

VILLAGE OF BARTLETT

COMMITTEE AGENDA

NOVEMBER 15, 2022

BUILDING & ZONING, CHAIRMAN HOPKINS

1. 309 Oakbrook Court Rear Yard Variation

LICENSE & ORDINANCE, CHAIRMAN GUNSTEEN

2. Regulation of Political Signs on Residential Property



Agenda Item Executive Summary

Item Name 309 Oakbrook Court

Committee
or Board Committee

BUDGET IMPACT

Amount: N/A

Budgeted N/A

List what
fund N/A

EXECUTIVE SUMMARY

The petitioner is requesting a **12.19-foot variation** from the 35-foot required rear yard setback to allow the construction of a room addition.

The existing three-season room was built without a permit by a previous owner and will be removed prior to the construction of the proposed addition.

The **Planning & Zoning Commission** reviewed the petitioner's request and conducted the required public hearing at their meeting on November 3, 2022. The Planning & Zoning Commission recommended **approval** of the request subject to the conditions and findings of fact outlined in the staff report.

ATTACHMENTS (PLEASE LIST)

PDS memo, minutes of the Planning & Zoning Commission meeting, cover letter, application, location map, site plan, floor plans and elevations


ACTION REQUESTED

- For Discussion Only - *To review and forward to the Village Board for a final vote.*
- Resolution
- Ordinance
- Motion

Staff: Kristy Stone, Interim PDS Director

Date: 11.7.2022

PLANNING AND DEVELOPMENT SERVICES MEMORANDUM
22-103

DATE: November 7, 2022
TO: Paula Schumacher, Village Administrator
FROM: Kristy Stone, Interim PDS Director 
RE: **(#22-14) 309 Oakbrook Ct**

PETITIONER

Brian Petersen

SUBJECT SITE

309 Oakbrook Ct.

REQUEST

Variation – Rear Yard

ZONING HISTORY

The property was a part of the original incorporation of the Village of Bartlett and was zoned farming on the 1941 Zoning Map. The property was later zoned R-1 Single Family Residence District. The property was rezoned to the SR-3 Suburban Residence District as a part of the 1978 comprehensive rezoning of the village. The property is located within the Oak Grove Subdivision which was recorded in 1979.

DISCUSSION

1. The subject property is zoned SR-3 (Suburban Residence Single Family).
2. The petitioner is requesting a 12.19-foot variation from the 35-foot required rear yard to allow for the construction of a room addition.
3. The petitioner is proposing to build a 16-foot by 18-foot three-season room onto the rear of the house. The proposed addition would be located 22.81 feet from the rear property line and will architecturally match the existing house.
4. There is currently a patio and a nonconforming three-season room at the rear of the home that will be removed. A permit was issued for the patio,

however, there is no record of a permit for the three season room. The existing three-season room is set back 29 feet from the rear property line.

5. With the proposed addition, the property would be at 38% impervious surface coverage which is below the 40% impervious surface limit.
6. If the variation is approved the permit to construct the addition could be issued.

RECOMMENDATION

1. The **Planning & Zoning Commission** reviewed the Petitioner's variation requests, conducted the public hearing and recommended **approval** at their November 3, 2022 meeting based upon the following Findings of Fact:
 - A. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - B. That conditions upon which the petition for variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.
 - C. That the purpose of the variation is not based exclusively upon a desire to make money out of the property.
 - D. That the alleged difficulty or hardship is caused by the provision of this Title and has not been created by any person presently having an interest in the property.
 - E. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.
 - F. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
 - G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Title to other lands, structures or buildings in the same district.
2. The minutes of Planning and Zoning Commission meeting and background material is attached for your review and consideration.

/attachments



Village of Bartlett
Planning and Zoning Commission
November 3, 2022

(#22-14) 309 Oakbrook Ct
PUBLIC HEARING

The following exhibits were presented:

Exhibit A – Picture of Sign

Exhibit B – Mail Affidavit

Exhibit C – Notification of Publication

The petitioner, **Brian Petersen** of 309 Oakbrook Ct came forward and was sworn by **M. Werden**. **B. Peterson** stated that they are requesting a variance to replace the existing screened-in porch/patio and replace it with new screened-in porch/patio, which will be larger and would be an upgrade to the existing porch. **M. Werden** are you changing the footprint of the existing patio? **B. Petersen** we are changing the footprint. This would be 6 feet closer to the property line. **M. Werden** have you received any comments from your neighbors? **B. Petersen** I have not and do know most of our neighbors. **M. Werden** staff, have you heard anything? **K. Stone** we have not. This property does back up to Oak Grove Park, which is heavily wooded. **B. Bucaro** is the property to the left, 316 Oakbrook Ct an unbuildable lot? **B. Petersen** that lot is part of Oak Grove Park and also has a utility easement. **M. Hopkins** were you aware that you had a 35' setback when you drew up the plans? **B. Petersen** no, I was not. It was not until the architect informed me that we would need a variance due to the setback. **G. Koziol** this is a little bit of a strange lot and does back up to a park, so I am not sure that the setback matters that much. **B. Petersen** no one can see my property since it is screened by mature trees and shrubs. I also talked to my neighbor and he has no issues with this. **M. Werden** you would not be encroaching on the neighbors.

J. Miaso arrived at 7:07 pm.

G. Koziol made a motion to pass along **a positive recommendation** to the Village Board to approve case **(#22-14) 309 Oakbrook Ct** for a rear yard variance subject to the findings of fact outlined in the staff report.

M. Werden closed the public hearing portion of the meeting.

Motioned by: **G. Koziol**

Seconded by: **J. Miaso**

Roll Call

Ayes: **B. Bucaro, C. Deveaux, M. Hopkins, J. Kapadoukakis, G. Koziol, J. Miaso, M. Werden**

Nays: None

The motion carried.

October 14, 2022

To Mr. Kevin Wallace and Bartlett Village Trustees,

Dear Mr. Wallace and Trustees,

I am requesting a zoning variance for my property located at 309 Oakbrook Court in Bartlett to build a screened porch/patio. I am replacing the existing aluminum screened porch that was built by the previous homeowner sometime in the 1980's. The patio has deteriorated and is not worth the expense or time to make repairs to it. It also sits on a concrete slab that was not poured properly and was never designed for carrying weight, so it has cracked recently and is settling poorly.

The current patio is approximately 16 feet wide and extends 12 feet off the house. That leaves 29 feet (+/-) from the enclosure to the property line, with current zoning regulations requiring it to be at least 35 feet. The proposed patio will be 16' wide and extend 18 feet off the house, leaving almost 23 feet of clearance.

My lot size and shape are unique and do not allow room for a patio any larger than 9 feet off of the house. My lot adjoins an unused and heavily wooded portion of Oak Grove Park as well as a utility easement, so the land to the rear of my house will in theory never be developed or visible from the street or other homes in the neighborhood. The only neighbor who can see my back yard where the patio would be is one neighbor to the north. That neighbors view is currently screened by mature trees and shrubs, so the proposed patio would not be an eyesore or look out of place in the neighborhood. It would in fact be a significant upgrade visually as the architecture and materials used would match the existing home (siding with white trim).

Sincerely,
Brian and Julie Petersen
309 Oakbrook Court, Bartlett 60103
(847) 652-9927



VILLAGE OF BARTLETT VARIATION APPLICATION

For Office Use Only
Case # _____
RECEIVED
PLANNING & DEVELOPMENT
OCT 14 2022
VILLAGE OF
BARTLETT

PETITIONER INFORMATION (PRIMARY CONTACT)

Name: Brian Petersen

Street Address: 309 Oakbrook Court

City, State: Bartlett, IL

Zip Code: 60103

Email Address: [REDACTED]

Phone Number: [REDACTED]

Preferred Method to be contacted See Dropdown

PROPERTY OWNER INFORMATION

Name: Brian Petersen

Street Address: 309 Oakbrook Court

City, State: Bartlett, IL

Zip Code: 60103

Phone Number: [REDACTED]

OWNER'S SIGNATURE: [REDACTED]

Date: 10-14-2022

(OWNER'S SIGNATURE IS REQUIRED or A LETTER AUTHORIZING THE PETITION SUBMITTAL.)

DESCRIPTION OF VARIATION REQUEST (i.e. setback, fence height) including SIZE OF REQUEST

(i.e. 5ft., 10 ft.)

12.19 feet variation

PROPERTY INFORMATION

Common Address/General Location of Property: 309 Oakbrook Court

Property Index Number ("Tax PIN"/"Parcel ID"): 0634304014

Acreage: 9,270 SF (+/-)

Zoning: See Dropdown (Refer to Official Zoning Map)

APPLICANT'S EXPERTS (If applicable, including name, address, phone and email)

Attorney _____

Surveyor _____

Other _____

FINDINGS OF FACT FOR VARIATIONS

Both the Zoning Board of Appeals and the Village Board must decide if the requested variation is in harmony with the general purpose and intent of the Zoning Ordinance and if there is a practical difficulty or hardship in carrying out the strict letter of the regulations of the Zoning Ordinance.

The Zoning Board of Appeals shall make findings based upon evidence presented on the following standards: **(Please respond to each of these standards in writing below as it relates to your case. It is important that you write legibly or type your responses as this application will be included with the staff report for the ZBA and Village Board to review.)**

1. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

My lot size is small and the home is already built to the specifications of surrounding homes.

2. That conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classifications.

My situation is unique given my lot size and shape with minimal setback.

3. That the purpose of the variation is not based exclusively upon a desire to make more money out of the property.

The proposed screened porch is for personal use and not intended to increase the value of my home.

4. That the alleged difficulty or hardship is caused by the provisions of this Title and has not been created by any person presently having an interest in the property.

My hardship is related to my small lot size, and other homeowners in my neighborhood would be able to build a similar structure.

5. That the granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhoods in which the property is located.

It will not be detrimental or injurious.

6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

It will not do any of these things.

7. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this Title to other lands, structures or buildings in the same district.

I am looking to build a structure my neighbors would be able to build, but due to my small lot size I cannot. I back up to a wooded area so nobody but the neighbor to my North would see the structure.

ACKNOWLEDGEMENT

I understand that by signing this form, that the property in question may be visited by village staff and Board/Commission members throughout the petition process and that the petitioner listed above will be the primary contact for all correspondence issued by the village.

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that I am to file this application and act on behalf of the above signatures.

Any late, incomplete or non-conforming application submittal will not be processed until ALL materials and fees have been submitted.

SIGNATURE OF PETITIONER: _____


PRINT NAME: Brian Petersen

DATE: October 14, 2022

REIMBURSEMENT OF CONSULTANT FEES AGREEMENT

The undersigned hereby acknowledges his/her obligation to reimburse the Village of Bartlett for all necessary and reasonable expenses incurred by the Village for review and processing of the application. Further, the undersigned acknowledges that he/she understands that these expenses will be billed on an ongoing basis as they are incurred and will be due within thirty days. All reviews of the petition will be discontinued if the expenses have not been paid within that period. Such expenses may include, but are not limited to: attorney's fees, engineer fees, public advertising expenses, and recording fees. Please complete the information below and sign.

NAME OF PERSON TO BE BILLED: _____

ADDRESS: _____

PHONE NUMBER: _____

EMAIL: _____

SIGNATURE: _____

DATE: _____



Location Map

309 Oakbrook Ct

2022

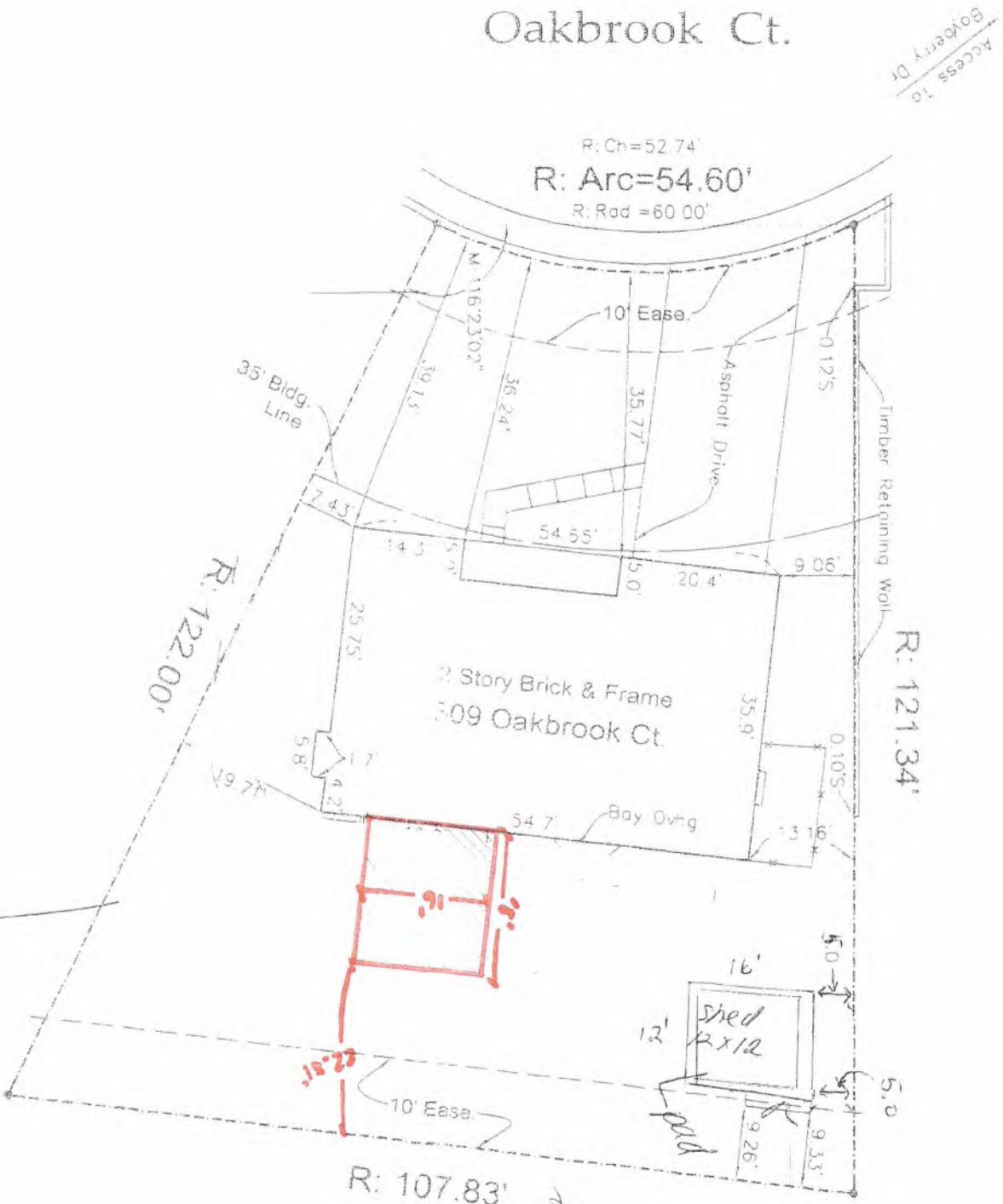


0 25 50 100 US Feet

PLAT OF SURVEY

Of Lot 107 in Oak Grove of Bartlett Unit Number 2, being a subdivision of part of the South 1/2 of Section 34, Township 41 North, Range 9, East of the Third Principal Meridian, according to the Plat thereof recorded March 8, 1979, as Document 24873605, in Cook County, Illinois

RECEIVED
PLANNING & DEVELOPMENT
OCT 14 2022
VILLAGE OF
BARTLETT



RECEIVED
MAR 11 2010
VILLAGE OF BARTLETT
BUILDING DEPT.



DATE OF SURVEY: June 29, 2009

STATE OF ILLINOIS

COUNTY OF DU PAGE

HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED, UNDER MY SUPERVISION, ACCORDING TO THE OFFICIAL RECORD AND THAT THE ABOVE PLAT CORRECTLY REPRESENTS SAID SURVEY. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF.

I FURTHER CERTIFY THAT UNLESS OTHERWISE SHOWN, THE BUILDINGS ON THE PARCEL ARE WITHIN PROPERTY LINES AND THE ADJOINING VISIBLE IMPROVEMENTS DO NOT ENCROACH ON THE ABOVE DESCRIBED PROPERTY.

I FURTHER CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

MY LICENSE EXPIRES 11-30-2010

Handwritten signature and initials

PROPERTY AREA: 9152.2 SQ. FT.

CLIENT: Ahy, Nolan

JN 190367

LEGEND

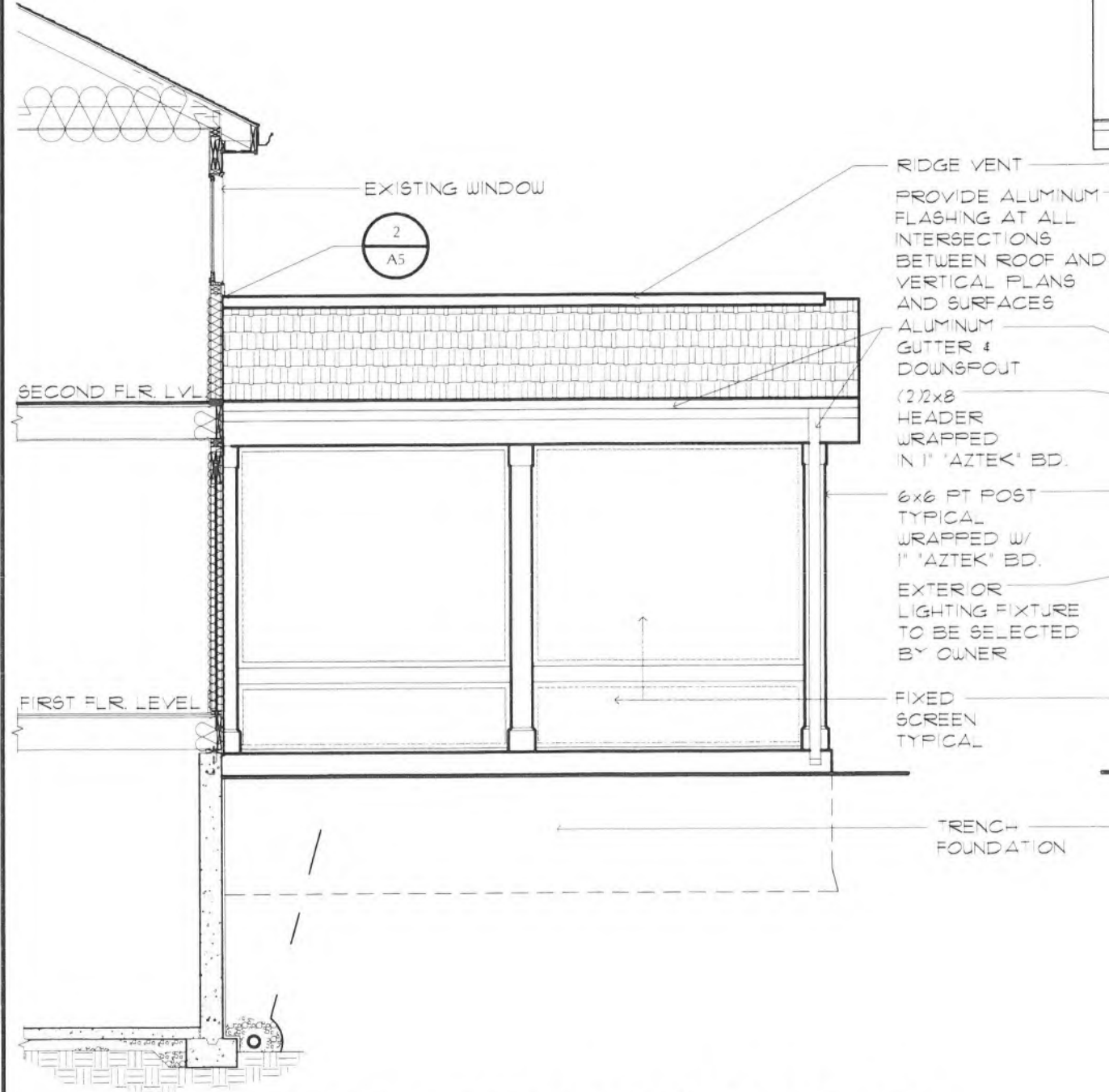
- RECORD DISTANCE
- MEASURED DISTANCE
- D. DIST.
- UTILITY POLE W/ OVER WIRES
- CONCRETE SHOWN SHADED
- PROPERTY LINE
- CH. CHORD
- FOUND IRON
- SET IRON

SCALE 1" = 20'

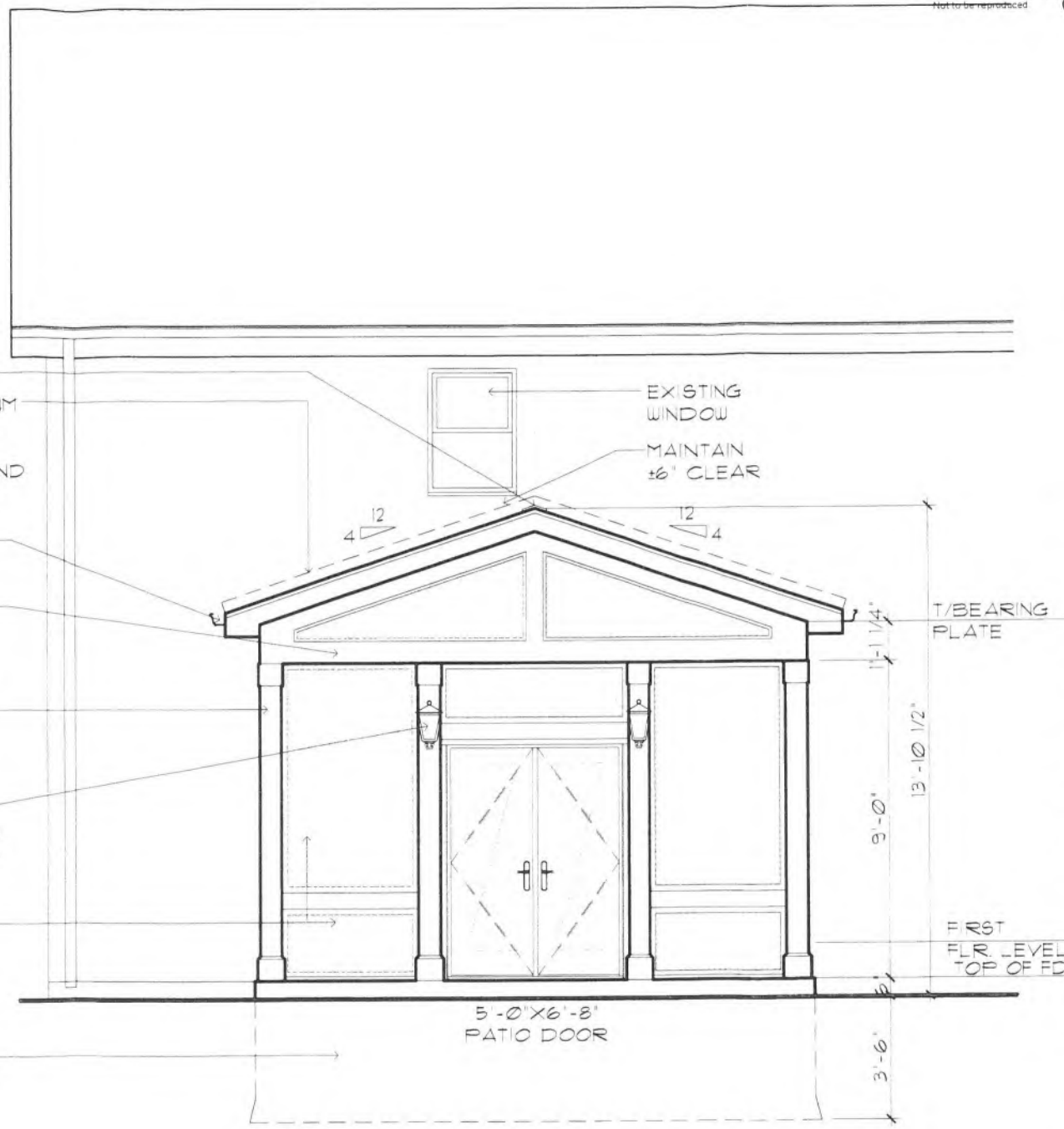
SCHLAF-SEDIG & ASSOCIATES, INC.
1030 SUMMERFIELD DRIVE
ROSELLE, ILLINOIS 60472
(531) 926-7100

COMPARE THE DESCRIPTION OF THIS PLAT WITH DEED, REFER TO THE TITLE POLICY FOR ITEMS OF RECORD NOT SHOWN ABOVE. UNLESS OTHERWISE NOTED, UTILITIES WITHIN EASEMENTS ARE NOT SHOWN HEREON, UNDERGROUND UTILITIES INCLUDING BUT NOT LIMITED TO CONDUITS AND CABLE (IF ANY) HAVE NOT BEEN SHOWN HEREON.

Project #	22049
Drawn	MN
Date	10-12-22
Issue/Revision Date	



PROPOSED EAST & WEST ELEVATION 1
A3
 SCALE: 1/4"=1'-0"



PROPOSED SOUTH ELEVATION 2
A3
 SCALE: 1/4"=1'-0"

FOR OWNER'S REVIEW ONLY - 10-12-22

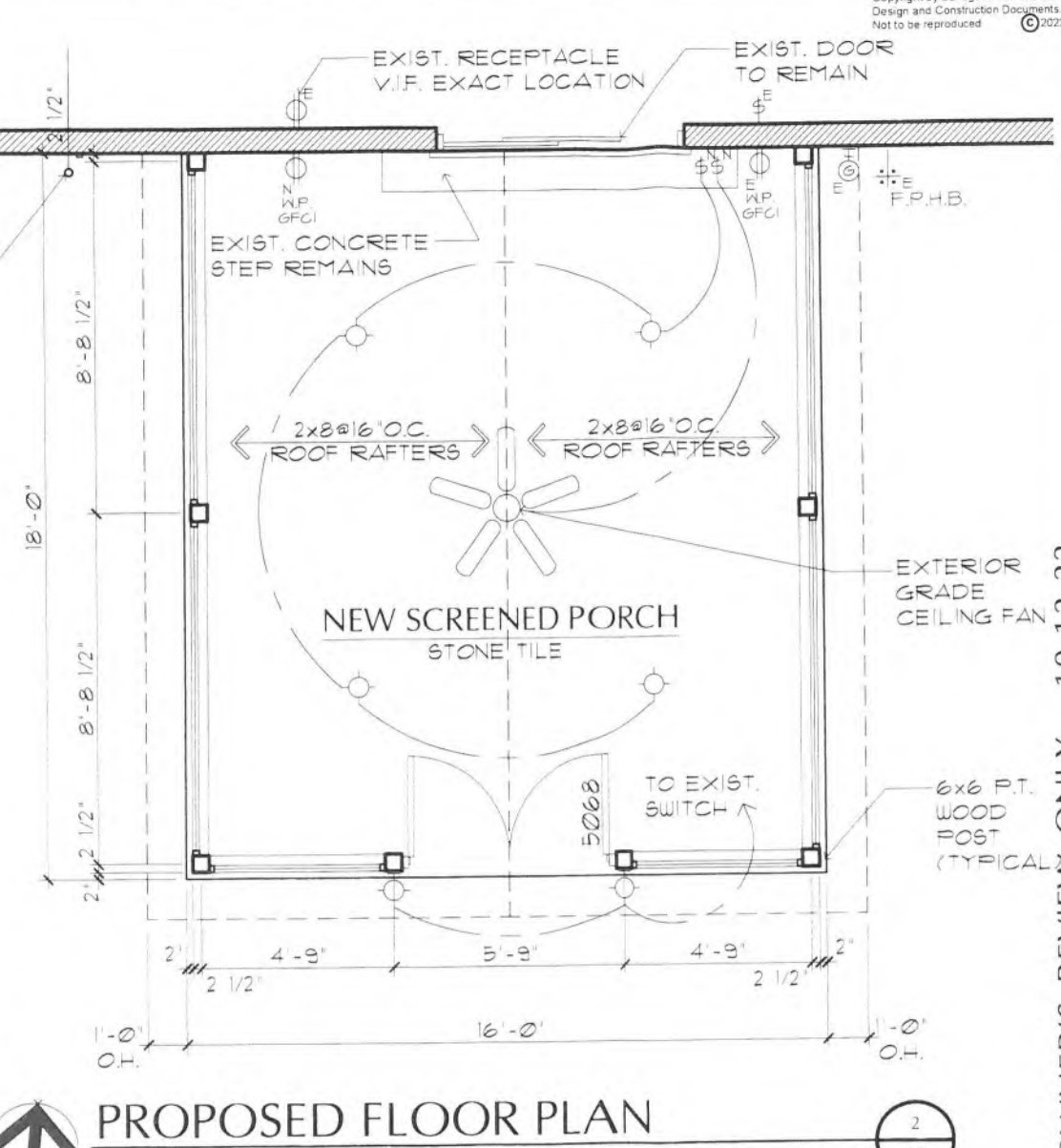
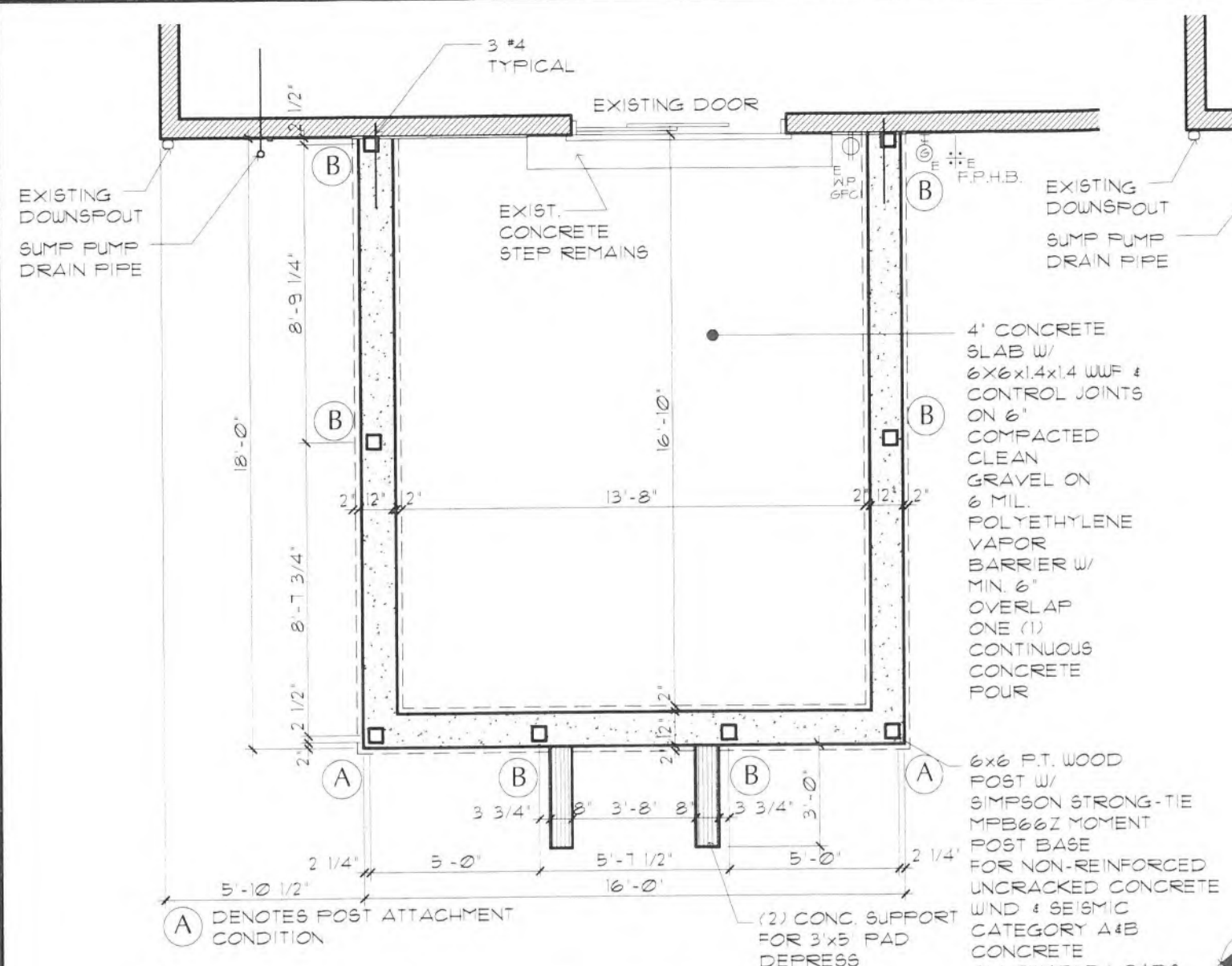
LaPage Architects, Ltd.
 Architects • Interior Space Planners
 Professional Design Firm
 Architect Corporation
 951 West Liberty Drive
 Wheaton, Illinois 60187
 www.lapagearchitects.com
 Phone: (630) 965-0800 Fax: (630) 665-0886
 Expires: 04-30-23

New Sun Room for:
Mr. Brian Petersen
 309 Oakbrook Ct.
 Bartlett, Illinois 60103

Drawing
 PROPOSED ELEVATIONS

Sheet
A3

Project #	22049
Drawn:	MN
Date:	10-12-22
Issue/Revision Date:	



PROPOSED FLOOR PLAN
SCALE: 1/4"=1'-0"

SYMBOLS LEGEND	
⊕	DUPLEX WATERPROOF GROUNDFAULT INTERRUPTER
\$	SINGLE POLE SWITCH
\$FL	VARIABLE SPEED CONTROL FOR FAN OR FAN/LIGHT
⊖	RECESSED DOWN LIGHT
⊙	WALL MOUNTED LIGHT
⊕	CEILING FAN - PROVIDE HEAVY DUTY JUNCTION BOX RATED FOR CEILING FAN, TYP.
⊕	NATURAL GAS
⊕	FREEZE PROOF HOSE BIB

FOR OWNER'S REVIEW ONLY - 10-12-22

LaPage Architects, Ltd.
Architects • Interior Space Planners
Professional Design Firm
951 West Liberty Drive
Wheaton, Illinois 60187
www.lapagearchitects.com
Phone: (630) 665-0000 Fax: (630) 665-0000

New Sun Room for:
Mr. Brian Petersen
309 Oakbrook Ct.
Bartlett, Illinois 60103

Drawing
FOUNDATION PLAN & PROPOSED FLOOR PLAN

Sheet
A1

Project #	22049
Drawn:	MN
Date:	10-12-22
Issue/Revision Date:	



Area of Work

Existing Building South Elevation exterior shown for reference only
SCOPE OF WORK
PROPOSED NEW SCREENED PORCH REPLACEMENT

New Screened Porch Replacement for: 309 Oakbrook Ct. Barlett, IL 60103

RECEIVED
PLANNING & DEVELOPMENT

OCT 14 2022

VILLAGE OF
BARTLETT

LaPage Architects, Ltd.
Architects • Interior Space Planners
Professional Design Firm
951 West Liberty Drive
Wheaton, Illinois 60187
www.lapagearchitects.com
Phone: 630.665.0006 Fax: 630.665.0086
Expires: 04-30-23

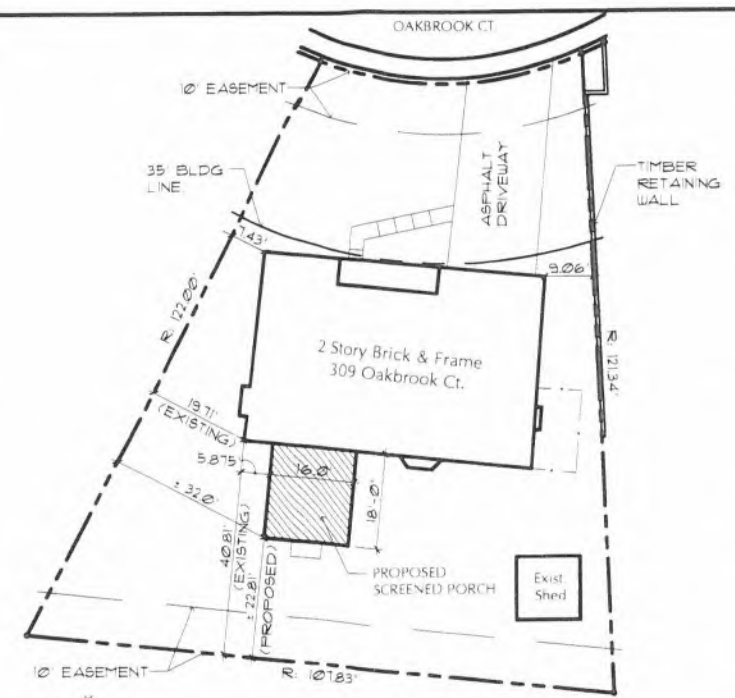
Architect
LaPage Architects, Ltd.
Ronald N. LaPage, AIA, ALA
951 W. Liberty Drive
Wheaton, IL 60187
630.665.0006 (Office)
r.lapage@lapagearchitects.com (email)

Owner/Representative
Brian Petersen
309 Oakbrook Ct.
Barlett, IL 60103
847-652-9927 (Mobile)
hoff621@gmail.com (Email)

LOCATION MAP



Project Location



PROPOSED SITE PLAN
SCALE: 1/32"=1'-0"

Village of Barlett Officials

Kristy Stone, AICP
Interim Planning & Development Services Director
Planning & Development Services
Village of Barlett
228 S. Main Street, IL 60103
630.540.5920 - kstone@barlett.il.gov
Hours: M-F 8:30 a.m. to 4:30 p.m.

John Komorowski, Building Code Enforcement Manager
Planning & Development Services
Village of Barlett
228 S. Main Street, IL 60103
630.540.5920 - jkomorowski@barlett.il.gov

BUILDING CODES

- CITY AND STATE CODES**
- ICC 2018 International Building Code w/ amendments
 - ICC 2018 International Residential Code w/ amendments
 - ICC 2018 International Fire Code w/ amendments
 - ICC 2018 International Mechanical Code w/ amendments
 - ICC 2018 International Fuel Gas Code w/ amendments
 - ICC 2018 International Existing Building Code w/ amendments
 - NEC 2017 National Electric Code w/ amendments
 - Illinois Plumbing Code, Latest Edition, (the "Plumbing Code w/ amendments)
 - The 2018 Illinois Accessibility Code, Latest edition, (the "IPMC") w/ amendments
 - Illinois Energy Conservation Code, Latest Edition (currently 2018) (the State Energy Conservation Code "IECC") ASHRAE Standard 90.1
 - Village of Barlett Zoning Code (Current Edition)
 - Dupage County Countryside Stormwater Floodplain Ordinance, 2019

CERTIFICATION

I HEREBY CERTIFY THAT THESE DRAWINGS WERE PREPARED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLY WITH ALL APPLICABLE CODES AND ORDINANCES FOR THE VILLAGE OF BARTLETT.

RONALD LAPAGE, AIA, ALA
ILLINOIS LICENSED ARCHITECT
ARCHITECT'S LICENSE No.001-009836
PROFESSIONAL DESIGN FIRM: 184-006116

DATE: October 12, 2022

DRAWING SHEET INDEX

SHEET	DESCRIPTION
T1	Title Sheet & Project Info
A1	Foundation & Proposed Floor Plan
A2	Proposed Framing Plan & Typical Section
A3	Proposed Elevations
A4	Sections
A5	General Notes & Sections

PROJECT INFORMATION

ZONING
Parcel ID Number: 0634304014
Project Address: 309 Oakbrook Ct.
Property Zoning: SR-3 Residential District
Lot Area: 9,270 (+/-) s.f.
Max. Impervious Surface = Not to exceed 40%
9,270 (+/-) s.f. x 40% = 3,708 s.f.
Proposed Impervious Surface = 3,094.69 s.f. (33%)
Existing Yard Setbacks:
Front: No change
Side: No change
Rear Required Yard: 35'-0"
Rear Proposed Yard: 24'-2" (+/-)

RELY ON PRINTED DIMENSIONS ONLY - DO NOT SCALE

FOR OWNER'S REVIEW ONLY - 10-12-22

New Sun Room for:
Mr. Brian Petersen
309 Oakbrook Ct.
Barlett, Illinois 60103

Drawing
Title Sheet & Project Info

Sheet
T1



Agenda Item Executive Summary

Item Name Regulation of Political Signs on Residential Property Committee or Board Committee

BUDGET IMPACT			
Amount:	n/a	Budgeted	n/a
List what fund			
EXECUTIVE SUMMARY			
<p>The Village has state statutory limitations regarding the regulation of political signs on residential property. Currently, the Village Code treats political signs as temporary signs, however, political signs are unique and don't fit the parameters of a typical temporary sign. The limitations in the statute do not have clear definitions and we asked for a legal review to give us guidance on how best to regulate political signs within the statute. The ability of the village to regulate political signs fall within two areas, the number of signs allowed and the size of the signs allowed on residential lots. The recommendations for a special exemption for political signs and its parameters for signs permitted on residential lots are before the board for discussion.</p>			
ATTACHMENTS (PLEASE LIST)			
<p>Ancel Glink Memorandum October 11, 2022.</p>			

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

Staff: Paula Schumacher, Village Administrator Date: November 8, 2022



A Professional Corporation
140 South Dearborn Street, Suite 600
Chicago, IL 60603
www.ancelglink.com

Kurt S. Asprooth
kasprooth@ancelglink.com
(P) 312.604.9139
(F) 847.247.7405

MEMORANDUM

To: Village Attorney Bryan E. Mraz
From: Kurt S. Asprooth
Erin M. Monforti
Subject: Regulation of Political Signs on Residential Property
Date: October 11, 2022

I. Introduction

You have asked us to review and analyze the Village of Bartlett Code of Ordinances (the “Village Code”) and provide guidance on the regulation of political signs on residential property within the Village. This memo will provide a summary of the limitations imposed on the Village regarding political signage, along with a proposed amendment to the Village Code to ensure the Village is regulating political signage within those limitations.

II. Statutory Limitation on the Regulation of Political Signs.

In June 2010, the Illinois General Assembly passed Public Act 96-0904 (the “Act”), amending the Illinois Municipal Code, 65 ILCS 5/11-13-1(12). The Act, effective since January 1, 2011, restricts Illinois municipalities’ authority to regulate political signs within their corporate limits:

“[T]he corporate authorities in each municipality have the following powers:

...

(12) to establish local standards solely for the review of the exterior design of buildings and structures, excluding utility facilities and outdoor off-premises advertising signs, and designate a board or commission to implement the review process; *except that, other than reasonable restrictions as to size, no home rule or non-home rule municipality may prohibit the display of outdoor political campaign signs on residential property during any period of time, the regulation of these signs being a power and function of the State, and therefore, this item (12) is a denial and limitation of concurrent home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution.*”

65 ILCS 5/11-13-1(12).

The Act clearly preempts the ability of the Village to prohibit or restrict political signage on residential property during any period of time. Further, the Act includes an express preemption and denial of home rule authority to regulate political signs on residential property in conflict with the Act. As such, the Village is still bound to follow this statutory limitation despite the Village's home rule status.

While the Act preempts the Village from prohibiting political signs on residential property, the Village may still enact "reasonable restrictions as to size." No definition of a "reasonable restriction as to size" was included in the Act. Further, the Act did not specify whether a size restriction could only be applied to individual signs, or whether a size restriction could be applied to the cumulative or aggregate size of all signs on a property.

However, the debates in the Illinois General Assembly on the Act shed light on this issue. Clarifying the purpose and scope of the proposed legislation, the bill sponsor, Representative Mike Tryon, indicated the following:

"[Tryon]: The Supreme Court, the U.S. Supreme Court, has ruled that it's unconstitutional to be able to regulate political signs and content or the timeframe they have . . . So this essentially would codify the Supreme Court ruling." Ill. Gen. Assemb. 96, H. Deb., 110th Legis. Day, at 28 (Mar. 10, 2010).

Representative Tryon further engaged in a discussion of the bill with Representative Jack Franks:

"[Franks]: [Municipalities] can regulate the size.
[Tryon]: They can regulate size. They have that authority now.
[Franks]: But they cannot . . . but they cannot regulate the time.
[Tryon]: They can't regulate content or time.
[Franks]: Can they regulate how many signs I can have in my yard?
[Tryon]: They cannot regulate how many signs you have in your [yard].
. . .
[Franks]: So you can have as many signs as you want. They can say whatever they want for how long you want.
[Tryon]: That's correct."
Ill. Gen. Assemb. 96, H. Deb. 110th Legis. Day, at 30–31 (Mar. 10, 2010).

Based on this legislative history, the intent of the Act was to allow municipalities to regulate only the size of *individual* political signs. A size restriction cannot be used to directly limit the *number* of signs on a residential property. While not directly expressed in the legislative history, it seems that the General Assembly wanted to ensure that individuals have the right to erect as many signs on their residential property as there are candidates or referendums on the ballot.

So, we believe any size restriction that is applied to the aggregate or cumulative size of all political signs on a property would run afoul of the Act. Such a restriction would indirectly limit the number of signs that a resident could place on their property. Instead, we recommend imposing limitations on how large individual signs can be, which falls squarely within the Village's authority under the Act.

III. Current Village Code Provisions.

In the Village Code, political signs are defined as “[a]ny sign encouraging the election or defeat of any candidate seeking any political office or encouraging the passage or defeat of any ballot measure.” Bartlett, Ill., Code § 10-12-3. Temporary signs are defined as “[a] sign, banner, or other advertising device or display construction of cloth, canvas, cardboard, wallboard, or other light temporary materials, with or without a structural frame, intended for a temporary period of display, such as decorative displays for holidays or public demonstrations.” *Id.* The Village Code exempts temporary political signs from the Village’s sign permit requirements. 10-12-4(L).

Political signs are generally treated as temporary signs, even though the Act limits the ability of any municipality to regulate the time period that such signs are maintained. While temporary political signs are exempt from the Village’s permitting requirements, they are still subject to the Village’s general temporary sign regulations. The Village’s temporary sign regulations (Section 10-12-6(G)) limit the display of temporary signs to (1) a period not to exceed 90 days; (2) no more than six (6) square feet in residential districts; and (3) no more than four (4) signs, none of which may exceed six square feet per sign, or twenty-four (24) feet in the aggregate, on each residential lot.

IV. Proposed Text Amendment

The current temporary sign restrictions on duration (90 days), number (4 signs), and aggregate size (24 square feet) cannot be applied to political signs on residential property, as discussed above. Given the unique status of political signs under the Illinois Municipal Code, we recommended adding a specific provision to the Village Code governing political signs separate and apart from temporary signs. We propose adding the following provision to the Village’s sign regulations:

- I. *Political Signs on Residential Property:*
 1. *There will be no limit on the number of political signs that may be erected on a residential lot within the Village.*
 2. *No political sign on a residential lot within the Village may exceed six (6) square feet in area or six (6) feet in height.*
 3. *Political signs must be located entirely on private property pursuant to the owner’s consent, except as otherwise allowed by law.*

We also recommend including a separate exemption for political signs under Section 10-12-4 that is distinct from the current exemption that includes political signs with temporary signs.

We have drafted the proposed amendment to include the current size limitation for all temporary signs, six (6) square feet. The Village can revise the proposed size limitation, as long as the limitation is “reasonable.” A common size for political yard signs is three (3) square feet, so a restriction of six (6) feet would appear to be very reasonable. Moreover, keeping the size restriction

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consistent with the size limitations for other temporary signs in residential districts also supports the reasonableness of the size restriction.

We would also like to note that recent decisions from the Supreme Court have limited the ability of municipalities to enforce sign restrictions based on content. Any distinction between signs based on their content is now subject to strict scrutiny. See *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). The Supreme Court has somewhat backed away from the strict “need to read” test set forth in the *Reed* decision, and has opened the door to municipal regulations that distinguish between off-premises and on-premises signage. *City of Austin v. Regan Nat’l Adver. Of Austin, LLC*, 142 S. Ct. 1464 (2022). However, we still recommend revising the Village’s sign regulations to eliminate any clear content-based distinctions, and instead focus on regulating the physical attributes and location of signs. While the proposed text amendment regarding political signs is a content-based distinction, that content-based distinction is mandated by Illinois law. The Village’s current sign regulations do contain many regulations that legally regulate the size, location, and other physical attributes of signs, regardless of content. However, the current sign regulations still contain several content-based restrictions that could be subject to challenge (such the exemption of “special display” signs for charitable or civic welfare purposes).

Once you have had a chance to review this memorandum and the proposed text amendment, we are happy to discuss this matter further.