

**CITY OF HIGHWOOD**

**ORDINANCE NO. 2005-O-6**

**AN ORDINANCE ADOPTING AMENDMENTS TO  
THE CITY OF HIGHWOOD APPEARANCE CODE**

**ADOPTED BY THE CITY COUNCIL  
OF THE  
CITY OF HIGHWOOD, LAKE COUNTY, ILLINOIS  
ON  
THE 1<sup>ST</sup> DAY OF FEBRUARY, 2005**

Published in pamphlet form by authority of the City Council  
of the City of Highwood, Lake County, Illinois  
on this 1<sup>st</sup> day of February, 2005

John Sirotti	Mayor	Charles B. Pecaro	Alderman
		Dominic Ugolini	Alderman
Susan Druktenis	Clerk	Ozzie Mazzetta	Alderman
		Margaret Ronzani	Alderman
Lori Neiman	Treasurer	Ralph Lenzini	Alderman
		M.J. Oistad	Alderman
Paul P. Diambri	Attorney	Jack C. Johnson	Alderman
		David N. Neiman	Alderman
Marc P. Huber	Administrator		

CITY OF HIGHWOOD ORDINANCE NO. 2005-O-6

**AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF HIGHWOOD  
APPEARANCE CODE**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY  
OF HIGHWOOD**, Lake County, Illinois, as follows:

**SECTION ONE:** That the attached be, and the same is hereby adopted as the Appearance Code of the City of Highwood to be known as the “*City of Highwood Appearance Code*” or “*Appearance Code*”.

**SECTION TWO:** All Ordinances or parts of Ordinances in conflict herewith (including but not limited to Ordinance No. 84-O-21, Ordinance No. 87-O-18, Ordinance No. 90-O-5, Ordinance No. 90-O-21, Ordinance No. 93-O-13, Ordinance No. 93-O-35, Ordinance No. 94-O-18, Ordinance No. 95-O-3, Ordinance No. 96-O-35, Ordinance No. 99-O-13, Ordinance No. 99-O-26, Ordinance, Ordinance No. 2000-O-59, Ordinance No. 2001-O-41 and all amendments thereto) are hereby repealed.

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

**SECTION FOUR:**

The Sections of this Ordinance shall be deemed to be separate and the invalidity of any portion or Section of this Ordinance shall not effect the validity of the remainder.

PASSED this 1st day of February, 2005.

AYES: 6      NAYS: 0      ABSENT: 2      ABSTAIN: 0

APPROVED this 1st day of February, 2005.

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**JOHN P. SIROTTI**  
Mayor, City of Highwood

ATTEST:

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Susan Druktenis, City Clerk

**CITY COUNCIL MEMBERS:**

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Ozzie Mazzetta	X			
Dominic Ugolini	X			
Margaret Ronzani	X			
Charles B. Pecaro	X			
M.J. Oistad	X			
Ralph Lenzini			X	
David N. Neiman			X	
Jack C. Johnson	X			

**CERTIFICATION BY CITY CLERK**

I, Susan Druktenis, duly elected and qualified City Clerk of the CITY OF HIGHWOOD do hereby certify that this Ordinance was passed on the date above written, and published by the authority and direction of the City Council on the 1st day of February, 2005.

(Seal)

Susan Druktenis, City Clerk

**CITY OF HIGHWOOD APPEARANCE CODE**

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## CHAPTER 1

### INTRODUCTION

#### 1.1 Findings, Intent, Purpose and Construction

1.1.1 The City finds that appearance and design have a direct relationship to the economic value of property, stability, safety and quality of life. When the appearance of public areas, business districts, and the residential districts is good, shoppers, business owners and home owners exhibit increased confidence in the community. Conversely, poor appearance, congestion, and lack of proper maintenance decrease the quality of life, property values, diminish revenues and opportunities for the City and individuals. As the appearance of the City is improved, the number and character of customers, investors and visitors to the business districts will increase, and the residential districts will benefit.

1.1.2 That the purpose of the this Code and the Appearance Review Committee:

- a. To promote those qualities in the environment that bring value to the City.
- b. To foster the attractiveness and functional utility of the City as a place to live and work.
- c. To preserve the character and quality of the City's heritage by maintaining the integrity of areas that have maintained a discernible character or are of special significance.
- d. To protect public and private investment in the City.
- e. To raise the level of community expectations for the quality of its environment.
- f. To avoid and prevent deterioration of the character and appearance of the City.
- g. To provide a favorable environment for residents and business activities.
- h. To preserve and enhance the condition of the City and consequently improve property values.
- i. To enhance the environment throughout the City.
- j. To develop and recommend standards for those seeking to develop properties and/or businesses in the City and to the Corporate authorities for their consideration and implementation.

- 1.2 Liberal Construction. The City recognizes that whenever any public authority legislates for the public good, it affects private rights and interests. Therefore the City strives to make laws which strike a fair balance between the need of the community as a whole and the needs of the individual. The limitations and requirements imposed by this Code are enacted because the reasons for them are compelling and essential to the future of the City. It is the intent of this Code to retain Highwood's cultural heritage, and the traditional excellence of its dining, entertainment and other business establishments, while also attracting and integrating new business establishments, and to promote the public safety, health and welfare. Accordingly, this Code shall be liberally construed to promote the interests expressed in the preceding paragraphs.

## CHAPTER 2

### DEFINITIONS

- 2.1 Rules: In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.
- 2.1.1 Words used in the present tense shall include the future; and words used in the singular number shall include plural number, and the plural, the singular.
- 2.1.2 The word "shall" is mandatory and not discretionary.
- 2.1.3 The word "may" is permissive.
- 2.1.4 The masculine gender includes the feminine and neuter.
- 2.1.5 Any words not defined as follows shall be construed in their general accepted meaning as defined by Webster's Dictionary.
- 2.1.6 The section headings used in this Code are included solely for convenience and shall not affect, nor be used in connection with the interpretation of this Code.
- 2.2 Definitions. For the purpose of this Ordinance, the following definitions shall apply:
- 2.2.1 Appearance Review Committee, ARC or Committee: Is the Appearance Review Committee of the City of Highwood, established by this Ordinance.
- 2.2.2 Applicant: A person, firm or legal entity seeking an approval or permit required by this Code.
- 2.2.3 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.
- 2.2.4 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.
- 2.2.5 Architectural Feature: A prominent or significant part or element of a building, structure, or site.
- 2.2.6 Architectural Style: The characteristic form and detail, as of buildings of a particular historic period.
- 2.2.7 Attractive: Having qualities that arouse interest and pleasure in the observer.

- 2.2.8 Berm: An earth embankment that is similar to a mound except that it is extended to become a linear landform; it is often combined with fencing or planting to create a visual or sound barrier.
- 2.2.9 BOCA: The BOCA Basic Building Code. (as adopted by the City of Highwood.)
- 2.2.10 Buffer Strip: Using plant material to buffer surrounding unsightly views or between unrelated land uses (i.e. parking lot and cars buffered from neighborhood parks) and/or an area of plant material used to buffer surrounding views.
- 2.2.11 Building Official/Building Department: Is the Building Official or designee, or Building Department of the City of Highwood.
- 2.2.12 Business Districts/Business Zoning: The zoning district(s) in the City of Highwood in which business uses are permitted, consisting of B-1, B-2, and B-3.
- 2.2.13 Building Face: Any building surface or exterior wall or projection that is adjacent to, or open to public view from any street, place, alley, thoroughfare, parking lot, or way. For purposes of this Code, a building may have more than one Building Face.
- 2.2.14 Caliper: The diameter of a tree's trunk, normally measured at a height of 6" above ground level.
- 2.2.15 Canopy: Also an awning. See marquee signs.
- 2.2.16 Certificate of Approval: A Certificate issued by the ARC under the provisions of this Ordinance that certifies the exterior design features of an Applicant's plans as suitable and as consistent with the Appearance Code. The minutes of the ARC may suffice.
- 2.2.17 City: The City of Highwood, Lake County, Illinois.
- 2.2.18 City Council: The City Council of the City of Highwood, Illinois.
- 2.2.19 Combustible Material: A material that will ignite when heated to a temperature at or below 1200 degrees Fahrenheit and continues to burn or glow.
- 2.2.20 Compatible: Harmony in the appearance of two or more buildings, structures, and landscape developments in the same vicinity.
- 2.2.21 Continuity: Unity of composition between design elements of a building, or a group of buildings, and the landscape development.
- 2.2.22 Dead Load: The weight of all permanent structural and non structural components of a building such as walls, floors, roofs, and fixed service equipment.

- 2.2.23 Design Elements: The details or components which collectively comprise the facade, building, structure, sign or landscape plan including the kind, color and texture of the materials of such portion and the types of roof, windows, doors, lights, lighting, attached or ground signs and/or other fixtures appurtenant to same, as will be open to public view from any street, alley, place thoroughfare or way.
- 2.2.24 Dwelling: Any structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.
- 2.2.25 Dwelling Unit: The permanent or temporary abode of a family, an individual, or group of individuals; a single unit providing complete independent facilities for the exclusive use of the family, individual, or group of individuals, including but limited to permanent provisions for living, sleeping, eating, cooking and sanitation.
- 2.2.26 Exterior Design Feature: The general arrangement of any portion of a facade, building, structure, sign, and/or landscaping, including the kind, color and texture of the materials of such portion and the types of roof, windows, doors, lights, lighting, attached or ground signs or other fixtures appurtenant to such portions, as will be open to public view from any street, alley, place thoroughfare or way.
- 2.2.27 Facade: For the purposes of this paragraph means an external face of a building which is open to public view or adjacent to and mainly faces any street, place, alley, thoroughfare, parking lot, or way. For purposes of this Code, a building may have more than one Facade.
- 2.2.28 Family: An individual, or two or more persons related by blood or marriage or adoption, living together in a dwelling unit; or a group of not more than four persons who need not be related by blood or marriage, or adoption, living as a single housekeeping unit in a dwelling unit, and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage or adoption.
- 2.2.29 Landscape Plan: A detailed, scaled (ex. 1/8"=1'0") drawing showing:
- a. Existing vegetation noting species, size and driplines of trees 2-1/2" caliper and larger, with a distinction shown between vegetation to be retained or removed;
  - b. New plant material (proposed) trees, shrubs, evergreens, groundcover and lawns) noting quantities, species (botanical and common names), and size (in caliper or height at time of installation), and graphically distinguishing between new and existing plant material and between species of new plant material; All other existing features such as buildings, fences, walks, etc.;
  - c. Site furnishings and specialties;
  - d. Existing site conditions;

- e. Paving materials;
- f. Height and locations of flagpoles, signage, light standards and fences;
- g. Screening, noting materials used as screen, height of screen material, device or area which requires screening and height of device to be screened . Please note that exterior areas which require screening include parking, refuse storage and mechanical equipment;
- h. Storm water retention/detention areas.
- i. All other existing features such as buildings, fences, existing vegetation, walks, etc.;
- j. Flow lines for drainage of surface water;
- k. Proposed improvements such as fences, patios and walls.
- l. External design features, being the general arrangement of any portion of a building, sign, landscaping or structure and including the kind, color and texture of the materials of such portion and the types of roof, windows, doors, lights, attached or ground Signs or other fixtures appurtenant to such portions, as will be open to public view from any street, place or way.
- m. Logic of design.
- n. Proportions.
- o. Each Landscape Plan shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, provisions for shade, energy conservation, sound absorption, dust abatement, and reduction of glare.

2.2.30 Liaison: An Alderman appointed by the Mayor, with the advice and consent of the City Council to attend ARC meetings and perform the duties designated to the Liaison by this Code. Liaison shall also include any alternate appointed to act as Liaison to the ARC; or any temporary liaison designated by the Mayor or City Council to attend any meeting of the ARC. (Amended per 99-O-53)

2.2.31 Logic of Design: Accepted principles and criteria of validity in the solution of the problem of design.

2.2.32 Logo: Any graphic symbol or type characters which are joined on one body as a trademark or a company signature.

2.2.33 Mayor: The Mayor of the City Of Highwood.

- 2.2.34 Mechanical Equipment: Equipment, devices, and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, and similar purposes.
- 2.2.35 New Construction: Any building or structure which is to be newly constructed or any addition to a building or structure, including the landscaping, parking and loading areas and fencing and screening related thereto.
- 2.2.36 Owner: All persons having a possessory interest in any property, premises or Sign, the business which any sign identifies, the property where said Sign is located including a leasehold interest (current or expired) or otherwise and/or the legal owner of the property.
- 2.2.37 Professionally Done: Professionally done shall include any sign, lettering, or graphic which is produced by a sign company, design professional, or through electronic or mechanical means. It shall not include any sign or graphics that are lettered by hand using pens, markers, etc.
- 2.2.38 Proportions: The balanced relationship of parts of a building, structure, signs, landscape, or other components to each other and to the whole.
- 2.2.39 Proposed Improvement: Any Sign (wall, freestanding or temporary); canopy; awning; building face; facade; landscaping or landscape plan; parking or loading area; fencing or screening, or other item which requires consideration and approval of the ARC. (Amended per 99-O-53)
- 2.2.40 Public Right-of-Way: That land area over which the City has rights either through ownership, dedication or easement, to use for public street and utility purposes or other public use.
- 2.2.41 Residential Districts/Residential Zoning: Those Zoning districts in the City of Highwood consisting of R-1, R-2, R-3, R-3a and R-4 Districts.
- 2.2.42 Sign: Any visible name, identification, description, announcement, declaration, demonstration, display, flag, illustration, insignia, object or device illuminated or non-illuminated and the structure displaying or supporting any of the same, affixed directly or indirectly to or upon any building or structure, or erected or maintained upon land or a premises, which directs attention to an object, product, place, activity, person, institution, organization, service, solicitation or business. Any such described items that are visible from the exterior of the premises, including those items visible through any window or door are deemed to be “visible” as set forth above and regulated hereunder. No Sign shall be removed from the scope of this Code merely by painting over or obscuring the Sign.

- 2.2.43 Sign, Advertising: A Sign which directs attention to a profession, business, activity, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such Sign is located, or within the building to which such Sign is affixed.
- 2.2.44 Sign, Conforming: A Sign which conforms to the provisions of this Code, as amended from time to time, and with all applicable Ordinances, rules and regulations in effect from time to time, and shall include a Sign for which a variation has been approved. (Amended per 96-O-35) (Amended per 2001-O-41).
- 2.2.45 Sign, Face: The surface of the Sign upon, against or through which the message of the Sign is exhibited.
- 2.2.46 Sign, Illuminated: Any Sign which has characters, letters, figures, designs or outline illuminated by electric lights, luminous tubes or any other means of artificial illumination.
- 2.2.47 Sign, Marquee: A roof-like structure of a permanent nature which projects from the wall of a building and overhangs the public way. Marquee Sign shall include canopies and awnings
- 2.2.48 Sign, Monument: A free-standing sign erected at grade level set firmly or below the ground surface on an approved foundation or utilizing a short wall, and not attached to any building.
- 2.2.49 Sign, Non-Conforming: A Sign which does not conform to the provisions of this Code, as amended from time to time, but which complied with the Code, all applicable Ordinances, rules and regulations in effect at the time of its erection. (Amended per 96-O-35)
- 2.2.50 Sign, Obsolete: A Sign which has become no longer useful for any on-site purpose and/or a Non-Conforming Sign which has been damaged, or fallen into disrepair and/or ceases to advertise or identify the business or use for which a Sign permit was issued. (Amended per 96-O-35)
- 2.2.51 Sign, Permanent: Any Sign or Sign structure which is affixed or installed and is intended for long-term use.
- 2.2.52 Signage Plan: A plan which addresses signage for the entire premises at which signs are proposed. Such signage plan shall delineate the proposed sign or signs, all existing signs, the relationship between all signs on the premises. Such signage plan shall include proposed materials, color designations, proposed dimensions of the sign, along with dimensions of the premises, structure or structures upon which the signs are to be installed in order to provide sufficient context for the ARC to review the plan.

- 2.2.53 Sign, Pole: A free-standing sign erected at grade level supported by one or more uprights (pole, pylon, standard or structure) and not attached to any building. Pole signs specifically include, without limitation, pylon signs, pole signs, blades and post signs.
- 2.2.54 Sign, Portable: A Sign designed to be transported by means of wheels, a Sign converted to an “A” or “T” frame, a Sign attached to a trailer, a menu or sandwich board Sign, or a Sign attached to, or painted on, a vehicle parked and visible from a street or public right-of-way.
- 2.2.55 Sign, Real Estate: Any Sign having not more than two (2) sides which, in whole or in part, announces the sale or lease of property, excluding subdivision identification and tract identification signs.
- 2.2.56 Signs, Temporary Advertising: A Sign not requiring a permit to be issued under this Code and that is designed and intended to be displayed for a temporary and short, and not permanent, period of time and is for a special, unique, limited activity such as the announcement of a grand opening, sale, limited activity, special offering or event.
- 2.2.57 Sign, Wall: A Sign which is affixed directly to or painted on, or otherwise inscribed on an exterior wall, including windows and doors, or any business, retaining wall, or other structure.
- 2.2.58 Tree: Includes both ornamental trees, being a tree thirty five feet (35') or under in height at maturity (ex. crabapple, hawthorn or magnolia, etc.) and shade trees, being a tree sixty feet (60') or under in height at maturity (ex. ash, maple, oak, etc.)
- 2.2.59 Use, Special: As listed in each district, a use subject to special provisions and which, because of unique characteristics, cannot be properly classified as a permitted use.
- 2.2.60 Variation: An exception of the literal provisions of this Code where strict enforcement of the Code would cause undue hardship owing to circumstances unique to the individual property or which do not occur generally to land or buildings in the neighborhood.

## CHAPTER 3

### AUTHORITY, JURISDICTION AND PROCEDURE

#### 3.1 Authority

3.1.1 There is hereby established the Appearance Review Committee (ARC). The ARC shall consist of five (5) members appointed by the Mayor, with the advice and consent of the City Council. The members of the ARC shall serve respectively for the following terms:

Two for one year;  
One for two years;  
One for three years;  
One for four years.

3.1.2 The successor of each member so appointed shall serve for a term of four (4) years. Vacancies shall be filled by appointment of the Mayor with the advice and consent of the City Council for the unexpired term. If any member of the ARC fails to attend three (3) consecutive ARC meetings, or fails to attend one-half (1/2) of all ARC meetings scheduled or called during any 12-month period, such failure to attend shall constitute cause for the removal of such member of the ARC. Such member of the ARC may be removed either by a recommendation by a majority vote of the remaining members of the ARC, which recommendation shall be forwarded to the City Council for action; or by action of the City Council without the recommendation or action by the remaining members of the ARC. Any vacancy created shall be filled by the Mayor for the duration of the term of said member of the ARC, with the advice and consent of the City Council.

Further, the Mayor may remove from office any member of the ARC appointed by him whenever he is of the opinion that the interests of the City demand such removal. He shall report the reasons for the removal to the City Council at the next regular meeting. If the Mayor fails or refuses to report to the City Council the reasons for the removal, or if the Council by a two-thirds vote of all of its members, disapproves the removal, the member thereupon shall be restored to the office from which he was removed. The vote shall be by Yeas and Nays which shall be entered upon the records of the City Council. Any vacancy created shall be filled by the Mayor for the duration of the term of said member of the ARC, with the advice and consent of the City Council.

3.1.3 One (1) member shall be elected by the Committee to serve as chairman for a term of two (2) years or until his successor is elected.

3.1.4 One (1) member shall be elected by the Committee to serve as secretary for a term of two (2) years or until his successor is elected. (Amended per 99-O-53)

- 3.2 Meetings All meetings of the ARC shall be:
- 3.2.1 Held at the call of the chairman and at such other times as the Committee may determine; and
  - 3.2.2 Be announced by posting and be conducted and recorded in accord with the "Open Meetings Act" of the State of Illinois.
  - 3.2.3 Expenses incurred by the ARC are to be itemized and shall be borne by the City, following approval of the City Council.
- 3.3 Jurisdiction
- 3.3.1 The ARC is vested with the authority set forth in this Code. The recommendation of the ARC will be forwarded to the City Council for final approval where specified herein. (Amended per 99-O-53)
  - 3.3.2 The ARC shall have jurisdiction over:
    - a. All structures constructed or improved in the Business Districts of the City (other than existing legal non-conforming single family dwellings), regardless of the use or purpose of same, pursuant to the procedures set forth herein. (Amended per 99-O-53)
    - b. All structures constructed or improved in any zoning district of the City, used for business purposes, pursuant to the procedures set forth herein. (Amended per 2005-O-6)
    - c. All structures newly constructed in any zoning district in the City containing two or more dwelling units (this excludes structures used exclusively as a single family dwelling), pursuant to the procedures set forth herein. (Amended per 2005-O-6)
    - d. All Signs constructed, placed or erected in all Business Districts and all Residential Zoning Districts of the City, regardless of the use or purpose of same, other than signage within the Town of Fort Sheridan Subdivision, pursuant to the procedures set forth herein. (Amended per 2005-O-6)
    - e. Approval of landscaping plans required pursuant to Chapter 5 hereof, pursuant to the procedures set forth herein. (Amended per 99-O-53)
    - f. Approval of Exterior Facades required pursuant to Chapter 6 hereof, pursuant to the procedures set forth herein. (Amended per 99-O-53)
    - g. Any other matter provided for herein, or referred to it by the Mayor or City Council. (Amended per 2005-O-6)

- 3.3.3 The ARC shall not have jurisdiction over:
- a. Structures, buildings, signage, landscaping or otherwise belonging to, or constructed by the City.
  - b. Structures, buildings, signage, landscaping which would be subject to the provisions hereof, where the Fort Sheridan Joint Plan Commission has jurisdiction within the Town of Fort Sheridan Subdivision. (Amended per 2005-O-6)
  - c. Any matter exempted by this Code; any other matter not provided for herein, or matters which the City Council has assumed jurisdiction. (Amended per 2005-O-6)

3.4 Procedural Requirements. In order to properly implement the requirements of this Code, the following procedural requirements shall apply:

- 3.4.1 Prior to each meeting, the ARC shall promulgate an agenda indicating all items for consideration and approval at said meeting. Such agenda shall indicate the property address and a summary of each item proposed for consideration and approval.
- 3.4.2 A copy of said agenda shall be distributed to the Mayor, each Alderman, the City Administrator and City Attorney, at least 48 hours prior to commencement of the ARC meeting at which such item is to be considered for approval. The Secretary of the ARC shall maintain a file of such agendas with a certificate indicating that such meeting has been posted as required pursuant to the requirements of the Open Meetings Act and that the agenda has been distributed as required by the provisions of this Code. (Amended per 2005-O-6)
- 3.4.3 In the event an item has not been placed on the agenda which has been distributed for approval, then the ARC may defer action on same, or make a recommendation to the City Council as set forth in Section 3.6 below.
- 3.4.4 The City Liaison or designee shall be designated to attend all meetings of the ARC.
- 3.4.5 The ARC secretary shall cause the preparation of agenda, minutes, reports, and all other record keeping as required by this Code, statute or ordinance. (Amended per 99-O-53)

3.5 Conditions. No proposed improvement shall be erected or altered until:

- 3.5.1 A permit, where required by this Code, or any other ordinance has been applied for by the Applicant; and
- 3.5.2 Approval of the Proposed Improvement by the ARC, as evidenced by a report or minutes of the ARC; and

- 3.5.3 Approval by the City Council, where required by this Code, of the Proposed Improvement pursuant to the following provisions of this Code; and
- 3.5.4 A permit, where required by this Code, or any other ordinance, has been issued by the Building Department. Any improvements requiring electrical power shall be subject to the provisions of the Highwood ordinances regulating the installation of electrical equipment; and
- 3.5.5 Payment by Applicant of the permit fees required pursuant to all applicable ordinances; and
- 3.5.6 Filing by the Applicant, and approval of all required insurance certificates or indemnification agreements where applicable. (Amended per 99-O-13). (Amended per 99-O-53)
- 3.6 Permit Required. Applicants shall not commence construction on any proposed improvement based solely upon the approval of the ARC. Regardless of any approval by the ARC, the Applicant shall have no vested right to the issuance of a Permit or construction of the proposed improvement until an application for a permit has been made by the Applicant and approved and issued by the City. (Amended per 2001-O-41)
- 3.7 Approval By City Council. Under the following circumstances approval of the City Council of a Proposed Improvement shall be required prior to the issuance of a permit, regardless of the approval of the Proposed Improvement by the ARC:
  - 3.7.1 The ARC's approval for any Proposed Improvement which constitutes New Construction, as defined herein, shall be considered only a recommendation. Such recommendation shall be forwarded to the City Council for final approval, by motion. Only after approval of such recommendation by the City Council shall the Building Department issue the permit, provided the other conditions of this Code have been satisfied.
  - 3.7.2 The approval of any Proposed Improvement which does not comply with the enumerated specifications of this Code and therefore requires a Variation from the provisions of this Code, or any other ordinance, shall be considered as set forth in Chapter 7.
  - 3.7.3 As to any other Proposed Improvement which the ARC has approved, such approval of the ARC shall be forwarded to the City Council for consideration and approval along with the report or minutes of the ARC indicating its approval of same, if either:
    - a. The Liaison attending the meeting of the ARC objects to the Proposed Improvement; or

- b. The Mayor notifies the ARC that he objects to the Proposed Improvement.

Such objection and determination by the Mayor or Liaison shall be made in the sole discretion of the Mayor or Liaison. However, if neither the Mayor or Liaison interposes any objection, at such meeting, the ARC approval shall be considered final and forwarded for issuance of permits as required above. (Amended per 99-O-53)

- 3.7.4 As to any Proposed Improvement which the ARC has approved, such approval of the ARC shall be forwarded to the City Council for consideration and approval along with the report or minutes of the ARC indicating its approval of same, if such Proposed Improvement was added to the ARC's agenda (required above) after the distribution of the agenda. (Amended per 99-O-53)

- 3.8 Appeals, Review and Variations Shall be conducted pursuant to the procedures set forth in Chapter 7.

## CHAPTER 4

### APPROVAL AND REGULATION OF SIGNS

- 4.1 Introduction The purpose of this Chapter is to regulate Signs in such a way as to:
- 4.1.1 Insure that all Signs within the City will adequately identify and promote the use while being compatible with existing land uses and/or other buildings within the general area of the Sign and/or the City as a whole.
  - 4.1.2 Insure that each business establishment within the City exhibits at least one approved wall, window, or monument sign that will adequately identify and promote the use while being conforming with the provisions of this Code. Installation of appropriate approved signage shall be a required condition of any certificate of occupancy issued for a business establishment.
  - 4.1.3 Enhance the appearance of the City and the business.
  - 4.1.4 Provide a review of the Sign and Signage Plan with regard to size, location, color, message, construction, materials, proportion and manner of display to fully promote the intents and purpose of this Code.
  - 4.1.5 Promote such Signs that will not confuse, mislead or obstruct the vision necessary for traffic safety or otherwise endanger the public health, safety, morals or general welfare.
  - 4.1.6 Insure that materials and finishes shall be selected for their safety, 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.
  - 4.1.7 Provide a comprehensive signage plan where more than one sign is requested for a business, building or premises. Toward that end the ARC shall consider a balance that will promote the intents and purposes of this Code while allowing adequate identification of the business use. The ARC may recommend approval of multiple signs where the site conditions warrant same. However where multiple signs are approved the ARC shall consider reducing the maximum permitted size of each sign or sign type.
  - 4.1.8 Provide a comprehensive signage plan for any Planned Unit Development (PUD). However any such signage plan may be more restrictive than the specific requirements provided for individual business establishments. Further any PUD signage is subject to review and approval by the City Council and/or Plan Commission in addition to review by the ARC.

- 4.1.9 Provide a signage plan that complements and coordinates with the building, other structures and exterior design features creating a balance that will promote the intents and purposes of this Code while allowing adequate identification of the business use.

4.2 Application For Permit

- 4.2.1 Form of Application. An application for a permit shall be made by the Applicant upon forms provided by the Building Department, shall be signed by the Applicant, shall contain or have attached thereto the following information, and shall be submitted to the Building Department:

- a. Name, address and telephone number of Applicant;
- b. Location of building, structure or lot to which or upon which the Sign is to be attached or erected;
- c. Position of the Sign in relation to nearby building structures;
- d. Two blueprints or ink drawings of the plans and specifications and method of construction and attachment to the buildings or in the ground;
- e. If required by the Building Department, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and ordinances of the City;
- f. Name of person, firm, corporation or association erecting or designing the Sign;
- g. Written consent of the legal owner of the building, structure, or land to which or on which the Sign is to be erected;
- h. For any structure that overhangs any public property, or Public Right-of-Way, a hold harmless agreement and insurance policy in a form acceptable to the City Attorney.
- i. The application shall be supplemented by such other and further materials as required by the Building Department or the ARC, including, a Signage Plan. (Amended per 2005-O-6).

- 4.2.2 Permit Required. Applicants shall not commence construction on any proposed improvement based solely upon the approval of the ARC. Regardless of any approval by the ARC, the Applicant shall have no vested right to the issuance of a Permit or construction of the proposed improvement until an application for a permit has been made by the Applicant and approved and issued by the City. (Amended per 2001-O-41)

4.3 Residential District Sign Regulations. No Signs shall be installed or permitted on properties which are residentially zoned except in accordance with the following provisions:

4.3.1 For each dwelling unit, one nameplate not exceeding one square foot in area, indicating name of occupant;

4.3.2 For a structure authorized as a "special use" other than a dwelling unit, one identification Sign not exceeding ten square feet, except a church bulletin board which shall not exceed twelve square feet;

4.3.3 For purpose of orientation, direction, warning or information, not exceeding two square feet;

4.3.4 No electrical Signs shall be erected on properties which are residentially zoned;

4.4 Signs Announcing the Sale or Lease of Land (Residential and Business Districts).

4.4.1 Real Estate Signs shall be professionally done and in all respects comply with the intents and purposes of this Code. Hand lettered signs are not permitted, except that the address of the property and phone number may be neatly hand lettered on a pre printed Sign. (Amended per 2005-O-6).

4.4.2 In any Residential District, or for any residential property in the Business District, one Real Estate Sign not exceeding four (4) square feet per Sign Face in area and four (4) feet in height to the highest part of the Sign, announcing the sale or lease of a specific property shall be permitted on the property but not on the public right-of-way. Such sign may be two-sided.

4.4.3 In the Business District, for any business use, one Real Estate Sign not exceeding sixteen (16) square feet in area and six (6) feet in height to the highest part of the Sign, announcing the sale or lease of a specific property shall be permitted on the property but not on the public right-of-way.

4.4.4 A maximum of three open house Signs announcing an open house for a specific property may be placed in the public right-of-way no more frequently than two days in any week. However, such Sign shall not be affixed to any utility pole, municipal sign, structure or otherwise. (Amended per 2005-O-6).

4.5 Business District Requirements - Wall Signs.

4.5.1 Permitted Information. The information contained on a Wall Sign shall be limited to:

a. The legal name (or assumed name) of the business establishment, which shall not exceed five (5) words. Notwithstanding the above, the name of a legally established franchise may be displayed in lieu of the legal name of the business establishment. A listing of services or goods is not permitted.

- b. The logo of the business establishment. The logo of the business establishment shall be displayed so as to be subordinate in size and prominence to the name of the business establishment. Further, the colors of corporate logos may be required to be changed or subdued to meet the intents and purposes of this Code.
- c. The date the business was actually established (ex. "Established 1867"). (Amended per 2005-O-6).

4.5.2 Other Sign and Design Controls. Any Wall Sign for which a permit is required under this Section shall:

- a. Maximum Size - Wall Signs shall not exceed fifteen percent (15%) of the wall area of the front Facade of the space occupied by the business or one hundred (100) square feet, whichever is less.
  - 1. The size of the wall area used shall be determined by drawing a square or rectangle around the lettering/logo of the proposed sign which encompasses the entire content of the proposed sign (Amended per 2005-O-6).
  - 2. The size of Signs placed in or on windows or canopies shall be included in calculating the maximum Sign area allowed. (Amended per 2001-O-41)
  - 3. The building face area of floors which are not occupied by the business establishment (ex. residential areas above the business establishment) shall not be used to compute the wall area of the front Facade (Amended per 2005-O-6).
- b. Orientation and Location - Be permitted only on the front facade of a building; or upon such other facade of a building:
  - 1. Which is adjacent to and mainly faces a street, thoroughfare, or parking lot used for customers of the building, and which lot is part of a planned unit development for the parcel upon which the sign is to be located; or
  - 2. Which is adjacent to and mainly faces a street, thoroughfare, or parking lot used for customers of the building, and which lot is under common ownership with the parcel upon which the sign is to be located.
  - 3. Such Sign may not be located on any other facade of a building, including a facade which mainly faces an alley. (Amended per 2001-O-41)

- c. Limitation on Number of Facades - Wall Signs identifying the business use of a premises shall be permitted only upon one of the facades as set forth in the preceding section, unless a variation is obtained. (Amended per 2001-O-41)
- d. Preferred Design Criteria - For any premises, the ARC shall consider the following preferred design criteria in considering the approval or recommendation for approval of any sign:
  - 1. Illuminated “Box Signs” are not permitted. However, illuminated “Box Signs” may be approved in certain exceptional circumstances, where they are deemed to be appropriate due to the location of the sign, or unique site characteristics.
  - 2. Signs with individually cut, opaque raised letters on raceways and illuminated through the use of back lighting (reverse channel letters) are preferred. Internal illumination of individual letters and/or logos is not preferred, but may be considered where appropriate. However, illumination levels shall be regulated to insure that the illumination is appropriate in light of the proposed signage, site, and adjoining properties.
  - 3. Signage coloring shall complement the development, and other signage within the Business District. Neon colors and bright colors are not preferred, but may be permitted, where they are found to enhance a design element, or otherwise are found to be appropriate due to unique site conditions. In general, signage colors shall be complementary with the proposed development. White, earth, bronze, gold or other subdued color tones for Signs, lettering and logos are preferred.
  - 4. The ARC may consider allowing corporate logos where appropriate. However, the colors of corporate logos may be required to be changed or subdued to meet the intent and purposes of this Code and color requirements set forth above.
  - 5. While signage identifying the business is limited as set forth herein, limited additional design elements may be permitted on any structure where determined appropriate by the Appearance Review Committee, in the exercise of its discretion, subject to review and approval by the City Council. Such design elements may include decorative murals, which do not specifically identify the business, lettering, phrases, decorative etchings, woodwork and/or public art which are intended to enhance the visual appeal of a structure or premises.

- e. The shape of all signs shall relate to the building facade, facade of adjacent buildings, and to the signs on adjacent buildings, if applicable. The coloring of wall signs shall be consistent throughout the sign utilizing complementary tones and shades.

4.5.3 Construction Requirements - Wall Signs. Any Wall Sign for which a permit is required under this Section shall:

- a. **Materials** - Have a surface or facing of durable material, and shall otherwise comply with the requirements of Appendix 2. Materials and finishes shall be reviewed for their safety, durability, wear, as well as for their appearance and beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- b. **Supports and Anchorage** - Be attached directly to exterior walls of solid masonry or concrete, and shall be safely and securely attached to the same by means of metal anchors, bolts, or expansion screws. No wooden blocks or anchorage with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of Wall Signs attached to buildings with permitted walls of wood. No Wall Sign shall be entirely supported by an unbraced parapet wall but must be attached to parapet walls or other wall surfaces made a part of the main structure. Signs erected on a separate superstructure attached to the roof of the building or to any other part of the building above the roof line shall not be permitted.
- c. **Attachment to Wall Surface** - If attached to a building or premises, be erected parallel to the vertical wall surface and shall not project more than twelve (12) inches from the wall upon which it is attached, nor project beyond the end or top of the wall to which it is attached.
- d. **Approval by Building Department** - All electrically illuminated Signs shall be approved as to electric wiring and devices by the Building Department, and all wiring and accessory electrical equipment shall conform to the requirements of the National Electrical Code listed in the BOCA Code as adopted by the City.
- e. **Additional Permits** - Electrical permits are required for the erection or maintenance of illuminated Signs. (note: no permit is required to replace or reletter an illuminated Sign unless the replacement or relettering requires a change in wiring or piping).

- f. Illumination - All Signs whether indoors or outdoors shall be subject to the following restrictions regarding illumination:
  - 1. A Sign shall not be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the National Electrical Code listed in the BOCA Code as adopted by the City.
  - 2. Any lighting shall be placed on the same property as the Wall sign.
  - 3. No LCD/plasma displays, blinking, flashing, fluttering or other illuminating device, nor any illumination which has a change in light intensity, brightness or color shall be permitted. (This prohibition is not intended to apply to any approved time/temperature Sign nor to seasonal holiday lighting).
- g. Safety and Design Concerns - No Sign shall be located, erected, altered or maintained so as to obstruct any fire escape, or any window, or door, or opening used as a means of egress, or for fire-fighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof. No Sign shall be attached in any form, shape or manner to a fire escape or be so placed as to interfere with any opening required by law for ventilation.
- h. Servicing Devices - Ladders, platforms, hooks, rigs and all other devices for the use of servicing personnel shall have safety devices and design loading in accordance with the safety requirements in the BOCA Code as adopted by the City.

4.6 Business District Requirements - Monument/Free Standing Signs

- 4.6.1 Unless otherwise permitted below, the information contained on Monument/Free Standing Signs shall be limited to:
  - a. The legal name (or assumed name) of the business establishment, which shall not exceed five (5) words. Notwithstanding the above, the name of a legally established franchise may be displayed in lieu of the legal name of the business establishment. A listing of services or goods is not permitted.
  - b. The logo of the business establishment. The logo of the business establishment shall be displayed so as to be subordinate in size and prominence to the name of the business establishment. Further, the colors of corporate logos may be required to be changed or subdued to meet the intents and purposes of this Code.
  - c. The date the business was actually established (ex. "Established 1867"). (Amended per 2005-O-6).

4.6.2 Other Sign and Design Controls. All Signs for which a permit is required under this Section shall comply with the following:

- a. Monument Signs - Monument Signs may be permitted as part of an overall Signage Plan and shall comply with the following specific requirements: (Amended per 2000-O-59).
  1. No more than one Monument Sign shall be allowed per lot or per development, whichever is less. Further, provided that where a development or integrated shopping center under single ownership or unified control, has separate and distinct entrance drives, up to two Monument Signs may be erected, however the total surface area of the combined signs may not exceed 3% of the front facade and no sign may exceed thirty six (36) square feet per Sign Face;
  2. The total surface area of said Sign shall not exceed the greater of thirty six (36) square feet or 3% of the front facade of the building. However in no event shall any single Sign exceed 60 square feet per Sign Face; (Amended per 2000-O-59)
  3. Said Sign shall not exceed six (6) feet in height, including any foundation and supporting structure; (Amended per 2000-O-59)
  4. Said Sign shall not exceed eight (8) feet in length, including any foundation and supporting structure; (Amended per 2000-O-59)
  5. Said Sign shall be in proportion to the building and development. The maximum sizes set forth herein may be reduced considering the size of the buildings or structures and other permitted signage. The design and shape of any approved Monument Signs shall relate to the building facade, facade of adjacent buildings, and to the Signs on adjacent buildings, if applicable. The coloring of Monument Signs shall be consistent throughout utilizing complementary tones and shades. (Amended per 2005-O-6).
  6. Notwithstanding the above the Monument Sign shall be planned, constructed and located so as to provide for the safety of pedestrians and traffic in the areas adjacent to the Sign, and such sign shall not obstruct the view of pedestrian and vehicular traffic; (Amended per 2000-O-59).
  7. Further, provided that if approval is granted as set forth above, for integrated shopping centers under single ownership or under unified control the Sign shall contain only the name and location of the integrated shopping center, however, if requested by the Applicant the ARC may consider including the name of all of the occupants of the center; (Amended per 2000-O-59).

8. That as to any monument sign for which a permit was issued prior to October 1, 2000, and which may be made non-conforming by the size provisions of this Section, such Sign may be repaired and maintained (subject to ARC review) despite the fact that the Sign may exceed the maximum size provisions set forth above notwithstanding the provisions of section 4.4 below. (Amended per 2000-O-59).
9. Such Monument Sign shall not have more than two faces.
- b. Prohibited Types - Pole Signs, clocks, or other advertising devices erected upon poles, pylons, standards or separate supports are prohibited.
- c. Orientation and Location - Be permitted only in the front yard of the premises. Such Sign may not be located in any other yard.
- d. Preferred Design Criteria - For any premises, the ARC shall consider the following preferred design criteria in considering the approval or recommendation for approval of any sign:
  1. Illuminated "Box Signs" are not permitted.
  2. Signs with individually cut, opaque raised letters on raceways and illuminated with back lighting (reverse channel) are preferred. Internal illumination of individual letters and/or logos is not preferred, but may be considered where appropriate. However, illumination levels shall be regulated to insure that the illumination is appropriate in light of the proposed signage, site, and adjoining properties.
  3. Signage coloring shall complement the development, and other signage within the Business District. Neon colors and bright colors are not preferred, but may be permitted, where they are found to enhance a design element, or otherwise are found to be appropriate due to unique site conditions. In general, signage colors shall be complementary with the proposed development. White, earth, bronze, gold or other subdued color tones for Signs, lettering and logos are preferred.
  4. The ARC may consider allowing corporate logos where appropriate. However, the colors of corporate logos may be required to be changed or subdued to meet the intent and purposes of this Code and color requirements set forth above.

5. While signage identifying the business is limited as set forth herein, limited additional design elements may be permitted on any structure where determined appropriate by the Appearance Review Committee, in its discretion, subject to review and approval by the City Council. Such design elements may include decorative murals, which do not specifically identify the business, decorative etchings, woodwork and/or public art which are attendant to enhance the visual appeal of a structure or premises.
- e. In no event shall any Sign be placed or maintained in a location relative to a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such means of ingress and egress.
- f. The shape of the Sign shall relate to the building facade, facade of adjacent buildings, and to the signs on adjacent buildings, if applicable. The coloring of signs shall be consistent throughout the sign utilizing complementary tones and shades.

4.6.3 Construction Requirements - Monument/Free Standing Signs. All Signs for which a permit is required under this Section shall:

- a. Materials - Have a surface or facing of noncombustible material (except as set forth in Appendix 2). Materials and finishes shall be reviewed for their safety, durability, wear, as well as for their appearance and beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.
- b. Supports and anchorage - Comply with the provisions of the BOCA Basic Building Code as amended, adopted by the City which provisions are incorporated herein.
- c. Approval by Building Department - All electrically illuminated Signs shall be approved as to electric wiring and devices by the Building Department, and all wiring and accessory electrical equipment shall conform to the requirements of the National Electrical Code listed in the BOCA Code as adopted by the City.
- d. Additional Permits - Electrical permits are required for the erection or maintenance of illuminated Signs. (note: no permit is required to replace or reletter an illuminated Sign unless the replacement or relettering requires a change in wiring or piping).
- e. Illumination - All Signs within the City shall be subject to the following restrictions regarding illumination:

1. A Sign shall not be illuminated by other than electrical means and electrical devices and wiring shall be installed in accordance with the requirements of the National Electrical Code listed in the BOCA Code as adopted by the City.
  2. Any lighting shall be placed on the same property as the sign. (Amended per 2005-O-6).
  3. No LCD/plasma displays, blinking, flashing or fluttering or other illuminating device, nor any illumination which has a change in light intensity, brightness or color shall be permitted. (This prohibition is not intended to apply to any approved time/temperature Sign nor to seasonal holiday lighting).
- f. Safety and Design Concerns - No Sign shall be located, erected, altered or maintained so as to obstruct any fire escape, or any window, or door, or opening used as a means of egress, or for fire-fighting purposes, or so as to prevent free passage from one part of a roof to any other part thereof. No Sign shall be attached in any form, shape or manner to a fire escape or be so placed as to interfere with any opening required by law for ventilation.
  - g. Servicing Devices - Ladders, platforms, hooks, rigs and all other devices for the use of servicing personnel shall have safety devices and design loading in accordance with the safety requirements in the BOCA Code as adopted by the City.
- 4.7 Business District Requirements - Window Signs. If approved, Signs may be placed in or on windows or glass pane doors, however, the size of such Sign shall be included in calculating the maximum Sign area allowed for all other signage. (Amended per 2001-O-41) (Amended per 2005-O-6).
- 4.7.1 Unless otherwise permitted below, the information contained on Window Signs shall be limited to:
- a. The legal name (or assumed name) of the business establishment, which shall not exceed five (5) words. Notwithstanding the above, the name of any practicing licensed professional or legally established franchise may be displayed in lieu of the legal name of the business establishment. A listing of services or goods is not permitted.
  - b. The logo of the business establishment. The logo of the business establishment shall be displayed so as to be subordinate in size and prominence to the name of the business establishment. Further, the colors of corporate logos may be required to be changed or subdued to meet the intents and purposes of this Code.
  - c. The date the business was actually established (ex. "Established 1867"). (Amended per 2005-O-6).

- d. Notwithstanding any other provision of this Ordinance to the contrary, any Window Sign for which a permit is sought, may contain one (1) telephone number and area code of the business establishment, provided that there is compliance with the following requirements: (Added by 96-O-35)
  - 1. No more than one (1) telephone number (including area code) and/or internet address may be allowed for each business establishment (Amended per 2005-O-6).
  - 2. The above shall be in letters or numbers not exceeding four inches (4") in height.
  - 3. If installed on a window pane, the top edge of the letters or numbers must be no higher than forty eight (48") inches above ground level on the first floor and no higher than twelve (12') from the bottom edge of the window pane on the second floor or above; and if on a glass door no higher than forty eight (48") above floor level in front of the door.
  - 4. The above shall be permitted only on a window pane or glass door, and is not permitted on any other Sign, Wall Sign, marquee or freestanding Sign.

4.7.2 Other Sign and Design Controls. Any Window Sign for which a permit is required under this Section shall:

- a. Maximum Size - Window and Wall Signs combined shall not exceed fifteen percent (15%) of the wall area of the front Facade of the space occupied by the business or one hundred (100) square feet, whichever is less. As to Window Signs:
  - 1. The size of the Sign area used shall be determined by drawing a square or rectangle around the lettering/logo of the proposed sign which encompasses the entire content of the proposed sign (Amended per 2005-O-6).
  - 2. The size of Signs placed in or on walls or canopies shall be included in calculating the maximum Sign area allowed for all signs. (Amended per 2001-O-41)
  - 3. The building face area of floors which are not occupied by the business establishment (ex. residential areas above the business establishment) shall not be used to compute the wall area of the front façade. (Amended per 2005-O-6).
- b. Orientation and Location - Be permitted only on the front window of a building, unless a variation is obtained.

- c. Preferred Design Criteria - For any premises, the ARC shall consider the following preferred design criteria in considering the approval or recommendation for approval of any sign:
  - 1. Illumination levels shall be regulated to insure that the illumination is appropriate in light of the proposed signage, site, and adjoining properties.
  - 2. Signage coloring shall complement the development, and other signage within the Business District. Neon colors and bright colors are not preferred, but may be permitted, where they are found to enhance a design element, or otherwise are found to be appropriate due to unique site conditions. In general, signage colors shall be complementary with the proposed development. White, earth, bronze, gold or other subdued color tones for Signs, lettering and logos are preferred.
  - 3. The ARC may consider allowing corporate logos where appropriate. However, the colors of corporate logos may be required to be changed or subdued to meet the intent and purposes of this Code and color requirements set forth above.
- d. The shape of Window Signs shall relate to the building facade, facade of adjacent buildings, and to the signs on adjacent buildings, if applicable. The coloring of Window Signs shall be consistent throughout utilizing complementary tones and shades.
- e. In all other respects the Sign must comply with all other requirements of this Code and the Ordinances of the City of Highwood. (Added by 90-O-21)
- f. All Window Signs shall be professionally done and in all respects comply with the intents and purposes of this Code. Hand lettered signs are not permitted.

4.8 Business District Requirements - Other Signs and Regulations.

- 4.8.1 Neon Advertising Sign - If approved one (1) may be allowed on each building face. Any such Sign shall not exceed four (4) square feet. (Amended per 2005-O-6).
- 4.8.2 Governmental or public utility signs - Signs erected by the City, Signs for control of or to provide information to traffic and other governmental regulatory purposes (e.g. street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his or her public duty) shall be exempt from the provisions of this Code.

- 4.8.3 Marquee Signs - Signs attached to or hung from a marquee, canopy or awning may be permitted to supplement and/or in lieu of other signage, and shall be completely within the borderline of the outer edge of the marquee or canopy and shall in no instance be lower than eight (8) feet above the ground or surface over which the marquee or canopy is located.

The shape of all such signs shall relate to the building facade, facade of adjacent buildings, and to the signs on adjacent buildings, if applicable. The color of such signs shall be consistent throughout and utilize complementary tones and shades.

- 4.8.4 Awning and Canopy Signs - Signs on awning(s) or canopies may be permitted to supplement and/or in lieu of other signage, provided that the size of letters on such awnings shall not exceed eight (8) inches in height.

The shape of all awning signs shall relate to the building facade, facade of adjacent buildings, and to the awning signs on adjacent buildings, if applicable. The coloring of awning signs shall be consistent throughout the awning utilizing complementary tones and shades.

- 4.8.5 Miscellaneous signs - Other signs proposed to be erected by any person, other than the City, in the business district, including parking lot signage, Signs for control of, or to provide information to pedestrians, traffic and other regulatory purposes (e.g. towing signs, parking restrictions, etc.) are not exempt from the provisions of this Code and a permit shall be obtained for any such Sign.

- 4.8.6 Other Design Elements - While signage identifying the business is limited as set forth herein, limited additional design elements may be recommended for approval on any structure if determined appropriate in the discretion of the Appearance Review Committee, subject to review and approval by the City Council. . Such design elements may include decorative murals, which do not specifically identify the business, lettering, phrases, decorative etchings, woodwork and/or public art which are attendant to enhance the visual appeal of a structure or premises.

- 4.8.7 Preferred Design Criteria - For any premises, the ARC shall consider the following preferred design criteria in considering the approval or recommendation for approval of any sign:

- a. Illumination levels shall be regulated to insure that the illumination is appropriate in light of the proposed signage, site, and adjoining properties.
- b. Signage coloring shall complement the development, and other signage within the Business District. Neon colors and bright colors are not preferred, but may be permitted, where they are found to enhance a design element, or otherwise are found to be appropriate due to unique site conditions. In general, signage colors shall be complementary with the proposed development. White, earth, bronze, gold or other subdued color tones for Signs, lettering and logos are preferred.

- c. The ARC may consider allowing corporate logos where appropriate. However, the colors of corporate logos may be required to be changed or subdued to meet the intent and purposes of this Code and color requirements set forth above.
- d. The shape of Signs shall relate to the building facade, facade of adjacent buildings, and to the signs on adjacent buildings, if applicable. The coloring of Signs shall be consistent throughout utilizing complementary tones and shades.
- e. In all other respects the Sign must comply with all other requirements of this Code and the Ordinances of the City of Highwood. (Added by 90-O-21)
- f. All Signs shall be professionally done and in all respects comply with the intents and purposes of this Code. Hand lettered signs are not permitted.

4.8.8 Each business establishment within the City shall exhibit at least one approved wall, window, or monument sign that will adequately identify and promote the use while being conforming with the provisions of this Code. Installation of appropriate approved signage shall be a required condition of any certificate of occupancy issued for a business establishment.

4.8.9 Address - Each business premises shall display its address on the front of the premises and on the back door of the premises.

4.8.10 Flag Poles - No flag pole shall exceed 30 feet in height and no advertising is permitted other than a business logo, where approved.

4.9 Business District Requirements - Temporary Signs and Regulations. The following temporary Signage is permitted and regulated as follows:

4.9.1 Event Signs - A Sign not exceeding sixteen (16) square feet in total surface area and six (6) feet in height announcing a drive or event of a religious, civic or philanthropic organization may be permitted on the premises of said organization provided that the Sign shall be used for not more than fifteen (15) days prior to the event and provided that said Sign shall be removed within two (2) days after the completion of said event.

4.9.2 Project Identification Sign - One Sign not exceeding sixteen (16) square feet in total surface area may be placed on the premises of a business, project or building under construction facing each right of way.

4.9.3 Temporary Advertising Signs - Temporary Advertising Signs are permitted as follows:

- a. The Sign is permitted only for the announcement of a grand opening sale, special offering or event; and
- b. The Sign shall be contained entirely within the lot or premises and specifically, no such Sign shall be posted or placed upon any sidewalk, parkway, or public right-of-way.
- c. The Sign shall be used for not more than fifteen (15) days prior to the event and the Sign shall be removed within two (2) days after the completion of said event; and
- d. The Sign shall bear the date it was posted, and may not be reused or the event or offering reposted within 45 days of the initial posting; and
- e. If the Sign is posted in or near a window pane or glass door, any sign shall not exceed 4 square feet, nor shall the total of all signage posted in the window pane(s) or glass door area exceed twenty (20%) percent of the glass area of the window pane(s) or glass door.
- f. No such Sign shall be illuminated.
- g. The occupant of the premises shall keep a log of all Temporary Advertising Signs posted at the premises. such log shall include the date of posting, the event or offering posted, the date of removal, and the identification of the employee making the posting. Such log shall be exhibited immediately upon request to any agent of the City for inspection and copying. Signs announcing charitable, civic, philanthropic or community sponsored events and Event Signs are not subject to the log requirements hereunder.
- h. The Sign shall be professionally done and in all respects comply with the intents and purposes of this Code. Hand lettered signs are not permitted.

4.9.4 Valet Signs - The Mayor may authorize temporary Signs designating approved valet parking services.

4.9.5 Political Signs - Political Signs are not regulated by this Code except that any Political Sign shall be removed by any candidate or any political committee within five days after the election in which the political issue is decided. Failure of any candidate or political committee to remove a Political Sign shall make both liable for violation of this Code. However, no such Sign may be placed or erected upon any public way or place except as herein provided.

- 4.10 Business District Requirements - Prohibited Signs. The following Signs are prohibited.
- 4.10.1 Pennants and Flags - No banners, flags, pennants, ribbons, streamers, spinners or helium filled balloons used as a Sign shall be located, erected, altered or maintained in the City.
  - 4.10.2 Pole Signs, clocks, or other advertising devices erected upon poles, pylons, standards or separate supports are prohibited.
  - 4.10.3 Portable Signs - Portable signs are not permitted.
  - 4.10.4 Any open spark or flame shall not be used for display purposes unless specifically approved by the Building Department and Fire Department. (Amended per 2005-O-6).
  - 4.10.5 Hand lettered signs are not permitted. All Signs shall be professionally done and in all respects comply with the intents and purposes of this Code. (Amended per 2005-O-6).
  - 4.10.6 Neon Signs not specifically permitted herein are prohibited.
  - 4.10.7 No LCD/plasma displays, blinking, flashing or fluttering or other illuminating device, nor any illumination which has a change in light intensity, brightness or color shall be permitted. (This prohibition is not intended to apply to any approved time/temperature Sign nor to seasonal holiday lighting).
  - 4.10.8 No Sign with changing messages or content, revolving mechanisms, including alternating slats which change the message or signage content shall be permitted.
  - 4.10.9 No light or string of lights shall be illuminated except during holiday seasons and then may only be illuminated during such holiday season.
  - 4.10.10 No Sign may be placed or erected upon any public way or place except as herein provided.
  - 4.10.11 Except as specifically permitted herein, no person shall post, stick, stamp, tack, paint or otherwise fix, or cause the same to be done by any person, any sign, notice, placard, bill, card, poster, advertisement or other devise calculated to get the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone or any other portion or part of any public way.
  - 4.10.12 Illuminated Building faces are prohibited unless submitted for approval, however, If approved shall be only such faces as do not front a residential district. (Amended per 2005-O-6).
  - 4.10.13 Illuminated Box Signs are prohibited both as Wall Signs and Monument/Free Standing Signs. (Amended per 2005-O-6).

4.10.14 Trucks - Signs, lettering and announcements on trucks and delivery vehicles shall not be used to circumvent the signage regulations of this Code. Trucks whose primary purpose is the display of a billboard or display are specifically prohibited.

4.10.15 Other Signs not permitted by this Code are prohibited. (Amended per 2000-O-59).

#### 4.11 Removal of Non-Conforming Signs

4.11.1 Non-Conforming Signs. Non-Conforming Signs may remain so long as the use which they advertise or identify remains, and so long as they remain undamaged and in a good state of repair, and so long as they remain safe and structurally sound as herein provided. However, provided as follows:

- a. Non-Conforming Signs shall not be changed, repaired, reconstructed, or modified in any manner whatsoever. However, routine maintenance such as painting and changing of light bulbs is permitted.
- b. Once a Non-Conforming Sign becomes damaged, falls into disrepair, or is no longer safe and structurally sound, or such Non-Conforming Sign becomes obsolete, and no longer advertises or identifies an existing use, such Non-Conforming Obsolete Sign shall be removed including the Sign face, all poles, bases, supports, braces, guys, anchors, and any other supporting structures within 30 days of the date the Non-Conforming Sign becomes obsolete. Further, the premises to which the Sign was attached shall be restored to a good and safe condition. (Amended per 96-O-35)
- c. If any Non-Conforming Sign does not comply with the Code and all other applicable Ordinances, rules and regulations in effect at the time that the Non-Conforming Sign becomes damaged or falls into disrepair, then and in that event, the Owner shall remove or cause to be removed such Non-Conforming Sign, in its entirety including the Sign face, all poles, bases, supports, braces, guys, anchors and any other supporting structures within 30 days of the date the Non-Conforming Sign becomes damaged or falls into disrepair. Further, the premises to which the Sign was attached shall be restored to a good and safe condition. (Amended per 2001-O-41)
- d. The above shall not apply to Non-Conforming Monument Signs covered under section 4.3.4 d. 8 (Amended per 2001-O-41)

4.11.2 Obsolete Signs. Within thirty (30) days after any building, development or portion thereof, is vacated, or anytime that a Sign shall cease to advertise or identify its original use, the Owner shall:

- a. If said Sign in all respects complies with this Code in effect at the time that the Sign became obsolete, and all applicable Ordinances, rules and regulations in effect at the time that the Sign became obsolete, the Owner shall remove or cause to be removed:

1. Such Obsolete Sign face within thirty (30) days;
  2. Such Obsolete Sign, in its entirety, including all poles, bases, supports, braces, guys, anchors and any other supporting structures pursuant to Section 4.11.3. (Amended per 96-O-35)
- b. If said Sign was a Non-Conforming Sign did not comply with the Code in effect at the time that the Sign became obsolete, and all applicable Ordinances, rules and regulations in effect at the time that Sign became obsolete, then and in that event, the Owner shall remove or cause to be removed such obsolete Sign, in its entirety, including the Sign face all poles, bases, supports, braces, guys, anchors and any other supporting structures within 30 days of the date the Sign became obsolete. Further, the premises to which the Sign was attached shall be restored to a good and safe condition. (Amended per 96-O-35) (Amended per 2001-O-41)
- c. The above shall not apply to Obsolete Non-Conforming Monument Signs covered under section 4.3.4 d. 8 (Amended per 2001-O-41)

4.11.3 Removal. For a premises containing a conforming obsolete Sign, within sixty (60) days of the date the Sign became obsolete, the Owner shall remove or cause to be removed such obsolete Sign, in its entirety, including all poles, bases, supports, braces, guys, anchors, and any other supporting structures. Further provided however, that the ARC may recommend to the City Council of the City of Highwood a further extension of such time period. An application for such extension shall be submitted to the Appearance Review Committee of the City of Highwood, by Applicant showing good cause why such conforming obsolete Sign ought not be removed within the time period provided herein. The Appearance Review Committee may in its discretion recommend such extension, and further recommend such further conditions as are reasonably required to implement the intent and purposes of this Ordinance. The report of the Appearance Review Committee recommending the granting or denial of such extension shall be forwarded to the City Council for consideration and approval or denial. The City Council may impose such further conditions as it determines are reasonably required to implement the intent and purpose of this Ordinance.

Thereafter, a further extension of time may be granted by application submitted to the City Council of the City of Highwood, by Applicant showing good cause why such conforming obsolete Sign ought not be removed within the time periods granted above. The City Council may grant such extension, and further may impose such further conditions as are reasonably required to implement the intent and purposes of this Ordinance. In its discretion the City Council may refer this matter back to the Appearance Review Committee for further consideration for any further extension. (Amended per 96-O-35)

Upon expiration of the time periods set forth above, and further provided that no permits have been issued for the modification and maintenance of said Sign and structure, the Owner shall remove such obsolete Sign in its entirety, including all poles, bases, supports, braces, guides, anchors and any other supporting structures.

4.11.4 Shopping Centers. For integrated shopping centers under single ownership or under unified control, which maintain a Sign erected showing the name of the integrated shopping center and the name of the occupants of the center, whenever such Sign, or portion thereof, ceases to advertise or identify a business or use within such shopping center, the Owner shall remove or cause to be removed such obsolete Sign, or portion thereof within thirty (30) days after such use ceases. (Amended per 96-O-35)

4.11.5 Removal of Sign Face. Any Sign face which is required to be removed pursuant to the terms of this Ordinance shall be considered removed either when the Sign, in its entirety has been removed, or when the Sign face, lettering, graphics or other information identifying the obsolete use has been fully removed. Further provided that all work shall be professionally done and in all respects comply with the intents and purposes of this Code. In no event shall the Sign face be simply covered, or any interior areas of a Sign receptacle or box remain exposed. (Amended per 96-O-35)

4.11.6 Building Face Restored. Whenever a Sign is removed from a building facade, such facade shall be restored following removal of the Sign. (Amended per 2005-O-6).

4.11.7 Lien. If Signs are not removed within the time period provided pursuant to the terms of this Ordinance, the City may have such Signs removed at the expense of the Owner. The expense of such removal shall constitute a lien upon the premises until paid. (Amended per 96-O-35)

#### 4.12 Maintenance Of Signs And Premises

4.12.1 Alterations A Sign shall not be enlarged or relocated except in conformity to the provisions for new Signs, nor until a proper permit has been secured. The changing or movable parts of an approved Sign that is designed for such changes, or the repainting or reposting of display matter, shall not be deemed an alteration provided the conditions of the original approval and the requirements of this article are not violated.

4.12.2 Relocating Signs Any Sign that is moved to another location either on the same or to other premises shall be considered a new Sign and a permit shall be secured for any work performed in connection therewith when required by this article.

- 4.12.3 Duty to Maintain Sign. All Signs together with all their supports, braces, guys and anchors shall be kept in good repair and shall at all times be maintained to conform to, at least, the minimum standards prescribed by the ordinances of the City. Further, provided that Non-Conforming Signs shall not be so maintained, and shall be removed once they become damaged or fall into disrepair. Notwithstanding the above, the changing of bulbs is permitted without ARC approval, and painting of sign poles and boxes is permitted, following ARC approval.
- 4.12.4 Duty to Maintain Premises. It shall be the duty of all persons holding a present possessory interest in a lot or premises and the Owner thereof having a Sign, to at all times maintain said lot or premises in the vicinity of such Sign in a neat, clean, sanitary and inoffensive condition, to keep the same free and clean of all debris, junk and other materials and substances which would tend to create a condition detrimental to the appearance of the property, the City, or the health, safety, and welfare of the citizens of Highwood.
- 4.12.5 Sign Removal. When any Sign becomes insecure, presents a danger of falling, or otherwise unsafe, or if any Sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Code, the persons having a present possessory interest in the lot or premises upon which the Sign is placed or the Owner thereof shall upon written notice of the Building Department, and in the case of immediate danger forthwith, but in no event no more than ten (10) days, make such Sign conform to the provisions of this article or shall remove it. The persons having a present possessory interest in the Sign or the Owner of the lot or premises shall be afforded a hearing before the ARC to show cause why the Sign shall not be removed. If within ten (10) days after the ARC finds that the Sign is unsafe or is not maintained in accordance with this article or was unlawfully erected or installed, the Building Department may cause the removal of the Sign and charge the cost of removal to the persons having a present possessory interest in the Sign or the Owner of the lot or premises concerned.

#### 4.13 Removal of Miscellaneous Obsolete Structures

- 4.13.1 Obsolete Structures. Within thirty (30) days after any antenna tower, pole, refuse enclosure, storage structure, satellite dish, or ancillary structure in the business district, ceases to be used, is vacated, or is no longer used for its intended function, the Owner shall:
- a. Shall remove or cause same to be removed, in its entirety, within thirty (30) days, including , including all poles, bases, supports, braces, guys, anchors and any other supporting structures. (Amended per 2005-O-6).

- 4.14 Notary Public Disclosure. Notwithstanding any other provision of this Ordinance to the contrary, any Sign approved for a Notary Public who is not an attorney, which is in a language other than English, shall contain the following disclaimer, in accordance with 5 ILCS 312/3-103:

"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS  
AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL  
ADVICE."

The above disclaimer shall be of a conspicuous size and shall be in the language in which the Sign appears. (Added by 91-O-26)

## CHAPTER 5.

### APPROVAL OF LANDSCAPE PLANS AND EXTERIOR AREAS

- 5.1 Introduction The purpose of this Chapter is to enhance the appearance of properties and the City in such a way as to:
- 5.1.1 Insure that all properties other than single family dwellings, or duplex dwellings substantially remodeled, substantially renovated or developed (including additions) within the City are reviewed for landscape design elements both on the property and adjacent public ways by promoting enhanced landscape opportunities.
  - 5.1.2 Enhance the appearance of the City.
  - 5.1.3 Provide a review of landscape plans with regard to design elements, planting materials, proportion and manner of display to fully promote the intents and purpose of this Code.
  - 5.1.4 Promote such plantings and landscape design elements that will not obstruct the vision necessary for traffic safety or otherwise endanger the public health, safety, morals or general welfare.
  - 5.1.5 Insure that plantings and landscape design elements are selected for their durability and as well as for their beauty.
  - 5.1.6 Enhance architectural features, strengthen vistas and important areas, and provide shade.
- 5.2 Application For Permit Where a property is substantially remodeled, substantially renovated or developed (including additions) within the City, other than a single family or existing duplex dwelling, an application for landscape approval shall be made by the Applicant to the ARC upon such forms as may be provided by the Building Department.
- 5.2.1 Contents of Application. Such application shall contain or have attached thereto the following information:
    - a. Name, address and telephone number of Applicant;
    - b. Written consent of the legal owner of the building or structure;
    - c. Location of the building or structure to be constructed or altered;
    - d. Site Plan -- Two (2) drawings of the project including specifications, elevations and methods of construction, including a scaled drawing appropriate to the project with sufficient detail to clearly convey the form and nature of all site improvements and modifications and their relationships to adjacent properties. Documentation may be required to include:

1. Project address; Graphic scale, north reference; Square foot area calculations for building, pavement and landscaping; Dimensioned property lines, easements and building setbacks; Adjacent streets, alleys and sidewalks; Parking spaces including handicapped spaces; Trash/refuse location and enclosures; Proposed equipment (generators, compactors, transformers, HVAC, etc.; and Existing and proposed contours at 2'-0" maximum intervals (if applicable).
2. Landscape Plan -- Rendered in color and including depiction of: Existing vegetation noting species, size and driplines of trees 2-1/2" caliper and larger, with a distinction shown between vegetation to be retained or removed; New plant material noting quantities, species (botanical and common names), and size (in caliper or height at time of installation), and graphically distinguishing between new and existing plant material and between species of new plant material; Site furnishings and specialties; Paving materials; Height and locations of flagpoles, signage, light standards and fences; Screening, noting materials used as screen, height of screen material, device or area which requires screening and height of device to be screened (Exterior areas which require screening include parking, refuse storage and mechanical equipment); and Storm water retention/detention areas.
3. Lighting Plan -- A separate overlay to the above referenced Site Plan with site and building lighting highlighted. Documentation to include: Photometric documentation or separate print-out showing compliance with Zoning Ordinance; Reference code keyed to light fixture catalog cuts; and Lamp types.
4. Building Plan (Minimum Scale 1/8"=1'-0") -- Documentation shall include: Grade level plan which indicates openings and articulation of the exterior wall and the relationship of this level to the project site; Floor plans of all levels on separate drawings; Roof plan with equipment, skylights and other appropriate features; and Graphically distinguish between new and existing construction.
5. Building Elevations (Minimum Scale 1/8"=1'-0") -- A drawing which provides exterior views of all new and existing building facades and indicates the relationships of all visible building features and color rendering of significant views.
6. Site Section -- A section through the site at appropriate locations indicating buildings, trees, light standards, grade variations, fences and other critical structures. Reference plane of section cuts to Site Plan.

7. Scale Model or Building Perspective -- A scale model or color rendering of significant views of the building and its surrounding area.
8. Material Samples -- A display board which illustrates actual site and building materials. Samples shall provide an accurate representation of color, texture, finish and range variations.
9. Photographs -- Current color photographs (minimum size 4" x 6") of the site showing all building elevations, surrounding properties and landscape views. Format shall be a minimum 4" x 6" size color print. Panoramic studies are preferred.

e. The application shall be supplemented by such other and further materials as required by the Building Department or the ARC (Amended per 2005-O-6).

5.2.2 Appearance. Upon such application, Applicant may be required to appear before the Appearance Review Committee for clarification of the proposed landscape plans. Approval must be secured from the Building Department, a Certificate of Approval from the Appearance Review Committee and final approval from the City Council before any permit is issued.

5.3 Approval Process. After review and consideration of the material presented, the ARC shall move approval if it finds that:

5.3.1 The Applicant's plans are substantially consistent with this Code;

5.3.2 The proposed exterior design features of the development are consistent with the intent and purposes of this Code, and suitable and compatible with the character of neighboring buildings and structures existing or under construction and with the character of the neighborhood and zoning district, and contribute to the favorable environment of the City;

5.3.3 The exterior design features of the development will not be detrimental to the harmonious and orderly growth of the City;

5.3.4 The exterior design features of the development will not cause a substantial depreciation in the property values or taxable values in the neighborhood.

5.4 Criteria for Appearance Review. The purpose of these criteria is to establish a checklist of those items which affect the physical aspect of the City's environment. Pertinent to appearance is the design of the site, building and structures, paved areas, planting, signs, street hardware, 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 City, preserve taxable values, and promote the public health, safety and welfare, and include:

5.4.1 Relationship of buildings to site.

- a. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian movement, and parking areas.
- b. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.
- c. 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.
- d. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- f. Wherever practicable adjacent public utilities shall be relocated to underground, or to the rear of the premises.

5.4.2 Relationship of buildings and site to adjoining area.

- a. Attractive landscape transition to adjoining properties shall be provided.
- b. Harmony in texture, lines, and masses is required. Monotony shall be avoided.

5.4.3 Landscape and site treatment. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

- a. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
- b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
- c. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade. Spectacular effects shall be reserved for special locations only.

- d. Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
- e. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are indigenous to the area and others that will be hardy, harmonious to the design, and of good appearance shall be used.
- f. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- g. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
- h. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged. The ARC may exercise discretion if in its opinion the minimum criteria of the Code cannot be fulfilled on the existing site. Such discretion must be forwarded to the City Council for its review.
- i. Screening of service yards, and other places which tend to be unsightly, shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
- j. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
- k. Provision for watering landscape areas shall be included in the design.
- l. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design, and excessive brightness avoided, particularly adjacent to residential areas.

#### 5.4.5 Building Design.

- a. Architectural style is not restricted. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.
- b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
- c. Materials.

1. Materials shall have good architectural character and shall be selected for harmony of the building and adjoining buildings.
  2. 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.
  3. Materials shall be of durable quality.
  4. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious to their surroundings.
  5. Building components such as windows, doors, eaves, and parapets shall have good proportions and relationship to one another.
- e. Colors shall be harmonious with compatible accents.
  - f. 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 so located as not to be visible from any public ways.
  - g. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
  - h. 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.
  - i. 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.

5.4.6 Miscellaneous structures and street hardware.

- a. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- b. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.

5.4.7 Maintenance - planning and design factors.

- a. 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.
- b. 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.
- c. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configuration that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

5.4.8 Factors for evaluation. The following factors and characteristics which affect the appearance of a development will govern the ARC's evaluation of a design submission:

- a. Conformance to ordinances and this Code;
- b. Logic of design;
- c. Exterior space utilization;
- d. Architectural character;
- e. Attractiveness;
- f. Material selection;
- g. Harmony and compatibility;
- h. Circulation - vehicular and pedestrian; and
- j. Maintenance aspects.

5.5 Landscaping Approval Required. No building permit shall be issued for any new construction nor for any premises which is substantially altered, remodeled or improved within the City (except single family or existing duplex dwellings), unless the Applicant shall provide and obtain approval of a landscape plan showing the premises (in addition to the parkway and off-street parking area requirements herein) to be treated with decorative elements, plantings, berms or other innovative means as required in this Code. The following specific provisions shall apply wherever practicable:

5.5.1 Any construction, addition, or enlargement for all uses, except single family or existing duplex dwellings, shall be permitted only upon compliance with the following at a minimum:

- a. Shade trees of not less than 2 1/2 inches caliper shall be planted within or surrounding the proposed construction, addition or enlargement, at a rate and spacing determined by the ARC, based upon the proposed use and the intent and purpose of this Ordinance.
- b. Each area abutting a public street (other than approved driveway cuts) shall provide approved landscaping of hedges, shrubbery or evergreens, a planted earth berm, or a combination of both as approved by the Appearance Review Committee.
- c. Planting islands of shrubs and/or trees, and decorative berms shall be implemented into landscape plans for screening or outdoor areas, including areas of congregation of individuals such as: patios, outdoor service areas and service yards, and other places in which individuals, patrons or employees tend to congregate. This shall be accomplished by use of walls, fencing, plantings or combinations of the above.
- d. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- e. Plant material shall be selected for interest in its structure, texture and color and for its ultimate growth. Plants that are non invasive, hardy, harmonious to the design, and of attractive appearance shall be used.
- f. Each area in the Business District for which a landscaping plan is required which abuts residential property shall provide a sight screen approved by the Appearance Review Committee such as: a solid fence, or wall, not less than five (5) feet nor more than six (6) feet in height or a continuous dense hedge of shrubbery or evergreens, a planted earth berm or a combination of both, at least five (5) feet high.

5.6 Parking Lots To achieve attractive landscape transition between off-street parking areas and adjoining properties or public streets, all such areas shall be treated with decorative design elements, plantings, berms or other innovative means as required in this Code. The following specific provisions shall apply:

- 5.6.1 Any construction or enlargement of off-street parking and loading areas for all uses, except single family or existing duplex dwellings, shall be permitted only upon compliance with the following:
  - a. No permit shall be issued for construction of any new parking area (except single family or existing duplex dwellings), unless the Applicant agrees that plantings and trees as determined sufficient by the ARC shall be planted therein, unless the ARC shall show good cause in writing that such planting will not be in the best interest of the City. At a minimum Shade trees of not less than 2 1/2 inches caliper shall be planted within or surrounding any

parking area at a rate of not less than one tree for the first 5,000 square feet of parking and loading areas, plus one tree for each additional 5,000 square feet or part thereof of parking and loading area, but not less than one tree for each such area. The Applicant shall provide bond or other surety in a form acceptable to the City Attorney for same.

- b. All such trees shall be of a caliper specified by the ARC, and of such species, quality and placement as may be approved by the ARC, taking into account cleanliness, ease of maintenance, resistance to disease and adverse conditions and the avoidance of concentrations of single species.
- c. No tree, shrub or plant shall be planted or maintained within any parking area where the lowermost branches of any tree extend over the adjacent pavement maintained for vehicular traffic or parking at a height of less than nine (9) feet.
- d. The planting of any low-hanging trees which might impair vision is also prohibited. No person shall plant any tree in a parking lot without first obtaining approval from the ARC.
- e. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- f. Plant material shall be selected for interest in its structure, texture and color and for its ultimate growth. Plants that are indigenous to the area and that will be hardy, harmonious to the design, and of attractive appearance shall be used.

5.6.2. Parking and loading areas abutting any street or abutting residential uses shall also comply with the following:

- a. Each such area abutting a public street (other than approved driveway cuts) shall provide a buffer strip five (5) feet minimum width for the entire length of the property line abutting such right of way landscaped with a continuous dense hedge of shrubbery or evergreens, a planted earth berm, or a combination of both, of appropriate height as determined by the ARC considering the site.
- b. Each such area abutting residential property shall provide a sight screen such as: a solid fence, or wall, not less than five (5) feet nor more than six (6) feet in height or a continuous dense hedge of shrubbery or evergreens, a planted earth berm or a combination of both, at least five (5) feet high.
- c. Planting islands of shrubs and/or trees within parking lots or loading areas shall be encouraged.
- d. Parking areas and related traffic ways shall be enhanced with landscaped areas, including trees or tree groupings.

- e. Unity of design shall be achieved by repetition of certain plant varieties and other materials and by correlation with adjacent developments.
- f. Plant material shall be selected for interest in its structure, texture and color and for its ultimate growth. Plants that are indigenous to the area and that will be hardy, harmonious to the design, and of attractive appearance shall be used.
- g. 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.
- h. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.

5.6.3 Trees, plantings and improvements placed or authorized by the City shall be exempt from the provisions of this Code.

5.7 Parkways and Public Ways No building permit shall be issued for any new construction nor for any premises which is substantially altered, remodeled or improved within the City, (except single family or existing duplex dwellings), unless the Applicant agrees that grass, plantings and trees as required in this Code and as determined sufficient by the ARC shall be planted in the public parkway adjoining the premises to be improved. The following specific provisions shall apply, unless the ARC shall show good cause in writing that such planting will not be in the best interest of the City:

- 5.7.1 Trees shall be planted approximately forty (40) feet apart at a rate of not less than one (1) tree for any frontage of less than forty (40) feet, two (2) trees for any frontage of forty (40) feet, and two (2) trees for each additional forty (40) feet of frontage or part thereof. The Applicant shall provide bond or other surety in a form acceptable to the City Attorney for same.
- 5.7.2 All such trees shall be of not less than 2-1/2 inches caliper, of such species, quality and placement as may be approved by the ARC, taking into account cleanliness, ease of maintenance, resistance to disease and adverse conditions and the avoidance of concentrations of single species.
- 5.7.3 The following trees shall not be used for street for parkway plantings: Poplar, cottonwood, box elder, willow, dwarf catalpa, soft maple, elms, hawthorn, birch, spruce, pine, fir, or any type of bearing fruit/nut tree or any variety thereof.
- 5.7.4 It shall be unlawful for any person, firm or corporation to plant, set out, grow or maintain any tree, shrub or plant in and upon any public street or parkway in the City except in the manner herein specified.

- 5.7.5 It shall be unlawful for any person, firm or corporation to place or maintain on any such street or parkway, gravel, stones, boulders, fences, rock gardens or ornamentation within two (2) feet from public roadway.
- 5.7.6 It shall be unlawful for any person, firm or corporation to remove, damage, deface, any improvements (including landscaping, grass or plantings) installed upon any right of way, the public parkway, public parks, City property, parking lots maintained or managed by the City, or any landscaping and/or plantings required by this code.
- 5.7.7 It shall be the duty of the person, firm or corporation owning or occupying the property adjacent to the public parkway to maintain the parkway by trimming/mowing any grass thereon. It shall be unlawful for any person, firm or corporation to allow such grass to grow in excess of the limitations imposed by the City's ordinances.
- 5.7.8 Unless approved by the City, no tree, shrub or plant shall be planted or maintained upon any public street or parkway at a distance of less than two (2) feet from the established curb line or at a distance of less than two (2) feet from the established sidewalk line nor shall the lowermost branches of any tree extend over the adjacent pavement maintained for vehicular traffic at a height of less than nine (9) feet. No shrubs shall be allowed to grow higher than three (3) feet.
- 5.7.9 The planting of any low-hanging trees which might impair vision is also prohibited. No person shall plant any tree on any parkway without first obtaining permission from the ARC.
- 5.7.10 Trees, plantings and improvements placed or authorized by the City shall be exempt from the provisions of this Code.

## 5.8 Refuse Areas and Mechanical Equipment

- 5.8.1 In the B-1 zoning district of the City of Highwood and in all zoning districts in which a business, commercial, or multiple family use exists (a property containing more than three (3) family living units) a refuse enclosure area is required as follows. All garbage and refuse receptacles, garbage and refuse bags, recycling containers, and all other items of garbage, trash, refuse, brush, cuttings or any other matter enumerated in the City's scavenger ordinance for collection (hereinafter "Refuse"), shall at all times be kept in the enclosed and screened area designated for same (hereinafter "Refuse Enclosure Area") except when the Refuse is actually being collected. The Refuse Enclosure Area shall consist of a paved dustless surface surrounded by an approved screening fence or landscape screening of a height sufficient to screen such Refuse and containers from view from adjoining properties and public or private ways. The Refuse Enclosure Area shall be designed with a gate or gates to allow access by the scavenger service for removal of the containers and/or Refuse, and a separate entry to the Refuse Enclosure Area for depositing of Refuse by users of the enclosure (hereinafter

“man-way”). The requirement of a man-way may be waived by the ARC if not practicable in a particular application or premises. (Amended per 2000-O-59).

- 5.8.2 The ARC may promulgate certain approved refuse enclosures and screening devices to be implemented for the purposes set forth above. Such pre-approved screening methods and designs may be implemented by the building official and permits issued for same, without the necessity of the Applicant appearing before the Appearance Review Committee, provided the proposed enclosure or screening device fully complies in all respects with all other applicable ordinances. Where convenience for the administration of this Code, the building official may solicit such approvals from time to time from the ARC, on behalf of the City, or on behalf of any Applicant. (Amended per 2000-O-59).
- 5.8.3 Notwithstanding any other provision of this Code, or Section 9.2 of the Zoning Code of the City of Highwood, approval of the City Council is not required for the issuance of permits for refuse enclosures in any business district. However, at the next regular meeting of the City Council, the Building Official shall report to the City Council the nature of all permits issued pursuant to this Ordinance. (Amended per 2000-O-59).
- 5.8.4 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. Further, to the greatest extent practicable they shall not be located in front yards or adjacent to any public way. (Amended per 2001-O-41)
- 5.8.5 In all business property used for business purposes, 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 so located as not to be visible from any public ways.
- 5.9.6 Screening of service yards, and other places which tend to be unsightly, shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.

## 5.9 Fences.

- 5.9.1 Anyone wishing to erect a fence within the City shall obtain a fence permit from the Building Department. However, no permit shall be issued for any fence (other than a temporary construction site fence) to be constructed within the business district until the ARC has reviewed same and issued its approval.
- 5.9.2 All fences shall comply with the following regulations:
  - a. No fence shall be erected or maintained in a front yard of any lot adjoining a public street in any district, except in the B-1 Retail Business District, to a height greater than four (4) feet. Only open fencing is permitted in a front yard.(Amended per 85-O-19 and 90-O-05 and 94-O-18)

- b. No fences shall be erected or maintained in a side yard or a rear yard in any district (except in the Business District) to a height greater than six (6) feet. (Amended per 85-O-19 and 90-O-05)
- c. No "Chain-link" type fencing (with or without filler strips) shall be erected or maintained in a front yard of any lot adjoining a public street in any district. Existing chain link fences shall be removed when they fall into disrepair.
- d. Fences in any Business District shall comply with the following:
  - 1. No fence shall be erected or maintained in the Business District to a height greater than five (5') feet. Further, only open wrought iron fencing is permitted in any yard in the Business District. Exceptions to the requirements of this Paragraph are set forth in Section c.2. below. (Amended per 85-O-19 and 90-O-05)
  - 2. In areas of the Business District in which a fence for screening purposes is required by any Ordinance of the City of Highwood, such screening fence shall not be in excess of six (6') feet and shall consist of a decorative "board on board", brick, other fencing or other material approved by the ARC. Further provided that same is structurally sound for the proposed application (i.e. supported by metal poles and framing).
  - 3. Regardless of the above permitted heights, in no event shall any wall, fence or other structure or planting be placed or maintained in a location relative to a public or private street, alley, driveway or other means of ingress or egress such that the sight of oncoming vehicular or pedestrian traffic is impaired for users of such means of ingress and egress.
  - 4. "Chain-link" type fencing, with or without filler strips, is prohibited.
  - 5. All fence materials shall be new and of good quality acceptable for exterior use.
  - 6. Upon good cause shown by the Applicant, the City Council may grant a variation to allow an Applicant to erect a fence which is required for screening purposes other than as permitted above. Such approval shall be in the sole discretion of the City Council. (Amended per 85-O-19, 90-O-05 and 2000-O-59).
- e. In the business district (in all zoning districts) the finished side of the fence (side without fence posts) shall face the adjoining property or public way.
- f. The use of barbed wire or electrically charged fences is prohibited.

- 5.9.4 Any fence (whether or not required by this Code) and/or any landscaped screening used to satisfy the requirements of this Code or required as a condition of approval for a special use permit, or for which permit is issued shall be continually maintained for the duration of the use involved.
- 5.10 Maintenance and Upkeep In general, maintenance and upkeep are required for all the parts and objects which compose the City's image. Lawns and planting require considerably more periodic attention than do buildings; nonetheless both require maintenance in order to retain a good appearance. Improper and inadequate maintenance decreases value and results in bad appearance. Therefore it is necessary that maintenance be a concern of the ARC.
- 5.10.1 The maintenance of yards, other open spaces and minimum lot areas legally required for a building within a zoning district shall be a continuing obligation upon the Owner of such building or property. Further, there shall be a continuing obligation upon the Owner of any building or property for which landscape plantings have been approved pursuant to this Ordinance to maintain same and, as necessary to replace any landscaping materials, plantings, shrubbery, fences or otherwise which may have deteriorated or have been damaged or defaced, all as more fully set forth below.
- 5.10.2 All trees, shrubs and plantings required by this Code shall be provided and maintained by the Owner or occupant of the premises. The property Owner or occupant is required to maintain adjacent parkway including but not limited to mowing grass and raking leaves. However, the City will be responsible for pruning and removing any trees located in the city parkways which it determines detrimental to the health, safety and welfare of the public.
- 5.10.3 Any tree, shrub or plant planted on private property which overhangs any public way in such a manner as to impede or interfere with traffic or travel on said public way or obstruct the view of motorists at the intersection of streets shall be trimmed by the Owner of the premises on which said tree or shrub is planted so that the interference or obstruction is removed. Any tree or limb of a tree which has become dead or decayed or broken and likely to fall on or across any public way shall be removed by the Owner of the premises on which such tree stands or grows.
- 5.10.4 Landscape materials, other than plantings, which have deteriorated or have been damaged or defaced, shall be properly repaired or replaced.
- 5.10.5 Plant materials which have deteriorated or died shall be replaced with healthy plantings, or the area redesigned with other treatment to provide an attractive appearance.
- 5.10.6 Plantings shall be kept watered, fed, cultivated, and pruned as required to give a healthy and well-groomed appearance during all seasons.

- 5.10.7 Any vacant or abandoned lot shall be appropriately maintained. This shall include removal of any previously permitted pavement surfaces, and installation and maintenance of landscaping including grass, sod, or other decorative materials. Any such property shall be kept free and clear of litter and debris.
- 5.10.8 Parkway planting areas shall be maintained by the adjacent property Owner or in order to add to the aesthetic enhancement of the private property and the overall attractiveness of the streetscape.
- 5.10.9 Sidewalks, curbs and gutters, roadside berms, and other public improvements in the public right-of-way shall be repaired and maintained as necessary.
- 5.10.10 Refuse containers of an aesthetically satisfactory design and color shall be placed in locations which will encourage their use, to avoid littering of waste materials.
- 5.10.11 Street hardware shall be erected and secured properly, and shall be cleaned or painted regularly to present an orderly appearance.

## CHAPTER 6

### APPROVAL OF BUILDING FACADES AND EXTERIORS

- 6.1 Introduction The purpose of this Chapter is to enhance the appearance of properties and the City in such a way as to:
- 6.1.1 Insure that designated properties remodeled, renovated or developed within the City are reviewed to insure acceptable appearance of exterior areas thereby promoting consistent renovation of such structures.
  - 6.1.2 Enhance the appearance of the City.
  - 6.1.3 Provide a review of the exterior plan with regard to design features, components and proportion to fully promote the intents and purpose of this Code.
  - 6.1.4 Promote such exterior improvements and design features that will enhance the structure and will not obstruct the vision necessary for traffic safety or otherwise endanger the public health, safety, morals or general welfare. Limited additional design elements may be permitted on any structure where determined appropriate by the Appearance Review Committee, in its discretion, subject to review and approval by the City Council. Such design elements may include decorative murals, which do not specifically identify the business, decorative etchings, woodwork and/or public art which are attendant to enhance the visual appeal of a structure or premises.
  - 6.1.5 Insure that all exterior design features are selected for their durability as well as for their beauty.
- 6.2 Facades Without approval of the ARC as provided below, no person, firm, partnership or corporation shall:
- 6.2.1 Alter the structure of any facade upon any building (except a building used exclusively as a single family or existing duplex dwelling), whether or not such building may be located in an area zoned for business; or alter the structure of any facade upon any building (except a building used exclusively as a single family or existing duplex dwelling) within the Business District of the City of Highwood.
  - 6.2.2 Paint, redesign, alter or modify the appearance of any facade upon any building (except a building used exclusively as single family or existing duplex dwelling), whether or not such building may be located in an area zoned for business; or alter the structure of any facade upon any building (except a building used exclusively as a single family or existing duplex dwelling) within the Business District of the City of Highwood.
  - 6.2.3 Construct any new building within in any zoning district of the City (except a building used exclusively as a single family or existing duplex dwelling).

- 6.2.4 Construct or establish any outdoor garden area; patio; deck; private outside dining or drinking area; exterior sales area; exterior (including rooftop) living, entertainment or display area; outdoor sales area (including merchandise sale or display carts) within the business district. Further provided that any temporary sales or display area permitted by the City, or mobile vendor licensed by the City is exempt from this prohibition.
- 6.2.5 Obtain a Certificate of Occupancy for any business use, unless prior to issuance of the Certificate of Occupancy the building or structure which will contain the business use is reviewed for appearance as provided in this Code for new buildings.
- a. Further provided that such review shall not be required for buildings or structures that were reviewed by the ARC prior to construction and are less than thirty years old; or
  - b. Structures built after January 1, 1970.
- 6.2.6 Accessory structures (as defined by the City of Highwood Zoning Code) for residential uses (except those located in the Business Zoning Districts) shall be excluded from the application of this Code.
- 6.2.7 Improvements authorized by the City shall be exempt from the provisions of this Code.
- 6.3 Applications. Application for any permit referred to above shall be made upon such forms as may be provided by the Building Department and shall be signed by the Applicant.
- 6.3.1 Contents of Application. Such application shall contain or have attached thereto the following information:
- a. Name, address and telephone number of Applicant;
  - b. Written consent of the legal owner of the building or structure;
  - c. Location of the building or structure to be constructed or altered;
  - d. Site Plan -- Two (2) drawings of the project including specifications, elevations and methods of construction, including a scaled drawing appropriate to the project with sufficient detail to clearly convey the form and nature of all site improvements and modifications and their relationships to adjacent properties. Documentation may be required to include:
    1. Project address; Graphic scale, north reference; Square foot area calculations for building, pavement and landscaping; Dimensioned property lines, easements and building setbacks; Adjacent streets, alleys and sidewalks; (6) Parking spaces including handicapped spaces; Trash/refuse location and enclosures; Proposed equipment

(generators, compactors, transformers, HVAC, etc.; and Existing and proposed contours at 2'-0" maximum intervals (if applicable).

2. Landscape Plan -- Rendered in color and including depiction of: Existing vegetation noting species, size and driplines of trees 2-1/2" caliper and larger, with a distinction shown between vegetation to be retained or removed; New plant material noting quantities, species (botanical and common names), and size (in caliper or height at time of installation), and graphically distinguishing between new and existing plant material and between species of new plant material; Site furnishings and specialties; Paving materials; Height and locations of flagpoles, signage, light standards and fences; Screening, noting materials used as screen, height of screen material, device or area which requires screening and height of device to be screened (Exterior areas which require screening include parking, refuse storage and mechanical equipment); and Storm water retention/detention areas.
3. Lighting Plan -- A separate overlay to the above referenced Site Plan with site and building lighting highlighted. Documentation to include: Photometric documentation or separate print-out showing compliance with Zoning Ordinance; Reference code keyed to light fixture catalog cuts; and Lamp types.
4. Building Plan (Minimum Scale 1/8"=1'-0") -- Documentation shall include: Grade level plan which indicates openings and articulation of the exterior wall and the relationship of this level to the project site; Floor plans of all levels on separate drawings; Roof plan with equipment, skylights and other appropriate features; and Graphically distinguish between new and existing construction.
5. Building Elevations (Minimum Scale 1/8"=1'-0") -- A drawing which provides exterior views of all new and existing building facades and indicates the relationships of all visible building features and color rendering of significant views.
6. Site Section -- A section through the site at appropriate locations indicating buildings, trees, light standards, grade variations, fences and other critical structures. Reference plane of section cuts to Site Plan.
7. Wall Section -- Profile through a typical exterior wall to convey articulation and relationships of materials.
8. Scale Model or Building Perspective -- A scale model or color rendering of significant views of the building and its surrounding area.

9. Material Samples -- A display board which illustrates actual site and building materials. Samples shall provide an accurate representation of color, texture, finish and range variations.
10. Catalog Cuts -- Manufacturers' descriptive and information brochures as necessary to clarify aesthetic and/or operational characteristics of exposed equipment, specialties, etc.
11. Photographs -- Current color photographs (minimum size 4" x 6") of the site showing all building elevations, surrounding properties and landscape views. Format shall be a minimum 4" x 6" size color print. Panoramic studies are preferred.

e. The application shall be supplemented by such other and further materials as required by the Building Department or the ARC (Amended per 2005-O-6).

6.3.2 Appearance. Upon such application, Applicant may be required to appear before the ARC for review of clarification of proposed plans. Approval must be secured from the Building Department, a Certificate of Approval from the Appearance Review Committee and final approval from the City Council before any permit is issued.

6.4 Approval. After review and consideration of the material presented, the ARC shall move approval if it finds that:

6.4.1 The Applicant's plans are substantially consistent with this Code;

6.4.2 The proposed exterior design features of the development are consistent with the intent and purposes of this Code, and suitable and compatible with the character of neighboring buildings and structures existing or under construction and with the character of the neighborhood and zoning district, and contribute to the favorable environment of the City;

6.4.3 The exterior design features of the development will not be detrimental to the harmonious and orderly growth of the City;

6.4.4 The exterior design features of the development will not cause a substantial depreciation in the property values or taxable values in the neighborhood.

6.5 Criteria for Appearance Review. The purpose of these criteria is to establish a checklist of those items which affect the physical aspect of the City's environment. Pertinent to appearance is the design of the site, building and structures, paved areas, planting, signs, street hardware, 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 City, preserve taxable values, and promote the public health, safety and welfare, and include:

6.5.1 Relationship of buildings to site.

- a. The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian movement, and parking areas.
- b. Site planning in which setbacks and yards are in excess of zoning restrictions is encouraged to provide an interesting relationship between buildings.
- c. 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.
- d. Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- e. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
- f. Wherever practicable adjacent public utilities shall be relocated to underground, or to the rear of the premises.

6.5.2 Relationship of buildings and site to adjoining area.

- a. Attractive landscape transition to adjoining properties shall be provided.
- b. Harmony in texture, lines, and masses is required. Monotony should be avoided.

6.5.3 Landscape and site treatment. Landscape elements included in these criteria consist of all forms of planting and vegetation, ground forms, rock groupings, water patterns, and all visible construction except buildings and utilitarian structures.

- a. Where natural or existing topographic patterns contribute to beauty and utility of a development, they shall be preserved and developed. Modification to topography will be permitted where it contributes to good appearance.
- b. Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for walking and, if seating is provided, for sitting.
- c. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axes, and provide shade. Spectacular effects shall be reserved for special locations only.

- d. Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
- e. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are non invasive, hardy, harmonious to the design, and of good appearance shall be used.
- f. In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
- g. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
- h. Where building sites limit planting, the placement of trees in parkways or paved areas is encouraged. The ARC may exercise discretion if in its opinion the minimum criteria of the Code cannot be fulfilled on the existing site. Such recommendation shall be forwarded to the City Council for its review.
- i. Screening of service yards, and other places which tend to be unsightly, shall be accomplished by use of walls, fencing, planting, or combinations of these. Screening shall be equally effective in winter and summer.
- j. In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone, gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
- k. Provision for watering landscape areas shall be included in the design.
- l. Exterior lighting, when used, shall enhance the building design and the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting shall be restrained in design, and excessive brightness avoided, particularly adjacent to residential areas.

6.5.4 Building design.

- a. Architectural style is not restricted. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.
- b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.
- c. Materials.
  - 1. Materials shall have good architectural character and shall be selected for harmony of the building and adjoining buildings.

2. 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.
  3. Materials shall be of durable quality.
  4. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious to their surroundings.
  5. Building components such as windows, doors, eaves, and parapets shall have good proportions and relationship to one another.
- e. Colors shall be harmonious with compatible accents.
  - f. 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 so located as not to be visible from any public ways.
  - g. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
  - h. 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.
  - i. Monotony of design in single or multiple building projects should 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.

#### 6.5.5 Miscellaneous structures and street hardware.

- a. Miscellaneous structures and street hardware shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be good, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
- b. Lighting in connection with miscellaneous structures and street hardware shall meet the criteria applicable to site, landscape, buildings and signs.

- 6.5.6 Maintenance - planning and design factors.
- a. 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.
  - b. 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.
  - c. Provision for washing and cleaning of buildings and structures, and control of dirt and refuse, shall be included in the design. Configuration that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided.

6.5.7 Factors for evaluation. The following factors and characteristics which affect the appearance of a development will govern the ARC's evaluation of a design submission:

- a. Conformance to ordinances and this Code;
- b. Logic of design;
- c. Exterior space utilization;
- d. Architectural character;
- e. Attractiveness;
- f. Material selection;
- g. Harmony and compatibility;
- h. Circulation - vehicular and pedestrian; and
- j. Maintenance aspects.

6.6 Business District - Exempt Uses. The following uses are permitted and regulated as follows:

- 6.6.1 Temporary Sales and/or Display Areas on City Owned, Leased or Maintained Property.
- 6.6.2 Temporary Sales or Display Areas which are permitted or licensed by the City. Any person wishing to establish same shall submit a written request to the City, indicating the area of display, the length of the display, the proposed signage for such temporary sales or display area. A license for such temporary sales or display area may be issued by the Mayor, with a fee to be determined by the Mayor, in his

sole discretion. The Mayor may consider all relevant factors, including the area of the display, size of the display, and duration of the proposed display. In no event, shall the display period exceed 120 days.

6.6.3 Mobile vendors which have been licensed by the City.

6.6.4 Any municipal purpose or display.

6.7 Maintenance and Upkeep In general, maintenance and upkeep are required for all the parts and objects which compose the City's image. Lawns and planting require considerably more periodic attention than do buildings; nonetheless both require maintenance in order to retain a good appearance. Improper and inadequate maintenance decreases value and results in bad appearance. Therefore it is necessary that maintenance be a concern of the ARC.

6.7.1 Maintenance of Facades and Other Areas. Each lot, premises, parking lot, landscaping and the exterior of all buildings and structures in the business district shall be maintained by its Owner in a good, clean and sightly condition, with special emphasis on the appearance of said areas, and the intents and purposes of this Code and all other applicable ordinances of the City. Parking areas shall be kept free from debris and landscaping areas shall be well maintained. The exterior of all buildings and structures shall be appropriately maintained to insure the exterior of the premises is clean, and appropriate maintenance is provided for each exterior design feature. By way of example, the following shall apply: Masonry areas shall be kept clean, uniform in appearance, and all joints tuckpointed. Painted surfaces shall be kept clean and refinished as necessary to insure that no area of the exterior is faded, cracked or peeling. All stucco, siding or shingled surfaces shall be kept clean and repaired as necessary, to insure an undamaged, non-faded and uniform appearance. Glass areas shall be kept clean and shall be replaced if chipped or broken. All canopies shall be kept clean and maintained in a good and sightly condition, with faded or damaged fabric areas replaced and maintained, and support structures maintained in a non-damaged condition. (Amended per 2001-O-41)

6.7.2 Maintenance of Facades and Other Areas for Vacant Buildings. In addition to the requirements set forth in the preceding section, all vacant premises, structures, or portions thereof, in the business district shall be maintained as follows: The interior of the premises shall be kept free of debris. All signs and exterior markings identifying the former business and operation upon the premises shall be removed. All windows, doors and glass areas shall be treated so as to prevent a view into the interior of the premises. This may be accomplished only by the uniform use of horizontal or vertical blinds; professionally applied adhesive film; or such other window covering or treatment approved by the City. Such glass areas shall not be obscured using window soap, by a "board-up" method, paper or plastic sheeting. (Amended per 2001-O-41)

- 6.7.3 Buildings and appurtenances, including signs, shall be cleaned and painted or repaired as required to present a neat appearance. Deteriorated, worn, or damaged portions shall be rebuilt or replaced.
- 6.7.4 Building and sign illuminated elements shall be replaced as required to maintain the effect for which designed.
- 6.7.5 Signs shall be erected and secured properly, and shall be cleaned or painted regularly to present an orderly appearance.

## CHAPTER 7

### VARIATIONS, APPEALS AND REVIEW

- 7.1 Sign Variations Upon written application for a Variation from the regulations contained in this Code for Sign permit or approval required hereunder the ARC may recommend such Variation following review of the request. For example, the ARC may recommend approval of a proposed Sign that does not fully comply with the requirements of this Code, or in the case of an existing Sign approval for the continued use of said Sign provided that the ARC finds that an exception from the literal provisions of this Code is warranted as strict enforcement of the Code would cause undue hardship owing to circumstances unique to the individual property or which do not occur generally to land or buildings in the neighborhood and the ARC, makes one or more of the following findings of fact:
- 7.1.1 That the proposed or existing Sign is innovative and/or creative;
  - 7.1.2 That the proposed or existing Sign is compatible with surrounding land uses and Signs;
  - 7.1.3 That the granting of approval for this proposed or existing Sign is consistent with the overall purpose of the Appearance Code; or
  - 7.1.4 That due to unique circumstances or safety considerations, the proposed or existing Sign is aesthetically consistent with the environment and because of these circumstances or considerations it is necessary that a Variation be granted for erection of the proposed Sign.
- 7.2 Other Variations Upon written application for a permit or approval required hereunder or upon a request for a Variation from the regulations contained in this Code the ARC may recommend such Variation following review of the request. For example, the ARC may recommend approval of a non-conforming refuse enclosure or landscape plan that does not fully comply with the requirements of this Code provided that the ARC finds that an exception from the literal provisions of this Code is warranted as strict enforcement of the Code would cause undue hardship owing to circumstances unique to the individual property or which do not occur generally to land or buildings in the neighborhood and the ARC, makes one or more of the following findings of fact:
- 7.2.1 That the proposed improvement is otherwise fully functional and innovative and/or creative; or
  - 7.2.2 That the proposed improvement is compatible with surrounding land uses; or
  - 7.2.3 That the granting of approval for this proposed improvement is consistent with the overall purpose of this Code; or

7.2.4 That due to unique circumstances or safety considerations, the proposed improvement is aesthetically consistent with the environment and because of these circumstances or considerations it is necessary that a Variation be granted for construction of the improvement.

7.3 ARC Recommendation. The approval of any Proposed Improvement which does not comply with the enumerated specifications of this Code and therefore requires a Variation from the provisions of this Code, or any other ordinance, shall be considered only a recommendation. Only after approval of such recommendation by a majority vote of the corporate authorities, shall the Building Department issue the permit, provided the other conditions of this Code have been satisfied.

7.4 Approval of Recommendation. The recommendation approving a Variation shall be forwarded to the City Council for final approval. The City Council may, by majority vote of the corporate authorities, approve or deny the Variation in accordance with the recommendation, or make such modifications as may be deemed advisable by the City Council.

In the event a Variation request is denied by the ARC, the Applicant may appeal such denial to the City Council. Written notice of such appeal shall be filed with the City Clerk within ten (10) days of notification of the recommendation, denial, interpretation, ruling. The City Council may, by majority vote of the corporate authorities, approve or deny the requested Variation in accordance with the appeal, or make such modifications as may be deemed advisable by the City Council.

7.5 Other Appeals and Review

7.5.1 Any Applicant aggrieved by any other ARC decision, recommendation or denial, or by the official charged with the enforcement of this Code or by any officer, department, board, commission, or committee of the City concerning the interpretation of the Code, may take an appeal to the City Council. Written notice of such appeal shall be filed with the City Clerk within ten (10) days of notification of the recommendation, denial, interpretation, ruling. (Amended per 99-O-53) (Amended per 2005-O-6).

7.5.2 The appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Official certifies to the Mayor of the City of Highwood, in writing, after notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life or property; in which case, the proceedings shall not be stayed other than by a restraining order which may be granted by a Court of Law or Equity.

7.5.3 On written demand of any person filing an appeal, the City Council shall, if practicable, hear the appeal at a regular meeting or special meeting within thirty (30) days, and shall render its decision thereafter at a scheduled Council meeting. At the hearing, parties of interest may appear in person or by agent or attorney. The City Council shall be advised by the City Attorney and may require him to be present at the hearing of the appeal.

## CHAPTER 8

### ENFORCEMENT, FEES, PENALTIES AND REPEALER

#### 8.1 Enforcement

8.1.1 Sign Enforcement. It is hereby the duty of the Building Official, or his designee, to exercise supervision over all Signs erected, altered or maintained, and to cause inspection of all such Signs to be made. Whenever it shall appear to the Building Official that any such Sign has been erected, altered or is being maintained in violation of this Code, he shall thereupon issue, or cause to be issued, a notice in writing to the Owner of such Sign, or to the person maintaining the same or to the Owner of the property upon which the Sign is placed, informing such person firm or corporation of the violation of the Code and directing him to make such corrections, alterations or repairs thereto, and to do such acts or things as are necessary or advisable to place such Sign in a safe, substantial and secure condition, and to make the same comply with the requirements of this Code within such time period he may determine reasonable. If the person so notified fails or neglects to comply with the requirements of such notice, and the said Sign falls within the terms of this Code, it shall be abated as provided herein.

8.1.2 Property Enforcement. It is hereby the duty of the Building Official, or his designee, to exercise supervision over provisions of this Code and to cause inspection of all such regulated properties, improvements and required maintenance to be made. Whenever it shall appear to the Building Official that any property or improvement has been erected, altered or is being maintained in violation of this Code, he may thereupon issue, or cause to be issued, a notice in writing to the Property Owner or Occupant, or to the person maintaining the same, informing such person, firm or corporation of the violation of the Code and directing him to make such alterations or repairs thereto, and to do such acts or things as are necessary or advisable to place such property comply with the requirements of this Code within such time period he may determine to be reasonable.

8.2 Declaration of Nuisance Any and all Signs or other improvements erected, altered or maintained in violation of this Code, or any of the clauses or provisions of the same, or any property maintained in violation of this Code, or in violation of any of the laws of the City or State of Illinois, are and each of them is hereby declared to be a public nuisance and subject to treatment and abatement as such. Any such improvement so erected, altered or maintained contrary to law shall be abated as a common nuisance by any officer of the fire, police or building department after five (5) days notice to remove the same shall have been given to the Property Owner or Occupant or the person maintaining the same.

If the nuisances are not abated as required herein, the City may employ such resources as are necessary to abate or remove the nuisance. Any and all costs incurred in the enforcement of this Code, or abatement of the nuisance shall be assessed, and shall be paid in full upon notification of same to the person maintaining the nuisance, or the Property Owner or Occupant. In the event same are not paid as set forth in such billing notification, then the City

may cause to be filed a lien against the property in which such public nuisance is located for the amount of such costs. (Amended per 2000-O-59).

- 8.3 Correction. In the event that the City finds, or any enforcement officer finds that the work under any permit issued is not in conformance with the information supplied in the approved Permit Application and/or is in violation of this Ordinance, or any other Ordinance of the City of Highwood, or is found that there has been any misrepresentation in connection with the application for the Permit the Applicant shall be notified of such findings and the Owner shall correct said violations without delay.
- 8.3.1 In the event said correction is not made within seven (7) days of the date of the notification, the City may revoke the Permit and serve written notice thereof upon the Applicant and its agents.
- 8.4 Fees. Fees pertaining to building permits, Sign permits, Variations and for appeals to the ARC, shall be established by action of the City Council from time to time. Such fees shall be paid to the City Collector, who shall give a receipt and account for same at regular intervals to the City Council.
- 8.5 Violations - Penalty.
- 8.5.1 Any person, partnership, firm, entity or corporation in violation of any provision of this Ordinance shall be fined not less than \$50.00 nor more than \$750.00 for each and every offense and each day that such offense continues shall be considered a separate and distinct offense.
- 8.5.2 In addition any penalty or fine levied under this Ordinance, any person, partnership, firm, entity or corporation in violation of any provision of this Ordinance shall pay any and all reasonable attorney's fees incurred by the City of Highwood in enforcing this Ordinance. In the event the City of Highwood deems it necessary to bring any court action to enforce this Ordinance there shall be assessed against any person, partnership, firm or corporation violating this Ordinance all reasonable costs, expenses and attorney's fees incurred by the City of Highwood in bringing said action, in addition to the fines provided herein.
- 8.6 Repealer. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any reference throughout this Ordinance regarding "Amended by" or "Added by" any other referenced ordinance are informational only to reflect prior legislative history, and do not imply that said ordinances survive or supercede this Ordinance.
- 8.7 Effective Date. This Code shall take effect and be in force from and after its passage, approval and publication, as provided by law.
- 8.8 Section Headings. The Section headings used in this Code are included solely for convenience and shall not affect, nor be used in connection with the interpretation of this Code. (Amended per 99-O-53)

## APPENDIX 1

### BOND AND LIABILITY INSURANCE

A1.1 Filing - No person shall erect, install, remove, rehang or maintain over public property any Sign for which a permit is required under the provisions of this Code until an insurance policy shall have been filed for public liability in the amount of \$1,000,000 per accident and for property damage in the amount of \$250,000 as herein required.

A1.2 Conditions - Such insurance policy shall name the City of Highwood as an additional named insured to indemnify, hold harmless the City of Highwood from any and all claims or demands for damages by reason of any negligence of the Sign hanger, contractor, Owner, occupant or agents of them, or by any reason of defects in the construction, maintenance, manufacture or design, or damages resulting from the collapse, failure or combustion of the Sign or parts thereof.

A1.3 Notice of Cancellation - The obligation herein specified shall remain in force and effect during the life of every Sign or structure and shall not be cancelled by the principal or surety until after thirty (30) days written notice to the City. Nevertheless, the City's failure to cite or otherwise compel performance of this obligation shall not be construed as a waiver of the City's right to performance of the obligation.

## APPENDIX 2

### GENERAL REQUIREMENTS

A2.1 Sign Requirements - The following shall apply to material for Signs:

A2.1.1 Materials - Signs shall have a surface or facing of durable and long lasting material. Materials and finishes shall be reviewed for their safety, durability, and wear, as well as for their appearance and beauty. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.

A2.1.2 Ornamental Features - Wood or approved plastic as provided in the applicable section of the BOCA Code as adopted by the City or other materials of combustible characteristics similar to wood may be permitted for design features, moldings, capplings, nailing blocks, letters and latticing when permitted in the applicable section of the BOCA Code as adopted by the City and for other purely ornamental features of Signs in accordance with the approved rules.