



City of Chicago



O2023-2327

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 6/21/2023

Sponsor(s): Johnson (Mayor)

Type: Ordinance

Title: Amendment of Municipal Code Chapters 17-12, 17-15, 17-17 and ancillary chapters regarding non-commercial messages as murals, vintage sign designations, non-conforming use under regulations for five year renewable period

Committee(s) Assignment: Committee on Zoning, Landmarks and Building Standards



OFFICE OF THE MAYOR
CITY OF CHICAGO

BRANDON JOHNSON
MAYOR

June 21, 2023

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Department of Planning and Development, together with Alderman Ramirez-Rosa, I transmit herewith an ordinance amending the Municipal Code regarding vintage signs.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink, appearing to read "BJ", with a horizontal line extending to the right.

Mayor

ORDINANCE

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

SECTION 1. Chapter 13-20 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by adding the language underscored, as follows:

13-20-550 Permits Required

(Omitted text is unaffected by this ordinance)

(e) Notwithstanding the provisions of this section to the contrary, a sign permit is not required to erect, maintain, install, alter, repair, or enlarge an art mural that contains no commercial message, as defined in Section 17-17-0236, business name, logo, slogan, trademark, social media identifier or other business identification in the mural itself. If the mural meets the definition of the term "graffiti" in Section 7-28-065(c), it may be registered pursuant to Section 7-28-065. Any art mural that contains a business name, logo, slogan, trademark, social media identifier or other business identification, including business sponsorship, commercial message, as defined in Section 17-17-0236, in the mural itself shall be ~~considered a sign and shall be~~ subject to the provisions of this Code regarding sign permits, provided however that the artist or a partner entity may acknowledge the name of sponsors or partners of the art mural in a single, written, acknowledgement panel, not to exceed two square feet in area, adjoining the bottom edge of the art mural. Such acknowledgement panel shall not be classified as a commercial message and is therefore exempt from zoning regulation as provided in Section 17-12-0504 of the ~~Municipal Code of Chicago~~. This ~~provision~~ subsection does not allow more than one acknowledgment panel in a single art mural or in adjacent art murals located on the same lot. Furthermore, any ~~business name, logo, slogan, trademark, social media identifier or other business identification~~ commercial message, as defined in Section 17-17-0236, that is physically outside of the mural is shall be subject to the provisions of this Code regarding sign permits.

(Omitted text is unaffected by this ordinance)

SECTION 2. Chapter 17-12 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and by adding the language underscored, as follows:

17-12-0300 Noncommercial messages.

Any *sign* allowed under this chapter may contain, ~~in lieu of any other message or copy,~~ any lawful noncommercial message that does not directly advertise attention to a specific business, operated for profit, or to a proprietary product, commodity or service, for sale or lease, or to any other commercial interest or activity, so long as the *sign* complies with the size, height, and other requirements of this chapter.

(Omitted text is unaffected by this ordinance)

17-12-0600 Measurements.

(Omitted text is unaffected by this ordinance)

17-12-0601-D Painted Wall Signs. The area of a *signed wall sign* is determined by calculating the area of the smallest square or rectangle that can be drawn around all of the *sign* elements, ~~including any painted background.~~ *Sign* elements will be measured as one unit when the distance between the elements is less than two 2 times the length of each element.

(Omitted text is unaffected by this ordinance)

17-12-1005-D High-Rise Building Signs.

(Omitted text is unaffected by this ordinance)

9. *High-rise building signs* shall be limited to business identification for the principal tenant of the *building* or, if applicable, the alternate principal tenant. For purposes of this subsection, "principal tenant" means a tenant that occupies or has a signed lease to occupy at least the lesser of 51% of the *building's* total floor area or 350,000 square feet of the *building's* total floor area. If there is no principal tenant, or if the principal tenant informs the Zoning Administrator in writing that it does not wish to display a *high-rise building sign*, then an alternate principal tenant may apply to the City for approval of a *high-rise building sign* identifying said alternate principal tenant (in place of, and not in addition to, a *high-rise building sign* identifying the principal tenant). For purposes of this subsection, "alternate principal tenant" means a tenant which: (i) is the *building's* largest tenant, or next-largest tenant if there is no principal tenant, or, if there is a principal tenant, is the next-largest tenant; (ii) maintains the primary offices of its international, national or regional headquarters, or similarly publicly recognized significant business unit(s), in the *building*; and, (iii) either (a) maintains the primary offices of its chief executive or other executive officers in the *building* and employs 1,000 individuals nationally, or, (b) if those executive positions are not present in the *building* then employs at least 1,000 individuals in the *building*. Any principal or alternate principal tenant must provide the Zoning Administrator with *building* owner support for such *high-rise building sign*. ~~Any principal or alternate principal tenant which is issued a *high-rise building sign* permit must re-certify, at the time of each *high-rise building sign* permit renewal request, that it adheres to the applicable tenancy requirements in place at the time of the approval of their original *high-rise building sign* application. Failure to comply with the applicable tenancy criteria will result in the denial of the associated permits to legally maintain a *high-rise building sign*, regardless of whether that sign is a *nonconforming sign* with regard to other requirements.~~

SECTION 3. Chapter 17-15 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

17-15-0500 Nonconforming signs.

(Omitted text is unaffected by this ordinance)

~~**17-15-0502 Definition.** A *nonconforming sign* is a sign that was lawfully established pursuant to a lawfully issued permit but that is no longer allowed by the regulations of this Zoning Ordinance.~~

17-15-0503 Continuation of Nonconforming Signs. *Nonconforming signs* may remain in use, subject to the regulations of this ~~section~~ Section (Sec. 17-15-0500), ~~section~~ Section 13-20-565, Section 17-15-0600, and all other applicable requirements of the ~~Municipal~~ this Code.

Nonconforming signs, including vintage signs, must be maintained in good repair, and must comply with all other requirements of this Zoning Ordinance.

17-15-0504 Alterations. Change of ~~copy~~ message or the substitution of panels or faces on nonconforming signs, except for high-rise building signs, is permitted without affecting the legal status of a sign as a nonconforming sign (subject to requirements for building and electrical permits). No other alterations are allowed, except for routine maintenance and repair, and as otherwise provided for vintage signs by Sections 17-15-0640 and 17-15-0650.

The alteration of any ~~nonconforming sign~~ nonconforming sign, other than for: (i) routine maintenance and repair; (ii) change of message, or the substitution of panels or faces on non-high-rise building signs; or (iii) as otherwise provided for vintage signs by Sections 17-15-0640 and 17-15-0650, shall cause the sign sign to lose its status as a legal ~~non-conforming sign~~ nonconforming sign and such status shall not be re-established. The language added to this Section ~~section~~ by this 2013 amendatory ordinance is intended to clarify rather than change existing law.

17-15-0505 Nonconforming Flashing Signs.

17-15-0505-A Amortization or Altered to Comply.

1. Nonconforming flashing signs, except for vintage signs, that existed on the effective dates specified in ~~Sec. Section~~ Section 17-1-0200 must be removed or altered to comply with the standards of Sections 17-12-1004 and 17-12-1005-C no later than November 1, 2009.

2. Flashing signs, except for vintage signs, that become nonconforming because of subsequent amendments to this Zoning Ordinance must also be removed or altered to comply with the amended standards no later than 5 five years of the effective date of the amendment that renders the flashing sign nonconforming.

3. Nonconforming flashing signs in existence after the date that they are required to be removed or altered relinquish their nonconforming status and thereafter constitute a violation of this Zoning Ordinance, unless the nonconforming flashing sign is a vintage sign. Such violations are subject to enforcement and penalties under Chapter 17-16.

4. No zoning permits or approvals may be issued for any building to which a nonconforming flashing sign is appurtenant after the date that such nonconforming sign is required to be removed or altered, except pursuant to an application for vintage sign designation made pursuant to Section 17-15-0620.

5. No business license may be issued for a business to which a nonconforming flashing sign is appurtenant after the date that such nonconforming sign is required to be removed or altered, unless such nonconforming flashing sign is a vintage sign.

(Omitted text is unaffected by this ordinance)

17-15-0506 Abandoned Nonconforming Signs.

(Omitted text is unaffected by this ordinance)

17-15-0506-B

1. Any nonconforming *off-premise sign* that is not used or for which a valid permit does not exist for a continuous period of 12 months or more will be deemed to have been abandoned.

2. A ~~sign structure~~ *sign structure* that is removed, except as a result of criminal vandalism, such that a ~~nonconforming sign~~ *nonconforming sign* for which a valid permit existed can no longer be displayed, will be deemed to have been abandoned. The remaining presence of in-ground or above-ground footings or portions of the poles or bracing, wiring or other apparatus shall not be grounds for retention of the nonconforming status or revival of the permit.

17-15-0506-C Abandoned *nonconforming signs* are prohibited and must be removed by the owner of the *sign* or the *property owner* of the premises, unless such signs are designated as a *vintage sign* pursuant to Section 17-15-0600.

17-15-0506-D No zoning permits or approvals may be issued for buildings occupied by nonconforming abandoned *signs* until such *signs* are removed, except pursuant to an application for *vintage sign* designation made pursuant to Section 17-15-0620.

17-15-0506-E No business license may be issued for businesses with nonconforming abandoned *signs* after the date that such *nonconforming signs* are required to be removed or altered, unless said *nonconforming sign* is a *vintage sign*.

(Omitted text is unaffected by this ordinance)

17-15-0600 Vintage Signs.

17-15-0610 Purpose. The intent of the *vintage sign* designation is to promote the public safety, health, and general welfare by providing a pathway for legalizing and maintaining *nonconforming signs*, including abandoned *nonconforming signs*, that represent important elements of the City's heritage, enhance the character of the community, and assist owners in the preservation and restoration of their *signs*.

17-15-0620 Application Procedure.

17-15-0620-A An application for *vintage sign* designation must be submitted jointly by the *nonconforming sign* owner and the *property owner* to the Zoning Administrator on a form prescribed by the Zoning Administrator.

17-15-0620-B An application for *vintage sign* designation shall include:

1. Detailed drawings and or photographs of the *nonconforming sign* in its current condition;

2. A written narrative and supporting documentation demonstrating how the *nonconforming sign* meets the designation criteria of Section 17-15-0630-B;

3. Evidence that the *nonconforming sign* is structurally safe or a detailed plan on how it can be made safe without substantially altering its iconic or cultural significance;

4. A detailed maintenance plan for the upkeep of the *nonconforming sign*; and

5. Detailed drawings of any restoration or repair currently being planned or sought.

17-15-0620-C *Nonconforming signs* located on landmark *buildings* or within the boundaries of a Chicago Landmark District must also apply to the Commission on Chicago Landmarks for review pursuant to the Chicago Landmarks Ordinance.

17-15-0620-D Notwithstanding any provision of the Chicago Zoning Ordinance to the contrary, abandoned *nonconforming signs* and associated *sign structures* may remain in place while the application for vintage designation is pending. If the application is denied, the abandoned *nonconforming sign* may remain in place until the exhaustion of, or the failure to exhaust, any applicable judicial review.

17-15-0630 Vintage Sign Designations.

17-15-0630-A The Zoning Administrator, upon consultation with the Department of Planning and Development's Historic Preservation Division, may designate a *nonconforming sign* as a *vintage sign* based upon a review of the criteria listed in Section 17-15-0630-B.

17-15-0630-B In evaluating whether a *nonconforming sign* should be designated as a *vintage sign*, the Zoning Administrator shall apply the following criteria:

1. The proposed *vintage sign* must be an existing *nonconforming sign* that has remained in place for at least the previous 30 years at the time of application;

2. The *nonconforming sign* possesses significant iconic or cultural value that contributes to the distinct visual identity and character of the neighborhood, community, or City as a whole;

3. The *nonconforming sign* possesses a significant portion of its original design character, such as its original configuration, message, color, texture, materials, or illumination; and

4. The *nonconforming sign* is structurally safe or can be made safe without substantially altering its iconic or cultural significance.

17-15-630-C Within 90 days of a *nonconforming sign's* designation as a *vintage sign*, the owner of the *vintage sign* shall apply to obtain all permits, orders, or other authorizations required under this Code.

17-15-0640 Repair and Maintenance of Vintage Signs. A vintage sign owner may undertake sign maintenance or sign repair, provided they comply with all requirements of this Code.

17-15-0650 Modifications of Vintage Signs.

17-15-0650-A A vintage sign's message may be modified, provided that its character-defining features are repaired to the vintage sign's previous appearance established no less than 30 years prior to its designation as a vintage sign. A vintage sign's message may also be modified in a manner authorized by rules adopted by the Commissioner of Planning and Development or as otherwise permitted by law.

17-15-0650-B The message of a vintage sign may only be modified without losing the sign's legal status as a vintage sign, as follows: i) an existing sign that was initially established as an on-premise sign cannot be converted to an off-premise vintage sign; ii) an existing off-premise sign may be converted to an on-premise vintage sign, however, the sign shall lose its off-premise status and such status may not be re-established.

17-15-0660 Total Sign Area Exemption. A vintage sign does not count toward the limitations or restrictions of Sections 17-12-0902, 17-12-1002-F, or 17-12-1003-E.

17-15-0670 Term of Vintage Sign Designations. The designation of a nonconforming sign as a vintage sign shall be effective for five years, subject to renewal pursuant to Section 17-15-0680. Any vintage sign which is not appropriately renewed, pursuant to Section 17-15-0680, or which violates Section 17-15-0600 loses its vintage sign status.

17-15-0680 Renewal of Vintage Sign Designations. All vintage sign designations may be renewed by reapplying to the Zoning Administrator in the manner described in Section 17-15-0620.

17-15-0690 Rulemaking Authority. The Commissioner of Planning and Development is authorized to promulgate rules necessary for the proper implementation, administration and enforcement of Section 17-15-0600, including rules related to the application process for the designation and renewal of, and maintenance of, vintage signs.

SECTION 4. Section 17-17-0200 of the Municipal Code of Chicago is hereby amended by adding new subsection 17-17-02190.5, by inserting the language underscored, and by deleting the language struck through, as follows:

17-17-0200 General terms.

17-17-0236 Commercial Message. Any sign, wording, or logo or other representation that, directly or indirectly, names, advertises or calls attention to a specific business, proprietary product, or service, or other commercial activity.

(Omitted text is unaffected by this ordinance)

17-17-02190 Video Display Sign. A *video display sign* is a type of *dynamic image display sign* that has text, images or graphics on the face of the sign that: (1) depict motion; (2) change more than once every 10 seconds; or (3) have a twirl time that exceeds 0.25 seconds. For purposes of this section, "motion" and "twirl time" have the meanings ascribed to those terms in ~~section~~ Section 13-20-510.

17-17-02190.5 Vintage Sign. A *nonconforming sign*, including abandoned *nonconforming signs*, designated as a *vintage sign* pursuant to the procedures and criteria established in Section 17-15-0600.

17-17-02191 Wall Sign. A single-faced *sign* attached flush to a building or other structure or a *sign* consisting of light projected onto a building or other structure. *Wall signs* do not include *signs* that are attached to *sign structures*.

(Omitted text is unaffected by this ordinance)

SECTION 5. This ordinance shall be in full force and effect following due passage and approval.