

STATE OF ILLINOIS)

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COUNTY OF DEKALB)

ORDINANCE 2006-19

**AN ORDINANCE AMENDING ARTICLE 7
OF THE DEKALB COUNTY ZONING ORDINANCE
REGARDING SIGN REGULATIONS**

WHEREAS, Article 7 of the DeKalb County Zoning Ordinance contains regulations related to signs; and

WHEREAS, there is an existing inconsistency in the Article 7 regulations, in that in Article 4 of the Zoning Ordinance, which sets forth zoning district regulations, each district refers to Article 7 for sign regulations, but Article 7 contains language that indicates that regulations apply to individual lots that are primarily used for agricultural, residential or commercial/manufacturing rather than regulating signs on a district-by-district basis, however, the subsequent regulations under each category of sign appear to be intended to be applied uniformly within zoning districts, rather than lot-by-lot; and

WHEREAS, further, there are certain commercial uses that are permitted by Special Use Permit in the A-1, Agricultural District, and commercial uses typically are permitted to have two primary signs, but the sign regulations applicable to Special Uses in the A-1 District only permit one sign per frontage, which creates a disadvantage in identification and advertisement associated with such businesses; and

WHEREAS, under the direction of the Planning and Zoning Committee of the DeKalb County Board, the Planning, Zoning and Building Department has prepared and submitted an application for Amendments to the text of Article 7 to correct the inconsistency and make it clear that signs are regulated on a district-by-district basis, and to allow commercial uses regulated by Special Use Permit in the A-1 District to have two primary signs, as set forth below; and

WHEREAS, following due notice published in The Daily Chronicle not less than 15 days in advance, a public hearing was conducted on August 3, 2006 by the DeKalb County Hearing Officer regarding the proposed Zoning Text Amendment, and no persons spoke in favor of the proposal and none in opposition thereto; and

WHEREAS, based on the testimony given at the public hearing, the Hearing Officer has forwarded to the Planning and Zoning Committee of the DeKalb County Board his findings and recommendation that the proposed amendments to the Zoning Ordinance be approved, as set forth in the Findings of Fact and Recommendation, dated August 4, 2006, a copy of which is appended hereto as Exhibit "A"; and

WHEREAS, the Planning and Zoning Committee has considered the proposed Text Amendments and the recommendation of the Hearing Officer and has forwarded a recommendation to the full County Board that the proposed amendments be adopted; and

WHEREAS, the County Board of DeKalb County has determined that it is in the best interests of the citizens of the County to amend Article 7 of the DeKalb County Zoning Ordinance in accordance with the amended text;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The findings and recommendation of the DeKalb County Hearing Officer, Exhibit "A" attached hereto, are hereby adopted as the findings and conclusions of the DeKalb County Board.

SECTION TWO: Article 7 of the DeKalb County Zoning Ordinance, Appendix A of the DeKalb County Code, is hereby amended as follows:

1. Section 7.07 is amended as follows:

Agricultural District Signs: The following regulations shall apply to lots ~~that are primarily used for agriculture~~ within agricultural zoning districts.

2. Section 7.08 is amended as follows:

Residential District Signs: The following regulations shall apply to lots ~~that are primarily used for residential purposes~~ within residential zoning districts.

3. Section 7.09 is amended as follows:

Commercial and ~~Industrial~~ Manufacturing District Signs: The following regulations shall apply to lots ~~that are primarily used for commercial and industrial purposes~~ within commercial and manufacturing zoning districts.

4. Section 7.07.A.3 is amended as follows:

Commercial identification sign associated with permitted uses as regulated by relevant special use permit or permits, not exceeding thirty-two (32) square feet in gross surface area. ~~One (1) such sign shall be permitted on each frontage~~ Each property shall be allowed two (2) signs, which may be either attached, ground mounted or pole signs, but the total number shall not include more than one (1) sign of each of these types.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

ADOPTED BY THE COUNTY BOARD THIS 20TH DAY OF SEPTEMBER, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

DeKalb County Clerk

August 4, 2006

DeKalb County Planning & Zoning Department
110 East Sycamore St.
Sycamore, IL 60178

RE: Petition DC-06-11

Dear Sirs:

This is to advise you that on August 3, 2006 I held a public hearing in the DeKalb County Administration Building, 110 East Sycamore Street, Sycamore, Illinois 60178 pursuant to a notice for a requested zoning text amendment.

The DeKalb County Zoning Ordinance includes sign regulations. Although the sign regulations apply throughout unincorporated DeKalb County, it has not been clear whether these regulations are supposed to apply uniformly to each zoning district or on a lot by lot basis. Further, the regulations treat signs for commercial uses in agricultural areas differently than signs for commercial uses in commercial districts. As a result, a request has been presented that these regulations be amended.

No one appeared to object to the proposed amendments.

Mr. Paul Miller, the DeKalb County Planning Director, outlined the basic ambiguity existing in the Ordinance at the present time, and a full discussion of his remarks are set forth in his staff report dated June 29, 2006, a copy of which is made a part hereof by reference.

In summary, Mr. Miller pointed out that there were two issues involved at this hearing. The first issue had to do with clarifying the way the regulations are to be applied as set forth in Sections 7.07, 7.08 and 7.09 in Article VII of the Zoning Code. He stated that at the present time they are regulated by the primary use of a lot and, as a result, there is an apparent inconsistency between the District regulations and these sections. The other issue had to do with 7.07.A.3 regarding commercial identification signs associated with permitted uses as regulated by special use permits in agricultural districts to allow two signs per property or building in lieu of one as is currently permitted. He recommended approval of the proposed change to avoid commercial uses in agricultural districts being at a disadvantage.

Accordingly, the proposed text amendment is as follows: "Amend Article VII of the DeKalb County Zoning Ordinance, related to the regulations of signs to clarify that signs shall be regulated consistently throughout each Zoning District, rather than on a lot by lot basis. Further, amend Section 7.07.A.3 to allow commercial uses regulated by special use permit in an agriculture district to have two permanent signs per property or building."

The undersigned hereby recommends that Section 7.07 be amended to read as follows: "The following regulations shall apply to lots within agricultural zoning districts."

Amend Section 7.08 to read: "The following regulations shall apply to lots within residential zoning districts."

Amend Section 7.09 to read as follows: "The following regulations shall apply to lots within commercial and manufacturing zoning districts."

Amend Section 7.07.A.3 as follows: “Commercial identification sign associated with permitted uses as regulated by relevant special use permit or permits not exceeding 32 square feet in gross surface area. Each property shall be allowed two signs which may be either attached, ground mounted or pole signs, but the total number shall not include more than one sign of each of these types.”

Respectfully submitted,

Ronald G. Klein
Hearing Officer

RGK/dla