

	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>					
	Title:		Recommendation to Approve General Amendments to Title 17 of the City Code (Zoning Ordinance)			
	Presenter:		Matthew O'Rourke			
Please check appropriate box:						
	Government Operations				Government Services	
X	Planning & Development – (4/9/12)				City Council	
	Public Hearing					
Estimated Cost:		NA		Budgeted:	YES	NO
If NO, please explain how item will be funded:						
<b>Executive Summary:</b>						
<p>Staff has filed an application for General Amendments to the Zoning Ordinance.</p> <p>Staff has routinely updated the current Zoning Ordinance since its adoption in 2006. Beginning last year Staff decided to present these amendments annually as part of an annual review process. Staff is presenting this year's amendments in the attached memo. The following list summarized the proposed Amendments:</p> <ul style="list-style-type: none"> <li>• Reduce the time an image must remain static on Electronic Reader Board Signs from 1 minute to 15 seconds, or 30 seconds in the Downtown Zoning Districts.</li> <li>• Create a new standard for window signs that permits a maximum of 50% of the window frame to be covered by signs.</li> <li>• Create standards for drive-through menu board signs.</li> <li>• Extend the RT District standards regarding detached garages for single and two-family homes in the CBD-2 Zoning District.</li> <li>• Clarify requirements for locating off-street parking spaces on separate lots.</li> <li>• Expand PUD administrative changes to include minimal sign changes to location and/or sign face.</li> <li>• Creation of a yard location diagram.</li> </ul> <p>The Plan Commission held a Public Hearing on February 21, 2012 and March 6, 2012 and recommended approval on 3-6-12. The vote was 6-AYE to 0-NAY.</p>						
<b>Attachments:</b> <i>(please list)</i>						
Staff Report dated 3-28-12						
<b>Recommendation / Suggested Action</b> <i>(briefly explain):</i>						
Staff recommends approval of the Application for General Amendments to Title 17.						
For office use only:		Agenda Item Number: 3d				

Community Development  
Planning Division

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**STAFF REPORT**

**TO:** Chairman Cliff Carrignan  
And The Planning & Development Committee

**FROM:** Matthew O'Rourke, AICP, Planner

**RE:** General Amendments to Tile 17 (Zoning Ordinance)

**DATE:** March 28, 2012

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**I. GENERAL INFORMATION**

**Project Name:** General Amendments 2012

**Applicant:** City of St. Charles, Planning Division

**Purpose:** Ordinance amendments to multiple sections of the Zoning Ordinance to clean-up, clarify, and bring certain regulations in-line with current standards practices.

**II. BACKGROUND**

Staff has routinely updated the current Zoning Ordinance since its adoption in 2006. Beginning last year Staff decided to present these amendments annually as part of an annual review process. Staff is presenting this year's amendments in the following memo.

**III. AMENDMENTS TO CHAPTERS 17.28 "SIGNS" AND 17.30 "DEFINITIONS" REGARDING ELECTRONIC READER BOARD SIGNS**

**A. BACKGROUND & ISSUES**

Electronic reader board signs are required to display a static image for no less than 60 seconds. It has been brought to Staff's attention that this standard is more restrictive than comparable communities in the area.

**B. STAFF ANALYSIS**

Staff reviewed the Zoning Ordinances of area communities and compared similar restrictions placed on reader board signs. The following table details that analysis:

<b>Table 1: Comparable Communities - Electronic Reader Board Sign Requirements</b>			
<b>City</b>	<b>Permitted</b>	<b>Additional Requirements</b>	<b>Length for One Image</b>
<b>Geneva</b>	Y	Cannot exceed 20 square feet in area	Restricted to two changes per day
<b>Batavia</b>	Y	50% of the Free Standing Sign	Determined by Plan Commission
<b>Aurora</b>	Y	30% of the Free Standing Sign	Static images, cannot change more than once every 15 seconds
<b>Naperville</b>	Y	50% of the Free Standing Sign	Static images, cannot change more than once every 10 seconds
<b>South Elgin</b>	Y	50% of canopy or Free Standing Signs	None Restrictions listed
<b>Glen Ellyn</b>	Y	Not more than 18 Square feet and is considered part of permitted sign. Only allowed to operate from 6:00 AM to 10:00PM	Allowed to change twice in a 12-hour period
<b>Wheaton</b>	Y/Special Use	50% of the Free Standing Sign cannot exceed 0.05 foot candles	Static images, cannot change more than once every 4 seconds
<b>St. Charles</b>	Y	Cannot exceed maximum of square footage allowed per sign ordinance	Static images, cannot change more than once every 60 seconds

#### **C. PROPOSED AMENDMENTS**

Staff has determined that the majority of area communities permit reader board signs to be changed at an interval of less than 60 seconds. Therefore, Staff is proposing that permitted electronic reader-board change interval be modified to no less than 30 seconds.

Staff is also soliciting feedback from the Plan Commission to determine if additional restrictions on reader board signs are warranted.

Staff's analysis revealed that many communities limit the amount of permitted square footage devoted to electronic reader-board signs. Other communities also limit reader boards to free-standing signs and/or to one individual color.

##### **Some items for the Commission to consider:**

- Freestanding Signs are restricted to a maximum sign area of 100 square feet.
- Shopping center signs are restricted to a maximum of sign area 225 square feet.
  - The reader-boards could be limited to a percentage of these maximums.
- Limiting the size or color could render some existing reader board signs as nonconforming.
- Should these types of signs be restricted to freestanding signs?
- Should these provisions be extended to non-electric reader board signs?

#### **D. PLAN COMMISSION COMMENTS**

The Plan Commission discussed this item at the 2-21-12 Public Hearing. Based on that feedback, Staff is proposing the following revised amendment:

- Electronic reader board signs are shall:
  - Not exceed 50% of the total square footage of the sign face or 50 square feet, whichever is less.
  - Maintain a static image for no less than 15 seconds.
- In the CBD-1 and CBD-2 Districts electronic reader board signs are limited to:
  - Not exceed 30% of the total square footage of the sign or 30 square feet, whichever is less.
  - Maintain a static image for no less than 30 seconds.

#### IV. SECTION 17.28.090 “EXPEMPT SIGNS” – DRIVE-THROUGH MENU BOARDS

##### A. BACKGROUND & ISSUES

The Zoning Ordinance does not regulate drive-through menu-board signs. Staff has received inquiries in the last year for existing restaurant owners to add additional drive-through lanes and/or ordering stations. With these proposals in mind, Staff wanted to ensure that there are minimum standards in place regarding these signs.

##### B. STAFF ANALYSIS

Staff reviewed the Zoning Ordinances of area communities to analyze typical restrictions placed on drive-through menu board signs. The following table details that analysis:

<b>Table 2: Comparable Communities Drive-Through Menu Board Requirements</b>		
<b>City</b>	<b>Permitted</b>	<b>Requirements</b>
<b>Geneva</b>	Not listed	-
<b>Batavia</b>	Y	*Is a freestanding sign requiring a permit Drive-Through Restaurant Menu Signs: (1) Number. Drive-Through Restaurant Menu Signs shall be limited to 2 per drive-through lane. (2) Area. Signs shall be no greater than 50 square feet in area and 7 feet in height. (3) Location. Location shall be approved through Design Review as part of a Design Review plan. (4) Design. Drive-Through Restaurant Menu Signs shall be constructed with a solid base, complimenting the materials and colors of the restaurant
<b>Aurora</b>	Not listed	-
<b>Naperville</b>	Y	Drive-Through Menu Boards: Two (2) menu boards for a drive-in or drive-through restaurant, per drive-through lane, shall be permitted in addition to other signs permitted under these regulations.
<b>South Elgin</b>	Y	One menu board sign for a drive-up window operation provided such sign does not exceed 32 square feet in area or six feet in height.
<b>Glen Ellyn</b>	Not listed	-
<b>Wheaton</b>	Not listed	-

##### C. PROPOSED AMENDMENT

Staff is proposing that one drive-through menu board sign be allowed per each ordering point or station. Drive-Through Menu Board Sign will be limited to maximum sign area of 32 square feet.

Staff is recommending 32 square feet as this requirement is consistent with other product/advertising sign requirements for development real estate signs, construction signs, and Christmas tree lots.

## V. CHAPTER 17.28 “SIGNS” - WINDOW SIGNS

### A. BACKGROUND & ISSUES

City Officials, Commissions, and Staff have discussed limiting the amount of signs placed on windows since the 2006 Zoning Ordinance rewrite. However, no standards for these signs were incorporated into the approved ordinance. Staff is proposing that standards be placed into the ordinance and is presenting information for review at this time. Staff is proposing these amendments to address aesthetic concerns and to ensure that the public and City Personal (Police and Fire) are able to see into businesses.

### B. STAFF ANALYSIS

Staff reviewed the Zoning Ordinances of area communities to analyze typical restrictions placed on window signs. The following table details that analysis:

<b>Table 3: Comparable Communities – Window Sign Requirements</b>		
<b>City</b>	<b>Permitted</b>	<b>Requirements</b>
<b>Geneva</b>	Y	Cannot exceed 50% of the total amount of window area of the building façade
<b>Batavia</b>	Y	Not to exceed 25% of the window area, electronic signs limited to 6 square feet
<b>Aurora</b>	Y	Total window signage shall not exceed twenty-five (25%) percent of total window area on a facade.
<b>Naperville</b>	Y	Temporary window signs are exempt from permit provided the total area of the window signs occupies no more than fifty percent (50%) of the window surface area per storefront elevation.
<b>South Elgin</b>	Y	Limited to 40% of window area on the facades in commercial and industrial districts
<b>Glen Ellyn</b>	Y	Allowed in commercial districts, no more than 25% of the total window area nor no more than 50% of the individual window frame Area.
<b>Wheaton</b>	Y	Window signs shall be limited to no more than twenty-percent (20%) of the total window area and no more than 50% of the total window area in a door. <ul style="list-style-type: none"> <li>- The area of window signs must be included in total square footage of permitted wall signs.</li> <li>- Window signs shall denote only the name and address of the business conducted on the premises and/or a product or products produced or sold or service rendered therein.</li> <li>- Neon signs, including perimeter lighting, may be installed as window signs subject to these regulations</li> </ul>

C. PROPOSED AMENDMENT

Staff is proposing that windows signs be permitted as an exempt sign and limited to 50% of the window area of the building façade on which the signs are placed.

**Some items for the Commission to consider:**

- Should these restrictions be limited to the CBD- Downtown Districts only?

D. PLAN COMMISSION COMMENTS

The Plan Commission discussed this amendment at the 2-21-12 Public Hearing. Based on that feedback, Staff is proposing the following revised amendment:

- Window Signs shall be limited to no more than 50% of any individual window.

The Plan Commission asked Staff to contact the Chamber of Commerce to invite businesses owners to the next public hearing. Staff contacted both the Chamber and the Downtown Partnership so that each organization could inform their memberships about this amendment and the public hearing date.

**VI. TABLE 17.14-2, “BUSINESS AND MIXED-USE DISTRICTS - BULK REGULATIONS”, 17.22.020.A, “GENERAL REQUIREMENTS”, AND 17.22.020.B, “DETACHED AND ATTACHED GARAGES” PERTAINING TO THE AMOUNT OF BUILDABLE SQUARE FOOTAGE ALLOWED FOR DETACHED GARAGES IN THE CBD-2 MIXED USE BUSINESS DISTRICT**

A. ISSUE & BACKGROUND

Staff is proposing to address an oversight in the Zoning Ordinance in the CBD-2 Mixed-Use Business District. The RT-Traditional Residential Districts allow additional building coverage for garages due to the inherent small lot size in these districts. There are similar single-family lots in the CBD-2 district. However, the additional building coverage standards do not apply to the CBD-2 district as this district is regulated by the Commercial Zoning Districts chapter of the Zoning Ordinance. Staff is proposing to modify the necessary sections of the Zoning Ordinance to accommodate small garages on single-family and two-family lots in this District.

C. EXISTING ORDINANCE PROVISIONS

**Tables 17.12-2 - “Residential District Bulk Requirements” note #4** states:

*“In RT-1, RT-2, RT-3, and RT-4 Districts, if a detached garage is provided in lieu of an attached garage, or if an attached garage is accessed via an alley, a) on lots 65 feet or less in width, 500 square feet of additional Building Coverage is allowed, and b) on lots more than 65 feet in width, 250 square feet of additional Building Coverage is allowed.”*

**Section 17.22.020.B.5** states:

*“In the RT1, RT2, RT3 and RT4 Districts, the width of an attached private garage for a one or two family dwelling with an overhead door facing a street shall not exceed fifty percent of the width of the dwelling including the garage, as measured along the front building line or exterior side building line that it faces. For corner lots, this restriction shall only apply*

*along the lot line facing the primary front door entry into the building, as determined by the Building Commissioner.”*

**Section 17.22.020.B.6** states:

*“In the RT1, RT2, RT3, and RT4 Districts, attached private garages for one and two family dwellings with an overhead door facing a street shall be set back from the front lot line or exterior side lot line that it faces at least five (5) feet more than the remainder of the dwelling. For corner lots, this requirement shall apply to at least one of the building lines facing the street, and shall apply to the other building line only when the width of an overhead door or doors facing a street is less than sixty-six (66) percent of the width of the dwelling including the garage, as measured along the front or exterior building line that it faces.”*

**B. PROPOSED AMENDMENT**

Note # 4 in Table 17.12-2 will be added to table **17.14-2 Commercial District Bulk Requirements** and **Sections 17.22.020.B.5** and **17.22.020.B.6** be amended to include the CBD-2 Zoning District.

**VII. 17.24.060, “LOCATION OF OFF-STREET PARKING”**

**A. SECTION 17.24.060.C – ISSUE 1 – DOCUMENTATION FOR OFF-STREET PARKING STALL ON SEPARATE LOTS**

**1. Background & Issues**

The Zoning Ordinance contains provisions to permit required off-street parking spaces on a lot separate from the principal building. In 2011, an amendment was approved that required the owner of the business or building to provide documentation that they have legal right to use these parking spaces. **Section 17.24.060.C** states:

*“C. Where required accessory parking facilities are provided on a separate lot, the owner of the lot containing the building or use shall demonstrate the right to maintain and use such parking by providing to the Director of Community Development documentation of a recorded permanent easement or other recorded instrument demonstrating the right to use the required number of parking spaces on the lot containing the parking. Documentation shall be provided when there is a change in use and/or intensity of use, as defined in 17.24.010, including when a new use is established or a building is constructed or expanded.”*

The 2011 amendment stated that a recorded document must be provided to Staff. However, there was no difference stipulated between new construction projects and existing buildings undergoing a change in use. Staff wants to ensure that any new building or facility maintain a permanent easement for the number of off-street parking facilities required at the time of building permit issuance.

**2. Proposed Amendment**

Staff is proposing that Section 17.24.060.C be modified as follows:

*C. Where required accessory parking facilities are provided on a separate lot, the owner of the lot containing the building or use shall demonstrate the right to maintain and use such parking by providing the appropriate documentation to the Director of Community Development in accordance with the following:*

1. **Change in Use and/or Intensity of Use per Section 17.24.010-** a recorded permanent easement or other recorded instrument demonstrating the right to use the required number of parking spaces on the lot containing the parking.
2. **Construction of a new building or facility** - a recorded permanent easement demonstrating the right to use the required number of parking spaces on the lot containing the parking.

**B. SECTION 17.24.060.B – ISSUE 2 – PROPERTIES WITHIN 300’ WALKING DISTANCE**

**1. Background & Issues**

Section 17.24.060.B of the Zoning Ordinance states:

***“B. Location in Nonresidential Districts***

*Required parking facilities accessory to uses in the BL, BC, BR, OR, M1, M2, PL, and BT Overlay districts shall be located on the same lot as the building or use served, or on a different lot in the same zoning district within 300 feet walking distance of the use served.”*

Staff has found that applying this standard can be problematic. The Zoning Ordinance does not clearly define what constitutes a walkway or path. This is especially problematic in determining whether parking stalls located directly across major arterials (Rt. 64) should be considered within the 300’ requirement. Staff does not expect that patrons will walk across these arterials without a crosswalk.

**2. Proposed Amendment**

Staff is proposing that the following requirements be added to Section 17.24.060.B that defines acceptable walkways located within 300’.

**The walking distance shall be measured starting from the lot containing the building or use to the location of the parking facilities. The distance shall only be measured along public or dedicated private sidewalks, bike paths, street crosswalks, or other permanently dedicated pedestrian ways that provide continuous access to the parking facilities. For arterial streets, any crosswalk that is included in the walking distance must be served by a designated pedestrian crossing.**

**VIII. 17.02.430 C, “AUTHORIZED ADMINISTRATIVE CHANGES” PERTAINING TO SIGNS IN PUDS**

**A. BACKGROUND & ISSUES**

Staff has seen a number of new businesses locate into existing commercial and industrial spaces over the past two years. As with any new business, these new tenants submit permits to update their identification signage.



Many of these commercial building are located within existing Planned Unit Developments. Often the new business would like to increase the size of the existing sign or located it in a different area of the building façade. Due to lack of specificity in Section 17.02.430C “Authorized Administrative Changes” Staff has had difficulty determining whether these changes are permitted as an administrative change, or if an application for a Minor Change to the Planned Unit Development-Preliminary Plan is required.

B. PROPOSED AMENDMENT

Section 17.02.430.C States the following:

*“C. Authorized Administrative Changes.*

*The Director of Community Development and the Director of Public Works may approve PUD Final Engineering and PUD Final Plans and changes or revisions to such plans which do not alter the design or intent of the approved PUD Preliminary Plans, in order to accommodate field conditions and detailed design considerations that occur during PUD Final Engineering or PUD Final Plan design. Administrative changes will typically involve minor relocations of features such as utility boxes, light poles, trees and landscape plantings, drainage inlets, and walkways, or changes of two (2) feet or less in the locations of buildings, streets and parking lots.”*

Staff is proposing that the following criteria be added to this section of the ordinance:

*C. Authorized Administrative Changes.*

*The Director of Community Development and the Director of Public Works may approve PUD Final Engineering and PUD Final Plans and changes or revisions to such plans which do not alter the design or intent of the approved PUD Preliminary Plans, in order to accommodate field conditions and detailed design considerations that occur during PUD Final Engineering or PUD Final Plan design. Administrative changes will typically involve minor relocations of features such as utility boxes, light poles, trees and landscape plantings, drainage inlets, and walkways or changes of two (2) feet or less in the locations of buildings, streets and parking lots, **changes to the location, size, and design of wall signs, and changes to the tenant/business identification area of free standings signs. Administrative changes must meet the applicable standards of the Zoning Ordinance or Special Use for a Planned Unit Development Ordinance.**”*

VIII. SECTION 17.30.030 “GENERAL DEFINITIONS” – YARD DIAGRAM

A. BACKGROUND & ISSUES

Staff has noticed in the past year that residents and businesses have difficulty identifying yards on their properties; particularly, when trying to locate fences. While front-yard, side-yard, exterior-side-yard are defined in the ordinance, trying to identify the proper location of each yard can become problematic. This is especially evident for properties that are on corner lots.

B. PROPOSED AMENDMENT

Staff is proposing to incorporate a new yard-layout-diagram that graphically depicts the location of required yards to assist property owners in determining the location of yards on their property.

The proposed diagram is attached to this memo.

**IX. PLAN COMMISSION RECOMMENDATION**

The Plan Commission held public hearings on 2-21-12 and 3-6-12 to discuss these amendments.

The Plan Commission recommended approval of the Application for a General Amendment on 3-6-12. The vote was 6-AYE and 0-NAY.

**X. RECOMMENDATION**

Staff is recommending approval of the Application for General Amendment and has provided draft findings of fact to support that recommendation.

**VII. ATTACHMENTS**

1. Yard Location Diagram

**FINDINGS OF FACT**  
**GENERAL AMENDMENT**

**(Various Amendments)**

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

Most of the amendments are clarifications to existing zoning requirements.

The most significant amendments pertain to electronic reader board signs and window signs.

The limitation on reader board sign size and window signs area will further the Comprehensive Plan’s goals of enhancing the aesthetics of the commercial areas within the City.

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

The proposed amendments fit within the structure and framework of the Zoning Ordinance and do not change the intent of the existing ordinance requirements. Changes to sign requirements are consistent with the purposes of Chapter 17.28 “Signs”

**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 in policy.**

The majority of the proposed amendments are meant to correct various errors and omissions in the text of the ordinance and provide better clarification to requirements that are ambiguous or not workable.

The amendments to the shared parking provisions, administrative changes for PUDs, signs, and the yard diagram are intended to provide a more clear direction when utilizing the ordinance.

**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 amendments will apply to all properties within the applicable zoning districts.

**5. The extent to which the proposed amendment creates nonconformities.**

The proposed amendments to the sign sections will not create any new non-conformities. The electronic reader board sign amendment was based on a sample of existing signs in town. Window signs can be easily brought into conformance as these are not permanent structures. The balance of the proposed amendments will only clarify how the ordinance is applied in relation to future developments.

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

These amendments will apply to all zoning districts. The amendments are written to create standards and clarify sections of the Zoning Ordinance in order to apply the standards of the Ordinance equally across all properties.