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O2013-1629

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City Council Document Tracking Sheet

Meeting Date:	3/13/2013
Sponsor(s):	Waguespack, Scott (32) Moreno, Proco Joe (1) Fioretti, Bob (2) Hairston, Leslie A. (5) Sawyer, Roderick T. (6) Munoz, Ricardo (22) Mell, Richard F. (33) Austin, Carrie M. (34) Colón, Rey (35) Sposato, Nicholas (36) Reilly, Brendan (42) Smith, Michele (43) Tunney, Thomas (44) Arena, John (45)
Type:	Ordinance
Title:	Amendment of Section 13-20-680 of Municipal Code regulating off-premise signage
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards

ORDINANCE

WHEREAS, The City of Chicago has legislative authority to regulate signage to promote public welfare by implementing aesthetic and environmental standards; and

WHEREAS, The US Supreme Court has affirmed the authority of local governments to enact strict regulations and complete prohibitions of commercial off-premise signs; and

WHEREAS, The City of Chicago Zoning Code currently distinguishes between on-premise and off-premise signage with respect to appropriate locations, size, height, and type of such signage and such a distinction has been upheld by the Illinois Appellate Court; and

WHEREAS, Local Alderman currently are vested with the authority to approve or deny various requests for signage that exceeds certain size and height limitations based upon an objective assessment of whether such requests are reasonable given the characteristics of the proposed signage and location; and

WHEREAS, The proliferation of active display advertising signage poses a threat to the quality and character of the City of Chicago's neighborhoods through adverse effects associated with aesthetics, traffic safety, light pollution ; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressively incorporated herein and made part hereof.

SECTION 2. Chapter 13-20-680 of the Municipal Code of Chicago is hereby amended by removing strikethrough text and including a new section boldfaced in italics and underscored as follows:

13-20-680 Council approval.

A city council order approving a sign shall be required in addition to the normal permit for any sign which ***meets either of the following criteria:***

1. ***Is an off-premise sign as defined in Section 17-17-0106-A Off-premise signs***
2. exceeds 100 feet2 (9.3 m2) in area or any roof or ground sign, structure or signboard over 24 feet (7.32 m) in height. Before the application for a permit for such sign is filed with the building commissioner, the applicant shall submit a duplicate of the application to the alderman of the ward in which the sign is to be located. At the time the duplicate is submitted to the alderman, the applicant shall submit to the city clerk an order for the approval or disapproval of the sign for introduction at the next regular meeting of the city council, and proof that the public notice provided for in this section has been given and a list of all persons who have been given such notice. The council order, upon being introduced to the council, shall be forwarded to the appropriate committee for hearing. Prior to filing its application, the applicant for the permit shall give notice to all voters registered at addresses within 250 feet (76.2 m) of the proposed sign location.

SECTION 3. This ordinance shall take effect and be in force April 1, 2013.

SCOTT WAGUESPACK
Alderman - 32nd Ward

15TH WARD

Nilmar Lopez 36th

Rodney S (6)

2nd

45

22

Carrie M. Austin 34

35

Proposed Changes to Off Premise Sign Approval

Off premise advertising signs are currently subject to numerous standards based upon their location, zoning, proximity to certain other zoning districts, and the type of sign. However, just as Alderman currently have the authority to approve or deny signs in excess of 100 SF and 24' in height, the code can be amended to provide Alderman the opportunity to approve or deny any off premise advertising sign. There currently exists clear case law that permits distinct standards for off premise advertising signage versus on premise signage that indicates the presence of goods and services available on site.

Proliferation of Active Display, LED Advertising Signage

Reductions in the cost of LED active display signage has led to a rapid acceleration of the installation of such off premise advertising signs throughout the City and in residential communities where their presence is an unwelcome degradation in the aesthetic and overall character of the setting. A new approach is needed to prevent Chicago from becoming a cautionary tale with respect to the adverse effects that such signage can have on general public welfare and property values.

Problems with the Current Standard

The current standards provide Alderman no discretion with respect to locations that may be appropriate for off premise advertising signage, regardless of the type of sign.

The Proposed Solution

This proposal calls for simply inserting an additional standard that requires Aldermanic approval for any off premise advertising sign in the same way that Alderman currently can approve, via ordinance, signs in excess of 100 SF and 24' in height. This proposed ordinance does not preclude Aldermanic prerogative to approve of any sign that can currently meet the City's zoning requirements and thus increases, rather than decreases, Aldermanic input into the process.

Legal Standing

Existing case law enables local governments to enact such controls on off premise advertising signage. An American Planning Association Document entitled, "Legal Issues in the Regulation of Off-Premise Signs," states that:

> *"Courts do allow local governments to distinguish between on-premise and off-premise signs, even allowing local governments to ban new off-premise signs entirely so long as on-premise signs are not restricted only to commercial messages. But regulations that differentiate among signs on the basis of the ideas or viewpoints communicated, or on sign content in general, are subject to strict scrutiny."*

Providing that the controls on such signage are content neutral, the courts have repeatedly upheld local governments' ability to regulate and even prohibit such signage.

An Illinois Appellate Court ruling in a case in the Village of Downers Grove sustained an ordinance that provided stricter controls on off premise advertising signs concluding that,

> *"The distinction between on-site and off-site advertising is not aimed toward the suppression of an idea or viewpoint."* The court sustained the ordinance, concluding that it, *"furthers a substantial governmental interest, no greater than necessary, and is unrelated to the suppression of speech."*

The ability of Local Alderman to determine whether a particular sign is appropriate for a proposed location is permissible so long as the City can demonstrate that there are clearly defined standards in place to limit the discretion of the official. Such standards already exist in the code section that permits Alderman to selectively approve ordinances for larger and taller signs (Section 13-20-680 Council Approval) and Includes criteria such as,

- Whether the sign is compatible with the aesthetic character of the community,
- Whether the sign is located in an area where there exists an undue concentration of signs, and
- Whether the size, location or structural design of the sign presents an unreasonable threat to the health or safety of the public.

The Need for Immediate Action

There are provisions that could enable the City to compel removal of existing non-conforming signs, but these can be difficult to enforce and would likely require amortization periods to allow the installer to recoup a portion of their investment. Immediate action is needed to stop the rapid proliferation of these signs.