

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
June 27, 2007**

The Planning and Zoning Committee of the DeKalb County Board met on June 27, 2007 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Roger Steimel, Marlene Allen, Eileen Dubin, Anita Turner, Michael Haines and Pat Vary, and staff members Paul Miller and Rebecca Von Drasek.

Mr. Steimel, Planning and Zoning Committee Chairman, called the meeting to order, and noted that all members from the Committee were present except Vince Faivre.

APPROVAL OF MINUTES

Ms. Vary inquired if staff had received any response from Mr. Hey of Waste Management as to the written version of the information he provided to the Committee at its March 28, 2007 meeting. Mr. Miller stated that staff had not heard from Mr. Hey, but would try to contact him to follow-up.

Ms. Vary moved to approve the minutes of the March 28, 2007 meeting of the Planning and Zoning Committee, seconded by Mr. Haines, and the motion carried unanimously.

APPROVAL OF AGENDA

Ms. Turner moved to approve the agenda, seconded by Ms. Dubin, and the motion carried unanimously.

POSSIBLE AMENDMENT TO SIGN REGULATIONS

Mr. Miller explained that, in recent months, the Planning, Zoning and Building Department has received two separate inquiries related to proposed billboards in the vicinity of I-88 in the DeKalb-Cortland area. The Sign Regulations, set forth in Article 7 of the DeKalb County Zoning Ordinance, restrict billboards, referred to as "Standard Outdoor Advertising Structures" to properties zoned MC, Manufacturing Conservation District. The properties where the proposed billboards would go are zoned A-1, Agricultural District. The only way billboards could be accommodated would be if the properties were rezoned to Planned Development - Manufacturing, since the MC District zoning is restricted to properties already so zoned. Given the recommendations of the Unified Comprehensive Plan, the County Board's policy toward rezoning, and the purpose for which such a rezoning would be intended, staff advised the parties making the inquiry that approval would be difficult to obtain. The existing regulations are only good provided they withstand a legal challenge, should one be filed. The inquiries prompted staff to review the Sign Regulations in the light of recent attention given to billboard regulations at the national level, and as a result several possible changes were developed for consideration by the Committee, including:

1. **Purpose and Intent** -- The County should consider amending the purpose and intent section of the Sign Regulations to make it clear the goals of uniform sign regulation, orderly development, prohibition of hazardous and dangerous signs and provision of attractive living environment are not secondary but primary;

2. **Message Substitution** -- Staff indicated that sign regulations should include a “message substitution” clause. The goal is to make certain that the regulations do not give the same kind of protection to commercial speech, which the County legitimately seeks to restrict, as it does to noncommercial speech, which is protected under the free speech clauses of the U.S. Constitution. The solution is to allow noncommercial speech to be substituted where ever commercial speech is permitted. Article 7 does not currently contain such a provision.

Mrs. Dubin and Ms. Vary indicated that this amendment further guaranteed freedom of expression, as it substituted protections for noncommercial speech;

3. **Off-Premises and On-Premises Signs** -- The sign regulations should properly distinguish between these two types of signs. Commercial off-premises signs can be prohibited, but noncommercial off-premises signs generally must be allowed. Noncommercial messages must be allowed on on-premises signs, particularly residential signs. Currently, Article 7 does not specifically address noncommercial signs, either on- or off-premises. This amendment would address the legal requirement to allow noncommercial speech, while also clearing the way for an amendment related to political signs (see below);
4. **Political Signs** -- Political signs are protected under the free speech provisions. Courts have overturned efforts to treat such signage more restrictively than other types of signs. Staff recommended that rather than including the political signs regulations in the lists of signs permitted in the districts, the regulations should be moved to Section 7.10.B, which regulates temporary signs.

Mr. Haines inquired as to how the fee for political signs was determined. Mr. Miller indicated that those fees were included within the Fee Schedule. There is a \$100 refundable deposit and a \$20 permit fee. The text changes would add a paragraph providing dimensional and time limits for temporary signs displayed prior to elections.

5. **Severability Clause** -- A broad severability clause is important for the Sign Regulations and Zoning Ordinance as a whole. In the event that a court finds some provision of the Zoning Ordinance unconstitutional, it should be clear that the entire Article or Ordinance is not invalidated. Mr. Miller stated that the existing Severability Clause in the Zoning Ordinance is fairly good, but could be strengthened.

Ms. Vary pointed out that legal cases are often dependent on word choices which necessitates the text changes. Ms. Vary then asked if these revisions would be reviewed by the State’s Attorney’s office, Mr. Miller indicated that staff could ask the State’s Attorney to review the text changes to the Severability Clause.

6. **Billboards** -- Courts have upheld the ability to restrict billboards to commercial and industrial zoning districts, as is the case in unincorporated DeKalb County. Federal law restricts billboards from being within 660 feet of I-88. In order to address the potential for electronic changeable-copy billboards, staff recommends consideration of an amendment that would restrict billboards from including changeable face or copy via mechanical or electronic means.

Mr. Haines asked why time and temperature-type signs should be allowed to remain an option, given that such signs are unlikely to be appropriate in unincorporated DeKalb County. He suggested removing the allowance for changeable time and temperature signs as well so that the prohibition from changing signs is consistent.

Additionally Ms. Vary highlighted a grammatical error within Section 7.10.C.05, which made the regulation allowing wood signs to be unclear.

Mr. Haines motioned to direct staff to proceed with a public hearing to review the text amendments. The motion was seconded by Ms. Vary and carried unanimously.

ADDITIONAL ITEMS -- Mr. Steimel asked Mr. Miller to update the committee on the ground water study which the County recently funded along with the Cities of DeKalb and Sycamore. Mr. Miller stated that two ground water scientists, Larry Thomas with Baxter Woodman and Jack Wittman of Wittman Associates will address the Regional Planning Commission at its July 26, 2007 meeting. The Commission will be asked to provide feedback and input on selecting between the two. The communities actually funding the project, which include the cities of DeKalb and Sycamore and DeKalb County, will subsequently select the consultant.

ADJOURNMENT -- *Ms. Turner moved to adjourn, seconded by Ms. Vary, and the motion carried unanimously.*

Respectfully submitted,

Roger Steimel
Planning and Zoning Committee Chairman

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