.

Exterior Illuminated Sign: A permanent sign, any part of which is illuminated from an external artificial light source mounted either on the sign, on another structure or on the ground.

Façade: The front of a building facing a public way.

Flag: Any fabric or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, business, church, school, institution or other entity, and designed to be flown or hung as a flag.

Flashing or Blinking Sign: A sign which produces intermittent illumination, including, without limitation, revolving or rotating lighting; blinking or flashing lighting; constant lighting whereby the brilliance, intensity or color is varied by mechanical or other means; traveling or chasing lights or chaser border; or rotating beacons or searchlights. A sign with reflective paint or tape which is intended to be intermittently illuminated by independent light sources (such as street lights, headlights or traffic lights) is a flashing or blinking sign.

Free Expression Message: Any noncommercial viewpoint or free speech message on a sign of a political, religious or ideological nature.

Free Expression Sign: A sign containing only a free expression message.

Freestanding Sign: A sign supported by one (1) or more vertical pole(s), support(s), pipe(s), wooden or metal beam(s) or post(s), standing on or inserted into the ground independent of any other building or other structure.

Front Façade: The first floor wall area façade parallel or most nearly parallel to the public street.

Governmental Sign: A sign erected, displayed and maintained pursuant to and in discharge of any governmental function or required to be displayed and maintained by any law, ordinance, rule or regulation.

Hazard or No Trespassing Sign: A sign either informing the public of a danger or hazard existing on, or adjacent to, the lot on which it is located, or issuing a warning to trespassers.

Holiday Decorations: Temporary portable signs in the nature of decorations, incidental to and customarily associated with, any national, state, local, cultural or religious holiday.

Illegal Sign: A sign located, erected, used, displayed, constructed, installed, enlarged, expanded, altered, operated, maintained, or relocated in violation of the regulations set forth in this Part.

Incidental Sign: A small sign, emblem or decal, not advertising, informing the public of an incidental service or activity available or occurring on the premises, including, without limitation, a credit card acceptance sign, a sign indicating hours of business, a sign prohibiting solicitation, and a sign indicating that an invisible pet fence is present. Security signs are not incidental signs.

Informational Sign: A permanent sign, that is not a governmental sign and does not contain advertising, the principal purpose of which is to inform the public of the location of parking, or to provide directions to motorists or pedestrians, including directions for entrances and exits, parking restrictions, loading zones, and handicapped parking.

Institutional Sign: A permanent sign which (a) functions to identify or support the activities of an institution, government or non-profit organization such as a park district, public utility, municipality, school district, church, community center, or similar entity and (b) does not advertise or offer for sale any products, goods or services.

Institutional Property: A lot, or a portion of a lot, the occupant of which is a government or non-profit organization, such as a park district, public utility, municipality, school district, church, community center, or similar entity.

Interior Illuminated Sign: A sign located inside a building illuminated by a light source and clearly visible from the exterior of the building through a window or a door.

Internally-Illuminated Sign: A sign illuminated by a light source that is enclosed by the sign face or located within the sign.

Legal Nonconforming Sign: A sign that was lawfully erected, but no longer complies with provisions of federal, state or Village laws, ordinances or regulations as a result of changed conditions, including the enactment of this Part. A sign that was in violation of any Village law, ordinance, or regulation as of the date of the enactment of this Part is not a legal nonconforming sign.

Light Pole Civic Banner Sign: A temporary banner sign erected pursuant to a Village-approved civic event sign plan and intended for display on light poles in the Village for the purpose of announcing a community, civic, philanthropic, educational or similar event of interest to the community.

Logo: The symbol or other graphic representation of a business, institution, organization or public body.

Master Sign Plan: A plan submitted to and approved by the Architectural Review Commission, describing and depicting a coordinated signage plan for a building or a development with multiple buildings.

Memorial Plaque Sign: A permanent sign consisting of an inscribed plaque or tablet memorializing or honoring a person, event, structure, or the like.

Mobile Billboard Sign: A sign, including any digital sign or ECVS sign, which is attached to, mounted on or carried by a motor vehicle, trailer, bicycle, or other vehicle on wheels, including a storage pod designed to be moved on wheels, whether the pod is stationary or not and with or without wheels attached, and including any vehicle whose principal function is to serve as a stationary sign for an extended period of time and which is parked in a location which is visible from the public right of way. A sign on a vehicle which is used in the normal day-to-

day operation of a business and regularly moves from the parked location is not a mobile billboard sign.

Monument Sign: A sign mounted on a permanent, freestanding structure independent of any other building or structure, with a decorative base at ground level or wood, brick, masonry, or the like which surrounds the posts or beams, if any, supporting the sign.

Neon Illuminated Sign: A sign which incorporates lighted neon tubes or other fluorescing gas.

Noise or Attention-Getting Sign: A sign which emits sound, vapor, smoke, odor, particles, or gaseous matter to attract attention.

Occupant: The owner, tenant, business or other user of all or a portion of a building.

Off-Premises Commercial Message Sign: A commercial message sign that announces or offers for sale products, goods or services, or that announces or directs attention to a business, product, service, profession, commodity, or other commercial activity or that proposes a commercial transaction that occurs on premises other than the lot upon which the sign is displayed, erected, operated or located. Off-premises commercial message sign and billboard sign shall have the same meaning in this Part.

On-Premises Commercial Message Sign: A commercial message sign that announces or offers for sale products, goods or services, or that announces or directs attention to a business, product, service, profession, commodity, or other commercial activity or that proposes a commercial transaction that occurs on the lot upon which the sign is displayed, erected, operated or located.

Open House Sign: A one day daily-display temporary portable sign directing people to homes which are for sale and open to the public for physical viewing without prior appointment.

Permanent Sign: Any sign which, when installed, affixed or mounted, is intended for permanent use. For the purpose of this Part, any sign intended to be used and displayed for longer than twelve (12) months from the date of erection or installation shall be deemed a Permanent Sign.

Personal Event Sign: A short-term temporary sign located on private residential property celebrating a notable occasion or a personal event, such as a birth, birthday, graduation, or the like.

Portable Sign: A temporary, short-term temporary, or daily-display temporary portable sign, not intended to be permanently attached to a building, structure or the ground, and either made of temporary material such as paper, cardboard, foam board, vinyl, flexible fabric, canvas or the like, or specifically designed to be easily moved or carried by a person, such as an A-Frame or a chalkboard on wheels, or designed to be worn by a person, or thrown by a person. Portable signs include, without limitation, A-frame signs, signs on wheels, sandwich

boards, inflatable signs, advertising umbrellas, wind signs, beacons and searchlights, mascots, signs worn by persons and human sign spinners.

Private Sale Sign: A one day daily-display temporary portable sign advertising a private sale of personal property from a residence, including a garage sale, yard sale, moving sale, auction, estate sale, or the like.

Prohibited Sign: Any sign not allowed to be located, erected, used, displayed, constructed, installed, enlarged, expanded, altered, operated, maintained, or relocated within the Village.

Projecting Sign: A permanent sign which is attached to and extends out from a building facade or wall in such a manner that the sign face is perpendicular or at an angle to the building facade or wall.

Public Property: Any property in the Village which is owned and/or operated by any public body, including municipal property owned and operated by the Village (such as streets, sidewalks and parkway), property owned and/or operated by the Kenilworth Park District, property owned and operated by Kenilworth School District No. 38.

Public Utility Sign: A sign erected by a public utility or other provider of public services, including any sign warning of danger or hazardous conditions or delineating the presence of underground cables, gas lines or similar facilities.

Real Estate Sign: A temporary portable sign placed on property to inform the general public that the property is available for lease or sale.

Roof Sign: A sign located on or attached to the roof of a building.

Rotating or Moving Sign: A sign that (i) contains any moving, revolving or rotating parts; (ii) turns on an axis allowing different faces or images to be viewed from a single location; (iii) revolves vertically; or (iv) has visible mechanical movement of any kind designed to attract attention.

Scoreboard: A permanent sign located on or adjacent to an athletic field that displays information and/or statistics pertinent to games or activities conducted on the premises.

Security Sign: A sign which announces that a security system or alarm is maintained on the property or premises.

Short-Term Temporary Sign: A sign not permanently installed, affixed or mounted, and not intended for permanent use, which is intended for use and display for up to, and not more than, twenty one (21) days.

Short-Term Temporary Commercial Message Window Sign: A short-term temporary commercial message sign affixed to the interior of a window of a commercial establishment advertising a sale of merchandise, products, goods or services, or a seasonal activity, grand opening or similar event.

Short-Term Temporary Commercial Message Window Display Sign: A short-term temporary commercial message sign that is suspended from the ceiling or set on the floor or otherwise supported, and visible from any street or sidewalk, and that is part of an interior display in a window of merchandise, products, goods or services sold,

Sign: Any fixed, flexible, or moving device, fixture, structure, placard, visual representation or visual entity, which uses writing, text, color, form, graphics, symbols, illumination, architectural elements, or any electronic or digital changeable movement, to inform, direct, warn, announce, identify, advertise, attract attention, or to communicate information of any kind to the public.

Sign Area: The total area of the face of a sign in square feet.

Snipe Sign: A temporary portable off-premises commercial or non-commercial message sign that is tacked, nailed, posted, pasted, glued or otherwise attached to telephone poles, utility poles, fences, trees or rocks, or dug or pounded into the ground on property not lawfully belonging to the person or entity posting the sign and posted without the property owner's consent.

Street Furniture Sign: A sign consisting of advertising displays positioned at close proximity to pedestrians for eye-level viewing, and displayed on temporary or permanent fixtures such as transit shelters, newsstands, kiosks, benches, umbrellas and the like.

Temporary Parking and Traffic Control Sign: A daily-display temporary portable sign, not advertising, placed on private property, on public property, or in the public right of way, to assist the general public with parking and traffic flow including, without limitation, a sign placed in the street to caution motorists to slow down for a school zone; a courtesy "No Parking" sign to facilitate orderly child drop-off and pick-up at elementary and nursery schools; and a courtesy "Valet Parking" sign for a public or private gathering.

Temporary Sign: Any sign, not permanently installed, affixed or mounted and not intended for permanent use. For purposes of this Part, any sign with an intended use of less than twelve (12) months shall be deemed a temporary sign.

Under-Awning Sign: A sign attached to and/or mounted under an awning.

Under-Canopy Sign: A sign attached to and/or mounted under a canopy.

Unprotected Message Sign: A sign with any message, speech or image which is not protected by the First Amendment to the United States Constitution and/or the corollary provisions of the Illinois Constitution, including, without limitation, misleading or deceptive commercial messages, messages which promote illegal products or services, and messages which meet the legal definition of obscenity.

Unsafe Sign: A sign that presents a threat of harm to person or property because it is not properly secured, is structurally unsound, has defective parts, is unlawfully erected or installed, is in danger of falling, presents any fire, electrical safety or shock hazard, or is otherwise a danger or hazard to the public.

Vandalized Sign: Any sign that has been painted, tagged, damaged, or defaced by acts of vandalism.

Wall Sign: A permanent sign attached to or erected against the wall of a building or structure in a manner that the sign face is on a parallel plane to the wall.

Wall Wrap or Wall Mural Sign: A commercial message sign, whether painted directly on the exterior surface of a building, wall, or fence, or, using the medium of vinyl or similar materials, applied to or suspended from the exterior surface of a building, wall or fence or wrapped around a building.

Wind Sign: A short-term temporary portable sign, not a flag, consisting of objects or material that move upon being subjected to pressure by the wind, including banners, pennants, ribbons, spinners, streamers, captive balloons or inflatable figures.

Window Sign: A permanent sign applied, attached or in contact with the interior of a window, the glass surface of a door, or located within five feet of the interior side of a window or displayed so that it is visible from the exterior of the window or door.

4.24 SIGNS EXEMPT FROM REQUIREMENT TO OBTAIN BUILDING PERMIT AND CERTIFICATE OF APPROPRIATENESS.

Exempt signs are allowed signs which are exempt from the requirement to obtain a building permit and a certificate of appropriateness prior to locating, erecting, using, displaying, enlarging or expanding such signs. Exempt signs are subject to all additional regulations, standards, restrictions and limitations set forth below, including, where applicable, the requirement to obtain an administrative sign permit from the Administrative Official.

(a) Exempt Permanent Signs.

The following permanent signs are exempt signs allowed in all zoning districts, except as otherwise specified:

- (i) Address Sign. Address signs are allowed signs in all districts and shall not exceed one (1) square foot in area in the "B" Business District or two (2) square feet in area in all other zoning districts for each officially assigned address, or such other size required by law, ordinance, rule or regulation. In all zoning districts, a freestanding address sign shall not exceed three (3) feet in height measured from the ground. An address sign must be clear and readable from the street with a minimum letter or numeral height of four inches.
- (ii) Directory Sign. Directory signs are allowed signs only in the "B" Business District, shall not exceed two (2) square feet in area and five (5) feet in height measured from the ground, shall be limited to

one such sign per building, shall not be illuminated, and shall require an administrative sign permit.

- (iii) Governmental Sign. Governmental signs are allowed signs in all zoning districts. The size and placement of governmental signs shall be in accordance any applicable local, state or federal law, ordinance, rule or regulation governing such signs and shall not be illuminated, unless otherwise required by such law, ordinance, rule or regulation.
- (iv) Hazard or No Trespassing Sign. Hazard and No Trespassing signs are allowed signs in all zoning districts, shall not exceed one (1) square foot in area and five (5) feet in height measured from the ground, shall be limited to the number necessary to accomplish their intended purpose, shall be placed at such locations on the lot to achieve their intended purpose, and shall not be illuminated.
- (v) Incidental Sign. Incidental signs are allowed signs in all zoning districts, shall not exceed a combined total area of two (2) square feet, shall not exceed five (5) feet in height measured from the ground, and shall not be illuminated.
- (vi) Informational Sign. Informational signs are allowed signs in all zoning districts, shall not exceed two (2) square feet in area and five (5) feet in height measured from the ground, shall be limited to the number necessary to accomplish the intended purpose, shall be placed at such locations on the premises to achieve their intended purpose, shall not be illuminated, and shall require an administrative sign permit.
- (vii) Memorial Plaque Sign. Memorial plaque signs are allowed signs in all zoning districts and shall not exceed one (1) square foot in area. All memorial plaque signs shall be mounted flat against a building, on a monument stone, or another permanent surface. A memorial plaque sign shall be constructed of durable materials such as bronze, stone, or concrete, shall not be illuminated, and shall require an administrative sign permit.
- (viii) Public Utility Sign. Public utility signs are allowed signs in all zoning districts. The size and placement of public utility signs in all zoning districts shall be as required by any applicable law, ordinance, rule or regulation governing such signs and shall not be illuminated, unless otherwise required by such law, ordinance, rule or regulation.
- (ix) Security Sign. Security signs are allowed signs in all zoning districts, shall not exceed one (1) square foot in area and five (5) feet in height measured from the ground, and shall not be illuminated.

(b) **Exempt Temporary, Short-Term Temporary, and Daily-Display Temporary Signs.**

(i) Exempt Temporary Signs. The following temporary signs are exempt signs allowed to be displayed for not more than twelve (12) months in all zoning districts, except as otherwise specified.

(A) Booster Sign. Booster signs are allowed signs on private residential property in the "B", "R-1", "R-2", "R-3", and "R-4" zoning districts, shall not exceed three (3) square feet in area and three (3) feet in height measured from the ground, shall not be illuminated, and shall not be posted without the consent of the lot owner.

(B) Construction Site Sign.

(1) In the "B" Business District, a construction site sign is allowed in connection with the construction or renovation of a building or occupant's space and is limited to no more than one sign per zoning lot frontage. Such sign shall not exceed twelve (12) square feet in area, shall not be more than five (5) feet in height measured from the ground, and shall not be illuminated. A construction site sign shall not be displayed until all necessary permits and approvals for construction have been granted by the Village and an administrative sign permit has been obtained from the Administrative Official. A construction site sign in the "B" Business District shall contain the information required by the Kenilworth Building and Construction Regulations and shall be removed in conformance with those Regulations. Such a sign may also contain the project name, architect, contractor and/or engineer and their telephone numbers for the project under construction, and must be removed within seven (7) days after the earlier of completion of construction and issuance of a certificate of occupancy, final inspection or expiration of a building permit.

(2) In all other zoning districts, the only allowed construction site sign shall be the sign provided by the Village, shall only contain the information required by the Kenilworth Building and Construction Regulations, and shall be removed in conformance with those Regulations.

(C) Demolition Site Sign. In the "B", "R-1", "R-2", "R-3", and "R-4" zoning districts, a demolition site sign is an allowed sign on property which is the subject of a demolition application

pursuant to the Kenilworth Building and Construction Regulations.

- (D) Election Sign. Election signs are allowed on private property (other than institutional property) in the "B", "R-1", "R-2", "R-3", and "R-4" Zoning Districts, with the consent of the property owner, not to exceed six (6) square feet in area per candidate or position on a referendum question and five (5) feet in height measured from the ground, and shall not be illuminated.
- (E) Flag. Two flags, each having a size less than twenty-four (24) square feet in area, may be displayed on each lot with the lot owner's consent. Each lot in the Village is limited to one flagpole not to exceed fourteen (14) feet in height. A flag may also be displayed from a bracket attached to a building or structure. In the "B" Business District, any commercial message flag shall be included in the combined sign area and shall not be illuminated.
- (F) Free Expression Sign. Free expression signs are allowed signs at all times on private property in the "B", "R-1", "R-2", "R-3" and "R-4" zoning districts, with the property owner's consent, shall not exceed six (6) square feet in area and five (5) feet in height measured from the ground, and shall not be illuminated.
- (G) Holiday Decoration. Holiday decorations, including illuminated decorations, are allowed in all zoning districts as temporary signs.
- (H) Light Pole Civic Banner Sign. Light pole civic banner signs are allowed in such zoning districts as are set forth in a Village-approved civic sign plan. Each such sign shall not exceed twelve (12) square feet in area when displayed on the Village's light poles.
- (I) Real Estate Sign.
 - (1) Residential District. One freestanding real estate sign is allowed on private residential property offered for sale or lease in the "R-1", "R-2", "R-3", and "R-4" zoning districts as a temporary sign, shall not exceed six (6) square feet in area and five (5) feet in height measured from the ground, and shall not be illuminated.
 - (2) Business District. In the "B" Business District on the first floor front façade or street level, one non-illuminated wall, window or freestanding real estate sign is allowed as a temporary sign per occupant

space offered for sale or lease, and shall not exceed twelve (12) square feet in area. A freestanding sign shall not exceed five (5) feet in height measured from the ground. A wall sign may only be installed above the top of first floor glazing and may not be installed higher than the second floor window sill of the building or fourteen (14) feet measured from the ground or sidewalk next to the front façade, whichever is lower. For private residential property above the first floor in the "B" Business District, real estate signs may only be window signs, shall not exceed six (6) square feet in area and shall not be illuminated.

(3) Removal and Reduction. A real estate sign must be removed no later than fourteen (14) days following the execution of a sales contract or rental lease for the property or occupant's space. However, in the case of multi-unit developments or structures in the "B" Business District, within twenty-one (21) days following the date upon which such development or structure is 90 percent or more sold or leased, any real estate sign must be removed or, for any remaining area not sold or leased, replaced with a sign not to exceed six (6) square feet in area.

(4) General. The name, address, and telephone number of the person responsible for removal of a real estate sign shall be clearly marked on the sign.

(ii) Exempt Short-Term Temporary Signs. The following short-term temporary signs are exempt signs allowed to be displayed for up to twenty-one (21) days in all zoning districts, except as otherwise specified.

(A) Civic Event Sign. Civic event signs which are banner signs or freestanding signs are allowed as short-term temporary signs with the property owner's consent on institutional property, shall not exceed twenty-four (24) square feet in area, shall not be secured to trees, shall not be illuminated, and shall be removed within seven (7) days following the event.

(B) Personal Event Sign. Personal event signs which are banner signs, wind signs, freestanding signs, or other portable signs are allowed as short-term temporary signs with the property owner's consent, on private residential property in the "B", "R-1", "R-2", "R-3", and "R-4" zoning districts, shall not exceed twenty-four (24) square feet in area, and shall not be illuminated.

- (C) Short-Term Temporary Commercial Message Window Sign. Short-term temporary commercial message window signs are allowed in the "B" Business District and shall not be illuminated. The total area of all allowed short-term temporary, temporary and permanent window signs shall not exceed thirty (30%) percent of the total aggregate window area on the first floor façade.
 - (D) Short-Term Temporary Commercial Message Window Display Sign. Short-term temporary commercial message window display signs are allowed in the "B" Business District and shall not be illuminated. The total area of all allowed short-term temporary, temporary and permanent window signs shall not exceed thirty (30%) percent of the window area.
 - (E) Wind Sign. In all zoning districts other than the "B" Business District, wind signs are allowed with the property owner's consent, shall not exceed twenty-four (24) square feet in area, and shall not be illuminated.
- (iii) Exempt Daily-Display Temporary Signs. The following daily-display temporary signs are exempt signs and are allowed to be displayed in all zoning districts on a daily basis or a one-day basis during customary operating hours, except as otherwise specified.
- (A) Open House Sign. Open house signs are allowed for one-day daily display in the "B", "R-1", "R-2", "R-3" and "R-4" zoning districts only, shall not exceed three (3) square feet in area or three (3) feet in height measured from the ground, shall not be illuminated, and must be removed at the close of the open house event.
 - (B) Private Sale Sign. Private sale signs are allowed for one-day daily display on private residential property in the "B", "R-1", "R-2", "R-3", and "R-4" zoning districts with the property owner's consent, shall not exceed three (3) square feet in area or three (3) feet in height measured from the ground, shall be not be illuminated, and must be removed at the close of the private sale event.
 - (C) Temporary Parking and Traffic Control Sign. Temporary parking and traffic control signs are allowed for one-day or daily display only, shall not exceed three (3) square feet in area or three (3) feet in height measured from the ground, shall not be illuminated, and must be removed each day at the close of the customary operating hours of the business, institution, organization or event.

4.25 PROHIBITED SIGNS IN ALL ZONING DISTRICTS.

It is unlawful to locate, erect, use, display, enlarge, expand, alter, operate, or maintain any of the following prohibited signs in any zoning district, except as otherwise specifically provided below:

- (a) Abandoned Sign.
- (b) Billboard Sign.
- (c) Changeable Message Sign.
- (d) A-Frame Sign, prohibited only in the "B" Business District.
- (e) Banner Sign, prohibited only in the "B" Business District.
- (f) Digital Sign or Electronic Variable Changing Sign.
- (g) Dilapidated Sign.
- (h) Extensions, Cut-Outs, Embellishments.
- (i) Flashing or Blinking Sign.
- (j) Illegal Sign.
- (k) Interior Illuminated Sign.
- (l) Internally Illuminated Sign.
- (m) Mobile Billboard.
- (n) Neon Illuminated Sign.
- (o) Noise or Attention-Getting Sign.
- (p) Roof Sign.
- (q) Rotating or Moving Sign.
- (r) Snipe Sign.
- (s) Street Furniture Sign.
- (t) Under Awning Sign.
- (u) Under Canopy Sign.
- (v) Unprotected Message Sign.
- (w) Unsafe Sign.

- (x) Vandalized Sign.
- (y) Wall Wrap or Wall Mural Sign.
- (z) Wind Sign, prohibited only in the "B" Business District.

4.26 GENERAL REGULATIONS AND STANDARDS FOR ALLOWED SIGNS IN ALL ZONING DISTRICTS.

The following general regulations and standards shall apply to all allowed signs in all zoning districts:

- (a) **Responsibility for Compliance.** The responsibility for compliance with this Part rests jointly and severally upon the sign owner, all parties holding the present right of possession and control of the lot on which a sign is located, mounted, installed or displayed, and the owner of the lot.
- (b) **Owner's Consent.** No sign may be placed on private property without the consent of the owner of the lot, and such occupants that owner may have provided with the right to consent by agreement or contract.
- (c) **Restrictions on Signs on Public Property.** No signs may be erected upon public property, with the exception of governmental signs, public utility signs, and such other signs specifically authorized by the Village. Any sign placed on public property without authorization is an illegal sign under this Part and may be summarily removed by the Village without notice.
- (d) **Message Substitution.** Subject to the lot owner's consent, a noncommercial message of any type may be substituted, in whole or in part, for any commercial message or any other noncommercial message on a currently existing sign, including a legal nonconforming sign, without consideration of message content, provided that the sign structure is legal. Such substitution of message may be made without any additional approval or permitting. This provision does not create a right to increase the total amount of signage on a lot, nor does it alter or waive the requirement that a sign have a building permit and a certificate of appropriateness.
- (e) **Logo Size.** A logo on a sign is limited to no more than fifteen percent (15%) of the total sign area.
- (f) **Building and Construction Requirements.** All signs shall comply with Kenilworth's Building and Construction Regulations and shall be designed and constructed adequately and safely to support their weight and to withstand wind and other stresses to which they may be subjected. Supports and braces shall be an integral part of the sign design. All signs attached to a building shall be installed and maintained so that wall penetrations are watertight and the structure does not exceed allowable stresses of supporting materials. All fasteners used to attach signs to a structure or building shall be properly sized for the

design loads and material of the support, have a minimum cross-section diameter of one-quarter inch, and be made of corrosion resistant material.

(g) **Obstruction of Access Ways.** No sign shall be located, erected, installed, relocated, maintained, enlarged, expanded or otherwise permitted to obstruct or prevent free ingress and egress from any window, door, fire escape or stairway of any building or structure, or to obstruct light or ventilation required by the Kenilworth Building and Construction Regulations. No sign shall be attached to an external fire escape.

(h) **Traffic Safety.** No sign shall be located, erected, used, displayed, enlarged, expanded, constructed, maintained or illuminated in such a manner that it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or otherwise cause a safety hazard, nuisance or distraction to vehicular and pedestrian traffic, including the requirements of Sections 6.1 and 7.5 of this Ordinance.

(i) **Sign Measurement.**

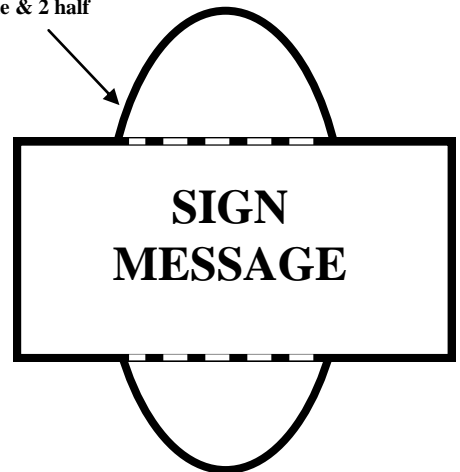
(i) Computation of Sign Area.

Sign area is calculated as follows:

(A) Signs with Background. For signs on a background, the entire area of the background shall be included in the calculation of the sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.



Sign Area = Sum of Rectangle & 2 half circles



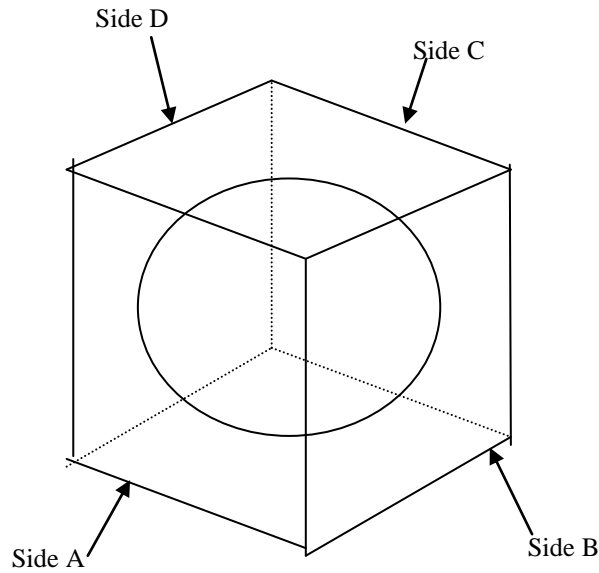
(B) Signs without Background. For a sign consisting of freestanding letters, graphics, logos, images or symbols, the sign area is calculated by means of the smallest square,

circle, rectangle or triangle, or combination thereof that will encompass the outer limits of the freestanding letters, graphics, logos, images or symbols. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face. Window signs printed on a transparent film and affixed to a window pane shall be considered freestanding letters, graphics, logos, images or symbols, provided that the portion of the transparent film around the perimeter of the sign message maintains the transparent character of the window and does not contain any items in the sign message.



- (C) Any sign wording, illustration or element that is less than two (2) feet from any other sign wording, illustration or element shall be considered shall be considered a single sign for purposes of calculating sign area. No sign shall be nearer than two (2) feet to any other sign or structure which is on the same plane, other than a structure to which it is lawfully attached.
- (D) When a sign has more than one display face, all faces shall be included in determining the sign area, provided that, if the sign faces of a two-faced sign are parallel and the distance between them does not exceed twelve (12) inches, the sign area shall be measured as the area of one face.
- (E) The sign area of free-form or sculptural (non-planar) signs is calculated as fifty percent (50%) of the sum of the area of the four (4) vertical sides of the smallest cube that will encompass the sign.

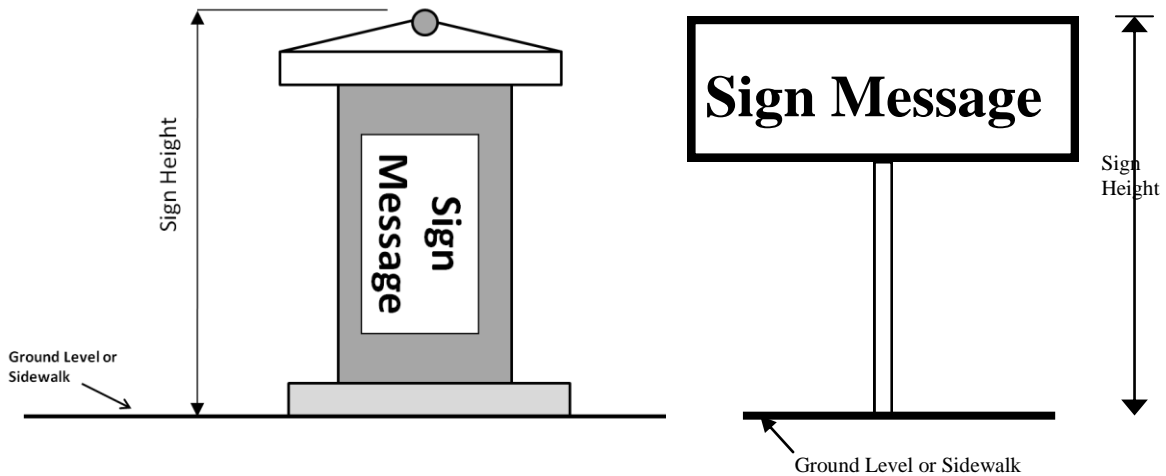
$$\text{Sign Area} = 1/2 (\text{Side A} + \text{Side B} + \text{Side C} + \text{Side D})$$



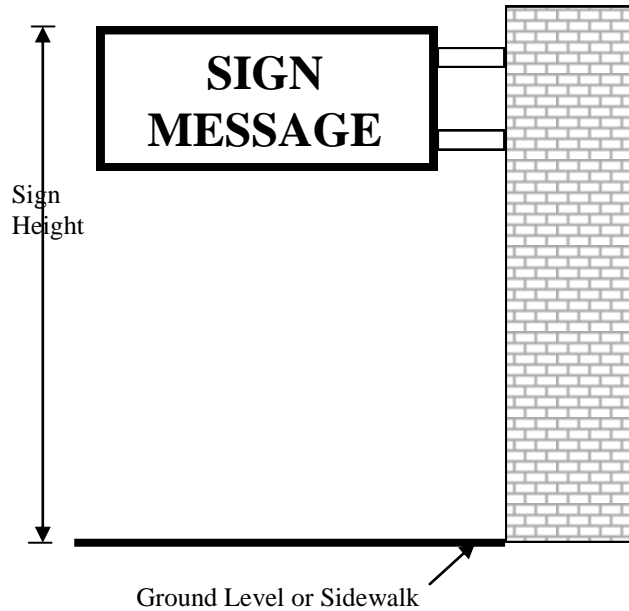
(ii) Measurement of Sign Height.

When measuring sign height, the height of the sign structure is included.

(A) The sign height of freestanding and monument signs shall be measured from the unaltered, unimproved natural ground level and/or sidewalk adjacent to the sign to the top of the sign and/or sign structure.



(B) The sign height of projecting signs shall be measured from the unaltered, unimproved natural ground level and/or sidewalk under the sign to the top of the sign, exclusive of decorative braces.



(iii) Measurement of Front Façade.

For purposes of calculating the combined sign area allowed in Section 4.27, the area of the occupant's front façade shall be measured as follows:

- (A) Single Story Building. The area of the front façade of an occupant's space in a single story building shall be measured in square feet by multiplying the horizontal width of occupant's space by the vertical distance of the occupant's space measured from ground level to the lowest point of the roof, but in no case shall such vertical distance exceed fourteen (14) feet in height.
- (B) Multistory Building. The area of the front façade of an occupant's space in a multistory building shall be measured in square feet by multiplying the horizontal width of the occupant's space by the vertical distance of the occupant's space measured from ground level to the bottom of the sill of the second story window, but in no case shall such vertical distance exceed fourteen (14) feet measured from ground level.

(j) **Sign Illumination.**

In all zoning districts, sign illumination is limited to allowed exterior illuminated signs. All other illuminated signs are prohibited signs.

- (i) Location and Design of Light Source. The lights for exterior illuminated signs shall be located, shielded, and directed in such a manner that the light source is not directly visible from any surrounding public or private property. The use of unshielded lights, including incandescent bulbs on poles or

strung on poles, wires, or any other type of support to illuminate a sign is not allowed. All receptacles or devices used to provide external illumination for wall signs shall not protrude more than nine (9) inches from the face of the sign except for ground lighting.

- (ii) Hours of Illumination. Illumination for an exterior illuminated sign is allowed from 7 a.m. to 10 p.m., except that an exterior illuminated sign may remain illuminated during such time as the business is open to the general public, so long as such sign is not a public or private nuisance and in no case later than 11 p.m.
- (iii) Level of Illumination. The lighting intensity of an exterior illuminated sign shall not exceed, and shall be maintained at or less than ten (10) foot candles when measured with a standard light meter at four (4) feet from the center of the face of the sign.

4.27 REGULATIONS AND STANDARDS FOR PERMANENT ALLOWED SIGNS IN THE "B" BUSINESS DISTRICT.

- (a) **Certificate of Appropriateness Required for Permanent Commercial Message Sign.**

It shall be unlawful to locate, use, erect, display, construct, install, enlarge, expand, alter, operate, or maintain a permanent commercial message sign in the "B" Business District unless and until a building permit for the sign has been issued by the Administrative Official in accordance with the Kenilworth Building and Construction Regulations and a certificate of appropriateness has been issued pursuant to Article XVII of this Ordinance by the Architectural Review Commission.

- (b) **Regulations for Permanent Commercial Message Signs.**

- (i) Sign Orientation. In the "B" Business District, all permanent commercial message signs shall be oriented to face Green Bay Road or Park Drive only, except as otherwise allowed in this Part.
- (ii) Allowed Permanent Commercial Message Signs. The following permanent signs are allowed as commercial message signs on the front façade of a building in the "B" Business District, and each occupant in the "B" Business District shall have the option of choosing the mix of such signs that is appropriate for the occupant's business, subject to the restriction on combined sign area allowed, the provisions of any master sign plan for the property, and all other restrictions and limitations set forth in this Part:

- (A) Wall signs.

- (B) Window signs.
 - (C) Projecting signs.
 - (D) Awning signs.
 - (E) Monument signs.
- (iii) Total Combined Sign Area Allowed. The total combined sign area allowed for permanent commercial message signs in the "B" Business District shall be calculated as follows:
- (A) For a single occupant building, the total combined sign area allowed shall not exceed the lesser of seven and one-half percent (7.5%) of the total area of the front façade, or twenty-five (25) square feet.
 - (B) For each occupant in a multi-occupant building, the total combined sign area allowed for each occupant shall not exceed the lesser of seven and one half percent (7.5%) of the total area of the front façade of the occupant's space, or twenty-five (25) square feet.
 - (C) For a single-occupant building with frontage on two (2) public streets, the combined sign area allowed shall not exceed the lesser of seven and one half percent (7.5%) of the total area of the front façade or twenty-five (25) square feet.
- (iv) Wall Signs.
- (A) One (1) wall sign is allowed on the first floor front façade of a single occupant building and shall be considered part of the combined sign area for such occupant.
 - (B) In multi-occupant buildings, one (1) wall sign is allowed on the front façade of each occupant's space, and shall not exceed the allowed combined sign area for each such occupant.
 - (C) A wall sign may only be installed above the top of first floor glazing and may not be installed higher than the second floor window sill of the building or fourteen (14) feet measured from the ground or sidewalk next to the front façade, whichever is lower.

- (D) On single occupant corner building fronting on two (2) public streets, an additional wall sign may be allowed with the approval of the Architectural Review Commission, so long as (i) the nearest property is not in a residential district, and (ii) the square footage of the additional wall sign does not exceed the allowed combined sign area.
- (E) The information contained on a wall sign shall be limited to the regular name of the occupant's business, organization or entity located on the lot and a maximum of three (3) words describing the occupant's products or services.
- (F) An additional wall sign is permitted if the occupant's space in a building has a secondary rear or side entrance but such additional wall sign shall be limited to no more than nine (9) square feet and shall only indicate the name of the occupant and the words "entrance," "enter" or a similar term. The square footage of such secondary sign shall not be included in the calculation of the occupant's allowed combined sign area.
- (G) No wall sign affixed to a building, including its sign support structure, may project beyond the outer limits of the wall to which it is affixed. A parapet wall may not be added to an existing building for the sole purpose of increasing the allowable height of a wall sign. For new buildings, when a sign is to be mounted on a parapet wall, that parapet wall must be consistent with the architectural design of the building, including building materials. Wall signs may not be attached to un-reinforced masonry parapets.
- (H) A wall sign should be safely and securely attached to the building wall, should be affixed flat against the building wall, and may not project more than six (6) inches from the building wall. A wall sign must be mounted in such a way that it can be removed with minimal impact on the building's exterior wall.
- (I) Wall signs may not cover windows, doors or architectural elements.

(v) Window signs.

- (A) Window signs are allowed on the front façade of a building in the "B" Business District and shall be included in the calculation of the occupant's allowed combined sign area.
- (B) On single occupant corner buildings fronting on two (2) public streets, an additional window sign on the first floor façade may be permitted by the Architectural Review Commission, if the nearest property is not in a residential district and the square footage of such additional window sign is included in the calculation of the occupant's allowed combined sign area.
- (C) The information contained on a permanent window sign on the first floor front façade shall be limited to the name of the occupant's business, organization or entity and a maximum of three (3) words describing the occupant's products or services.
- (D) For second floor occupants of a non-residential space, a window sign consisting of painted or transfer letters is allowed on second floor window(s) on the front façade. Such window sign may not exceed ten percent (10%) of the area of the window(s) on which it is located. Second floor window signs shall not be included in the calculation of allowed combined sign area. On the second floor, the content of permanent window signs is limited to the name of the occupant's business, organization or entity. In no case may temporary commercial message window signs be displayed above the first floor of a building.
- (E) Short-term temporary commercial message window signs and short-term temporary commercial message window display signs shall be permitted in the "B" Business District on the first floor front façade only and shall not be illuminated. In a single occupant building, the total square footage of allowed permanent and short-term temporary window signs shall not exceed thirty (30) percent of the total storefront window area. In a multi-occupant building, the total square footage of allowed permanent and temporary window signs for each occupant shall not exceed thirty (30) percent of the total storefront window area of the occupant's space.

(vi) Projecting signs.

- (A) One (1) projecting sign per occupant is allowed in the "B" Business District and shall be included in the calculation of the allowed combined sign area.
- (B) The sign area of a projecting sign on a one-story building shall not exceed four (4) square feet per sign face. The sign area of a projecting sign on a building with more than one (1) story shall not exceed six (6) square feet per sign face.
- (C) The pole of a projecting sign may project from the front façade or wall no more than five (5) feet over a public way or public sidewalk. The maximum width of the projecting sign shall not exceed three (3) feet. The inside edge of the projecting sign shall be separated from the façade or wall by no more than one (1) foot.
- (D) No projecting sign shall be placed higher than the second floor window sill of the building or fourteen (14) feet measured from the ground or sidewalk next to the front façade, whichever is lower. The lowest point of a projecting sign shall not be less than seven feet six inches (7'-6") above the sidewalk located below the sign.
- (E) A projecting sign shall be located at or near the public entrance to the building and shall not cover architectural elements.
- (F) The information contained on a projecting sign shall be limited to name of the occupant's business, organization or entity and a maximum of three (3) words describing the occupant's products or services.
- (G) No projecting sign may be secured with external wire, chains, cables, strips of wood or nails nor may any projecting sign be hung or secured to any other sign. Any removable part of a projecting sign, such as the cover of a service opening, must be securely fastened internally by chains or hinges.

(vii) Awning and Canopy Signs.

- (A) An awning sign is allowed in the "B" Business District and shall be included in the calculation of the occupant's allowed combined sign area.

- (B) The letters on an awning shall be placed on the front descending skirt only and shall not exceed six (6) inches in height.
- (C) Awnings with or without signs shall be constructed and erected so that the lowest portion of the projecting frame and descending skirt shall not be less than 7'6" above the level of the sidewalk or ground located below the awning.
- (D) Awning signs shall be limited to only the regular operating name of the occupant's business, organization or entity and the street address numbers of the building to which the awning is attached.
- (E) The edge of an awning may project out over the public way up to four (4) feet, but in no event may an awning be within two (2) feet or less of the curb line of a public street. The preferred minimum awning projection is thirty-six (36) inches.
- (F) A canopy is allowed only at the entrance to the residential portion of a building in the "B" Business District. A canopy sign shall be placed on the front face of the canopy, parallel to the street, and is limited to the street address numerals only, which shall not exceed six (6) inches in height.
- (G) Awning and canopy coverings shall be constructed out of canvas, fabric, vinyl, or other similar flexible material treated for fire resistance. Awnings, canopies, awning signs, and canopy signs may not be illuminated or back lit. Rigid awning or canopy coverings made of metal, hard plastic or other materials that can be cracked or broken are not allowed.
- (H) Awnings and canopies must be securely attached to and supported by a building. All frames and supports must be made of metal or similar material. Wood or plastic frames are not allowed.
- (I) Awnings and canopies shall be compatible in material and construction to the style and character of the building. The color of the awning or canopy shall be compatible with the overall color scheme of the façade. Awnings and canopies shall fit the façade of the building and be positioned so that distinctive architectural elements remain visible. When feasible, awnings shall be generally aligned

with others nearby in order to maintain a sense of visual continuity.

- (viii) Monument Signs. One (1) monument sign is allowed for any building in the "B" Business District that is set back ten (10) feet or more from the lot line abutting a public street and shall be included in the calculation of the combined sign area. Monuments on which signs are attached shall not exceed thirty-nine (39) square feet in area or six and one-quarter (6.25) feet in height.
- (ix) Commercial Message Flag Signs. One (1) commercial message flag sign is allowed per occupant in the "B" Business District and shall be included in the calculation of the occupant's combined sign area. Commercial message flag signs shall be compatible with the overall color scheme of the building's facade, shall not cover architectural elements of the building and shall not be illuminated. The lowest part of a commercial flag sign should be not less than seven feet six inches (7'-6") above the sidewalk located below the sign.

(c) **Design Criteria for Permanent Commercial Message and Institutional Signs.**

- (i) Intent of Design Criteria. Design criteria for permanent commercial message signs in the "B" Business District are not intended to restrict imagination, innovation and variety in sign design and display, but rather to assist in focusing on design principles that can result in creative solutions that will develop a high quality visual appearance within the Village.
- (ii) Design Criteria. Permanent commercial message signs in the "B" Business District shall meet the following design criteria:
 - (A) The proposed sign is designed to be constructed, installed and maintained in a safe condition with high quality design and materials.
 - (B) The proposed sign has good scale and proportion in its design, and is proportioned to the scale of, and is architecturally and visually compatible with, the building or property on which it is to be located and with existing adjacent and nearby buildings or structures and residential neighborhoods.
 - (C) The proposed sign is visually compatible with nearby buildings and structures in terms of height,

size, location, shape, proportion, scale, materials, texture, lettering, illumination, colors and shape.

- (D) The location of the proposed sign is appropriate in terms of design, landscaping and orientation on the property.
- (E) The colors, materials and lighting of the proposed sign are restrained and harmonious, and not excessively bright.
- (F) The proposed sign does not exceed the logo size requirements of Subsection 4.26(e).
- (G) The amount of information and graphic elements that contain images or symbols in the proposed sign or group of signs is appropriately limited and results in a clear and readable design.
- (H) Any proposed sign which is part of a master sign plan is consistent with such plan.
- (I) The proposed sign illumination does not exceed the level of illumination requirements of Section 4.26(j).
- (J) The proposed sign illumination complies with the building and construction requirements of Subsection 4.26(f).
- (K) The proposed sign does not cover architectural elements of the building.
- (L) If the proposed sign is an awning or canopy sign, the proposed awning or canopy complies with the material construction requirements of Subsection 4.27(b)(vii)(I).

(d) **Permanent Non-Commercial Message Signs in the "B" Business District.**

The following permanent signs are exempt signs allowed in the "B" Business District, subject to the regulations and limitations set forth in Section 4.24 of this Part, including, where applicable, the requirement to obtain an administrative sign permit, and shall not be included in the calculation of combined sign area.

- (i) Address sign.
- (ii) Directory sign.
- (iii) Governmental sign.

- (iv) Hazard or no trespassing sign.
- (v) Incidental sign.
- (vi) Informational sign.
- (vii) Memorial plaque sign.
- (viii) Public utility sign.
- (ix) Security sign

(e) **Requirement for Master Sign Plan.**

- (i) Master Sign Plan for New Building or Development. For a new building with multiple occupants or a new development with multiple buildings in the "B" Business District, the applicant and/or property owner must submit a master sign plan for review and approval by the Architectural Review Commission. The purpose of a master sign plan is to coordinate signs on multi-occupant buildings or in multi-building developments, to establish a building's or development's overall sign design, and to provide direction to future occupants. A master sign plan must include, at a minimum, criteria and specifications for general appearance, location, lighting, and approved construction materials for signs.
- (ii) Master Sign Plan for Existing Building. For existing buildings, the applicant must submit a master sign plan when:
 - (A) a change is proposed to any permanent sign for any occupant which requires a building permit and certificate of appropriateness;
 - (B) a change in any occupant's use of the property necessitates a change in any permanent sign;
 - (C) one or more new signs are proposed by one or more occupants;
 - (D) notice is received from the Village that one or more permanent signs on the building are not in compliance with this Part by reason of being a prohibited sign, abandoned sign, unsafe sign, or illegal sign or by reason of any other failure of compliance under this Part; or
 - (E) in the case of a legal nonconforming sign, the expiration of the applicable amortization period.

(iii) Content of Master Sign Plan. A master sign plan for the entire building or development shall be submitted to the Architectural Review Commission for review and approval pursuant to the procedures set forth in Article XVII. This master sign plan for a development shall include any and all signs for all buildings on the lot. A master sign plan for a building shall include any and all signs for each occupant's space. All subsequently proposed signs shall conform to the approved master sign plan so that as existing signs are replaced for various reasons, including amortization under this Ordinance, all new and replacement signs will be cohesive and in compliance with this Part.

(f) **Temporary, Short-Term Temporary and Daily-Display Temporary Signs in the "B" Business District.**

(i) Temporary Signs on Business and Residential Property. The following temporary signs are exempt signs allowed on business and residential property in the "B" Business District, subject to the regulations and limitations set forth in Article 4.24 of this Part, including, where applicable, the requirement to obtain an administrative sign permit:

- (A) Booster sign.
- (B) Construction site sign.
- (C) Demolition site sign.
- (D) Election sign.
- (E) Flag.
- (F) Free expression sign.
- (G) Holiday decorations.
- (H) Real estate sign.
- (I) Light pole civic banner sign.

(ii) Short-Term Temporary Signs and Daily-Display Temporary Signs on Business Property. The following short-term temporary and daily-display temporary signs are exempt signs allowed only on business property in the "B" Business District, subject to the regulations and limitations set forth in Section 4.24 of this Part:

- (A) Short-term temporary commercial message window sign.

- (B) Short-term temporary commercial message window display sign.
- (C) Temporary parking and traffic control sign.
- (iii) Short-Term Temporary Signs and Daily-Display Temporary Signs on Residential Property. The following short-term temporary and daily-display temporary signs are exempt signs allowed in the "B" Business District on private residential property only, subject to the regulations and limitations set forth in Section 4.24 of this Part; and must be removed within seven (7) days following the event:
 - (A) Personal event sign.
 - (B) Open house sign.
 - (C) Private sale sign.

4.28 REGULATIONS AND STANDARDS FOR ALLOWED SIGNS IN ALL DISTRICTS OTHER THAN THE "B" BUSINESS DISTRICT.

(a) Permanent Institutional Signs.

- (i) Residential Districts. It shall be unlawful to locate, use, erect, display, construct, install, enlarge, expand, alter, operate, or maintain a permanent institutional sign in the "R-1", "R-2", "R-3", and "R-4" Districts unless and until an application for a special use, or a modification or amendment to an existing special use has been approved pursuant to Section 17.6 and 17.8 of this Ordinance, and unless and until a building permit and certificate of appropriateness for such sign have been issued.
- (ii) Non-Residential Districts. It shall be unlawful to locate, use, erect, display, construct, install, enlarge, expand, alter, operate, or maintain a permanent institutional sign in the "P", "S", "M-1", "M-2", and "R" Districts unless and until a building permit and a certificate of appropriateness for such sign have been issued.
- (iii) Design Criteria. All permanent institutional signs that must obtain a certificate of appropriateness under this Section are subject to the design criteria in Section 4.27(c) of this Code.

(b) Commercial Message Signs Prohibited. Commercial message signs are not allowed in the "R-1", "R-2", "R-3", "R-4", "S", "P", "M-1", "M-2", and "R" Districts.

- (c) **Permanent Exempt Signs.** The following permanent signs are exempt signs allowed in the "R-1", "R-2", "R-3", "R-4", "S", "P", "M1", "M2", and "R" Districts, subject to the regulations and limitations set forth in Section 4.24 of this Part, including, where applicable, the requirement to obtain an administrative sign permit:
- (i) Address sign.
 - (ii) Governmental sign.
 - (iii) Hazard or no trespassing sign.
 - (iv) Incidental sign.
 - (v) Informational sign.
 - (vi) Memorial plaque sign.
 - (vii) Public utility sign.
 - (viii) Security sign.
- (d) **Temporary, Short-Term Temporary, and Daily-Display Temporary Signs in all Zoning Districts other than the "B" Business District.**
- (i) Temporary Signs on Residential Private Property. The following temporary signs are exempt signs allowed on private residential property in the "R-1", "R-2", "R-3", and "R-4" zoning districts, subject to the regulations and limitations set forth in Section 4.24 of this Part:
 - (A) Booster sign.
 - (B) Construction site placard sign.
 - (C) Demolition site sign.
 - (D) Election sign.
 - (E) Flag.
 - (F) Free expression sign.
 - (G) Holiday decorations.
 - (H) Real estate sign.
 - (ii) Temporary Signs on Institutional Property. The following temporary signs are allowed on institutional properties in

the "R-1", "R-2", "R-3", "R-4", "S", "P", "M-1", "M-2", and "R" zoning districts, subject to the regulations and limitations set forth in Section 4.24 of this Part:

- (A) Construction site placard sign.
- (B) Flag.
- (C) Holiday decorations.

(iii) Short-Term Temporary and Daily-Display Temporary Signs on Private Residential Property. The following short-term temporary and daily-display temporary signs are exempt signs allowed on private residential property in the "R-1", "R-2", "R-3", and "R-4" zoning districts, subject to the regulations and limitations set forth in Section 4.24 of this Part:

- (A) Personal event sign.
- (B) Wind sign.
- (C) Open house sign.
- (D) Private sale sign.

(iv) Short-Term Temporary and Daily-Display Temporary Signs on Institutional Property. The following short-term temporary and daily-display temporary signs are exempt signs allowed on institutional property with the property owner's consent in the "R-1", "R-2", "R-3", "R-4", "S", "P", "M-1", "M-2", and "R" zoning districts, subject to the regulations and limitations set forth in Section 4.24 of this Part:

- (A) Civic event sign.
- (B) Temporary parking and traffic control sign.
- (C) Wind sign.

4.29 APPLICATION FOR BUILDING PERMIT AND CERTIFICATE OF APPROPRIATENESS.

No allowed sign for which a building permit and certificate of appropriateness is required shall be located, erected, used, displayed, constructed, installed, enlarged, expanded, altered, or relocated within the Village unless a certificate of appropriateness has been issued in accordance with Article XVII of this Ordinance.

4.30 ADMINISTRATIVE SIGN PERMITS.

(a) Exempt Signs Requiring an Administrative Sign Permit.

The following allowed signs are exempt from the requirement to obtain a building permit and certificate of appropriateness, but no such sign shall be located, erected, used, displayed, constructed, installed, enlarged, expanded, altered, or relocated unless an administrative sign permit has been issued by the Administrative Official.

- (i) Directory sign.
- (ii) Informational sign.
- (iii) Memorial plaque sign.
- (iv) Construction site sign.

(b) Application for Administrative Sign Permit.

An application for an administrative sign permit shall be on forms supplied by the Village and shall be filed in such number of duplicate copies as the Administrative Official may designate, accompanied by a nonrefundable application and filing fee in the amount established by resolution of the Board of Trustees. Such application shall provide the information listed in Subsection 17.8(d) of this Ordinance as well as the following additional information: a description and graphic depiction of the proposed sign(s) including dimensions; a description of the proposed location of the sign; the dimensions and locations of all other signs on the property; a copy of the master sign plan for the property, if applicable; and such other information as the Administrative Official shall require.

(c) Review of Administrative Sign Permit by Administrative Official.

- (i) Standards for Review. The application for an administrative sign permit shall be reviewed by the Administrative Official who shall grant the application upon showing that the following standards related to appearance, appropriateness and safety of the proposed sign have been met:
 - (A) the proposed sign is consistent with any applicable master sign plan;
 - (B) the proposed sign is visually compatible with surrounding buildings, structures and other signs on the property in terms of height, size, proportion, materials, colors, shape, and orientation on the property;
 - (C) the information contained in the proposed sign is a clear and readable design;

- (D) the proposed sign is designed and intended to be constructed, installed and maintained in a safe condition with high quality design and materials; and
 - (E) the proposed sign does not create a public safety nuisance or distraction to vehicular and pedestrian traffic and does not lead to an excessive number of signs on the property.
- (ii) Issuance of Administrative Sign Permit. Within ten (10) days after the submission of a complete application for an administrative sign permit, the Administrative Official shall notify the applicant whether the application has met the standards for review for an administrative sign permit.

(d) Denial by Action of Administrative Official.

If the Administrative Official finds that the application fails to meet the standards for review by the Administrative Official set forth in subsection (c)(i) above, the applicant shall have the right to submit the application to the Architectural Review Commission as an application for a certificate of appropriateness. The applicant must notify the Commission of its intent to submit such an application within sixty (60) days after the denial of the application by the Administrative Official.

4.31 REQUEST FOR VARIATION

A request for a variation from the requirements of this Part shall be taken to the Zoning Board of Appeals pursuant to Section 17.5 of this Ordinance.

4.32 NONCONFORMING SIGNS.

(a) Authority to Continue Legal Nonconforming Signs.

Except as provided in subsection (h) of this Section, any permanent sign lawfully in existence on the effective date of this Part, or any subsequent amendments to this Part, that becomes nonconforming as a result of the adoption or amendment of this Part and continues to be nonconforming, shall be considered a legal nonconforming sign and may be continued, subject to the conditions and limitations of this section. The burden of establishing a sign to be a legal nonconforming sign shall rest on the person asserting the legal nonconforming status of such sign.

(b) Ordinary Repair and Maintenance of Legal Nonconforming Signs.

Routine maintenance of a sign, or changing of parts designed to be changed, shall not, standing alone, be considered an alteration of the sign requiring the issuance of a building permit and certificate of appropriateness for a sign or alter its status as a legal nonconforming sign. Incidental repair or replacement of non-loadbearing sign elements, electrical wiring and fixtures may be performed on any legal nonconforming sign without altering its status as a legal nonconforming sign, up to 35% of its replacement cost new. If the repair or alteration of a legal

nonconforming sign exceeds 35% of its replacement cost new, the sign shall no longer be deemed to be a legal nonconforming sign and shall be subject to the regulations of this Part, including any applicable requirement to obtain a building permit and a certificate of appropriateness.

(c) **Repairs Eliminating Nonconformity.**

Any repair or replacement of a legal nonconforming sign shall, whenever possible, eliminate or reduce any nonconformity in the element being repaired or replaced.

(d) **Alteration, Enlargement or Moving a Legal Nonconforming Sign.**

A legal nonconforming sign shall not be changed or altered in any manner that would increase the degree of its nonconformity, be enlarged or expanded, be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming. A change in sign message which does not otherwise violate the provisions of this Part shall not be deemed to be prohibited by this Section 4.33.

(e) **Restoring Nonconformity Prohibited.**

A legal nonconforming sign that has been changed to eliminate its nonconformity or any element of its nonconformity shall not thereafter be changed to restore such nonconformity or nonconforming element.

(f) **Damage or Destruction of a Legal Nonconforming Sign.**

A legal nonconforming sign, or any nonconforming element of a legal nonconforming sign capable of change or discontinuance separate from other elements of the sign, damaged or destroyed by any means to the extent of more than thirty-five (35) percent of its replacement cost new shall not be restored but shall be removed or brought into conformity with the provisions of this Code.

(g) **Abandonment of a Legal Nonconforming Sign.**

Any legal nonconforming sign that is an abandoned sign, regardless of any intent to resume the use of the sign or intent not to abandon the use of such sign, shall not thereafter be reestablished or resumed.

(h) **Amortization of Nonconforming Signs.**

Legal nonconforming signs shall be removed or made to conform within three (3) years from the effective date of this subsection.

4.33 REVIEW OF PERMANENT SIGNS.

Within 120 days after the effective date of this Part, the Administrative Official shall inspect all existing permanent signs throughout the "B" Business District for the purpose of identifying those existing signs which are not in compliance with

this Part, whether by reason of being prohibited signs, legal nonconforming signs, abandoned signs, dilapidated signs, unsafe signs, illegal signs, vandalized signs or signs which otherwise violate the provisions of this Code.

4.34 SIGN MAINTENANCE.

(a) Generally.

The owner of a sign and the owner of the lot on which such sign is located shall be jointly and severally responsible to maintain such sign, including its illumination sources, in compliance with this Part, this Ordinance and all applicable laws, and any applicable certificate of appropriateness, in a safe and secure condition, and in a neat and orderly condition and good working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign. The premises around monument and freestanding signs shall be kept clean and free of all rubbish and weeds. It shall be unlawful to have an abandoned sign, dilapidated sign, unsafe sign, or vandalized sign on any property in the Village.

(b) Condition of Permanent Signs Generally.

Permanent signs shall be periodically repainted or otherwise maintained to prevent corrosion or deterioration caused by the weather, age or any other condition, and to keep all such signs in neat and orderly condition and aesthetically pleasing appearance. Obvious deterioration on a permanent sign, such as faded, peeling, and broken lettering, or chips and dents or discoloration on a painted surface, or tattered and torn material on an awning or canopy sign, are not allowed and must be promptly repaired or remedied.

(c) Dilapidated Signs.

The Administrative Official shall send written notice to the owner of any dilapidated sign, and to the owner of the building, structure or lot on which the dilapidated sign is attached or erected, if different, of the condition(s) of the sign which are deemed to make it a dilapidated sign. A dilapidated sign must be brought into compliance with the all applicable provisions within thirty (30) days following notice of such violation.

(d) Unsafe Signs.

The Administrative Official shall send written notice to the owner of any unsafe sign, and to the owner of the building, structure or lot on which the unsafe sign is attached or erected, if different, of the condition(s) of the sign which are deemed to make it an unsafe sign. If the unsafe sign does not pose an immediate threat of harm to person or property, the Administrative Official may require the owner of the sign, and the owner of the building, structure or lot on which the unsafe sign is attached or erected, if different, to repair or remove the sign within seven (7) days following notice of such violation. If the Administrative Official finds that any sign is so unsafe or improperly secured or structurally unsound, or is in danger of falling, or presents any kind of fire or electrical safety or shock hazard,

or is otherwise a menace to the public, or is otherwise in such hazardous condition that immediate action is warranted, the Village may notify, by whatever means is practical, the parties entitled to notice under this provision and direct the immediate removal of the sign or other action to abate the hazard.

(e) **Vandalized Signs.**

The Administrative Official shall send written notice to the owner of any vandalized sign, and to the owner of the building, structure or lot on which the vandalized sign is attached or erected, if different, of the condition(s) of the sign which are deemed to make it a vandalized sign. A vandalized sign must be brought into compliance with the all applicable provisions within fourteen (14) days following notice of such violation.

(f) **Abandoned Signs.**

The Administrative Official shall send written notice to the owner of any abandoned sign, and to the owner of the building, structure or lot on which the abandoned sign is attached or erected, if different, of the condition(s) which are deemed to make it an abandoned sign. An abandoned sign must be brought into compliance with the all applicable provisions within thirty (30) days following notice of such violation.

4.35 ADMINISTRATION AND ENFORCEMENT, VIOLATIONS, AND PENALTIES.

(a) **Administration and Enforcement.**

The Administrative Official designated pursuant to Section 16.1 of this Ordinance shall administer and enforce this Part as a component of his overall administration and enforcement of this Ordinance. Accordingly, the Administrative Official shall have all power and authority to administer and enforce this Part pursuant to any other provision of this Ordinance and applicable law as well as the provisions of this Part.

(b) **Inspection of Signs by Village.**

The Administrative Official may inspect, at such reasonable times as deemed appropriate, signs regulated by this Code to ascertain whether the sign structure is in conformance with the all provisions of this Part and this Ordinance and other applicable law.

(c) **Notices.**

- (i) Illegal Permanent Sign. A permanent sign which has been located, erected, used, displayed, constructed, installed, enlarged, expanded, altered, operated, maintained, relocated, or removed in violation of this Part, this Ordinance, or other applicable law is an illegal sign. Upon written notice by the Administrative Official to the owner of the Illegal sign that such sign is in violation of this

Part, the owner of such sign shall have seven (7) days to bring the sign into compliance with this Part or remove the illegal sign.

- (ii) Illegal Temporary Sign. If any temporary, short-term temporary, or daily-display temporary sign is being displayed or maintained in violation of the provisions of this Part, written notice shall be given to the occupant or owner of the property on which the sign is located, who shall have twenty-four (24) hours following receipt of notice from the Village to alter or remove the sign.

(d) **Enforcement Actions.**

The Administrative Official may take such enforcement actions as are authorized by this Part, this Ordinance and as otherwise authorized by law. These may include, without limitation and in any combination, the issuance of a stop work order, revocations of permits or other approvals, prosecution for violations, the bringing of a civil action for any penalty or fine, or the institution of the appropriate action at law or in equity to restrain, correct or abate such violation or to require the removal of the unlawful sign. Prior written notice of a violation shall not be required for the initiation of enforcement actions under this section if the violation creates an emergency or unsafe condition.

(e) **Fines and Penalties.**

Violation of the provisions of this Part or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with authorization of variances or special uses) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$750 or imprisoned for not more than 30 days or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

(f) **Liability for Damages, Private Remedies.**

Neither the provisions of this Code nor the issuance of any building permit or certificate of appropriateness shall be construed as relieving any person erecting, owning or maintaining any sign from liability arising by reason of, or personal injury or property damage resulting from such sign, or work relating to such sign, or as limiting the liability of any such person by reason of personal injury or property damage so resulting. Nothing in this Part shall be interpreted to prevent any person entitled to relief in law or equity by reason of a violation of the provisions of this Ordinance from bringing an appropriate action to secure such relief.

(g) **Complaints Regarding Violations.**

Whenever a violation of this Part occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. He shall record

properly and promptly investigate such complaint, and shall take action thereon as provided by this Part, this Ordinance and other applicable law.

SECTION 4. AMENDMENT TO ARTICLE VI. Section 6.9, entitled “Signs Permitted; Advertising Prohibited,” of Article VI, entitled “Supplemental Regulations Applicable to All Residential Districts,” of the Zoning Ordinance shall be, and is hereby, deleted in its entirety.

SECTION 5. AMENDMENT TO ARTICLE VII. Section 7.4, entitled “Restrictions on Permitted and Special Uses,” of Article VII, entitled “B’ Business District Regulations,” of the Zoning Ordinance shall be, and is hereby, amended by deleting Subsection 7.4(e) in its entirety.

SECTION 6. AMENDMENT TO ARTICLE XIV. Section 14.5, entitled "Size; Improvements; Screening; Signs," of Article XIV, entitled "Off-Street Automobile Parking Requirements," shall be, and is hereby, amended by amending Subsection 14.5(d) to read as follows [additions are **bold and double-underlined**; deletions are ~~overstruck~~]:

- (d) No signs of any kind, ~~other than signs designating entrances, exits and conditions of use,~~ shall be maintained on any parking areas, **except as permitted by the Kenilworth Sign Code.**

SECTION 7. AMENDMENT TO ARTICLE XV. Section 15.1, entitled “Intent,” of Article XV, entitled "Non-Conforming Lots, Structures, and Uses," shall be, and is hereby, amended by adding a new subsection 15.1(c), as follows:

- (c) Non-conforming signs shall be governed by this Section 15.1 and Part IV, entitled “Kenilworth Sign Code,” of Article IV, entitled “General Requirements and Provisions – All Districts,” of this Ordinance.

SECTION 8. AMENDMENTS TO ARTICLE XVII. Article XVII, entitled “Zoning Administration, Applications and Procedures,” of the Zoning Ordinance shall be, and is hereby, amended as follows [additions are **bold and double-underlined**; deletions are ~~overstruck~~]:

A. Sections 17.1, 17.2 and 17.3 shall be, and are hereby, consolidated into a single section as follows:

17.1 ESTABLISHMENT AND MEMBERSHIP OF BOARD OF APPEALS, JURISDICTION.

- (a) **Establishment and Membership.**

A Zoning Board of Appeals (herein sometimes referred to as the “Board”) is hereby established, which shall consist of seven members who shall be residents of the Village of Kenilworth. The members of the Board in office on the date of passage of this ordinance shall continue in office for the balance of their respective terms. The term of successors appointed to the Board to succeed incumbents, as their terms expire by lapse of time, shall be for five years.

Vacancies on the Board shall be filled for the unexpired term of the member whose place has become vacant. Members of the Board, whether appointed for a full term or to fill a vacancy, shall be appointed by the President and Board of Trustees of the Village voting jointly. One of the members shall be appointed by the President and the Board of Trustees as Chairman of the Board, and shall hold such office until his successor is appointed. Members of the Board may be removed from office by the President and Board of Trustees voting jointly, for cause upon written charges and after public hearing. All members of the Board shall serve without compensation.

17.2 PROCEEDINGS OF THE BOARD

(b) Proceedings of the Board.

~~(a)~~ **(i)** The Board shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

~~(b)~~ **(ii)** The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

17.3 JURISDICTION

(c) Jurisdiction and Powers.

~~(a)~~ **(i)** The Board shall have the following jurisdiction and powers:

~~(i)~~ **(A) Appeals from Action of Administrative Official.** To hear and decide appeals from any order, requirement, decision or determination (hereinafter collectively referred to as a "decision") made by the Administrative Official under this ordinance.

~~(ii)~~ **(B) Variances.** To hear and pass upon applications for variances from the terms of this ordinance in the manner and subject to the standards specified in this ordinance.

~~(iii)~~ **(C) Special Uses.** To consider, hold public hearings on, and make findings and recommendations to the Board of Trustees with respect to applications for special uses in all districts other than the "B" Business District in the manner and subject to the standards specified in this ordinance.

~~(iv)~~ **(D) Other Matters.** To hear and decide all other matters which it is required to pass upon under this ordinance.

~~(b)-(ii)~~ The Plan Commission shall have the jurisdiction and power to consider, hold public hearings on, and make findings and recommendations to the Board of Trustees with respect to applications for special uses in the "B" Business District in the manner and subject to the standards specified in this ordinance.

B. A new Section 17.2, entitled "Architectural Review Commission," shall be, and is hereby, added as follows:

17.2 ARCHITECTURAL REVIEW COMMISSION.

(a) Statement of Purpose and Intent.

The purpose of establishing the Architectural Review Commission is to:

- (i) Promote the public health, safety, morals, comfort and general welfare of the citizens of the Village;
- (ii) Enhance the values of the property throughout the Village; and
- (iii) Encourage and promote acceptability, attractiveness, cohesiveness and compatibility of new buildings and of remodeled buildings and additions thereto, so as to maintain and improve the established standards of property values within the non-residential districts, as well as in special uses in the residential districts, of the Village.

(b) Establishment and Membership.

An Architectural Review Commission (herein sometimes referred to as the "Commission") is hereby established, which shall consist of seven members. All members shall be appointed by the Village President and Board of Trustees, voting jointly, based on their demonstrated interest or expertise in design, architecture, architectural history, landscape design, building construction and rehabilitation, local history and planning, and other criteria deemed relevant by the Village President and Board of Trustees. The seven members shall serve for staggered-three year terms. The terms of the seven members shall continue until their successors have been appointed and qualified. All members of the Architectural Review Commission shall serve without compensation.

(c) Chairman.

The President, with the approval of the Board of Trustees, shall appoint one of the members of the Architectural Review Commission to serve as Chairman. The Chairman shall have power to administer oaths.

(d) Meetings, Quorum.

Meetings of the Architectural Review Commission shall be held at the call of the Chairman and shall be called whenever an application for Certificate of Appropriateness is submitted for consideration. Four (4) members shall constitute a quorum. The Chairman shall be entitled to be counted in determining a quorum and to vote as a member. The Architectural Review Commission may adopt its own rules of procedure not inconsistent with this ordinance. All meetings shall be open to the public. The Commission shall keep

minutes of its proceedings and shall keep records of its examinations and other official actions.

(e) **Powers and Duties.**

The Architectural Review Commission shall have the following powers and duties:

- (i) To consult with and cooperate with the Plan Commission, other Village departments, and any other municipal or governmental bodies, on matters affecting the appearance of the Village.
- (ii) To study exterior design drawings, building materials, and landscape and site plans for any building or structure in (A) the non-residential districts of the Village or (B) any residential district of the Village that is also subject to a special use, and to make recommendations to the Board of Trustees or the Village Manager, as to the architectural or aesthetic aspects thereof.
- (iii) To review applications for permanent signs that are not exempt signs under Part B of Article IV.
- (iv) Subject to the provisions of Section 17.3 hereof, to hold meetings or hearings, when required, on the issuance of certificates of appropriateness as provided in Section 17.3 hereof, in connection with questions pertaining to applications for building permits, and to issue or deny such certificate of appropriateness pursuant to the provisions of said Section 17.3 hereof.

C. A new Section 17.3, entitled "Certificates of Appropriateness," shall be, and is hereby, added as follows:

17.3 CERTIFICATES OF APPROPRIATENESS.

(a) **Certificate Required for Certain Buildings, Structures and Signs.**

No building or other permit otherwise required under any ordinance of the Village for any of the following shall be issued by the appropriate Village official except upon the granting of a certificate of appropriateness by the Architectural Review Commission:

- (i) the erection, construction, alteration or repair of any building or structure in (A) any non-residential district of the Village or (B) any residential district of the Village that is also subject to a special use; provided, however, that no certificate of appropriateness will be required if the Building Commissioner makes a determination that the Kenilworth Appearance Plan does not apply to the work for which the building or other permit is being sought; and

- (ii) the location, erection, use, display, construction, installation, enlargement, expansion, alteration, operation, or repair of any permanent sign as defined in, and not exempt sign under, Part B of Article IV of this ordinance.

A certificate of appropriateness is deemed to authorize only the particular building, structure, or sign at the specific location for which it was issued and shall automatically expire and cease to be of any force or effect if such building, structure or sign shall be removed or relocated.

(b) Special Procedures in Connection With Other Applications.

Whenever any application for a special use or planned unit development is filed pursuant to this ordinance as a companion to an application for a certificate of appropriateness, and such companion application requires approval by the Board of Trustees, the authority to hear and decide the application for certificate of appropriateness otherwise delegated to the Architectural Review Commission pursuant to this Section 17.3 shall be reserved to the Board of Trustees. For such purposes, the Board of Trustees shall have all of the authority granted to, and shall be subject to all of the limitations imposed on, the Architectural Review Commission by this Section; provided, however, that the provisions governing public notice and hearing of, and action on, the application for special use or planned unit development of this ordinance shall govern.

(c) Standards for Certificates of Appropriateness for Buildings and Structures.

The Architectural Review Commission shall grant a certificate of appropriateness for the erection, construction, alteration or repair of any building or structure in any non-residential district of the Village that is in harmony with the general purpose and intent of the standards set forth in the ordinances codes, and regulations of the Village and the Kenilworth Appearance Plan, which is incorporated in and made a part of this Ordinance as Appendix A, is hereby adopted and approved and made a part this Ordinance as though specifically set forth in this Ordinance.

(d) Standards for Certificates of Appropriateness for Signs.

The Architectural Review Commission shall grant a certificate of appropriateness for the location, erection, use, display, construction, installation, enlargement, expansion, alteration, operation, or repair of any permanent sign as defined in, and not exempt under, Part B of Article IV of this ordinance that is in harmony with the general purpose and intent of the standards set forth in the ordinances codes, and regulations of the Village, the Kenilworth Appearance Plan and the standards of Section 4.27(c) of this Ordinance.

(e) **Application for Certificate of Appropriateness.**

All applications for a certificate of appropriateness shall be subject to the standards and procedures established in Article XVII of this Ordinance.

(f) **Pre-Application Conference.**

Prior to filing an application for a certificate of appropriateness, the prospective applicant may request an informal conference with the Administrative Official to discuss the proposed application. The pre-application conference does not require either the payment of an application fee or the filing of an application.

(g) **Procedures for Certificate of Appropriateness Approval.**

- (i) Application Review. Upon receipt of a properly completed application for approval of a certificate of appropriateness, the Administrative Official shall review the application for compliance with all applicable requirements. Completed applications will then be forwarded to the Architectural Review Commission for a public hearing.
- (ii) Public Hearing. The Architectural Review Commission shall hold a public hearing on an application for a certificate of appropriateness no later than sixty (60) days after receiving a properly completed application from the Administrative Official. The hearing shall be concluded not later than one hundred twenty (120) days following the receipt of a completed application unless the applicant shall agree to an extension. Notice for the public hearing shall be issued in the manner provided in Section 17.10 of this Article.
- (iii) Findings of Fact; Decision. After the close of the public hearing, the Commission shall make findings of fact in support of its decision to grant or deny a certificate of appropriateness in accordance with the standards set forth in this Ordinance. The Commission shall make its decision issuing, issuing with conditions, or denying the certificate of appropriateness. The Commission shall specify in its decision such conditions that it deems necessary to assure the protection of the public health, safety, and welfare, and the compatibility with the surrounding neighborhood and community. The decision shall be issued within thirty (30) days after the close of the public hearing and be forwarded to the Administrative Official,
- (iv) Required Vote. The Commission shall not approve a certificate of appropriateness except on the the concurring vote of a majority of the members of the Commission present at the meeting. The Commission shall not deny a

certificate of appropriateness except on the concurring vote of four members of the Commission.

- (v) Effect of Decision. The decision of the Commission on an application for a certificate of appropriateness will be the final decision of the Village. In the event of denial of a certificate of appropriateness, the applicant shall have the right to appeal the decision in the Circuit Court of Cook County in the manner provided by law.

(h) **Amendments to Certificates of Appropriateness.**

(i) Major Changes.

- (A) Procedure for major changes. An applicant seeking a major change after a certificate of appropriateness has been approved shall seek an amendment to the certificate by submitting a new application and following the procedures for approval, as established in this Section. Major changes to an approved certificate of appropriateness may be granted only by the Commission pursuant to the procedures set forth in this Section.
- (B) Major changes defined. All changes other than minor changes.

(ii) Minor Changes.

- (A) Procedure for minor changes. A proposed minor change after a certificate of appropriateness has been approved may be presented directly to the Administrative Official for consideration in the event of extenuating and/or unforeseen circumstances. The Administrative Official may approve minor changes memorialized in a written document which shall be forwarded to the Commission.
- (B) Minor changes defined. Minor changes shall include changes in specified materials or structural components due to product discontinuance or unavailability or the like, with no change in quality.

(i) **Duration, Expiration and Removal.**

- (i) No certificate of appropriateness shall be effective for a period longer than twelve (12) months unless a building permit is obtained and the erection, construction, alteration or repair of the building or structure, or the location, erection, display, construction, installation, enlargement,

expansion, alteration, operation, or repair of the sign covered by the certificate, has commenced within that period and is thereafter diligently pursued to completion. The Administrative Official may, upon written request of the applicant, extend this time limit for a period not to exceed an additional six (6) months if the Administrative Official deems such extension to be appropriate and necessary to avoid undue hardship to the applicant. The applicant must submit a written request for an extension to the Administrative Official prior to the expiration of the certificate of appropriateness. Any such extension shall be made only after payment of the appropriate fee.

- (ii) The right to extend said time limit shall not include the right to request additional relief or amendment to or expansion of the scope of the certificate of appropriateness. If a certificate of appropriateness expires, the applicant must reapply for a new certificate of appropriateness and such re-application shall be treated as a new application.

D. Section 17.5, entitled "Variations," shall be, and is hereby, amended in part so that Subsection (d), (e) and (g) read as follows [additions are **bold and double-underlined**; deletions are ~~overstruck~~]:

17.5 VARIATIONS.

* * *

(d) **Authorized Variations.**

Variations from the terms of this ordinance may be granted only in the following instances and in no other:

- (i) to vary any of the requirements of this ordinance with respect to minimum sizes of lots, maximum height of buildings and other structures, maximum and minimum size of buildings, maximum lot coverage by structures and other impervious surfaces, and minimum depth and width of yards;
- (ii) to vary any of the regulations contained in Article VI (Supplemental Regulations Applicable to all Residential Districts);
- (iii) to vary any of the regulations contained in Article XIV (Off-Street Automobile Parking Requirements)-~~;~~
- (iv) to vary the following requirements of Part B of Article IV, the Kenilworth Sign Code, with respect to signs otherwise authorized in that Part:**

- (A) sign size;**
- (B) sign height;**
- (C) combined sign area for on-premises commercial message signs;**
- (D) logo size; and**
- (E) location, placement or illumination of signs on a building, or structure, or on the ground.**

(e) Standards for Variations.

The Board shall not grant a variance from any of the regulations of this ordinance, as authorized by paragraph (d) of this section, unless it shall make a finding of fact, based upon the evidence presented to it in a particular case, that:

- (i) in the case of property the principal use of which is for business purposes, the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations applicable to the district in which it is located;
- (ii) the plight of the owner is due to unique circumstances; and
- (iii) the variation, if granted, will not alter the essential character of the locality.

For the purpose of supplementing the above standards, the Board, in making its determination whether the plight of the owner is due to unique circumstances and whether the variation, if granted, may alter the essential character of the locality, shall take into consideration the following factors to the extent they are established by the evidence and deemed relevant by the Board:

- (i) the particular physical surroundings, shape, or topographical condition of the property in question would result in a practical difficulty or particular hardship upon the applicant for the variation, as distinguished from a mere inconvenience, if the strict letter of the regulation were enforced;
- (ii) the conditions upon which the application for variation is based would not be applicable generally to other property in the same district;
- (iii) the request for the variation is not based exclusively upon the desire to make more money out of the property;

- (iv) the alleged difficulty or hardship has not been created by any person presently having an interest in the property; and
- (v) the variation will not impair an adequate supply of light and air to adjacent properties or substantially increase the runoff of storm water onto adjacent properties or public streets, or substantially increase congestion in the public streets or increase the danger of fire or otherwise endanger the public safety or substantially diminish or impair property values within the neighborhood.

For the purpose of further supplementing the above standards and factors in connection with requests for variations from the requirements of Section 5.4 of this ordinance, the Board, in making its determination, may also take into consideration the following factors, among other factors deemed relevant by the Board, to the extent they are established by the evidence and deemed relevant by the Board:

- (i) the effects of the proposed construction on the overall appearance of the size and bulk of the existing structures on the property when viewed from streets abutting the property and from adjacent properties;
- (ii) the proximity of the proposed construction to streets abutting the property and to adjacent properties;
- (iii) the relative proximity of the proposed construction to streets abutting the property and to adjacent properties in comparison with the relative proximity of existing structures on other properties in the same vicinity;
- (iv) the magnitude of the variation requested in absolute terms and in proportion to the floor area and/or impervious surfaces allowed if the strict letter of the regulation were enforced;
- (v) the need for other variations in connection with the proposed construction and the nature and extent of those other variations;
- (vi) the need for the variation to allow the owner or occupant of the property to make reasonable use of a structure, the design of which otherwise fails to conform to generally accepted or prevailing standards of the Village for the use and enjoyment of a structure as a residence for a family;
- (vii) the efficient and advantageous use of existing structures and the degree to which the proposed construction makes efficient; economical, and advantageous use of existing and proposed floor area and impervious surfaces; and

- (viii) the reasonableness of the variation requested in light of the purposes served by the proposed construction and the design problems of the existing structure intended to be alleviated by the proposed construction.

For purposes of supplementing the above standards and factors in connection with requests for variations from the requirements of Section 5.3 of this ordinance, the Board, in making its determination, may also take into consideration the following factors, among other factors deemed relevant by the Board, to the extent they are established by the evidence and deemed relevant by the Board:

- (i) the height and location of existing and proposed structures on the property and adjacent properties;
- (ii) the need to maintain the height of the proposed structure in relation to the height of an existing structure in order to enable the existing and proposed structures to present a pleasing appearance reflecting architectural integrity and harmony among separate structural elements; and
- (iii) the need to maintain a particular height of a proposed addition to a structure in order to observe sound structural design and accommodate good building practices in the construction of the proposed addition.

For the purpose of supplementing the above standards with regard to variations for signs, the Board, in making its determination shall take into consideration the following factors to the extent they are established by the evidence and deemed relevant by the Board:

- (i) In the case of a commercial message sign, strict application of the Kenilworth Sign Code would render the applicant unable to yield a reasonable return from its property.**
- (ii) The variation will not endanger the public safety or substantially diminish or impair property values within the neighborhood;**
- (iii) The variation would not result in a sign or master sign plan as required by the Kenilworth Sign Code that:**
 - (A) would not be in harmony with the general and specific purposes for which the Kenilworth Sign Code and the provisions from which a variation is sought were enacted;**

(B) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development, or value of adjacent property or improvements;

(C) would substantially increase congestion in the public streets due to parking or traffic;

(D) would create an unnecessary distraction to vehicle and pedestrian traffic; and

(E) would result in a sign that is not aesthetically consistent with the environment, or not proportional or architecturally compatible with existing land uses and buildings and with any adjacent residential neighborhood.

* * *

(g) ~~No Variation as to Use~~ **Prohibited Variations.**

(i) No Variation as to Use. Under no circumstances shall the Board grant a variance under this Section 17.5 to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited in said district by this ordinance.

(ii) No Variation as to Prohibited Sign. Under no circumstances shall the Board grant a variation under this Section 17.5 to allow a sign prohibited under Section 4.25 of this ordinance.

E. Section 17.6, entitled "Special Uses," shall be, and is hereby, amended in part so that Subsections (h) and (j) read as follows [additions are **bold and double-underlined**; deletions are ~~overstruck~~]:

17.6 SPECIAL USES.

* * *

(h) Authorization; Procedures.

(i) Board of Appeals; Plan Commission. Special uses may be recommended by the Board of Appeals or the Plan Commission, as the case may be, after a public hearing called and held in the manner prescribed in this ordinance and required by law.

(ii) Architectural Review Commission. Where the application for special use also requires a certificate of appropriateness, the Architectural Review Commission shall review and provide consulting recommendations on the application for special use at a public meeting. In such instances, the Architectural Review Commission shall provide comment and recommendations to the Board of Trustees as to whether the building design and materials, landscape plan and other proposed exterior aspects of the special use are in conformity with the Kenilworth Appearance Plan. Within 30 days following the date of the completion of the Architectural Review Commission meeting on the application for special use, the Architectural Review Commission shall forward a written copy of its recommendations to the Plan Commission or Board of Appeals, as the case may be.

(j) Action by the Board of Trustees.

The findings of the Board of Appeals or the Plan Commission, as the case may be, on an application for a special use, arrived at after public hearing, shall be submitted to the Board of Trustees with a report and recommendations within a reasonable time. Where the special use also requires a certificate of appropriateness, a written copy of the Architectural Review Commission's recommendations on the factors in Subparagraph (h)(ii) above shall accompany the finding, report and recommendations of the Board of Appeals or Plan Commission. The Board of Trustees, upon receipt of such report and recommendations and without further public hearing, by ordinance may grant the application for the special use with such conditions and restrictions as may be deemed necessary by the Board of Trustees, or deny the application, or refer it back to the Board of Appeals or the Plan Commission, as the case may be, for further consideration.

F. Section 17.8, entitled "Application Requirements," shall be, and is hereby, amended in part so that Subsection (d)(i) and (d)(x) read as follows [additions are **bold and double-underlined**; deletions are overstruck]:

17.8 APPLICATION REQUIREMENTS.

* * *

(d) Minimum Data Requirements.

(i) All Applications. Every application submitted pursuant to this ordinance shall contain at least the following information:

- (A) The owner's name and address and the owner's signed consent to the filing of the application.
- (B) The applicant's name and address, if different than the owner, and his interest in the subject property.
- (C) The names, addresses and telephone numbers of all professional consultants, if any, advising the applicant with respect to the application.
- (D) The name and address and the nature and extent of the interest, as defined in the Kenilworth Village Code provisions governing ethics, of any officer or employee of the Village in the owner, the applicant or the subject property.
- (E) The address and legal description of the subject property.
- (F) A description or graphic representation of the proposal for which approval is being sought and of the existing zoning classification, use and development of the subject property. The scope and detail of such description shall be appropriate to the subject matter of the application, with special emphasis on those matters likely to be affected or impacted by the approval being sought in the application.
- (G) In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, the statement required by Subsection 17.9 of this ordinance.
- (H) Proof of control or ownership, in the case of site-specific applications.

The Administrative Official shall have the authority to waive any of the minimum data requirements if the Administrative Official deems such waiver to be appropriate in light of special circumstances making compliance with those provisions either unnecessary or unduly burdensome; provided, however, that the reviewing board or commission shall continue

to have the right to request additional information and to delay processing of an application until such information is provided. The Administrative Official shall provide reasons for such waiver to the reviewing board or commission.

* * *

(x) Applications for Certificates of Appropriateness. Every application filed pursuant to Section 17.3 of this ordinance shall contain at least the following information:

(A) A statement of intent identifying how the project meets the criteria of the Kenilworth Appearance Plan and explaining the design rationale.

(B) Plans and elevations drawn to scale illustrating the existing subject property, including calculations of all windows and doors with dimensions, materials and glazing patterns, exterior details, as appropriate, of millwork and including aggregate size of all awnings and signs.

(C) Scaled drawings and elevations showing all proposed windows and doors with dimensions, materials and glazing patterns, exterior details, millwork and any proposed special conditions including position and scale of the proposed signs and awnings in relation to adjacent signs, buildings and structures.

(D) Streetscape elevations, depicting rooflines and materials of adjacent structures.

(E) Current color photographs of the existing facades of the subject property and properties adjacent to the subject property and the date the photographs were taken.

(F) Information, drawings, specifications, samples, or other materials regarding the design and size, color and placement

on the building of a proposed sign or sign structure for all proposed signs. Such materials should also convey structural details including, but not limited to method of construction and erection or attachment, as the case may be, to the building or ground).

(G) Details regarding source, type and level of illumination of for all signs. The level of illumination must be measured in foot candles.

(H) Parking lot layout (if applicable).

(I) Lighting plan of parking lot (if applicable).

(J) Landscape plan including the proposed species of vegetation and size at the time of planting, tree removal plan, and existing or proposed hardscapes (if applicable).

(K) Master sign plan if required by the Kenilworth Sign Code.

(L) Samples of exterior materials, including, without limitation, manufacturer cut sheets and/or product samples of roof materials, wall materials, window/door products, storefront glazing, light fixtures, and sign materials. If applicable, local addresses of buildings using such materials.

* * *

SECTION 9. EFFECTIVE DATE. This Ordinance shall take full force and effect following its passage, approval, and publication in the manner provided by law and shall be applicable to all applications filed on and after March 4, 2011.

PASSED this 22nd day of February, 2011.

AYES: Smietana, Nahrwold, Thomas, Hastings, Hughes, Terrill

NAYS: None

ABSENT: None

ABSTAIN:

Village President

ATTEST:

Village Clerk

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EXHIBIT A

KENILWORTH APPEARANCE PLAN

Section I. CRITERIA FOR APPEARANCE

The purpose of these criteria is to establish a checklist of those items which affect the physical aspect of the Village environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, and miscellaneous other objects which are observed by the public.

These criteria are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which can result in creative solutions that will develop a satisfactory visual appearance within the Village.

A RELATIONSHIP OF BUILDINGS TO SITE

1. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, pedestrian movement, and parking areas.

2. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.

3. Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms or other innovative means so as to largely screen parking areas from view from public ways.

4. The height and scale of each building shall be compatible with its site and adjoining buildings.

5. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.

6. In relating buildings to site, the provisions of the Zoning Ordinance in regard to bulk regulations, standards, and off-street parking shall be part of this criteria. This shall also apply to subsection B which follows.

B RELATIONSHIP OF BUILDING AND SITE TO ADJOINING AREA

1. Adjacent buildings of different architectural styles shall be made compatible by such means as screens, site breaks, and materials.

2. Attractive landscape transition to adjoining properties shall be provided.

3. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

4. Buildings shall have similar scale to those in the surrounding area.

C BUILDING DESIGN

1. Architectural style is not restricted -- evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.

2. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

3. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.

Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways.

Inappropriate materials and methods, and those which will produce inconsistency with the structure of the building, shall be avoided.

Materials shall be of durable quality.

In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.

4. Building components--such as windows, doors, eaves, and parapets--shall have good proportions and relationship to one another.

5. Colors shall be harmonious, with bright or brilliant colors used only for accent.

6. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so as not to be visible from any public ways.

7. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.

8. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.

9. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting or individual buildings may be used to prevent a monotonous appearance.

10. Inappropriate, incompatible, bizarre, and exotic designs shall be avoided.

11. The provisions of the Zoning Ordinance in regard to bulk regulations and standards, and those portions of the Kenilworth Building Code which directly affect appearance, shall be part of the criteria of this subsection.

D SIGNS

1. Wall signs shall be part of the architectural concept. Size, color, lettering, location, and arrangement shall be harmonious with the building design, and shall be compatible with signs on adjoining buildings. Signs shall have good proportions.

2. Ground signs shall be designed to be compatible with the architecture of the building. The same criteria applicable to wall signs shall apply to ground signs.

3. Identification signs of a prototype design shall conform to the criteria for building and ground signs.

4. Materials used in signs shall have good architectural character and be harmonious with building design and surrounding landscape.

5. Every sign shall have good scale in its design and in its visual relationship to buildings and surroundings.

6. Colors shall be used harmoniously and with restraint. Excessive brightness and brilliant colors shall be avoided. Lighting shall be harmonious with the design. If external spot or flood lighting is used, it shall be arranged so that light source is shielded from view.

7. The provisions of the Kenilworth Village Code in regard to signs shall be part of the criteria of this subsection.

E MAINTENANCE--PLANNING AND DESIGN FACTORS

1. Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, must be conducive to easy maintenance and upkeep.

2. Materials and finishes shall be selected for their durability and wear as well as for their beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.

3. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Such configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

F FACTORS FOR EVALUATION

The following factors and characteristics relating to a development, and which affect appearance, will govern the Architectural Review Commission's evaluation of a design submission:

.CONFORMANCE TO ORDINANCES AND THE VILLAGE PLAN

.LOGIC OF DESIGN

.EXTERIOR SPACE UTILIZATION

.ARCHITECTURAL CHARACTER

.ATTRACTIVENESS

.MATERIAL SELECTION

.HARMONY AND COMPATIBILITY

.CIRCULATION--VEHICULAR AND PEDESTRIAN

.MAINTENANCE ASPECTS.

Section II. MAINTENANCE FOR GOOD APPEARANCE

A SITE

1. Landscape materials, other than plantings, which have deteriorated or have been damaged or defaced, should be properly repaired or replaced.

2. Plant materials which have deteriorated or died shall be replaced with healthy plantings, or the area should be redesigned with other treatment to provide an attractive appearance.

3. Plantings should be kept watered, fed, cultivated, and pruned as required to give a healthy and well groomed appearance during all seasons.

4. Parking areas should be kept in good repair, properly marked, and clear of litter and debris.

5. Vacant property shall be kept free of refuse and debris, and shall have the vegetation cut periodically during the growing season.

B BUILDINGS AND APPURTENANCES

1. Buildings and appurtenances, including signs, should be cleaned, painted, or repaired as required to present a neat appearance.

2. Deteriorated, worn, or damaged portions should be rebuilt or replaced.

3. Building and sign illuminating elements should be replaced as required to maintain the effect for which designed.

C PUBLIC PROPERTY

1. Parkway planting areas should be maintained by the adjacent property owner or tenant in order to add to the aesthetic enhancement of the private property and the overall attractiveness of the streetscape.

2. Sidewalks, curbs and gutters, roadside berms, and other public improvements in the public right-of-way shall be repaired and maintained as necessary.

3. Refuse containers of an aesthetically satisfactory design and color should be placed in locations which will encourage their use--to avoid littering of waste materials.

4. Street hardware shall be erected and secured properly, and shall be cleaned or painted regularly to present an orderly appearance. Signs shall be treated similarly.

Section III. DEFINITIONS

APPEARANCE - The outward aspect visible to the public.

APPURTENCES - The visible, functional objects accessory to and part of buildings.

ARCHITECTURAL CHARACTER - The composite or aggregate of the characteristics of structure, form, materials, and function of a building, group of buildings, or other architectural composition.

ARCHITECTURAL CONCEPT - The basic aesthetic idea of a building, or group of buildings or structures, including the site and landscape development, which produces the architectural character.

ARCHITECTURAL FEATURE - A prominent or significant part or element of a building, structure, or site.

ARCHITECTURAL STYLE - The characteristic form and detail, as of buildings of a particular historic period.

ATTRACTIVE - Having qualities that arouse interest and pleasure in the observer.

COHESIVENESS - Unity of composition between design elements of a building, or a group of buildings, and the landscape development.

COMPATIBILITY - Harmony in the appearance of two or more buildings, structures, and landscape developments in the same vicinity.

CONSERVATION - The protection and care which prevent destruction or deterioration of historical or otherwise significant structures, buildings, or natural resources.

DECORATIVE SCREEN - A wall or fence intended to partially or entirely cut off visibility to the area behind it.

EXTERIOR BUILDING COMPONENT - An essential and visible part of the exterior of a building.

EXTERNAL ARCHITECTURAL FEATURE - The architectural style and general arrangement of such portion of a building or structure as is designated to be open to view from a public street, place or way, including the kind, color, and texture of the building material of such portion and the type of windows, doors, lights, attached or ground signs, and other fixtures appurtenant to such portion.

HARMONY - A quality which produces an aesthetically pleasing whole as in an arrangement of varied architectural and landscape elements.

LANDSCAPE - Elements of nature, topography, buildings, and other man-made objects combined in relation to one another.

LOGIC OF DESIGN - Accepted principles and criteria of validity in the solution of the problem of design.

MECHANICAL EQUIPMENT - Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air-conditioning, and similar purposes.

MISCELLANEOUS STRUCTURES - Structures, other than buildings, visible from public ways. Examples are: memorials, stagings, antennas, water tanks and towers, sheds, shelters, fences and walls, kennels, transformers, drive-up facilities.

PROPORTION - Relationship of parts of a building, landscape, structures, or buildings to each other and to the whole--balance.

SCALE - Harmonious relationship of the size of parts to one another and to the human figure.

SITE BREAK - A structural or landscape device to interrupt long vistas and create visual interest in a site development.

STREET HARDWARE - Objects other than buildings, structures, and plantings located in streets and public ways and outside of buildings. Examples are: lamp posts, utility poles, traffic lights, traffic signs, benches, litter containers, planting containers, letter boxes, fire hydrants.

STREETSCAPE - The scene as may be observed along a public street or way composed of natural and man-made components, including buildings, paving, planting, street hardware, and miscellaneous structures.