

THIS SPACE FOR COOK COUNTY CLERK'S USE ONLY

VILLAGE OF ARLINGTON HEIGHTS

ORDINANCE NO. 2022- _____

AN ORDINANCE GRANTING VARIATIONS FROM
CHAPTER 30, SIGN REGULATIONS OF THE
ARLINGTON HEIGHTS MUNICIPAL CODE
FOR THE PROPERTY AT 7 SOUTH HIGHLAND AVENUE

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF ARLINGTON HEIGHTS
THIS 18TH DAY OF APRIL, 2022.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
18th day of April, 2022

Village Clerk

AN ORDINANCE GRANTING VARIATIONS FROM
CHAPTER 30, SIGN REGULATIONS OF THE
ARLINGTON HEIGHTS MUNICIPAL CODE
FOR THE PROPERTY AT 7 SOUTH HIGHLAND AVENUE

WHEREAS, Jackie Lewis, (*"Applicant"*) is the Owner of that certain property located in the B-5 Downtown District (*"B-5 District"*), commonly known as 7 South Highland Avenue, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (*"Property"*); and

WHEREAS, the Property is a storefront currently used as a salon located on the ground level of a multi-use building (*"Existing Building"*); and

WHEREAS, the Property currently has a nine square foot wall sign next to the entrance doors as well as signage on the awning above the storefront (*"Existing Signage"*); and

WHEREAS, the Applicant desires to install two blade signs to the bottom of the existing awning frames above the storefront windows on each side of the entrance to the salon; and

WHEREAS, pursuant to Section 30-201.h.6.a of the Sign Regulations, the maximum number of blade signs for each street front for a business is one; and

WHEREAS, pursuant to Section 30-201.h.6.b of the Sign Regulations, the minimum permitted clearance above a public thoroughfare for a blade sign is eight feet; and

WHEREAS, pursuant to Section 30-201.h.9 of the Sign Regulations, the maximum types of signage for a business is two; and

WHEREAS, in order to permit the installation of two proposed blade signs with seven feet six inches clearance above the pedestrian thoroughfare, and an additional type of signage for a business, the Applicant has submitted a petition for variations from Sections 30-201.h.6.a, 30-201.h.6.b, and 30-201.h.9 of the Sign Regulations (collectively, the *"Requested Variations"*); and

WHEREAS, notification of a public meeting of the Design Commission of the Village of Arlington Heights (*"Design Commission"*) to consider approval of the Requested Variations was provided by the Applicant pursuant to Section 30-904 of the Sign Regulations by posting signage at the Property and serving written notice on neighboring property owners; and

WHEREAS, on March 8, 2022, the Design Commission conducted a public meeting to consider the Variations, and voted to recommend that the Village Board approve the Requested Variations; and

WHEREAS, the Village President and Board of Trustees have determined that the Requested Variations meet the required standards for variations as set forth in Section 30-902 of the Sign Regulations; and

WHEREAS, the Village President and Board of Trustees have determined that it will serve and be in the best interests of the Village to grant the Requested Variations subject to the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. GRANT OF VARIATIONS. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, and in accordance with, and pursuant to, Section 30-902 of the Sign Regulations and the home rule powers of the Village, the Village hereby grants the following variations to the Applicant:

- A. Blade Signs. A variation from Section 30-201.h.6.a of the Sign Regulations, to allow two blade signs.
- B. Blade Signs. A variation from Section 30-201.h.6.b of the Sign Regulations, to allow 7'-6" feet of clearance above a pedestrian thoroughfare for two blade signs.
- C. Maximum Number of Signage Types. A variation from Section 30-201.h.9 of the Sign Regulations to allow a wall, awning and blade signage.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Sign Regulations or any other provision of the "Municipal Code of Arlington Heights, Illinois, 1995," as amended ("*Village Code*") , the approvals granted pursuant to Section 2 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Proposed Signage, the Existing Building, and the Property in compliance with each and all of the following conditions:

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of all signs on the Property (including, without limitation, the Proposed Blade Signs, the Existing Wall and Awning Signage) the Existing Building, and the Property must comply at all times with all applicable Village codes and ordinances, as the same have been or may be amended from time to time.
- B. Compliance with Plans. Except for minor changes and site work approved by the Village's Director of Building (for matters within his or her permitting authority) in accordance with all applicable Village standards, the installation, use, operation, and maintenance of the Proposed Blade Signs must comply with those certain plans prepared by the Applicant a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit B ("Plans").
- C. It is the architect/homeowner/builder's responsibility to comply with the Design Commission approval and ensure that building permit plans comply with all zoning code, building permit and signage requirements.

SECTION 4. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Clerk. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approval granted in Section 2 of this Ordinance may, at the sole discretion of the Village

President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approval granted in Section 2 of this Ordinance unless they first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the B-5 District and the applicable provisions of the Sign Regulations and the Village Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the approvals granted in Section 2 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Sign Regulations and the Village Code.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
 - 1. Passage by the Village President and Board of Trustees in the manner required by law;
 - 2. Publication in pamphlet form in the manner required by law; and
 - 3. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit C attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

- B. In the event the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 8.A.3 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

AYES:

NAYS:

PASSED AND APPROVED THIS 18th day of April, 2022.

Village President

ATTEST:

Village Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Lot 1 in Metropolis, being a resubdivision in the West half of the Southwest quarter of Section 29, Township 42 North, Range 11 East of the Third Principal Meridian according to the plat thereof recorded March 19, 1999 as Document Number 99243785, in Cook County, Illinois.

P.I.N. 03-29-346-033-0000

Commonly known as: 7 S. Highland Avenue, Arlington Heights, Illinois.

EXHIBIT B
SIGN PLANS



FORBICI
SALON

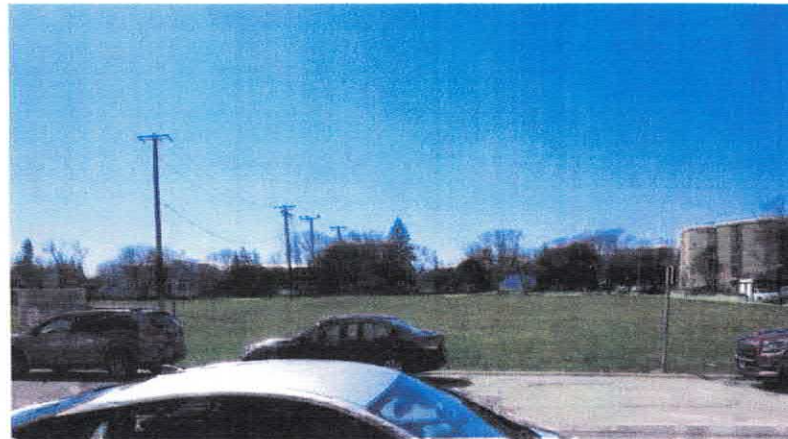
SURROUNDING CONTEXT



right



left



across
street

Scale 1:10

Reviewed For Code Compliance
Village of Arlington Heights
Digital Stamp

Jobs\A\Forbici



SUBJECT PROPERTY



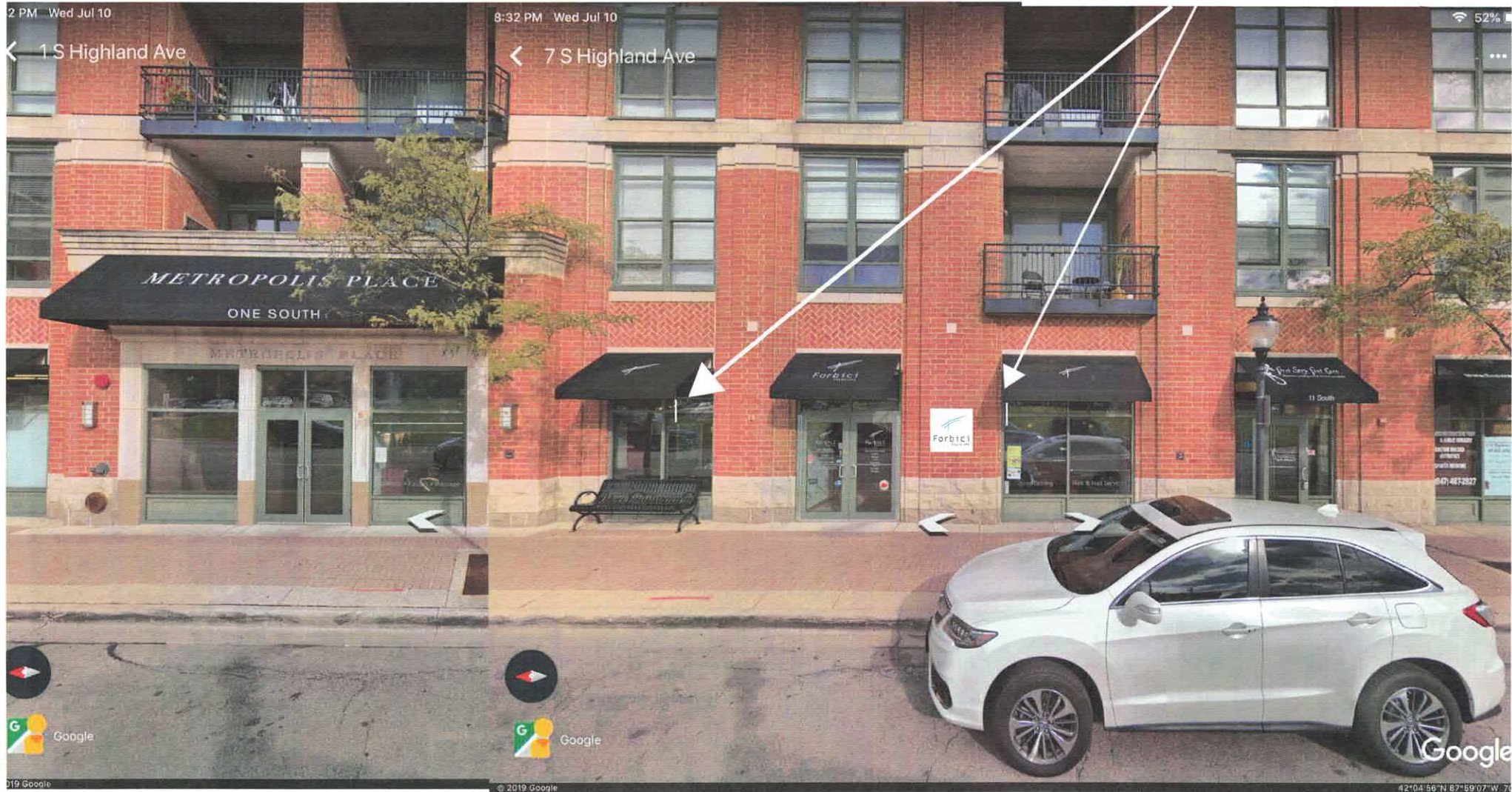
**LOOKING NORTH
ALONG HIGHLAND
AVENUE**



**LOOKING SOUTH
ALONG HIGHLAND
AVENUE**

orbici Frontage 4, rev 8/14/2021

Two small (22" x 10") 2-sided horizontal signs to hang from awning structure for pedestrian viewing



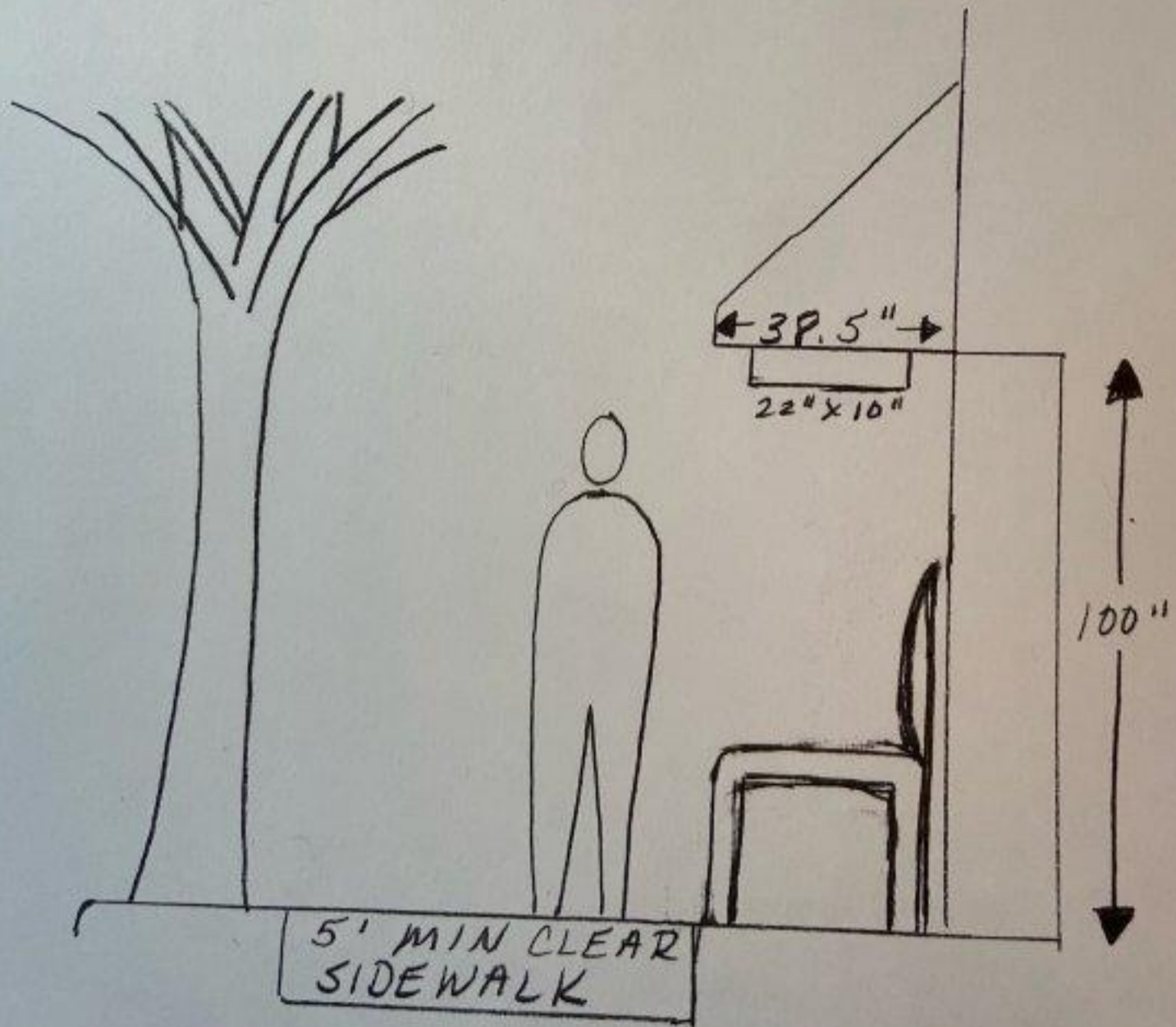
**PROPOSED BLADE
SIGN LOCATIONS**

B


Suggested Forbici 2-sided sign hanging from awning structure. No drilling in awning structure. Black metal hangers rest around awning tubing. 22" x 10". 1/4" thick MaxMetal/Dibond material. Quantity 2 signs, one for each awning either side of entrance door.



The drawing below depicts the dimensions of the existing awning with proposed blade sign and clearance dimensions.



D



Forbici

SALON • SPA

Sign
Dimensions: 21.47" x 10"



Item # 669533 Model # N422-581

National Hardware 1 Count 1.12-in W x 3.29-in L x 1/4-in Dia Stainless Steel U-Bolt

No Reviews



Have an opinion?
Help others decide.
[Write a Review](#)



Community Q&A
[View Now](#)

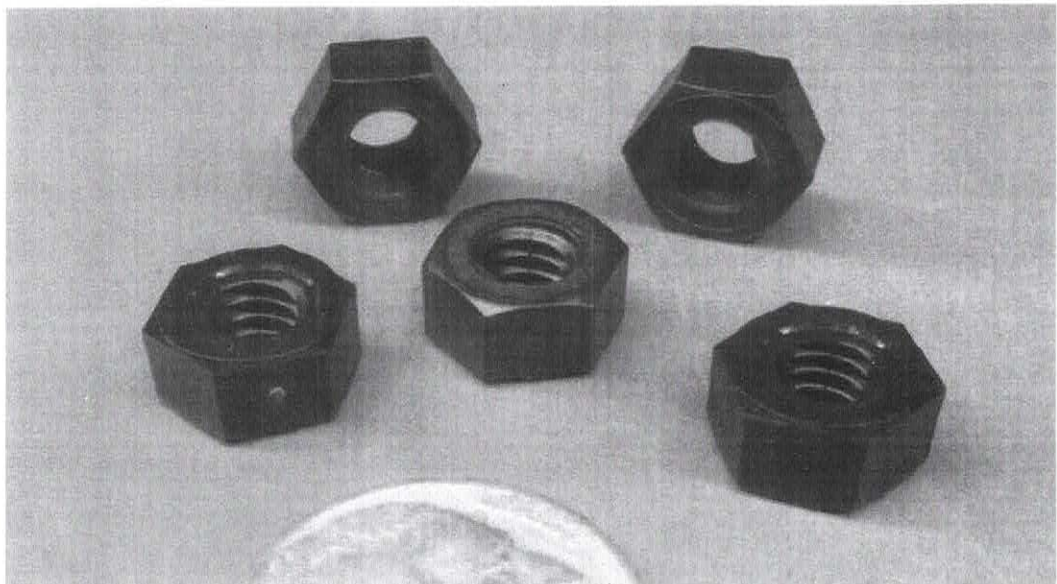


EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois ("*Village*");

WHEREAS, Jackie Lewis, ("*Applicant*") is the owner of that certain property located in the B-5 Downtown District ("*B-5 District*"), commonly known as 7 South Highland Avenue, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance ("*Property*"); and

WHEREAS, Ordinance No. 2022-_____, adopted by the Village President and Board of Trustees on April 18, 2022 ("*Ordinance*"), grants variations to the Applicant from the Village's sign regulations for the installation of signage on the Property; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant files, within 30 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the variations for the Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
4. The Applicant hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2022

ATTEST: _____

By: _____

By: _____

Its: _____

Its: _____