

**AN ORDINANCE AMENDING
THE VILLAGE'S UNIFIED DEVELOPMENT ORDINANCE REGARDING OFF-
PREMISES SIGNS**

WHEREAS, on January 7, 2014, the Village Board of the Village of Gilberts adopted the Gilberts Unified Development Ordinance ("**UDO**"), which sets forth the zoning and development standards and procedures for the Village; and

WHEREAS, the Illinois Highway Advertising Control Act of 1971 ("**Highway Act**") expressly authorizes municipalities to enact zoning regulations with respect to the size, lighting, and spacing of off premises signs in commercial and industrial zoning districts; and

WHEREAS, Illinois courts have upheld municipal zoning regulations on the size, lighting, and spacing of off premises signs under the authority granted by the Highway Act in *T&S Signs, Inc. v. Village of Wadsworth*, 261 Ill.App.3d 1080 (2d Dist. 1994); *Dingeman Advertising, Inc. v. Village of Mt. Zion*, 157 Ill.App.3d 461 (4th Dist. 1987); *National Advertising Company v. Village of Downers Grove*, 166 Ill.App.3d 58 (1988); *Universal Outdoor, Inc. v. Village of Elk Grove*, 194 Ill.App.3d 303 (1990); and

WHEREAS, pursuant to its authority under Section 10-11-9C of the UDO, and the procedures set forth in Section 10-11-9D of the UDO, the Village Board referred proposed amendments to the UDO relating to off premises signs to the Plan Commission to conduct the required public hearing and to make recommendations to the Village Board; and

WHEREAS, on May 9, 2018, pursuant to notice published in accordance with Illinois state law, the Plan Commission conducted a public hearing on the proposed amendments and heard testimony from members of the public; and

WHEREAS, the Plan Commission discussed the importance of having consistent size and height regulations for both on premises and off premises signs in the Village, of protecting nearby residential homes from the impact of sign lighting, of preventing a proliferation of off premises signs through appropriate distance requirements, and of preserving the neighborhood character of the nearby residential area by controlling the size, lighting, and spacing of off premises signs; and

WHEREAS, at the conclusion of the public hearing, the Plan Commission recommended approval of the proposed amendments to the UDO; and

WHEREAS, the Village Board has considered the Plan Commission's recommendations, as well as the standards set forth in Section 10-11-9E.2 of the UDO for the approval of text amendments to the UDO, and has found and determined as follows:

1. The proposed amendments to the UDO will further the intent of the UDO by placing size, height, and illumination standards for off premises signs in the commercial and industrial districts that are similar to, and consistent with, regulations imposed on on premises signs in those same zoning districts; and

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2. The proposed amendments to the UDO are consistent with the Village's comprehensive plan and its goals, including protecting the character and identity of the Village which promotes a remote and quaint living environment distanced from the more densely populated urban areas to the east; preserving and enhancing the quality of life of Village residents, property owners, and visitors; ensuring appropriate uses of commercial and industrially zoned properties; and taking into account the close proximity of residentially zoned property to properties zoned in the industrial and commercial districts and regulating these commercial and industrial uses to mitigate negative impacts from these uses on nearby properties, including aesthetics; and

3. The proposed amendments to the UDO are intended to ensure that off premises signage in the commercial and industrial districts along I-90 are appropriately sized, illuminated, and spaced to further the public health, safety, and general welfare of the Village and its residents and to protect neighboring residential properties from the impact of off premises signs.

WHEREAS, the Village Board has determined that it is in the best interests of the Village to exercise its legislative discretion to amend certain provisions of the UDO relating to off-premises signs located in areas along Interstate I-90.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated into Section 1 as set forth herein.

SECTION 2. AMENDMENT. Section 10-9-2H.3 of the UDO, entitled "Billboards And Other Off Premises Signs," is hereby amended as follows:

"H. **Prohibited Signs.** The following signs are hereby expressly prohibited for erection, construction, repair, alteration, or relocation, except as otherwise permitted in this title:

3. **Billboards And Other Off Premises Signs.**

a. Billboards and other off premises signs, except as a temporary sign, as provided in subsection J, **and except as expressly permitted by subsection P.**

SECTION 3. AMENDMENT. Section 10-9-2 of the UDO is amended to add a new Subsection P, entitled "Off-Premises Signs," as follows:

P. Off Premises Signs. Off premises signs, including billboards, may be erected, constructed, and repaired within 660 feet of the right of way line of Interstate 90 (I-90), subject to the following:

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1. The property on which the sign will be located must be zoned in either the commercial (C-1) or industrial (I-1) zoning district.
2. The sign area for the off premises sign shall not exceed 80 square feet in area, and the maximum height of the sign shall be 10 feet, as measured from grade.
3. The off premises sign must be located at least 2,500 feet from any other off premises sign, as measured from the base of the proposed off premises sign to the base of an existing off premises sign.
4. The off premises sign must comply with the illumination regulations of subsection F and other applicable provisions of this code."

SECTION 4. AMENDMENT. Section 10-9-2L.1.b(1) of the UDO, entitled "Commercial Use Signs," is hereby amended as follows:

- "L. Permitted Signs for Commercial Uses. For all commercial uses, only the following signs are hereby permitted and then only accessory and incidental to a permitted or special use:
1. Commercial Use Signs. Commercial use signs shall be subject to the following:
 - b. Monument Signs:
 - (1) Type: The only type of ground sign allowed is a monument sign, except as provided in subsection P."

SECTION 5. AMENDMENT. Section 10-9-2M.1.b(1) of the UDO, entitled "Permitted Signs for Office, Industrial and Institutional Uses," is hereby amended as follows:

- "M. Permitted Signs for Office, Industrial and Institutional Uses. For all office, industrial and institutional uses, only the following signs are hereby permitted and then only if accessory and incidental to a permitted or special use:
1. Office, Industrial And Institutional Use Signs. Office, industrial and institutional use signs shall be subject to the following:
 - b. Monument Signs:

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- (1) Type: The only type of ground sign allowed is a monument sign, except as provided in subsection P.

SECTION 6. SEVERABILITY. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

SECTION 7. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 8. EFFECTIVE DATE. This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this ___ day of _____ 2018.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	_____	_____	X	_____
Trustee Elissa Kojzarek	X	_____	_____	_____
Trustee Nancy Farrell	X	_____	_____	_____
Trustee Jeanne Allen	X	_____	_____	_____
Trustee Lou Hacker	X	_____	_____	_____
Trustee Guy Zambetti	X	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2018

[Signature]
Village President, Rick Zirk



ATTEST: *[Signature]*
Village Clerk

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