



Date: August 15, 2013

To: Mayor, City Council and Planning and Zoning Commission
City of Park Ridge
505 Butler Place
Park Ridge, IL 60068

From: Illinois Sign Association

Re: Proposed Amendments to Section 14 (Signs) of the Zoning Ordinance

Our association represents the on-premise sign industry in Illinois and would like to offer the following comments for your consideration, regarding proposed and existing sign ordinance in advance of your Planning Commission public hearing we understand to be scheduled for September 10, 2013. After reading the proposed ordinance included in the June 11 packet, we have identified a number of potential legal issues as well as some additional policy concerns. We offer these points in the spirit of assistance in creating fair, balanced sign code for sign users and the public.

Legality Issues:

- Revocability (Section 14.6 in the November 2012 proposal; not present in June 2013 version) – Signs contain protected speech and the City does not have the authority to issue “mere licenses revocable at any time by the City Council” without offering far more detailed explanation of the public benefit that justifies an implied threat to the expression of speech. While most land use ordinances are examined under a “rational basis” test and well-written sign ordinances are examined under “intermediate scrutiny” provisions of the *Central Hudson* test, this provision alone tips the ordinance into the realm of “strict scrutiny” and may not withstand a legal challenge.
- Wind Load Requirements (14.10.B) – Wind load standards are included in the International Building Code. We assume, but have not verified, that Park Ridge has adopted some version of the IBC. Therefore any reference to a numerical measurement or threshold should instead refer to the City’s adopted version of the IBC. This will prevent a specific number from appearing in the sign ordinance, but failing to keep up with any changes in the IBC (as they later are adopted in Park Ridge). Most likely, licensed engineers will base calculations on the IBC standards.

- Landscaping Requirements (14.10.D.2) – If monument signs are required to be surrounded by plants 2 feet high, the measurement area for monument signs should ensure that no area lower than 2 feet from grade is included in the sign area calculation.
- EMC lot size (14.11.J.3) – What is the purpose of the 2-acre minimum lot size provision and upon what criteria or standard is this based? Most commercial lots on which a business is located are less than 2 acres in size. We cannot make any association between a lot size minimum standard and EMCs.
- EMC hours of operation (14.11.J.13) – Does it make sense to require the message board to be turned off between 11 p.m. and 6 a.m. or to only display time, temperature, weather or traffic? This is a content-based restriction. What is the purpose of removing the advertisers message during this time-period?

As we recognize that several of our comments may require additional research and legal analysis, we wished to provide you with these comments on the proposed ordinance at the earliest point possible in the process. The Illinois Sign Association, an affiliate of the International Sign Association, offers our assistance going forward. Please accept these comments in addition to whatever testimony we may provide in upcoming meetings and public hearings. Thank you.

Regards,

Illinois Sign Association



Brian Swingle
Executive Director

Cc: Jim Testin, Community Preservation and Development Director
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