



AGENDA ITEM EXECUTIVE SUMMARY

Title: **General Amendment to Title 17 (Zoning Ordinance) Amortization of Nonconforming Signs**

Presenter: Matthew O'Rourke

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development – 5/9/11		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

Due to the IDOT road widening projects along E. Main Street, expected to begin in the fall of 2011, Staff has filed and application for a General Amendment to propose a 2-year extension to the amortization provisions of Section **17.08.060 Nonconforming Signs**.

The Plan Commission recommended **APPROVAL** of the applications on 4-19-11. The vote was unanimous 5-AYE to 0-NAY.

Attachments: *(please list)*

Staff Report and Attachments, Plan Commission Resolution, Applications

Recommendation / Suggested Action *(briefly explain):*

Staff recommends approval of the Application for a General Amendment to extend the amortization period of nonconforming signs by 2-years.

For office use only:

Agenda Item Number:

Community Development
Planning Division

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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 (Nonconformities)

DATE: April 29, 2011

I. GENERAL INFORMATION

Project Name: Zoning Ordinance Amendment- Nonconforming Sign Amortization
Extension

Applicant: Matthew O'Rourke, City of St. Charles

Purpose: General Amendment to Section 17.08.060 Nonconforming Signs of Title
17 Zoning Ordinance Entitled NONCONFORMITIES

Recommendation:

Staff recommends approval of the Application for a General Amendment.

II. PROPOSAL

Due to the IDOT road widening projects along E. Main Street, expected to begin in the fall of 2011, Staff has filed an application for a General Amendment to propose a 2-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 five (5) 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 five (5) years of the effective date of Title 17.”

The text of this Section requires that all non-conforming signs be removed by October 16, 2011. The proposed extension will require that these signs be removed by October 16, 2013.

III. 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 AMENDMENT

In 2009, the City Council approved a two-year extension of the amortization period. At the time there was a great deal of uncertainty with the economy. The Council stated that in consideration of this uncertainty they would extend the sign amortization period for two-years (October 16, 2011).

3. PLANNING & DEVELOPMENT COMMITTEE

At the March 14, 2011 Planning & Development Committee meeting Staff advised the Committee of the upcoming amortization deadline with relationship to the IDOT projects. At that meeting the Committee directed Staff to proceed with a General Amendment to extend this amortization period.

IV. ANALYSIS

1. NUMBER OR SIGNS IN NEED OF AMORTIZATION

The Building and Code Enforcement Division has surveyed all freestanding signs affected by the required amortization. In total there are 63 nonconforming freestanding signs.

Bob Vann, the Building and Code Enforcement Division Manager, stated that only several nonconforming wall-mounted signs would be affected by this amendment. Bob Vann stated that wall-mounted signs tend to be refaced frequently; therefore, many of the nonconforming

wall-mounted signs in existence at the time of the 2006 Zoning Ordinance revision have already been brought into compliance. (A spreadsheet detailing which signs are effected is attached to this memo)

2. IDOT PROJECTS

IDOT has stated that they plan to begin construction on widening projects along large sections of E. Main Street in the fall of 2011. Since there could be impacts to the location of freestanding signs, it does not make sense to have the signs relocated until after construction has ended.

V. **DRAFT AMENDMENT:**

The amortization period of these nonconforming signs will be extended for an additional two-year period. As a result of this amendment these signs will need to be modified by October 16, 2013. 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 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.”

VI. **PLAN COMMISSION RECOMMENDATION**

The Plan Commission held a public hearing on the application for the General Amendment on 4-19-2011. The Plan Commission did not state any concerns with the proposal at that time.

The Plan Commission made a recommendation for the Application for a General Amendment to extend the amortization period of nonconforming signs for 2-years on 4-19-11

The Vote was unanimous

5 - AYE
0 - NAY

VII. **RECOMMENDATION:**

Staff recommends approval of the Application for a General Amendment to extend the amortization period of nonconforming signs for 2-years.

VII. 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 extension were approved, IDOT had not declared a start date for the widening projects along E. Main Street. This amendment is being proposed due to the upcoming 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 E. Main Street projects to be completed before the installation of new 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 **Section 17.26 Signs** of the Zoning Ordinance by October 16, 2013. 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.

VIII. ATTACHMENTS

List of Signs that will need to be amortized

Cc: Rita Tungare, Director of Community Development
Bob Vann, Building and Code Enforcement Division Manager

Signs - Nonconforming Per New Zoning Ordinance

Business Name	Address	Details
The Catella Building	801 E. Main	
Yoga	815 E. Main	
First American Title Insurance	1001 E. Main	
Countywide	1121 E. Main	
Cyndirella's Academy	1301 E. Main	
Rex's Cork & Fork	1317 E. Main	
McGrath GMC	1421 E. Main	
Charlestowne Cabinets	1501 E. Main	
1519 E. Main (Advertising)	1519 E. Main	
Colonial Restaurant	1625 E. Main	
Best Western (Large)	1635 E. Main	
Best Western (Small)	1635 E. Main	
Firestone	1645 E. Main	
Richard	1845 E. Main	Reader sign
Don McCue Truck	2015 E. Main	
Don McCue Chevrolet	2015 E. Main	
Don McCue Service	2015 E. Main	
Chili's	3795 E. Main	
SavWay Liquors	2580 E. Main	in compliance with PUD
St. Charles Place	2550 E. Main	in compliance with PUD
Bosa Donut House	2536 E. Main	
Corfu Restaurant	2520 E. Main	
Shell Oil Service Station	2500 E. Main	
Heinz Brothers Greenhouse	2010 E. Main	New sign; in compliance
Tincup Pass 2 (Gino's East)	1546-1590 E. Main	
Tincup Pass 3 (Frantastic Wings)	1546-1590 E. Main	
Tincup Pass 4 (Covient Mart)	1546-1590 E. Main	
Tincup Pass 5 (Budget Rental)	1546-1590 E. Main	
Super 8	1520 E. Main	
Partners in Mortgage	1350 E. Main	
Valvoline Oil Change	1302 E. Main	
Reber & Foley (AC Delco)	904 E. Main	
Reber & Foley	904 E. Main	
Reber & Foley	904 E. Main	
Pop's Place	818 E. Main	
Business Name	Address	

Signs - Nonconforming Per New Zoning Ordinance

(multi-tenant)	812 E. Main	
Copeland Academy	716 E. Main	
Valley Community Bank	620 E. Main	
Lundeen's Mini-Mart & Deli	614 E. Main	
Hair Salon/Angel Kisses	504 E. Main	
Amlings Flowerland	116 E. Main	
McDowell Inc	521 W. Main	
Ameriprise Financial	605 W. Main	
Mobil Gas Station	1023 W. Main	
Fox Valley Travel	1303 W. Main	
Total Cleaners	1315 W. Main	
Valley Shopping Center	1405-1625 W.	Brought into compliance
Fifth Third Bank	1525 W. Main	
Rookies	1545 W. Main	
Dunkin Donuts	1711 W. Main	
Kentucky Fried Chicken	1825 W. Main	New business; in compliance
McDonalds	1915 W. Main	
Mr. Beef-N-Gyros	2115 W. Main	
Los Burritos Mexicanos	2125 W. Main	
Fifth Ave. Flowers	2701 W. Main	
St. Charles Bowl	2520 W. Main	
Clark	1660 W. Main	
Springview Restaurant	1650 W. Main	Removed
St. Charles Memorial	1640 W. Main	
Midas Muffler	1502 W. Main	
Ray's Evergreen Tavern (street)	1400 W. Main	New sign; in compliance
Ray's Evergreen Tavern (back)	1400 W. Main	
St. Charles Financial Center	840 W. Main	
Bob Dorr Plumbing	824 W. Main	
Brown's Chicken & Pasta	1910 Lincoln Hwy	in compliance with PUD
Jiffy Lube	1970 Lincoln Hwy	in compliance with PUD
Goody's	2057 Lincoln Hwy	in compliance with PUD
Burger King	2076 Lincoln Hwy	in compliance with PUD
Stock	300 N. Randall	
West Suburban Bank	315 S. Randall	
County Clerk	540 S. Randall	New sign planned for summer 2011