



AGENDA ITEM EXECUTIVE SUMMARY

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| Title: | Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding amortization of nonconforming signs |
| Staff: | Matthew O'Rourke, Planner |

Please check appropriate box:

| | | | |
|---|---------------------------------|--|---------------------|
| | Government Operations | | Government Services |
| X | Planning & Development (7/8/13) | | City Council |

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|-----------------|-----|-----------|-----|--|----|--|
| Estimated Cost: | N/A | Budgeted: | YES | | NO | |
|-----------------|-----|-----------|-----|--|----|--|

If NO, please explain how item will be funded:

Executive Summary:

In October of 2006 a complete revision of the Zoning Ordinance was adopted. Included in the revision was a provision that all nonconforming freestanding and wall-mounted signs be brought into compliance with the applicable requirements of Title 17 after a 3-year period (October 16, 2009). This provision was modified in 2009 and 2011 to provide two-year extensions of the amortization period due to economic uncertainty and construction on Rt. 64. The amortization period currently ends on October 16, 2013.

Staff advised the P&D Committee of the upcoming amortization deadline at the June P&D meeting. At that meeting, staff stated that the upcoming amortization deadline would come before the expected end of the Rt. 64 construction project. The Committee directed staff to proceed with a General Amendment to extend this amortization period for one year.

Staff is presenting a General Amendment for a one year extension of the amortization for nonconforming signs. This extension will require that all signs are brought into compliance by October 16, 2014.

Plan Commission Recommendation:

The Plan Commission held a public hearing to discuss this application at their July 2, 2013 meeting. The Commission asked how many signs are affected by this amortization. Staff stated that there are over 50 freestanding signs that the amortization will affect.

The Plan Commission recommended approval of the General Amendment. The vote was 6-aye to 0-nay.

Attachments: *(please list)*

Staff Report
Application for General Amendment

Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding amortization of nonconforming signs.

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| <i>For office use only:</i> | <i>Agenda Item Number: 5c</i> |
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Community Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Daniel P. Stellato
and Members of the Planning & Development Committee

FROM: Matthew O'Rourke, Planner

RE: Application for a General Amendment to Section 17.08.060 Nonconforming Signs of Title 17 Zoning Ordinance (Amortization of Nonconforming Signs)

DATE: June 26, 2013

I. GENERAL INFORMATION

Project Name: General Amendment to Title 17 of the City Code regarding amortization of nonconforming signs.

Applicant: City of St. Charles

Purpose: To extend the existing amortization of nonconforming signs for one year (October 16, 2014).

II. BACKGROUND

1. 2006 ZONING ORDINANCE UPDATE – AMORTIZATION OF NONCONFORMING SIGNS

A complete revision of the Zoning Ordinance was adopted on October 16, 2006. Included in the revised Ordinance was a provision that all nonconforming freestanding and wall-mounted signs be brought into compliance with the applicable requirements of Title 17 after a 3-year period (October 16, 2009).

2. 2009 AND 2011 AMENDMENTS

In 2009 and 2011, the City Council approved two-year extensions of the amortization period. Both times, the Council stated that in consideration of economic uncertainty and construction of Rt. 64 by IDOT that the sign amortization period would be extended. The amortization period currently ends on October 16, 2013.

3. PLANNING & DEVELOPMENT COMMITTEE

Staff advised the P&D Committee of the upcoming amortization deadline at the June 10, 2013 P&D meeting. At that meeting, staff stated that the upcoming amortization deadline

would come before the expected end of the Rt. 64 construction project. Therefore, the Committee directed staff to proceed with a General Amendment to extend this amortization period for one year.

III. PROPOSAL

Staff has filed an application for a General Amendment to propose a 1-year extension to the amortization provisions of Section **17.08.060 Nonconforming Signs**. Currently this section states the following:

“the removal of nonconforming signs mounted on a pole, pylon, foundation, or other supporting structure that does not conform to the standards of Title 17. These signs must be removed within Seven (7) years of the effective date of Title 17.

Where signs are other than freestanding, it shall be removed or otherwise modified to conform to the provisions of Title 17 within seven (7) years of the effective date of Title 17.”

The text of this section requires that all non-conforming signs be removed by October 16, 2013. The proposed extension will require that these signs be removed by October 16, 2014.

IV. ANALYSIS

Staff has surveyed and compiled a list of nonconforming signs. The majority of these signs exist along Rt. 64 and the widening project has affected a number of signs. The anticipated completion for the project is the end of 2013.

V. DRAFT AMENDMENT

The text of the General Amendment is as follows:

“The removal of nonconforming signs mounted on a pole, pylon, foundation, or other supporting structure that does not conform to the standards of Title 17. These signs must be removed within eight (8) years of the effective date of Title 17.

Where signs are other than freestanding, it shall be removed or otherwise modified to conform to the provisions of Title 17 within eight (8) years of the effective date of Title 17.”

VI. PLAN COMMISSION RECOMMENDATION

The Plan Commission held a public hearing to discuss this application at their July 2, 2013 meeting. The Commission asked how many signs are affected by this amortization. Staff stated that there are over 50 freestanding signs that the amortization will affect.

The Plan Commission recommended approval of the General Amendment. The vote was 6-aye to 0-nay.

VII. RECOMMENDATION

Staff recommends approval of the General Amendment application and has provided the attached draft Findings of Fact to support that recommendation.

Cc: Russell Colby, Planning Division Manager
Bob Vann, Building and Code Enforcement Division Manager

VIII. FINDINGS OF FACT

APPLICATION FOR GENERAL AMENDMENT

1. The consistency of the proposed amendment with the City's Comprehensive Plan

Not Applicable

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

This amendment is simply an extension of the time period for the existing amortization of nonconforming signs. Therefore, this amendment does not alter the original intent of the Zoning Ordinance.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change of policy.

The amendment reflects a change of policy. When the Zoning Ordinance and subsequent extensions were approved, IDOT had not completed the construction projects along Rt. 64. This amendment is being proposed due to the ongoing IDOT projects and the potential impact as to the location of any new signs.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The amendment will serve the public interest by allowing the IDOT Rt. 64 projects to be completed before the installation of any replacement signs will be required. This will limit the creation of new nonconformities, such as setbacks from the right-of-way, as a result of widening and construction.

5. The extent to which the proposed amendment creates non-conformities.

The proposed amendment does require that nonconforming signs be brought into compliance with **Chapter 17.28 Signs** of the Zoning Ordinance by October 16, 2014. The intent of this amortization, to eliminate existing nonconformities, will not be altered.

6. The implications of the proposed amendment on all similarly zoned property in the City.

This amendment will be applied to all properties and zoning districts that have nonconforming signs that are affected by this amortization requirement.

CITY OF ST. CHARLES
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

GENERAL AMENDMENT APPLICATION (ZONING ORDINANCE)

CITYVIEW PROJECT NO: 2013PH008
CITYVIEW APPLICATION NO: 2013AP017
PROJECT NAME: Nonconforming Signs - Ch. 17.08.060

RECEIVED Received Date
St. Charles, IL
JUN 12 2013
CDD
Planning Division

Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance, complete this application and submit it with all required attachments to the Planning Office.

We will review submittals for completeness and for compliance with applicable requirements prior to establishing a meeting or public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Office and we will be happy to assist you.

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|----------------------------------|--|-----------------------------------|
| 1. Applicant Information: | Name City of St. Charles | Phone 630-377-4443 |
| | Address 2 E. Main Street St. Charles IL, 60147 | Fax 630-762-6924 |
| | | Email morourke@stcharlesil.gov |

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|---|--|-----------------------------------|
| 2. Billing: <i>To whom should costs for this application be billed?</i> | Name City of St. Charles | Phone 630-377-4443 |
| | Address 2 E. Main Street St. Charles IL, 60147 | Fax 630-762-6924 |
| | | Email morourke@stcharlesil.gov |

Attachment Checklist

Application Fee (make checks payable to the City of St. Charles)

Chapter 17.08.060 Nonconforming Signs pertaining to: the removal of nonconforming signs mounted on a pole, pylon, foundation, or other supporting structure that does not conform to the standards of Title 17. These signs must be removed within eight (8) years of the effective date of Title 17.

Where signs are other than freestanding, it shall be removed or otherwise modified to conform to the provisions of Title 17 within eight (8) years of the effective date of Title 17.