

Return to:

Jamie Myers  
City Clerk  
116 E. Market Street  
Troy, Illinois 62294



## **Ordinance No. 2014-02**

**AN ORDINANCE Amending Ordinance No. 2004-21 of the Troy Municipal Code  
(Also known as the Troy Zoning Ordinance)**

**Deleting Section 4-24 Signs and adding Chapter 155 Sign Regulations  
To the Municipal Code of Ordinances**

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Adopted by the City Council  
of the City of Troy, Illinois  
This 21<sup>st</sup> Day of JANUARY, 2014.

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*Published in pamphlet form by the authority of the City Council of the  
City of Troy, Madison County, Illinois, this 21<sup>st</sup> day of January 2014.*

# Ordinance No. 2014 - 02

AN ORDINANCE Amending Ordinance No. 2004-21 of the Troy  
Municipal Code (Also known as the Troy Zoning Ordinance)  
Deleting *Section 4-24 Signs* and adding *Chapter 155 Sign Regulations*  
To the Municipal Code of Ordinances

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**WHEREAS**, the City of Troy, Madison County, Illinois presently has in force the Troy Zoning Ordinance, which is contained in the Troy Municipal Code as Ordinance No. 2004-21 adopted August 2, 2004; and

**WHEREAS**, the City Planning Commission has performed a review of the city's Zoning Ordinance, specifically *Section 4-24 Signs*, and believes that changes are necessary to express the City's intent concerning signage; and

**WHEREAS**, the City Planning Commission has complied with the provisions of Article 8, Section 4 of the Troy Zoning Ordinance regarding amendments of regulations by holding a public hearing on January 9, 2014 to consider amending the Troy Zoning Ordinance and the Municipal Code of Ordinances; and

**WHEREAS**, as a result of said hearing, the Planning Commission has made a recommendation (Recommendation 2014-01PC) to the City Council that they enact said amendments to the Zoning Ordinance and Municipal Code of Ordinances; and

**WHEREAS**, the City Council has duly considered the matter and the recommendation of the Planning Commission and has determined and concluded that it is in the best interest of the public health, safety and welfare of the City, and in compliance with the powers conferred upon the City, to amend the existing Troy Zoning Ordinance and Municipal Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and the City Council of the City of Troy, Illinois as follows:

**SECTION 1:** The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Troy, Illinois

SECTION 2: That *Section 4-24 Signs* of Ordinance 2004-21 of the City of Troy, commonly known as the Zoning Ordinance is deleted and *Chapter 155 Sign Regulations* (Exhibit A) is hereby added to the Municipal Code of Ordinances.

SECTION 3: All ordinances or resolutions, or parts of ordinances or resolutions in conflict herewith, to the extent of such conflict, are hereby changed and amended to comply with this Ordinance; and to the extent the same cannot be so amended, are hereby repealed to the extent of such inconsistency.

SECTION 4: That if any section or provision of this Ordinance is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining sections or provisions of this Ordinance which can be given effect without the invalid section or provision, and to this end, the sections and provisions of this Ordinance are declared to be severable.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED** by the City Council of the City of Troy, Madison County, Illinois and **APPROVED** by the Mayor this 21<sup>st</sup> day of January, 2014.

Aldermen:

DeCarli <u>Absent</u>	Hendrickson <u>Aye</u>	Lanahan <u>Absent</u>	Total:
Evans <u>Aye</u>	Italiano <u>Aye</u>	Partney <u>Absent</u>	<u>5</u> Aye
Greenfield <u>Aye</u>	Jackson <u>Aye</u>		<u>0</u> Nay

APPROVED:

  
\_\_\_\_\_  
Allen P. Adomite  
Mayor, City of Troy, Illinois

ATTEST:

  
\_\_\_\_\_  
Jamie Myers, City Clerk

(SEAL)

## Chapter 155 – SIGN REGULATIONS

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### **Sec. 155.010. - Title, purpose and applicability.**

A. *Purpose.* The purpose and intent of this chapter is to establish comprehensive regulations for the control of graphics and signs in order to preserve protect and promote the public health, safety, and welfare; to eliminate pedestrian and vehicular traffic hazards; and to enhance the economic vitality and appeal of this community. More specifically, this chapter is intended to achieve the following objectives:

1. To authorize the use of graphics which are:
  - a. Compatible with their surroundings and the zoning district in which they are located;
  - b. Expressive of the image this municipality is striving to encourage;
  - c. Appropriate to the type of establishment or activity to which they pertain; and
  - d. Legible in the circumstance in which they are seen.
2. To promote an attractive urban environment that will enhance the City's economic potential by promoting the reasonable, orderly and effective display of graphics;
3. To protect and improve the appearance and orderliness of major trafficways and views therefrom, reducing traffic hazards, and enhancing the image of Troy derived by residents, businesspersons, commuters and visitors;
4. To enhance the physical appearance of the City by preserving the scenic and natural beauty of the area;
5. To encourage graphics which are in scale and harmony with surrounding uses, which are visually subordinate to the on-site and nearby buildings, which themselves are well-designed, and which have good spacing and design relationships to other graphics;
6. To preserve the value of private property by assuring the compatibility of graphics with surrounding land uses;
7. To protect the physical and mental well-being of the general public by recognizing and encouraging a sense of appreciation for the visual environment; and
8. To protect the health, safety and welfare of the people.

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- B. *Applicability.* This chapter shall apply to all property within the corporate limits of the City of Troy, except for the areas within 660 feet of the nearest edge of the right-of-way of federal interstate highways, which are regulated by the State Highway Advertising Control Act, 225 ILCS 440/1 through 440/16 and as it may hereafter be amended. For purposes of clarification, primary highways are not exempted from regulation under this chapter, even though the State Highway Advertising Control Act also regulates advertising adjacent to such highways.
- C. *Interpretation.* Every provision of this chapter shall be construed liberally in favor of the City and every requirement imposed herein shall be deemed minimal. Whenever the requirements of this chapter differ from the requirements of any other lawfully-adopted ordinance or regulation, the more stringent requirement shall prevail.

### **Sec. 155.020. - Definitions.**

The purpose of these provisions is to promote consistency and precision in the interpretation of the graphics ordinance. As used in this chapter the following terms shall have the meanings indicated below:

*Abandoned sign or graphic.* A sign or graphic which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, project or activity conducted or product available on the premises where such sign is displayed.

*Alter.* To change the size, shape, color, face, height or other similar characteristics of a graphic.

*Amortization.* The elimination of nonconforming graphics over time in accordance with the schedule set forth in this chapter.

*Animated sign.* A sign having action, motion, movement, changeable copy, or flashing color changes that are activated by electrical energy, electronic energy or other manufactured sources of energy supply, but not including wind-activated movement such as in flags, banners or pennants, or mechanical movement signs. Animated signs include grids of flashing lights or mechanical elements in patterns that give the perception of movement, as in chasing lights or programmable displays. For purposes of this chapter, an animated sign shall not be considered a mechanical movement sign if the only mechanical movement in the sign relates to the movement of grids to produce programmable displays.

*Appeal.* A procedure whereby any person aggrieved by any decision or order of the Building & Zoning Official in any matter related to the interpretation or enforcement of this chapter may seek relief from the Planning Commission.

*Area.* The total square footage of the entire sign surface but excluding the supporting structure. If a sign is attached to a building or suspended in any manner whereby there is no apparent trim or confining border, the area shall be the total square footage of the smallest rectangle that will enclose all letters, words, numbers, pictures, designs, sketches, and symbols only.

*Awning.* Any structure made of cloth, metal, or other material attached to a building when the same is so erected as to permit its being raised or retracted to a position against the building when not in use.

*Beacon light.* Rotating or flashing lights used to attract the attention of surrounding vehicles and pedestrians.

*Billboard.* See "off-premises graphic".

*Building & Zoning Official.* The Building & Zoning Official or his designee.

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*Building face or wall.* All window and wall areas of a building in one plane or elevation. Building face shall not include shingled or other roofing area.

*Canopy.* A structure, similar to an awning, made of cloth, metal or other material with frames attached to a building, and carried by a frame supported by the ground or sidewalks.

*Changeable copy sign.* A sign which has the provision for changing the letters or characters either manually or electronically.

*Electronic message board.* An electronically or electrically controlled sign or portion of a larger sign whereon different messages are displayed including, but not necessarily limited to public service messages, advertising for the business or businesses on-site, projection of on-site activities in real-time time and temperature and the like. The message boards shall include those devices that display information using panels of individual lamps, rotating panels, liquid crystal displays or similar technology or rear projection screens.

*Establishment.* Either of the following:

1. An institutional, business, commercial, or industrial activity that is the sole occupant of one or more buildings, or
2. An institutional, business, commercial, or industrial activity that occupies a portion of a building such that:
  - a. The activity is a logical and separate entity from the other activities within the building and not a department of the whole, and
  - b. The activity has either a separate entrance from the exterior of the building, or a separate entrance from a common and clearly defined entryway that has direct access to the exterior of the building.

*Exempt graphic.* A graphic not subject to the provisions of this chapter as enumerated in the permitted graphics section.

*Flashing illumination graphic.* Illumination of a graphic wherein such illumination is not maintained constant in intensity, color and pattern during all times the graphic is activated.

*Flush-mounted graphic.* Any graphic attached to, erected against, or painted on a wall of a building or structure with the exposed face of the graphic in a plane approximately parallel to the plane of the wall and not projecting more than 18 inches from the closest point of the wall and not extending more than three feet above the building or structure roof line.

*Freestanding graphic.* A graphic supported by one or more uprights, poles or braces placed in or upon the ground.

*Frontage.* The linear extent of the lot abutting a street or public roadway, except shopping center frontage which is further defined.

*Gasoline and oil service stations.* Any business which dispenses, or is designed to dispense, gasoline and/or oil for use in motor vehicles or boats, e.g., automobile and truck service stations, convenience stores with gasoline pumps.

*Graphic.* Any identification or advertising sign visible from the public right-of-way or from any parking area used by the general public.

*Graphic for use for a limited period of time.* Any graphic displayed for use for a limited period of time.

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*Historic sign status.* A sign or graphic, which in the opinion of a majority of the Planning Commission has significant historic significance.

*Marquee.* Any basically horizontal awning-like structure of permanent construction projecting from the wall of a building.

*Message.* A communication of identification or advertising information visually perceived which may consist of words, abbreviations, numbers, symbols, pictures, geometric shapes, etc.

*Mobile/portable graphic.* A term commonly used to mean any graphic not designed to be permanently attached to a building or anchored to the ground, and designed to be moved from place to place. Such graphics primarily include, but are not limited to, signs attached to wood or metal frames designed to be self-supporting and movable; paper, cardboard, or canvas signs wrapped around supporting poles.

*Nonconforming graphic.* Any graphic which existed on the effective date of this chapter (or amendment thereto), but which does not comply with the regulations set forth herein.

*Off-premises graphic.* A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

*Permanent sign.* Any sign designed and intended to be permanently affixed to the ground, a building or other permanent structure. Signs originally designed and manufactured to be portable shall not be considered permanent even if modified and permanently affixed to the ground, a building or other permanent structure.

*Projecting graphic.* Any graphic, other than a flush-mounted graphic, which is supported by any exterior wall of a building or suspended beneath any awning, canopy or marquee with the exposed face of said graphic in a plane approximately perpendicular to the plane of the wall and projecting more than 18 inches and no more than three feet from the wall of a building to which it is attached.

*Roof.* Any part of the outside top covering of a building, including any eave or other extension of the covering beyond the wall.

*Roofline.* The edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette, or the side of the building where the graphic is located.

*Roof-mounted graphic.* Any graphic erected, maintained or displayed on the roof of any building or structure.

*Shopping/office center.* Any building or group of buildings that is under single ownership or control that provides common off-street parking facilities and that is occupied by two or more retail sales and/or nonretail office establishments.

*Shopping/office center identification frontage.* Lineal frontage of the development abutting a street or public roadway.

*Shopping/office center identification sign.* Any sign identifying a building or group of buildings that is under single ownership or control that provides common off-street parking facilities and that is occupied by two or more retail sales and/or nonretail office establishments.

*Shopping/office center outlet.* A portion of the original shopping/office center tract sold or otherwise conveyed off to a separately-owned or controlled entity.



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*Shopping/office center outlot frontage.* The width of the outlot that faces the shopping center frontage.

*Shopping/office center retail and nonretail storefront.* The physical limits of the storefront.

*Sign.* Any object, device, display or structure or part thereof, whether located inside or outside a building, which is visible from any lot line, and the primary purpose of which is the conveyance of an idea, advertising, endorsement, identification, or information by means of visual symbols, lettering, illustration or any other means of directing attention or communicating a message.

*Sign walker.* A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product. A person dressed in costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product shall also be construed as a human sign.

*Snipe sign.* A sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, pole, fence, public bench, streetlight pole, or other object, or on any public property or within the right-of-way.

*Special Event.* A special, promotional event by a business involving the temporary display and/or sale of merchandise, entertainment or food and beverage sales where the event does not exceed three consecutive days.

*Street.* A public thoroughfare, maintained by the State of Illinois, township, county, or city which affords the principal means of access to abutting property.

*Window graphic.* Any graphic visible from the exterior of building which is painted on, affixed to, or otherwise attached to the exterior of a window or depicted upon the exterior of a window. A permanent window sign is one that is intended to remain on display for 30 days or more; a temporary window sign is one that is intended to remain on display for a shorter time period.

### **Sec. 155.030. - General regulations.**

- A. *General prohibitions.* Any graphic or sign not expressly permitted by this chapter is prohibited in the City of Troy. Signs in the C-1 Neighborhood Commercial zoning district are not governed by this ordinance. See Article 3 Zoning Regulations, Section 3-1.7 Neighborhood Commercial – C-1 Zoning District of the Troy Zoning Code.
- B. *Calculation of graphic area.* The area of every graphic or sign shall be calculated as follows:
  1. If the graphic is enclosed by a box or outline, the total area contained within that outline, including the background, shall be deemed the graphic area.
  2. If the graphic consists of individual letters, parts or symbols, only the area of an imaginary square or rectangle which would completely enclose all the letters, symbols and parts shall be deemed the graphic area.
  3. Only one side of any double-facing graphics shall be considered in calculating area.
  4. The area of graphics of three-dimensional shapes such as boxes, globes, cylinders, or pyramids shall be computed as one-half of the total of the exposed surfaces.
- C. *Graphic area allowances.* Within the limitations and restrictions as further provided in this chapter, the total of the areas of all graphics which a particular establishment is permitted to display shall be computed as follows:



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1. Two square feet of graphics area per one foot of lineal street frontage in the C-2 General Commercial, C-3 Highway Commercial, I-1 Light Industry and I-2 General Industry zoning districts with a minimum of eight square feet of graphics permitted in these zoning districts.
  2. The total permitted area of graphics shall not exceed 300 square feet per street frontage.
  3. If any establishment has frontage on two or more streets, each side having frontage shall be considered separately for purposes of determining compliance with the provisions of this chapter. The sign area allowances shall not be aggregated on any one side so as to allow any such establishment to display on any one frontage a greater area of graphics than 300 square feet.
  4. The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.
  5. Any signage that is part of the building shall not exceed 10 percent of the total square footage of the respective building face upon which it is placed.
- D. *Illumination.* Illumination of graphics is permitted, subject to the following requirements:
1. No red, yellow, orange, green or other colored light shall be used within 200 feet of a traffic sign or device.
  2. No graphic shall have blinking, flashing, or fluttering lights, which have a changing light intensity, brightness, or color. Beacon lights are prohibited.
  3. The illumination area shall be included in graphic areas allowances.
  4. The light from any illuminated graphic shall be shaded, shielded or directed so as to avoid a nuisance to persons on adjacent property or create a traffic hazard.
  5. No exposed reflective-type bulb and no strobe light or incandescent lamp which exceeds 15 watts or equivalent shall be used in the exterior surface of any graphic in such a manner as to expose the face of the bulb, light or lamp to any public street or adjacent property.
- E. *Movement prohibited.* No graphic which revolves, rotates, or mechanically moves in any manner shall be permitted in the City.
- F. *Obstructions and traffic hazards.*
1. No graphic shall be erected, relocated, or maintained so as to prevent free access to any door, window, fire escape, or driveway.
  2. No graphic shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or can be confused with any authorized traffic sign, signal or device. In addition, no graphic shall contain the words "stop", "go", "caution", "danger", "warning" or similar words unless these specific words are part of the name of the particular business.
- G. *Structural and maintenance requirements.*
1. Every graphic shall be designed and constructed in a manner that is safe and shall conform to the applicable provisions of the building and electrical codes.
  2. The Building & Zoning Official shall have the right under the Administrative and Enforcement section of this ordinance to order the repair and removal of any sign which is defective, damaged, or substantially deteriorated as defined in the International Building Code most recently adopted by the City of Troy.

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### **Sec. 155.040. - Prohibited, permitted and types of signs.**

- A. *Prohibited graphics or signs.* The following graphics or signs are prohibited everywhere in this city:
1. Mobile/portable signs.
  2. Graphics which contain or consist of banners, pennants, streamers, ribbons, strings of exposed light bulbs, spinners or similar devices.
  3. Graphics attached to trees, fences or public utility poles other than warning signs or those graphics issued by public utilities and attached to public utility poles.
  4. Abandoned signs including the posts and other supports which advertise or identify an activity, business, product, or service no longer conducted on the premises where such graphic is located. If the business or service advertised or identified by a nonconforming sign ceases to be conducted for a period exceeding 90 calendar days, the nonconforming sign shall be classified as an "abandoned sign", and shall be removed by the owner, agent, or person having beneficial use of the premises or lot upon which the sign is located within 30 days following receipt of written notice as stated in the Administrative and Enforcement section of this ordinance by the Building & Zoning Official concerning its removal. The Building & Zoning Official can take into account the fact that a sign may be resold as part of the sale of a business when presented with documentation depicting such effort should the Building & Zoning Official decide not to send a written removal notice.
  5. Roof-mounted graphics that extends more than three feet above the highest point of the roof.
  6. Off-premises signs except as provided by a Special Use Permit or in accordance with the State Highway Advertising Control Act, 225 ILCS 440/1-16.
  7. Snipe signs.
- B. *Permitted graphics.* Every graphic enumerated below that complies with the indicated requirements may be erected in any zoning district of this City without a permit, unless indicated otherwise. The area of such graphics shall not be debited against the displaying establishment's sign area allowance:
1. In Commercial and Industrial zoning districts, construction signs identifying the architects, engineers, contractors, and other individuals or firms involved with the construction, and/or announcing the character or purpose of the building but not advertising any product. Such signs shall not exceed 32 square feet in area, shall be confined to the site of the construction, and shall be removed within 10 working days after construction has been completed.
  2. On-premises directional signs such as signs identifying entrances, exits, parking areas, no-parking areas, restrooms, public telephones, walkways, and similar features or facilities. Such signs shall not exceed six square feet in area.
  3. Flags of any country, state, or unit of local government (65 ILCS 5/11-80-17). A maximum of three flags allowed per establishment, or if residentially zoned, per house.
  4. Signs advertising a garage or yard sale on private residential property according to the provisions of Section 4-5.1 Home Occupations of the Troy Zoning Code.
  5. Governmental or public signs, such as traffic control signs, railroad crossing signs, legal notices, and such temporary emergency signs as may be authorized by the Building & Zoning Official.

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6. Holiday decorations such as Christmas lights and ornaments, provided that such decorations must be removed within 30 days after the holiday.
7. House numbers and/or resident-only name signs located on the lot to which the sign pertains. Such signs shall not exceed three square feet in area for single-family dwellings nor six square feet for multiple-family dwellings.
8. Integral signs, memorial signs or tablets carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building and memorial tributes.
9. Interior signs located in any building or within an enclosed lobby or court of any building or group of buildings or interior enclosed/fenced sporting areas.
10. Political campaign signs. All signs which are relating to promoting or publicizing the nomination or election of any individual for a public political office to be voted on in any general or special election or advocating any measure to be voted on in any general or special election, hereinafter referred to as political campaign signs, shall be subject to the following regulations:
  - a. Size of signs. Political campaign signs located in a residential zone shall be limited to a maximum surface area of 16 square feet. Political campaign signs located in zones other than residential zones shall be limited to a maximum surface area of 32 square feet. The maximum square footage shall be based upon one side of the sign. Signs may be two-sided.
  - b. Signs on private property. No political campaign signs shall be erected upon any private property without the permission of the property owner, resident or respective agent. In cases of vacant property, or where there is no occupied structure on the property, no political sign shall be placed thereon without the written consent of the property owner or his agent.
  - c. Political campaign signs shall not be permitted within public rights-of-way. Where the public right-of-way is not clearly defined, this area shall be defined as measuring no less than 10 feet from the back of the improved curb for said facing street.
  - d. Unauthorized signs. Unauthorized signs of any nature located either on City-owned property, whether occupied or vacant, is prohibited and shall be immediately removed.
  - e. Permitted time period. Political campaign signs shall not be displayed prior to 45 days before said election nor after seven days from the date the election was held. In cases where a general election follows a primary election, those signs for candidates whose names will appear on the ballot in the general election may be displayed during the interim period and up to the date the general election results are certified. In all instances herein in which political campaign signs are required to be removed, or if the signs have become detached from their support device or damaged, it shall be the responsibility of the property owner or occupant, if the sign is located on private property, or the respective candidate.
  - f. Signs related to constitutionally protected free speech. Signs expressing constitutionally protected free speech that are:
    - 1.) Not related to promoting or publicizing the nomination or election of any individual for a public political office; or

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- 2.) Not advocating any measure to be voted on in any general or special election; or
  - 3.) Not classified as commercial in nature, shall not be subject to the time period for the removal of political campaign signs, but shall otherwise be subject to all other provisions of this section.
11. Property regulation signs such as no trespassing, beware of dog, no hunting, no fishing, etc. Such signs shall not exceed three square feet in area.
  12. Public interest signs publicizing a charitable or nonprofit event within the City's jurisdiction. Such signs shall be permitted only for 30 days before and three days after the event and shall be limited to 15 signs total. Street banners or graphics that advertise a civic function are permitted as authorized by the Building & Zoning Official.
  13. Real estate signs indicating the sale, rental, or lease of the premises on which said signs are located. Such signs on residential property shall not exceed nine square feet in area; on other commercial property such signs shall not exceed 32 square feet. No more than one real estate sign per street front shall be placed on any lot. Such signs shall be removed within seven days after the sale, rental, or lease.
  14. Residential development identification structures at major entrances designed to identify a residential subdivision, apartment complex, or planned development; containing no commercial advertising; and not exceeding 75 square feet in total area including the monument and located on-premises.
  15. Utility company signs that serve as an aid to public safety or that show the location of public telephones, underground cables, etc.
  16. Historic building signs or plaques containing no advertising and limited to four square feet in area. Applicants desiring a historic sign status shall comply with all requirements of the Historic Preservation Ordinance.
  17. Special event graphics for commercial purposes will be allowed for no more than 14 days, and no more than three special promotions allowed per year, and permit must be obtained from the City, at least five days prior to the event. All special event graphics must meet the requirements of this ordinance.
  18. Public signs such as street identification signs, traffic signs, and other public interest signs erected by the City of Troy or the State of Illinois.
  19. Home occupation interior or exterior business signs shall not be larger than two square feet in area, unlighted, and installed only on the dwelling building itself.
- C. *Residential zone districts.* Upon the effective date of this chapter, no signs or other graphics except those listed in the Permitted Graphics section of this ordinance shall be erected in any residential portion of a planned development, planned development district or in any other residential district.
- D. *Commercial zone districts.* No establishment located in any commercial district, any commercial or industrial portion of a planned development, or any industrial district shall display a total area of signs in excess of its sign area allowance as required in the Graphic Area Allowance section of this ordinance. Additionally, signs in any commercial district, any commercial or industrial portion of a planned development district or in any industrial district shall conform to the requirements indicated in the subsections below.

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1. *Flush-mounted graphics.* Total square footage of flush-mounted graphics area shall not exceed 10 percent of the total square footage of the building face upon which placed. No flush-mounted graphic shall:
  - a. Project more than 18 inches from the wall or surface to which it is attached. If such wall or surface is not vertical, the projection shall be measured from the closest point of the wall or surface to the graphic; or
  - b. Extend more than three feet above the roofline of the building to which it is attached.
2. *Projecting graphics.* One projecting graphic per street frontage may be substituted for the flush-mounted graphic. No projecting graphic shall:
  - a. Project over a public right-of-way or closer than two feet to the curb or edge of such vehicular way (65 ILCS 5/11-80-14); or
  - b. Project more than three feet from the building to which it is attached; or
  - c. Extend below a point eight feet above the ground or pavement; or
  - d. Extend more than three feet above the roofline of the building to which it is attached (not on top of the roof); or
  - e. Exceed 12 square feet in area.
3. *Window graphics.* Any commercial, industrial or institutional establishment may display permanent window graphics. Permanent window graphics shall cover no more than 20 percent of any window or 20 square feet of window, whichever is less. Permanent window graphics shall be debited against the total area of all graphics permitted.
4. *Awning, canopy, and marquee with graphics.* Graphics mounted flush against awning, canopy, or marquee shall be considered flush-mounted graphics, and shall comply with the regulations of such. Graphics suspended beneath any awning, canopy or marquee shall be considered projecting graphics, and shall comply with the regulations of such. An awning, canopy or marquee graphic may be painted on directly, and shall comply with the graphic area allowances section of this ordinance.
5. *Shopping/office center freestanding graphics.* A shopping/office center - as an entity - may erect an identification sign in accordance with the provisions of this chapter:
  - a. Shopping/office center identification graphics shall not exceed 100 square feet when identifying only the shopping center.
  - b. Freestanding graphics shall not exceed 200 square feet when identifying the shopping/office center and/or tenants.
  - c. No shopping/office center shall have more than one freestanding graphics identifying the shopping center and/or tenants.
  - d. Tenants that are identified on the shopping/office center freestanding graphic shall have the square footage included as part of the tenant's overall allowable signage.
  - e. Outlots with street frontage shall be allowed a freestanding graphic in accordance with the Freestanding Graphics section of this ordinance.

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- f. No point of any freestanding graphics shall project over or intrude into any public right-of-way or private lot line and no freestanding graphic shall be higher than two feet in the intersection sight triangle.
  - g. A freestanding graphic shall not extend more than the maximum height allowed in the Freestanding Graphics section of this ordinance.
6. *Freestanding graphics.* No establishment in any zoning district may have more than one freestanding graphic on any lot, except in C-3, I-1 and I-2 zoning districts. In these zoning districts, an establishment may have a maximum of two freestanding graphics on any lot, with one freestanding graphic not exceeding the height allowed under the freestanding graphics section of this ordinance and one freestanding graphic not extending 25 feet above the ground.

Minimum distance apart for two freestanding graphics on one parcel in C-3, I-1 and I-2 zoning districts: If an establishment in these zoning districts erects two freestanding graphics on one parcel of land and both freestanding graphics are located in the front half or both freestanding graphics are located in the back half of the property, the minimum distance apart shall be one-half of the parcel's street frontage. If an establishment in these zoning districts erects one freestanding graphic on the front half of the property and the other freestanding graphic on the back half of the property, the minimum distance apart shall be one-half of the parcel's depth. The front half of the property shall be determined by the legal address. Under no circumstance shall two freestanding graphics constructed on one parcel in these zoning districts be placed closer than 150 feet apart.

Freestanding graphics shall comply with the following regulations:

- a. No point of any freestanding graphics shall project over or intrude a private lot line, and no freestanding graphic shall be higher than two feet in the intersection sight triangle.
- b. No freestanding graphic shall exceed 100 square feet in area or 12 feet in any dimension, except for freestanding graphics in C-3, I-1 and I-2 zoning districts which shall not exceed 300 square feet in area. This paragraph does not apply to shopping center identification graphics.
- c. Freestanding graphics shall have a decorative post/pole wrap consisting of comparable construction materials. Any advertising on the wrap will contribute to the total square footage of the sign.
- d. Height of sign—Districts.
  - 1.) When attached to a post or other supports, a freestanding graphic shall not extend more than 80 feet above the ground or pavement in C-3, I-1 and I-2 zoning districts except on those parcels of ground contiguous to U.S. Highway 40 from Alarth Drive to the eastern city limits which shall not extend more than 25 feet above the ground or pavement in C-3, I-1 and I-2 zoning districts.
  - 2.) When attached to a post or other supports, a freestanding graphic shall not extend more than 25 feet above the ground or pavement in a C-2 zoning district.

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7. *Off-premises signs.*
  - a. Off-premises signs are permitted on either side of a federal interstate highway for 660 feet from the nearest edge of the right-of-way, in accordance with the State Highway Advertising Control Act, 225 ILCS 440/1 through 440/16 and as it may hereafter be amended and which is exempt from this chapter.
  - b. Off-premises signs are permitted by special use permit only on Edwardsville Road/Highway 162 and Highway 40 with the following requirements.
    - 1.) No such off-premises signs shall be located closer than 300 feet to another off-premises sign, on either side of the roadway.
    - 2.) All off-premises signs shall be constructed upon a single pole made of steel or metal of equivalent strength.
    - 3.) No off-premises sign shall exceed 25 feet at its highest point.
    - 4.) Off-premises signs shall not be permitted within or over the public right-of-way.
    - 5.) No more than five off-premises signs are permitted per mile on each side of the roadway. Nonconforming off-premises signs shall be included in this determination.
    - 6.) The graphic area allowance for off-premises signs shall not exceed 100 square feet.
    - 7.) Other regulations contained in this ordinance may also apply to off-premises signs.
8. *Planned development (PD) and planned development districts.* Signage shall be in compliance with the City's sign ordinance unless the applicant for a PD district designation elects to submit a "Comprehensive Sign Plan" as defined in the Planned Development section of the Zoning Ordinance. The Planning Commission may recommend, and the City Council may approve, a Comprehensive Sign Plan and such plan shall be made part of the approved planned development district. The Zoning Ordinance may contain conditions, requirements or standards regarding signs that may be stipulated by the City Council, along with the criteria used to evaluation sign plan.
9. *Electronic message center signs (EMCS).*
  - a. An electronic message center sign shall be permitted only as an integral component of a freestanding sign or, to the extent permitted by these regulations, as an integral component of a building sign.
  - b. Electronic message center signs (EMCS) may be substituted in lieu of other permitted signs pursuant to this section. Portable or temporary EMCS are prohibited. The EMCS shall be further restricted by the additional standards in this subsection.
  - c. Area. An electronic message center sign shall comprise less than 50 percent of the overall sign area of the sign structure and shall not, in any case, exceed 32 square feet in area. An electronic message center sign shall be compatible with the design of the sign structure, including width, depth, and color of the cabinet.
  - d. Message duration. Advertising messages, information, images and background shall remain in a fixed, static position for a minimum of eight seconds. The change sequence must be accomplished within an interval of two seconds or less.



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- e. **Illumination.** The outdoor advertising sign shall have an automatic dimmer (factory set to the illumination intensities as follows) and a photo cell sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists and shall not interfere with any driver's operation of a motor vehicle. The sign shall not exceed a maximum illumination of 7,500 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. Any external illumination devices shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a street or highway, or any residential use.
  - f. **Limitations.** No moving, rotating, fluttering, blinking, or flashing elements are permitted. No animation, video, audio, pyrotechnic, or bluecasting components are permitted.
  - g. **In addition, the following standards shall apply to all EMCS:**
    - 1.) The EMCS shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down; and
    - 2.) The EMCS shall not display any message that moves, appears to move, scrolls, or changes in intensity during the fixed display period.
    - 3.) When in the opinion of the Building & Zoning Official an EMCS is proposed for a project or building or within the C-4 zoning district, review and approval of said EMCS shall be conducted by the Planning Commission when determined satisfactorily that the requested EMCS will pose no substantial harm to the historic character of said structure, project or area.
10. **Sign package.**
- a. **Required.** A sign package is required for review by the Planning Commission for the following signs:
    - 1.) Electronic message center signs in the C-4 zoning district; or
    - 2.) In the opinion of the Building & Zoning Official, any sign can be brought to the Planning Commission for review and approval including projects with multiple buildings or tenants, unique circumstances such as poor visibility or irregularly shaped sites, or when a uniquely creative approach to signage design is proposed.
  - b. **Specific intent.** The specific intent of this procedure is to provide a process to evaluate the number, size, location, height, and design of signage within a project on a comprehensive basis to ensure that it is installed as a consistent, integrated component of the development and zoning district.
  - c. **Submittal requirements.** Said sign package shall include:
    - 1.) The location of the buildings, structures, or lots on which the signs are to be installed;
    - 2.) A site plan of the property involved, showing accurate placement thereon of the proposed signs;
    - 3.) Photographs, illustrations, or renderings of the building, site, and/or other signage on the site as required to determine consistency;

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- 4.) Other materials or evidence as may be required to demonstrate compliance with the review criteria; and
  - 5.) Fees. Filing and review fees as established by the City Council.
  - d. *Review criteria.* Signs within the proposed package may deviate from the number, size, location, height, and design criteria specified by this section for each type of sign, provided that a variance is approved.
  - e. *Approved sign package.* The approved sign package shall be retained on file in the Building & Zoning Department.
  - f. *Sign permit.* A sign permit shall be required to install each sign in the approved package.
  - g. *Amendment to sign package.* Applications to amend any portion of an approved sign package shall be made to the Planning Commission for review and recommendation.
11. *Sign walkers:* Sign walkers shall be permitted, subject to the following regulations:
- a. *Location.* Sign walkers, with permission from the property owner and/or jurisdiction, shall be located only on the real property that the business, goods or services are located:
    - 1.) At grade level.
    - 2.) Prohibited locations: sign walkers shall not be located:
      - A.) Within the public right-of-way;
      - B.) In raised or painted medians;
      - C.) In parking aisles or stalls;
      - D.) In driving lanes or driveways;
      - E.) So that less than a minimum of four feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic;
      - F.) On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure;
      - G.) Within a minimum distance of 20 feet from any other sign walker; or
      - H.) In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.
  - b. *Display.* Signs shall be:
    - 1.) Displayed only during the hours the business is open to conduct business.
    - 2.) Held, worn or balanced at all times.
  - c. *Elements prohibited.* The following shall be prohibited:
    - 1.) Any form of illumination, including flashing, blinking, or rotating lights;
    - 2.) Animation on the sign itself;
    - 3.) Mirrors or other reflective materials;
    - 4.) Attachments, including, but not limited to, balloons, ribbons, speakers; and
    - 5.) Noise making devices.

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12. *C-4 Old Town zoning district signage.* Signage in the Old Town zoning d District shall be subject to the following:
- a. New signs and all physical changes to existing signs in the C-4 Old Town zoning district shall adhere to these regulations, and shall require a sign permit from the City of Troy Building & Zoning Department ;
  - b. Preferred sign types include building mounted signs that face the street, window signs, projecting signs, and signs on awnings;
  - c. Pylon/pole, back-lit, neon, or scrolling LED and digital reader board signs may be permitted in the C-4 Old Town zoning district based on the following considerations:
    - 1.) Consistency and compatibility of requested signage with the overall design and architecture of building it is attached to or project it is associated with; and
    - 2.) Consistency and compatibility with the intent of the Old Town District.
  - d. Wall signs, ground/monument signs, awning signs, canopy signs and blade or projecting signs are permitted following review and approval of the Building & Zoning Official;
  - e. Sandwich board signs (or "A-frame" type signs) may be placed on the sidewalk but shall not intrude into a four foot wide pedestrian access route. Sandwich board signs must be removed from the sidewalk at dusk until dawn;
  - f. Signs shall not blink, flash, spin or move in any manner;
  - g. Two-sided projecting signs that face up and down the street are permitted when meeting the following:
    - 1.) Located above the horizontal expression line that defines the ground floor facade;
    - 2.) Centered on the storefront or above the entryway;
    - 3.) The sign itself shall not be:
      - A.) Greater than 42 inches in width or 42 inches in height;
      - B.) Greater in width than in height;
      - C.) Not extend more than 36 inches from the building face;
      - D.) Provide a minimum 10 foot vertical clearance above the sidewalk; and
      - E.) A decorative hanger shall be required for attachment.
  - h. Rooftop signs are prohibited;
  - i. Sign colors shall relate to and complement the primary colors of the building facade;
  - j. Sign design and placement shall fit the character of the building and should not obscure desirable architectural details;
  - k. Artistic projecting signs shall be permitted provided they are proportional and complementary to the architecture of the building;
  - l. Signage on awnings shall be permitted on the "fringe" portion as long as it is complementary and does not contrast the architecture of the building;

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- m. Awnings may be lit from above and/or may feature lighting beneath to illuminate the sidewalk;
- n. Glowing awnings are prohibited; and
- o. Temporary product signage can be placed in display windows but limited to 20 percent of the total area of glazing. These signs shall be of professional appearance.

### 13. *Special displays and other temporary signs.*

- a. The following temporary signs may be approved by the Building & Zoning Official and shall require a sign permit:
  - 1.) Building wall-mounted banners not to exceed 50 square feet.
- b. Frequency and duration. The use of such signs for special promotions shall be limited to three such events for each business in a calendar year with a maximum time period of 14 days for each event. These events may be consecutive.

### **Sec. 155.050. - Administration and enforcement.**

- A. *Enforcement officer, duties.* The Building & Zoning Official is hereby authorized and directed to administer and enforce the provisions of this chapter. This responsibility includes, but is not limited to, the following:
  - 1. To supervise the registration of all existing graphics;
  - 2. To review and approve applications for graphics permits;
  - 3. To inspect existing and newly constructed graphics to determine compliance with the provisions of this chapter, and where there exists violations, to initiate appropriate corrective actions;
  - 4. To review and forward to the Planning Commission all applications for variances, appeals and amendments.
  - 5. To maintain up-to-date records of said application and of any official actions taken pursuant thereto;
  - 6. To periodically review the provisions of this chapter to determine whether revisions are needed, and to make recommendations on these matters to the City Council at least once each year; and
  - 7. To provide information to the general public on matters related to this chapter.
- B. *Notification to existing graphic owners.* Publication of this chapter is required 10 days before it becomes effective.
- C. *Graphic permit.* No sign, billboard or other graphic, except those exempted from the provisions of this chapter shall be erected, altered, expanded, relocated or reconstructed without a graphic permit issued by the Building & Zoning Official.
  - 1. Application for permit. Application for a graphic permit shall be made on forms provided by the Building & Zoning Official and shall include the information listed below:
    - a. Name, address, and telephone number of the applicant;

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- b. Name, address, and telephone number of the owner of the premises on which the graphic is to be erected;
  - c. Location of the building, structure, or lot where the graphic is to be erected, and the zone district classification;
  - d. Description of the graphic indicating location, dimensions, area, height, illumination method of support;
  - e. Position of graphic in relation to nearby buildings, street grade and traffic control devices;
  - f. Amount of street frontage that the establishment which proposes to display the graphic has and the total area and type of all existing signs on said premises;
  - g. If application for sign permit is for signage for a building to be newly constructed, a site plan displaying all sign locations, a complete set of final drawings displaying all elevations, and the building permit number; and
  - h. Such other information as the Building & Zoning Official shall require to determine full compliance with this chapter.
- D. *Issuance of permit.* Upon the filing of an application for a graphic permit, the Building & Zoning Official shall examine the plans and specifications and the premises upon which the graphic is to be located. If the proposed graphic meets the requirements of this chapter, a permit shall be issued within 14 days of this application. If the graphic does not meet the requirements of this chapter, the Building & Zoning Official shall deny the permit and within 14 days of the application, respond to the applicant in written form. All signs authorized under a graphic permit must be completed within six months after the date of issuance.
- E. *Nonconforming graphics.* A nonconforming graphic is one lawfully erected and existing as of the date that this chapter became effective, or prior to any amendment hereto, but which does not comply with the regulations set forth herein or to any applicable amendments hereto. All nonconforming graphics are either subject to amortization for a period of one year from the date that the chapter becomes effective, or for a period of one year from any amendment hereto as to those rendered unlawful by reason of such amendment, or they are allowed to remain indefinitely under certain conditions (which is sometimes referred to as grandfathering).
- 1. *Nonconforming, one-year amortization.* All nonconforming graphics that are rendered nonconforming by reason of Sections 155.030.E-G and 155.040.A are subject to a one-year amortization period from the date that this chapter becomes effective, and they shall either be removed or brought into compliance with ordinance provisions within the amortization period.
  - 2. *Nonconforming, unlimited (grandfathered).* All other nonconforming graphics shall be allowed to remain and be maintained by ordinary repairs as long as each graphic is registered with the Building & Zoning Official's office within one year from the effective date of this chapter, but each such graphic shall not be:
    - a. Replaced or changed by another nonconforming graphic (provided that changing the message on a changeable copy graphic or off-premises graphic shall not be deemed a violation of this provision);
    - b. Altered or enlarged (provided that changing the message on a changeable copy graphic or off-premises graphic shall not be deemed a violation of this provision);
    - c. Relocated unless it is made to conform with this chapter;

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- d. Reconstructed after damage or destruction in an amount exceeding 50 percent of its replacement value at the time of the loss; or
- e. Structurally altered to prolong the life of the graphic.

If the sign is not registered within the registration period, then the sign is not grandfathered and is required to be removed or brought into compliance with this chapter at the expiration of the one-year registration period.

This subsection includes all prohibited signs and all graphics rendered nonconforming under sections other than those listed in subparagraph 1, above. The type, location, area, height, size, shape and number of grandfathered graphics shall be included in any calculation when determining compliance of new or altered graphics for each establishment.

- F. *Unsafe or unlawful graphics.* Whenever the Building & Zoning Official finds that any graphic or supporting structure is in violation of this chapter, the Building & Zoning Official shall notify the responsible party, and shall order the appropriate corrective action.

The notice requirement shall not apply whenever the Building & Zoning Official determines that any graphic poses an imminent threat of injury to life or property.

1. Contents of written notice. The corrective order notice shall be in writing and shall include:
  - a. Location of the premises upon which the graphic exists;
  - b. Statement of the nature of the violation;
  - c. Statement of the corrective action necessary to bring the graphic into compliance;
  - d. The date by which the violation must be corrected;
  - e. The date by which an appeal of the corrective order must be filed; and the procedures for filing an appeal;
  - f. Statement that failure to obey the corrective action order shall result in revocation of the graphic permit, and may result in further remedial action including removal and/or fines.
2. Notification procedure. A corrective action order notice shall be served to the owner of the graphic by:
  - a. Personal delivery; or
  - b. Sent by registered mail to last known address.

- G. *Remedial action by City.* Whenever the recipient of a corrective action order notice fails to obey said order within the time limit set forth therein or in any emergency, the Building & Zoning Official may alter/remove the subject graphic or take any other action necessary to effect compliance with this chapter.

1. Reimbursement for expenses.
  - a. Any expense incurred by this City pursuant to authorized graphic corrective action shall be billed by first-class mail to the owner, or agent of the graphic or premises upon which the graphic is located.

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- b. If said bill has not been paid within 10 days, the unpaid charge shall constitute a lien upon the real estate where the graphic is located. The Building & Zoning Official is hereby authorized to file a notice of lien in the Office of the Recorder of Deeds of Madison County, Illinois, and to authorize any legal proceedings necessary to ensure compliance and/or collection.
- H. *Complaints.* Whenever any violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint with the City. The Building & Zoning Official shall record such complaints, promptly investigate, and, if he/she deems necessary initiate appropriate corrective action.
- I. *Penalties.*
  - 1. Any person who is convicted of a violation of this chapter shall be fined not less than \$50.00 nor more than \$750.00, plus costs. Each day that a violation continues shall be considered a separate offense.
  - 2. Nothing contained in this section shall prevent the City of Troy from taking any other lawful action that may be necessary to secure compliance with this chapter.
- J. *Schedule of Fees.* All fees indicated below shall be paid by the applicant upon submission of the proper permit application. Said fees are intended to defray the administrative costs connected with the processing/conducting of the listed permits/procedures; they do not constitute a tax or other revenue-raising device.

Permit/Procedure	Fee
Special Event Sign Permit	\$25.00
Graphic Permit	100.00
Appeal	250.00
Variance	250.00
Amendment	250.00

**Sec. 155.060. - Special permits and procedures.**

- A. *Planning Commission.* The Planning Commission shall hear appeals and variance requests regarding graphic permits, appeals, variances, amendments, and other matters arising under this chapter, and shall perform such other duties as the City Council may prescribe.
- B. *Appeals.* Any person aggrieved by any decision or order of the Building & Zoning Official in any matter related to the interpretation or enforcement of any provision of this chapter may appeal to the Planning Commission.
  - 1. *Filing, stay of further proceedings.* Every appeal shall be made within 30 days of the matter complained of by filing with the Building & Zoning Official a written notice on a prescribed form specifying the grounds for appeal. Thereupon, the Building & Zoning Official shall promptly transmit all pertinent records to the Planning Commission.

An appeal stays all further action on the matter being appealed unless the Building & Zoning Official certifies to the Planning Commission, after the notice of appeal has been filed, that for reasons stated in the certificate, a stay would cause imminent peril to life or property. In such case, further action shall not be stayed unless the Planning Commission or the Circuit Court grants a restraining order for due cause, and so notifies the Building & Zoning Official.



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2. *Public hearing; notice.* The Planning Commission shall hold a public hearing on every appeal within 45 days after the filing of the appeal notice. At the hearing, any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of hearing, and briefly describing the nature of the hearing, shall be given not more than 30 nor less than 15 days before the hearing by publication in a newspaper of general circulation within this municipality.
  3. *Action by Planning Commission.* Not later than 10 days after the public hearing, the Planning Commission shall submit their recommendation/findings of fact in writing to the City Council. The Planning Commission shall not recommend any appeal unless they find that it is in the public interest and not merely for the benefit of the party appealing.
  4. *Decision by the City Council.* The City Council shall act on every proposed appeal at their next regularly scheduled meeting. The City Council may approve, wholly or partly, may modify or amend, or may not approve the Planning Commission's recommendation from the extent and in the manner they deem appropriate. Such decision shall be in the form of a resolution and be binding upon the Building & Zoning Official.
- C. *Variances.* A variance is a relaxation of the requirements of this chapter that are applicable to a particular graphic.
1. *Application.* Every application for a graphic variance shall be filed with the Building & Zoning Official on a prescribed form. The Building & Zoning Official shall promptly transmit said application to the Planning Commission. The application shall contain sufficient information to allow the Commission to make an informed recommendation, and shall include, at a minimum, the following:
    - a. Name and address of applicant;
    - b. Location of the graphic for which the variance is sought;
    - c. Name and address of the property owner upon which the graphic may be located;
    - d. Explanation of the grounds for the variance request;
    - e. Specific section(s) of this chapter containing the regulations which, when applied, would cause the problem;
    - f. A site plan, sketch or other graphic, illustrating the proposed graphic; and
    - g. Any other pertinent information that the Building & Zoning Official may require.
  2. *Public hearing notice.* The Planning Commission shall hold a public hearing on each variance request within 45 days after the variance application is submitted to them. At the hearing any interested party may appear and testify, either in person or by duly authorized agent or attorney. Notice indicating the time, date, and place of the hearing, and the nature of the proposed variance shall be given not more than 30 nor less than 15 days before the hearing:
    - a. By first-class mail to the applicant and to all owners of property contiguous to the property affected by the proposed variance.
    - b. By publication in a newspaper of general circulation within this municipality.

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3. *Action by Planning Commission.* Not later than 10 days after the public hearing, the Planning Commission shall submit their recommendation/findings of fact in writing to the City Council. The Planning Commission shall not recommend any proposed variance unless they find that it is consistent with the general purposes of the ordinance, and that the strict application of requirements would result in great practical difficulties or hardship to the applicant.
4. *Standards for variances.* The Planning Commission shall not recommend any graphic variance unless, based upon the evidence presented to them, they determine that:
  - a. The proposed variance is consistent with the spirit and purpose of this chapter and will not cause injury to the area in which the graphic is/will be located or be detrimental to the public welfare in any way; and
  - b. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship while protecting the broader public interest; and
  - c. The plight of the applicant is due to peculiar circumstances not of his/her own making; and
  - d. The peculiar circumstances of the variance request are not applicable to other graphics in the City, and therefore, that a variance would be a more appropriate remedy than an amendment.
5. *Decision by the City Council.* The City Council shall act on every proposed variance at their next regularly scheduled meeting. The City Council may approve, wholly or partly, or may modify or amend, or may not approve the Planning Commission's recommendation from the extent and in the manner they deem appropriate. Such decision shall be in the form of a resolution and be binding upon the Building & Zoning Official.