

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster Keck Brown, P.C.

August 21, 2020

COMBINED PLANNING/ZONING BOARD AGENDA **Tuesday, August 25, 2020** **6:00 p.m.**

I. Items to be Reviewed

PLAN COMMISSION:

- A. Old Business
 - 1. Approval of August 11, 2020 Minutes
 - 2. Review of Zoning Code
- B. New Business

BOARD OF APPEALS

- A. Old Business
- B. New Business
- C. General Concerns
- D. Public Participation
- E. Adjourn

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster Keck Brown, P.C.

Combined Planning and Zoning Board Tuesday, August 11, 2020 at 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 6:00 p.m. on Tuesday, August 11, 2020 in the Municipal Center by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Dirk Downen, Rita Green, Kevin, Groth (absent), Gary Henning (absent), Gary Mack, Lee Smith, Zoning Administrator Matt Trout, Village and Office Manager Julie Polson. Guests present: Jeff Levy, Sean McPeak, Nicole Duco, Trustee Mike Heap and Chris Farmer.

PLAN COMMISSION:

A. Old Business:

1. Approval of July 21, 2020 Minutes: Gary Mack motioned to approve the July 21, 2020 minutes and Dirk Downen seconded the motion. All voting yea, the motion carried. All voting yea, the motion carried.

B. New Business: Matt would like to schedule the next meeting to continue the review of the zoning code. The committee agreed on August 25th, and the September 8th meeting was rescheduled to September 15th. With regard to the topics discussed in the last zoning code review, Matt will work on incorporating O'Fallon's code on handicap parking, the parking table showing the different distances for angled parking and also row widths into our code. Clarification is needed in the parking lot section regarding the base and structure of them.

BOARD OF APPEALS:

A. Old Business: None.

B. New Business: None.

1. Jeff Levy Special Use Permit Request Hearing – 2219 E. State Route 15: Chairperson Woodward read the notice and Gary Mack swore in those individuals wishing to speak. Mr. Levy explained he relocated his family to Freeburg in order to live closer to family in the area, and to take care of his family and business. He currently has a motion picture studio equipment business. His priority is to get his business moved from Los Angeles and have everything under one roof. The business would consist of building apple boxes, reflector boxes which is done by a router machine. Apple boxes are used by actors that stands on these boxes while a scene is being shot to keep it in a frame. He would be the only employee, and this will be his full-time employment. The working hours would be during school hours. The barn where the work would be done may need to be extended 8 feet out but not at the present time. He would have a ventilation fan in the rear of the property. Zoning Administrator Matt Trout confirmed if he adds onto the south, a variance would not be needed. Dirk asked if he has material storage needs, and Mr. Levy said he buys units one at a time and has adequate space at the front of the building. He intends on installing a larger door on the front of the building. There would not be any customers coming to the property. Chairperson Woodward commented the Comprehensive Plan shows that area as highway community business from Freeburg to the Weingarten.

Lee Smith motioned to approve Jeff Levy's Special Use Permit Request and Rita Green seconded the motion. ROLL CALL VOTE: Lee Smith – yes; Rita Green – yes; Dirk Downen – yes; Kevin Groth – absent; Gary Henning – absent; Gary Mack – yes; and Steve Woodward – yes. All voting yea, the motion carries.

Gary Mack motioned to close the hearing at 6:12 p.m. and Lee Smith seconded the motion. All voting yea, the motion carried.

2. Sean McPeak Area Bulk Variance Request Hearing – 110 Westview Dr.: Chairperson Woodward called the hearing to order at 6:15 p.m., and read the notice. Gary Mack swore in those individuals wishing to speak. Mr. McPeak explained he purchased this property with the intent to erect a pole barn. He has 3 cars, a work truck, and a camper. This pole barn will be used for storing his truck and their camper. At the time he bought the property in 2018, there were no restrictions on building a pole barn. His original request was a 2300 square foot pole barn, but with the new regulations where the pole barn can't be larger than the footprint of the residence, he has decreased the size of the pole barn to about 1600 square feet. His home is approximately 1,750 square feet. Rita asked about the garage doors, and Mr. McPeak said there will be two garage doors and a side entrance door. Rita asked why is the building so tall, and Mr. McPeak said that height is needed to store his camper. He also would like the pole barn to be able to accommodate a larger camper if he wants one in the future. Cleary will do the foundation work, which includes the type of foundation being in ground. Rita commented the backyard slopes downhill, and Sean said that is going to be build up with dirt. He is going to trench straight down to creek line, put in drainage and backfill with rock, and trench to tie drainage into the creek. Rita expressed concern about stability of the structure and sliding downhill. The coating will match the house. Mr. McPeak said the Carmacks will use the access road as well, and he confirmed it will connect to the roadway. Matt suggested a legal agreement if they decide to share the driveway. Matt advised he can't utilize the south side of his property because of a water main, electric box and fire hydrant in that area. There is an easement that goes behind Farmer's property, and that easement stops at Mr. McPeak's property. There is no easement between the Carmack and McPeak properties. Mr. Farmer supported Mr. McPeak's request and appreciates the camper being stored in the barn. He has a pole barn as well, and his was built before restrictions were put into place. Mr. McPeak stated he wouldn't have bought the property if he couldn't put pole barn in there. Matt said this will be inspected through St. Clair County and brought up to their inspection standards. We are strictly looking at this request for the pole barn materials. Matt said normally when we go through the Standards for Variance, #4 is not used. However, Matt believes in this case, #4 fits for this request.

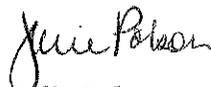
Dirk Downen motioned to approve Sean McPeak's Area Bulk Variance Request and Gary Mack seconded the motion. ROLL CALL VOTE: Dirk Downen – yes; Gary Mack – yes; Lee Smith – yes; Kevin Groth – absent, Gary Henning – absent; Rita Green – no, because she doesn't have enough information about the height of the building; and Steve Woodward – yes. With 4 yes votes, the motion carries.

Gary Mack motioned to close the hearing at 6:43 p.m. and Rita Green seconded the motion. All voting yea, the motion carried.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: *Gary Mack motioned to adjourn the meeting at 6:59 p.m. and Lee Smith seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

ARTICLE XVI - SIGN REGULATIONS

40-16-1 **GENERAL PROHIBITION.** No permanent sign shall be erected without a zoning permit issued by the Zoning Administrator. **(Sec. 155.270) Penalty, see 40-25-1 (Ord. No. 1433; 09-04-12)**

40-16-2 **COMPUTATION OF SIGN AREA ALLOWANCE.**

(A) Within the limitations and restrictions as further provided in this subchapter, the total area of all signs which an establishment is permitted to display shall be computed according to the following formula:

One (1) square foot of sign area per **one (1) foot** of street frontage or **two (2) square feet** of sign for each lineal foot of the front width of the business.

(B) Provided, however, that no establishment in any district shall display more than **three hundred (300) square feet** of sign on any street front.
(Sec. 155.271) Penalty, see 40-25-1

40-16-3 **DEFINITION OF SIGN AREA.** As used in this subchapter, the term **SIGN AREA** means the area of the one imaginary square or rectangle which would completely enclose all the letters, parts, or symbols of a sign **(see Appendixes C and D).** **(Sec. 155.272)**

40-16-4 **SPECIAL SITUATIONS.**

(A) Except as specifically provided otherwise in this subchapter, if an establishment has frontage on **two (2)** or more streets, each side having such frontage shall be considered separately for purposes of determining compliance with the provisions of this subchapter. However, the area allowance for signs shall not be aggregated so as to permit such establishment to display on any one frontage a greater area of signs than would be permitted by application of the formula set forth in **Section 40-16-2.**

(B) The side of an establishment adjacent to an off-street parking area shall not be deemed frontage unless the establishment has no other frontage.
(Sec. 155.273)

40-16-5 **SIGNS TO BE NONHAZARDOUS, WELL MAINTAINED.**

(A) No sign shall be erected, relocated or maintained so as to prevent free access or egress from any door, window, fire escape, or driveway.

(B) No sign shall be erected or maintained in such a manner that it interferes with, obstructs the view of, or is likely to be confused with any authorized traffic-control device.

(C) Every sign shall be designed and constructed in conformity with any applicable provisions of the adopted Building Code.

(D) Every sign and appurtenance shall be maintained in a neat and attractive condition by its owner. The sign supports shall be kept painted to prevent rust or deterioration.
(Sec. 155.274) Penalty, see 40-25-1

40-16-6 **ILLUMINATION.** Illumination of signs is permitted, subject to the following requirements:

(A) No sign shall employ red, yellow, or green lights in such a manner as to confuse or interfere with vehicular traffic.

(B) No sign other than those providing time and temperature information shall have blinking, flashing, or fluttering lights or any other illuminating device which has a changing light intensity, brightness, or color; provided, however, that this provision shall not apply to any message on any electronically operated, changeable sign.

(C) The light from any illuminated sign shall be shaded, shielded, or directed so that it creates neither a nuisance to adjacent property nor a traffic hazard.

(Sec. 155.275) Penalty, see 40-25-1

40-16-7 **NONCONFORMING SIGNS.** A nonconforming sign means any lawfully erected sign or billboard that does not conform to one or more provisions of this subchapter or any amendment thereto. **(Sec. 155.276)**

40-16-8 **RESTRICTIONS.** Any nonconforming sign as defined in **Section 40-16-7** that does not pose an imminent peril to life or property may lawfully remain subject to all the restrictions on the enlargement, alteration, or relocation, or reconstruction of nonconforming structures set forth in **Section 40-18-1** through **40-18-7**; provided as follows:

(A) Merely changing the message displayed on a nonconforming sign shall not be construed as a prohibited alteration;

(B) Whenever any sign is nonconforming solely because it is appurtenant to a nonconforming commercial/industrial use located in the Agricultural District or in any residential district, the sign shall be treated in the same manner as it would be if it were appurtenant to a commercial/industrial use located in any Business District or in the Industrial District.

(Sec. 155.277)

40-16-9 **STRICTLY PROHIBITED SIGNS.** Except as specifically noted otherwise, the following signs and street graphics are strictly prohibited throughout the Village:

(A) Signs attached to trees, fences or public utility poles, other than warning signs posted by government officials or public utilities.

(B) Defunct signs, including the posts or other supports therefor that advertise or identify an activity, business, product, or service no longer conducted on the premises where such sign is located.

(C) Roof-mounted signs, that project or protrude above the highest point of the roof.

(D) Mobile/portable marquees; except that they may be permitted as a temporary sign **(See Section 40-16-19).**

(Sec. 155.278) Penalty, see Section 40-25-1

40-16-10 SIGNS PERMITTED IN ANY DISTRICT. Any sign or other street graphic enumerated below that complies with the indicated requirements is permitted in any district of the Village. Such signs or street graphics shall not be debited against the displaying establishment's sign area allowance (**See Section 40-16-2**).

(A) **Construction Signs.** Construction signs identifying the architects, engineers, contractors and other individuals or firms involved with the construction and/or announcing the character or purpose of the building, but not advertising any product. Such signs shall be confined to the site of the construction.

(B) **Real Estate Signs.** Real estate signs indicating the sale, rental or lease of the premises on which they are located.

(C) **Political Signs.** Political signs announcing candidates seeking public office and/or political issues or questions to be voted upon at an upcoming election or referendum.

(D) **Garage Sale Signs.** Garage sale signs advertising a garage or yard sale to be held on private residential property.

(E) **Public Interest Signs and Street Banners.** Public interest signs and street banners publicizing a charitable or non-profit event of general public interest.

(F) **Governmental, Public and Directional Signs.** Such as traffic-control signs; railroad crossing signs; legal notices; signs indicating the location of underground cables; no trespassing signs; no parking signs; signs indicating the entrances and exits of parking lots; signs indicating the location of public telephones, restrooms and the like.

(G) **Institutional Signs.** Institutional signs identifying a public, charitable or religious institution. Such signs shall be located on the premises of such institution, and shall not obstruct the vision of motorists.

(H) **Integral Signs.** Integral signs carved into stone or inlaid so as to become part of the building, and containing such information as date of erection, name of building and memorial tributes.

(I) **Home Occupation Signs Identifying Only the Name and Occupation of the Residents.**

(J) **Subdivision Entrance Signs Identifying a Residential Subdivision or Apartment Complex.**

(K) **Permanent House Numbers and/or Permanent Name of Occupant Signs Located on the Lot to Which the Sign Applies.**

(L) Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, provided such signs are designed and located to be viewed exclusively by the patrons or residents of such buildings.

(Sec. 155.279) (Ord. No. 1433; 09-04-12)

40-16-11 RESIDENTIAL DISTRICTS. No sign other than those listed in **Section 40-16-10** shall be erected in any Residential District. (**Sec. 155.280**) **Penalty, see Section 40-25-1.** (**Ord. No. 1433; 09-04-12**)

40-16-12 BUSINESS; INDUSTRIAL DISTRICTS.

(A) No establishment located in any Business District or in the Industrial District shall display on any street front a total area of sign in excess of the allowance derived by application of the formula set forth in **Section 40-16-2.** (**See Appendix B**)

(B) Additionally, signs in any Business District or in the Industrial District shall conform to the requirements indicated in **Sections 40-16-11** through **40-16-16**.
(Sec. 155.281) (Ord. No. 1433; 09-04-12)

40-16-13 **FLUSH-MOUNTED SIGNS.** No flush-mounted (wall) sign shall:
(A) Project more than **eighteen (18) inches** from the wall or surface to which it is attached; or
(B) Extend above the roof line of the building to which it is attached.
(Sec. 155.282) Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)

40-16-14 **WINDOW SIGNS.** Signs permanently mounted in display windows shall not be debited against the sign area allowance of the particular establishment. **(Sec. 155.283) (Ord. No. 1433; 09-04-12)**

40-16-15 **PROJECTING SIGNS.** No establishment shall display more than one projecting sign on any street front. No projecting sign shall:
(A) Project above the roof line of the building to which it is attached;
(B) Extend below a point **eight (8) feet** above the ground or pavement;
(C) Project over a driveway or beyond the curblines of any public street;
(D) Project more than **four (4) feet** from the building to which it is attached;
or
(E) Extend to a point higher than **twelve (12) feet** above ground level.
(See Appendix B)
(Sec. 155.284) Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)

40-16-16 **CANOPY OR MARQUEE SIGNS.** Signs mounted flush on any canopy or marquee shall be considered flush-mounted (wall) signs and shall meet the requirements of **Section 40-16-13**. Signs suspended beneath a canopy or marquee shall be considered projecting signs and shall meet the requirements of **Section 40-16-15**. **(Sec. 155.285) (Ord. No. 1433; 09-04-12)**

40-16-17 **FREESTANDING SIGNS.** No establishment shall display more than **one (1)** freestanding sign on any street front. Freestanding signs, whether mounted on the ground or post-mounted, shall comply with the following regulations:
(A) No part of any freestanding sign shall intrude into any public right-of-way. No part of any freestanding sign that extends below a point **ten (10) feet** above the ground or pavement shall be located closer than **ten (10) feet** from the public right-of-way line.
(B) The area of any freestanding sign, calculated in accordance with **Section 40-16-3** shall not exceed **one hundred (100) square feet** in a "B-1" District or **one hundred fifty (150) square feet** in a "B-2" District.
(C) When attached to its structural supports, no part of any freestanding sign shall extend more than **thirty-five (35) feet** above the ground or pavement.
(D) The length or width of any freestanding sign shall not exceed **thirteen (13) feet**. **(See Appendix B)**
(Sec. 155.286) Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)

40-16-18 BILLBOARDS. Billboards and other off-premises advertising signs are strictly prohibited in every district except the Industrial District. No billboard shall:

- (A) Be stacked on top of another billboard;
- (B) Be located closer than **twenty-five (25) feet** to any lot line or any public right-of-way;
- (C) Be located closer than **five hundred (500) feet** from any other billboard on the same side of the roadway;
- (D) Extend more than **twenty (20) feet** above the ground or pavement; or
- (E) Exceed **three hundred (300) square feet** in area.

(Sec. 155.287) Penalty, see 40-25-1. (Ord. No. 1433; 09-04-12)

40-16-19 TEMPORARY SIGNS. Any temporary sign that complies with the indicated requirements is permitted on private property in any district of the Village.

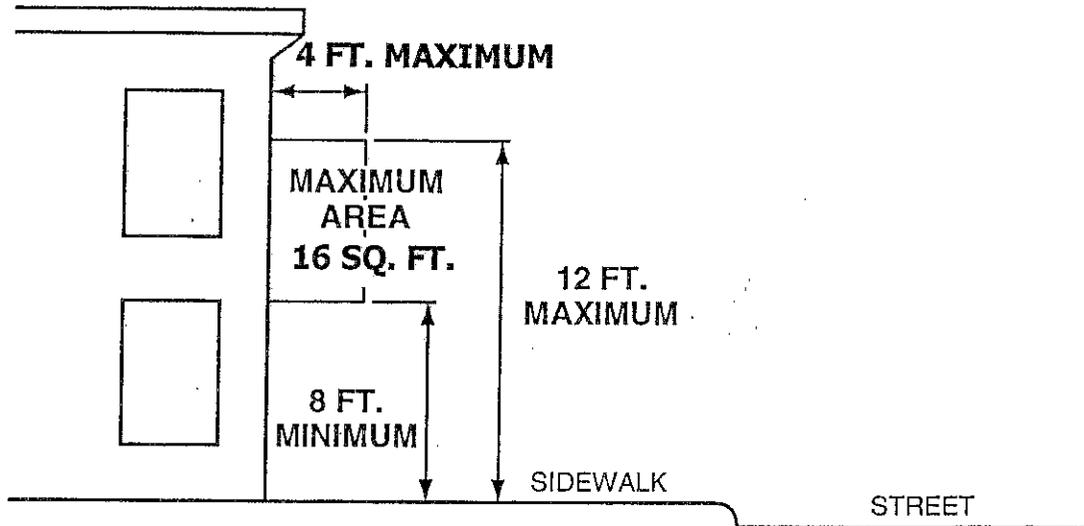
(A) No individual temporary sign shall exceed **sixteen (16) square feet** in size and the total square footage of temporary signs displayed on any one lot shall not exceed **eighty (80) square feet.**

(B) No temporary signs shall be permitted on any public right-of-way or other publicly owned areas except for governmental, public and directional signs.

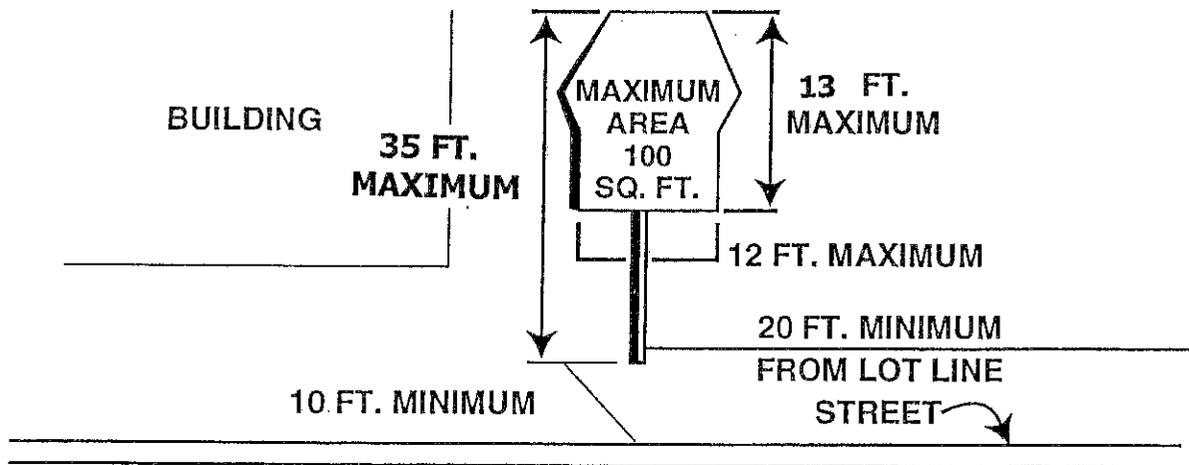
(Sec. 155.288) Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)

APPENDIX B: SIGN ILLUSTRATIONS

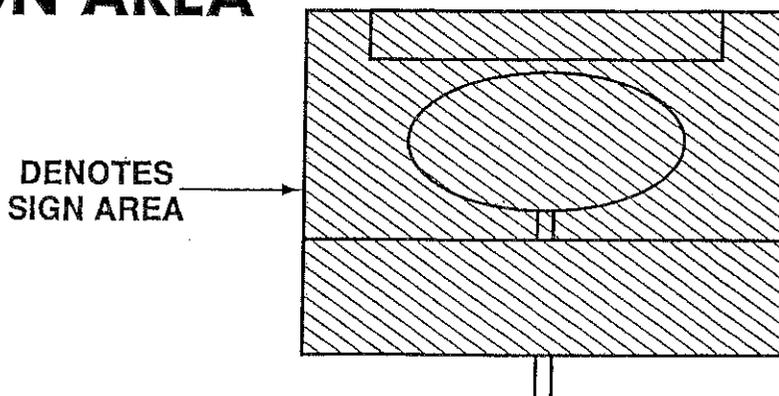
A PROJECTING SIGNS (See Section 40-16-15)



B Freestanding Signs (See Section 40-16-17)



C SIGN AREA



(See Section 40-16-3)