



CITY OF LOVES PARK

Department of Community Development

100 HEART BOULEVARD
LOVES PARK, ILLINOIS 61111
815- 654-5033 • Fax: 815-654-5004

Planning • Zoning • Building • Economic Development

AGENDA
LOVES PARK ZONING BOARD OF APPEALS
February 21, 2019
CITY COUNCIL CHAMBERS
5:30 P.M.
100 HEART BOULEVARD

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **January 17, 2019** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
 - A. TEXT AMENDMENT – CHAPTER 102, ARTICLE VII, SIGNS**
5. New business – None
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer

More information on these agenda items will be posted on the City's website for public download no later than 7 days prior to the scheduled date: <http://loves-park.il.us/page/82/zoning-board-of-appeals>

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, JANUARY 17, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL

1. CHAIRMAN ALISE HOWLETT CALLED THE MEETING TO ORDER AT 5:31 P.M.

MEMBERS PRESENT: ALISE HOWLETT, DENNIS HENDRICKS, CATHY NELSON,
BRIAN KERN, LINDY TOOHILL

MEMBERS ABSENT: NICOLAS BECKER, SHAWN NOVAK

OTHERS PRESENT: ATTORNEY PHIL NICOLOSI
ANDREW QUINTANILLA – ZONING OFFICER
SHEILA MILLS – SECRETARY

OTHER ABSENT: NATE BRUCK - ECONOMIC DEVELOPMENT/PLANNING
DIRECTOR

Chairman Howlett announced that the next Community Development Committee meeting is scheduled for Monday, January 28, 2019 at 6:15 p.m.

2. MINUTES

Mr. Hendricks moved to approve the minutes from the meeting held December 20, 2018.
Second by Mrs. Nelson. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

5. UNFINISHED BUSINESS

- A. 6200 & 6202 FOREST HILLS ROAD – SPECIAL USE PERMIT TO ALLOW A BANQUET FACILITY AND CAFÉ IN THE IL ZONING DISTRICT.** Appropriate notice has been given.

Holly Connell, 1326 Harlem Blvd. Rockford, IL 61103 and Vicki Walker, 7372 Kishwaukee Road, Stillman Valley, IL 61084 were sworn in as Petitioners. Ms. Connell indicated that they are requesting a Special Use Permit for a banquet/café establishment. Architectural Metals at 6200 Forest Hills Road purchased 6202 Forest Hills Road and they plan to renovate and upgrade the existing facility formerly known as Betty's Square Dance and Western wear at 6202 Forest Hills Road., to a modern banquet facility for weddings showers, holiday events, etc. with an affordable rate for up to 100 people. The hours of operation will begin with limited hours with a plan to grow and be available for rental from 9:00 a.m. to 11:00 p.m. Ms. Connell stated that they are putting in a new parking lot with 35 stalls with landscaping. They will have additional 47 stalls for parking at the adjacent Architectural Metals property. The lots will be connected with by a pedestrian path and additional landscaping will be added around the building with a small garden for weddings and photo opportunities.

The building's exterior will have a complete modern update and will be visually pleasing from Forest Hills Road. The interior will be remodeled with a full kitchen and the bathrooms will be brought up to code.

Mrs. Howlett asked the applicants why they feel this property is a good location for the proposed use.

Ms. Connell stated that Betty's Western wear has been a facility rental space and has held weddings and parties for several years. There is a need for rental space in this area and she feels the modern farmhouse feel would be a unique space.

Mr. Kern asked about the plans for the café.

Ms. Connell stated that the banquet and kitchen is a priority and the café concept has been discussed but nothing has been finalized.

Mr. Kern asked how late the noise ordinance indicates.

Mr. Quintanilla stated on Monday thru Friday it is 11:00 p.m. and there are some residential homes in the area

Mrs. Howlett stated that the city noise ordinance will apply, but a condition on hours of operation may be considered.

No objectors present.

Mrs. Nelson moved to approve a Special Use Permit to allow a banquet facility and café in the IL Zoning District for 6200 & 6202 Forest Hills Road, with the following conditions:

1. The Special Use Permit shall expire with the change in property ownership of 6202 Forest Hills Road, and/or 6200 Forest Hills Road. The Special Use Permit shall expire with the discontinuance of the banquet/cafe business, or change in business ownership at 6202 Forest Hills Road, and/or Forest Hills Road.
2. The landscape requirements at 6202 Forest Hills Road shall be completed on or before May 31, 2019.
3. The dumpster enclosure shall be installed at 6202 Forest Hills Road on or before May 31, 2019.
4. The parking lot area at 6202 Forest Hills Road shall be striped and curbed on or before May 31, 2019. The parking lot area at 6200 Forest Hills Road shall be striped on or before May 31, 2019.
5. The sidewalk connecting 6202 Forest Hills Road and 6200 Forest Hills Road shall be installed on or before May 31, 2019.
6. There shall be no outside storage of materials at 6200 Forest Hills Road or 6202 Forest Hills Road. All materials related to either property shall be stored behind a site-obscuring fence.
7. No outside storage of personal vehicles, recreational vehicles, trailers, rvs, watercraft, or mobile homes shall be permitted for 6200 Forest Hills Road or 6202 Forest Hills Road.
8. The Special Use Permit shall expire after 1 year.
9. The site plan, as approved by the Zoning Board of Appeals, shall be tied to the approval of the Special Use Permit.
10. Limited hours that events will cease by 11:00 p.m. Sunday thru Thursday, and cease by 12:00 midnight on Friday and Saturday.

Second by Mr. Kern. **MOTION APPROVED 4-0**

6. NEW BUSINESS

A. TEXT AMENDMENT – CHAPTER 102, DIVISION 2, RESIDENTIAL

Mr. Quintanilla indicated that the amendment is to exclude easements in regards to landscaping requirements.

Mrs. Nelson moved to approve the text amendment to Chapter 102, Division 2, Residential. Second by Mrs. Toohill.

MOTION APPROVED 4-0

B. TEXT AMENDMENT – CHAPTER 102, DIVISION 3, COMMERCIAL

Mr. Quintanilla indicated that the amendment is are needed for commercial building design.

Mrs. Nelson moved to approve the text amendment to Chapter 102, Division 3, Commercial. Second by Mrs. Toohill.

MOTION APPROVED 4-0

C. TEXT AMENDMENT – CHAPTER 102, ARTICLE VII, SIGNS

Mr. Quintanilla stated that changes are needed, as currently the city has no way to govern billboard signs or for signs that are in disrepair.

Mrs. Howlett stated that there are legality issues that need to be reviewed as far as proposed sign conditions.

Mrs. Howlett stated that this type of amendment is needed but she feels it should be reviewed further.

Mrs. Nelson moved to table a text amendment for Chapter 102, Article VII, Signs. Second by Mrs. Toohill.

MOTION APPROVED 4-0

D. TEXT AMENDMENT – CHAPTER 102, EAST RIVERSIDE/I-90 OVERLAY DISTRICT.

Mr. Quintanilla stated that the amendment will allow for hotels/motels to be added to uses in the I-90 Overlay District.

Mrs. Nelson moved to approve a text amendment for Chapter 102, East Riverside/I-90 Overlay District. Second by Mrs. Toohill.

MOTION APPROVED 4-0

7. PUBLIC PARTICIPATION AND COMMENT

None

8. General Discussion

None

Mr. Kern that the meeting be adjourned. Second by Mr. Hendricks. Motion carried by voice vote.
The meeting adjourned at 6:46 p.m.

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: February 11, 2019

SUBJECT: Text Amendment, Chapter 102, Article VII, Signs

**TEXT AMENDMENT
INFORMATION**

The City's zoning code does not presently allow billboards, unless they are over 600 square feet and permitted by special use. Commercial billboards are prevalent throughout the City, however, there are no substantive guidelines that address performance standards or guidelines for these types of structures.

Companies that own billboards are seeking to modify those billboards by taking advantage of new technology that didn't exist years ago. Many companies are digitizing their signs in areas where they would have the greatest potential for reaching consumers. Staff sees, given the interest to take advantage of digital billboards, that it be necessary to implement guidelines, location requirements, regulations for modifications, and removal where signs have been structurally compromised. The attached provides a definition, and outlines the purpose and intent of the proposed amendment, as well as, performance standards to govern billboards that function differently in scope and purpose.

RECOMMENDATIONS: **Approval** - TEXT AMENDMENT, CHAPTER 102, ARTICLE VII, SIGNS

ATTACHMENTS: See Attachments

**ZONING BOARD
RECOMMENDATIONS:** APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**

Text Amendment of the Loves Park Zoning Ordinance as follows:

Add Chapter 102, Article VI, Signs, Section 102-281, Purpose, (d), Billboard, as follows:

Billboard means any structure on which lettered, figured, or pictorial matter is displayed for advertising a business, service, or entertainment which is not conducted on the land upon which the structure is located or products not primarily sold, manufactured, processed or fabricated on such land.

Add Chapter 102, Article VI, Signs, Section 102-288, Billboards, (a - c), as follows:

- (a) *Purpose and Intent.* The City recognizes that billboards are, by their nature, different in scope and purpose from other types of signage in the City. Among other matters, billboards advertise or communicate goods, services, or messages not conducted, sold, or generated on the lot where the billboard is located. Billboards are significantly larger in size than other types of signage allowed in the City and their principal purpose is to dramatically attract the attention of the travelling public. The potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Newer technologies permit billboards to change electronically, utilizing LED or digital type signage. These new technologies have the potential impact of adversely dominating the environment in which they operate due to the light spillover, and light pollution, unless regulated in a reasonable fashion. The intent of this section is to establish size, location, and operating standards and regulations for the modification or alteration of existing billboards, addressing those utilizing these new technologies in order to minimize the secondary effects that can accompany the unregulated display of these types of signs. By regulating the modification or alterations to existing billboards the City is; protecting the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protecting property values in all areas of the City, and reducing traffic and similar hazards caused by undue distractions.
- (b) New billboards are not allowed in the City.
- (c) Modifications or alterations to existing billboards are permitted, by special use permit, upon approval from the Zoning Board of Appeals and City Council, and subject to the following:

Add Chapter 102, Article VI, Signs, Section 102-288, Billboards, (c), (1-12), as follows:

1. Any double-faced billboard having back to back surface display areas is considered to be a single billboard structure with two sign faces. Both sides shall be used at all times. A lapse in usage of a sign face for a period of 30 days shall require that sign face removed from the structure. The sign will be deemed abandoned, thereby eliminating legal non-conforming status for that portion of the billboard.
2. Modifications or alterations to existing billboard structures having more than one surface display area, that are tandem (side-by-side), or stacked (one above the other) are considered two billboards and will not be allowed.

3. Spacing. If modifications or alterations occur to an existing billboard, any billboard (with same ownership) located within a linear mile along a street, must be removed. The distance requirement shall include in its calculation any billboards located outside of the boundaries of the City.
4. Any billboard within a radius of 1,000 feet to a billboard (with same ownership) being modified or altered, regardless of geographic jurisdiction, shall be removed.
5. No existing billboard may be modified or altered if within 200 feet of existing or future residential uses.
6. The billboard shall follow the building setback requirements for the zoning district in which it is located.
7. The surface display area of a billboard shall be measured to include the entire area, display area and frame. Frames and structural members, excluding necessary supports or uprights, shall be included in computation of surface area display.
8. The maximum height of a billboard shall not be any higher than 35 feet above the natural grade of the ground on which the billboard is located.
9. A billboard may be illuminated, and must comply with the standards outlined in Chapter 102, Article VI, Section 102-284. And, shall not project a glare or reflections onto any portion of an adjacent street, roadway, or highway, the path of oncoming vehicles or any adjacent premises.
10. The billboard shall comply with all applicable provisions of federal and state law.
11. Permitting. Modifications or alterations to existing billboards require a City-approved permit. Permits shall be reviewed and issued consistent with the terms of this section, as well as, all other applicable and relevant ordinances of the City.
12. An existing billboard shall be permitted to be repaired as part of regular maintenance. However, if the City's Building Inspector determines that a billboard has been structurally compromised, that billboard shall be removed.

Sec. 102-281. - Purpose.

- (a) The purpose of this article is to create the legal framework for a comprehensive but balanced system of informative street graphics, and thereby facilitates an easy and pleasant communication between people and their environment. With this purpose in mind, it is the intention of this article to authorize the use of signs which are:
 - (1) Compatible with their surroundings;
 - (2) Appropriate to the type of activity to which they pertain;
 - (3) Expressive to the identity of individual proprietors or the community as a whole;
 - (4) Legible in the circumstances in which they are seen; and
 - (5) Safely located with the respect to passing vehicular and pedestrian traffic.
- (b) Therefore, it is also the intent of this article to regulate signs in terms of their location, dimensions, and densities, thereby prohibiting the use of signs which:
 - (1) Prevent or inhibit adequate light, air, ventilation;
 - (2) Inhibit the safety of vehicular or pedestrian traffic by actual physical or visual impairment or obstruction; and
 - (3) Detract from the aesthetics of the location, area, and community as a whole.
- (c) No person shall erect, maintain or alter a sign in the city except in compliance with this chapter.
- (d) For the purpose of this article, the following terms shall be classified as:

Abandoned sign means a sign which no longer correctly identifies or directs, advertises a business lessor, owner, product or activity conducted on premises when in fact such business, etc., is no longer available at that location.

Advertising device means an advertising sign, billboard, or poster panel which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such advertising device is located or to which it is affixed, but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

Advertising sign means a sign which directs attention to a commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

Attached sign means a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed.

Attention-getting device means any pennant, flag, banner, spinner, streamer, searchlight, walking advertiser, inflatable, ribbon and similar device or ornamentation designed for purposes of attracting attention, promotion or advertising.

Awning means an overhanging roof-like structure stretched over a frame to provide shelter or shade. It may be constructed of canvas or other materials, permanent or collapsible.

Banner means a temporary sign composed of flexible material either enclosed or not enclosed in a rigid frame.

Business sign means a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed.

Sec. 102-282. - Required conditions.

- (a) Signs shall be classified in accordance with the regulations under each zoning district as set forth in this article.
- (b) In those districts where limitations are imposed by this chapter on the projection of signs from the face of any building or structure, such limitations shall not apply to identification marquee or canopy signs indicating only the name of the building or principal product or service available therein, provided that any identification sign located on a marquee or canopy shall be affixed flat to the surface thereof or suspended within and below the outer marquee or canopy limits except that no such suspended sign shall be lower than eight feet above the ground or surface over which the marquee or canopy is constructed. Further, no other sign shall extend beyond the limits of the marquee or canopy.
- (c) Signs on awnings shall be exempt from the limitations imposed by this chapter on the projection of signs from the face of the wall of any building or structure, provided that any sign located on an awning shall be affixed flat to the surface thereof, and shall indicate only the name, address, and/or the type of business of the establishment. Further, no such sign shall extend vertically or horizontally beyond the limits of the awning.
- (d) The area of each sign face shall be used in the calculation of permitted signage available for a sign.
- (e) No flashing sign of any type shall be permitted to be erected within 150 feet of an adjoining residential boundary line if such sign would be visible from such district.
- (f) No sign shall be painted, pasted or similarly posted directly on the surface of any wall, nor shall any sign be permitted to be placed on any wall, fence or standard facing the side of any adjoining lot located in any residential district.
- (g) All signs shall be erected within property lines of premises upon which they are located, except that signs attached to building facades in commercial and industrial districts may project no more than 36 inches from the face or wall of such building structure. All supporting members shall be concealed within the sign. No such sign shall suspend lower than eight feet above grade.
- (h) The following shall apply to all freestanding business signs:
 - (1) All freestanding signs shall be erected within the property lines of the premises upon which they are located. No portion of a freestanding sign shall extend into, be erected, or placed in the right-of-way.
 - (2) All structural pylons, supports, and sign base shall be set back ten feet from the property line and adhere to the sign requirements set forth within the zoning district.
 - (3) No portion of a freestanding sign shall suspend lower than six feet above grade in the area between the property line and the required ten-foot setback line and may not be placed within the vision triangle on a corner property for a distance of 30 feet from the intersecting property lines.
- (i) Individual directional signs designating entrances, exits and conditions of use of parking facilities accessory to the main use of the premises may be maintained provided they are located within the property lines of the zoning lot and do not exceed 24 square feet.
- (j) The following types of signs and attention-getting devices are prohibited unless they are specifically permitted by other sections of this chapter:
 - (1) Signs which constitute a hazard to public health and safety, including, but not limited to, signs which interfere with, mislead, or confuse traffic by reason of placement, size, coloring, illumination, or singularly contain words such as, "stop", "look", "danger", "yield", or any similar words, phrases, symbols, lights, or characters commonly used to control traffic. No sign may imitate, resemble or obscure a traffic control device nor hide from view or interfere with the movement of traffic.

- (2) Vehicle signs, which are advertising or business signs attached to a motor vehicle or semi-trailer which is parked and placed in position for the primary purpose of displaying same to the public.
 - (3) Temporary signs and attention-getting devices except as allowed and regulated under subsection (n), below.
 - (4) Signs which contain statements, works or pictures of an obscene, indecent or immoral character, which will offend public morals and decency.
 - (5) Advertise an activity, business, product or service no longer conducted on the premises upon which the sign is located.
 - (6) Temporary signs or attention-getting devices that contain or consist of banners, posters, placards, pennants, ribbons, feather flags, streamers, strings of light bulbs or flags, a-frame signs, poster panels, spinners, signs attached to or on vehicles, inflatables or other similar devices.
 - (7) Advertising signs and devices which direct attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed unless they are specifically permitted by other sections of this chapter.
- (k) Signs and sign structures attached to the wall of any building shall not extend more than six feet above the roofline.
- (l) The following types of permanent signs are permitted within zoning districts as hereafter provided, and additionally, are not subject to permit except, however, that they shall meet any requirements incorporated in the following description:
- (1) Signs of a duly constituted governmental body, including traffic and similar regulatory devices, legal notices or warnings at railroad crossings.
 - (2) Flags or emblems of political, civic, charitable, educational or religious organizations subject to the regulation and permission of the enforcing official.
 - (3) Memorial signs or tablets.
 - (4) Small signs displayed for the direction or convenience of the public, including signs which identify restrooms, freight entrances or the like, with a total surface area not exceeding ten square feet on any zoning lot, subject to the regulation and permission of the enforcing official.
- (m) The following types of temporary signs and attention-getting devices are permitted within zoning districts as hereafter provided, and additionally, are not subject to permit unless illuminated. They shall, however, meet any requirements incorporated in the following description:
- (1) Advertising signs in which the intent is not to relay a message or advertise beyond the extent of the property lines are allowed and do not require permits when the intent of the sign is for pedestrian traffic within the immediate vicinity. These signs cannot exceed six square feet per face and may not be placed on public sidewalks, right-of-ways, required parking, travel lanes, ingress/egress easements, or impede the Americans with Disabilities Act compliance.
 - (2) Real estate signs not extending outside the property line and not more than 32 square feet per face in commercial zoning and industrial zoning districts and not more than one sign per lot frontage not to exceed five square feet in area per face in the RU, R1, R2, and R3A residential districts, and 12 square feet in the R3 and R4 districts.
 - (3) Temporary signs denoting architect, engineer, or contractor when placed on construction sites and not exceeding 64 square feet in area, subject to regulation and permission of the enforcing official. Signs shall be removed within 14 days of the date when the building is turned over to the owner or when the construction is completed, whichever shall occur first.
 - (4) Rummage sale or garage sale signs not exceeding five square feet in area. In addition, no such sign shall be displayed for more than five days, and shall not be on public property. Sign shall be immediately removed the day the sale ends.