

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.

**IN ACCORDANCE WITH EXECUTIVE ORDER 2020-07, THE PUBLIC
CAN PARTICIPATE THROUGH THE ZOOM CLOUD MEETING
APPLICATION AND CLICKING ON THE FOLLOWING LINK:**

Meeting ID: 447 872 7673

<https://us02web.zoom.us/j/4478727673>

We ask the public to mute their phone or mic until Public Participation.
If you have any questions, please contact Matt Trout at mtrout@freeburg.com
Village Hall will be open to the public for this meeting.

September 3, 2020

**COMBINED PLANNING/ZONING BOARD AGENDA
Tuesday, September 15, 2020
6:00 p.m.**

I. Items to be Reviewed

PLAN COMMISSION:

- A. Old Business
 - 1. Approval of August 25, 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

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Combined Planning and Zoning Board
Tuesday, August 25, 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 25, 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: Trustee Mike Heap and Janet Baechle.

PLAN COMMISSION:

A. Old Business:

1. Approval of August 11, 2020 Minutes: *Lee Smith motioned to approve the August 11, 2020 minutes and Gary Mack seconded the motion.* All voting yea, the motion carried. All voting yea, the motion carried.

2. Review of Zoning Code: Zoning Administrator Matt Trout advised the board he is unsure of the hearing on the 15th. The seller's realtor contacted him saying they were going to pull the contract off the table because the buyer isn't completing the items needed. Matt commented the buyer is probably waiting for the outcome of the hearing. If we don't have a hearing, we will review the sign section of the code. Matt would like to have the zoning code revision done by the end of the year. Once the revisions have been completed, he will provide color copies to this board and the Village board. There will be a two-week review period, and then a public hearing will be scheduled. Once this board has their final review, it will go to the Village board for a final vote.

Nonconformities, 40-18-3: Matt said we cannot force someone to combine lots unless a situation comes up where it would need to be combined. For example, placing an accessory structure on one of the lots. This section states we are already going to treat it as an undivided parcel.

Discontinuance of Use, 40-18-5(E): Matt stated a perfect example of this was Wolf's Den when that bar sat vacant for more than 12 months. That property reverted back to single family residence zoning.

Combined Planning and Zoning Board, 40-19-1: This is a pretty new addition to the code.

Meetings, 40-19-4: Changed the sentence, "Four (4) members of the Board shall constitute a quorum, and the affirmative vote of at least four (4) members shall be necessary to authorize any Board action," to now read, "Four (4) members of the Board shall constitute a quorum, and the affirmative vote of the majority of those present shall be necessary to authorize any Board action except Special Use Permit and Variance Hearings", see 40-19-11(A). Preliminary plats and final plats can be handled by a majority vote since it is a recommendation. For final actions such as special uses and variances, it has to be four affirmative votes.

Appeals, Filing, 40-20-2: Every appeal has to be sent to the Soil and Conservation District. This only applies appeals.

Public Hearing, Notice (1): Changed to read whose property is within 250 feet, rather than abut.

Decision by Combined Planning and Zoning Board, 40-20-5: The decision of the board must be made within a reasonable amount of time after the hearing.

Variances, Application, 40-21-2: We added in the requirements to have a scaled drawing of the whole lot including the existing and proposed buildings. Dirk felt the pin locate in a lot of cases is arbitrary and has little to do with what variance request is about. Steve said they would be needed for setbacks or the placement of buildings. Steve feels if you want a variance, provide a drawing the request to scale so the board knows exactly where and what you want. The board feels all of the extra requirement stay.

Standards for Variances, 40-21-4: The state statute requires three which are 2, 4 and 6 in our current list of standards. Steve asked what variance would meet state statute number 1 which states, "the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone." Matt felt a small lot would meet this requirement. Dirk felt there is only a return on the property if you are selling the home or running a business. Trustee Mike Heap said if you make an improvement to your property, isn't that a return? Gary Mack doesn't want to grant a variance just because they want it. All six standards for variance were agreed to. We will revise our application to include the standards for variance. They will need to be checked off before the application can be submitted

Special Uses, Factors Considered by the Board, 40-22-4: Matt said IML book has specific criteria, not granted unless they meet the following: 1. Is necessary for the public convenience at that location; 2. Is so designed, located, and proposed to be operated that the public health, safety and welfare will be protected, 3. Will not cause the substantial injury to the value of other property in the neighborhood in which it is to be located; and 4. Such special use shall conform to the applicable regulations of the district in which it is to be located. Steve asked if special uses were reported to the county so they could see that the property has been improved, and Matt said they are not.

Decision, Findings of Fact, 40-22-5: Steve stated we need to do a better job and include this in the motion. All 6 standards have to be met.

All drawing needs to be included in the application. We'll review the application to meet the specifications in the code.

We stopped at Amendments. If we have hearing, we will try to get to a couple of the smaller sections. If not, we will start with signs. Rita asked everyone to drive around and look at the signs during the day and night.

B. New Business: None.

BOARD OF APPEALS:

A. Old Business: None.

B. New Business: None.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: Gary Mack motioned to adjourn the meeting at 7:58 p.m. and Dirk Downen 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 an 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 curblineline 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.

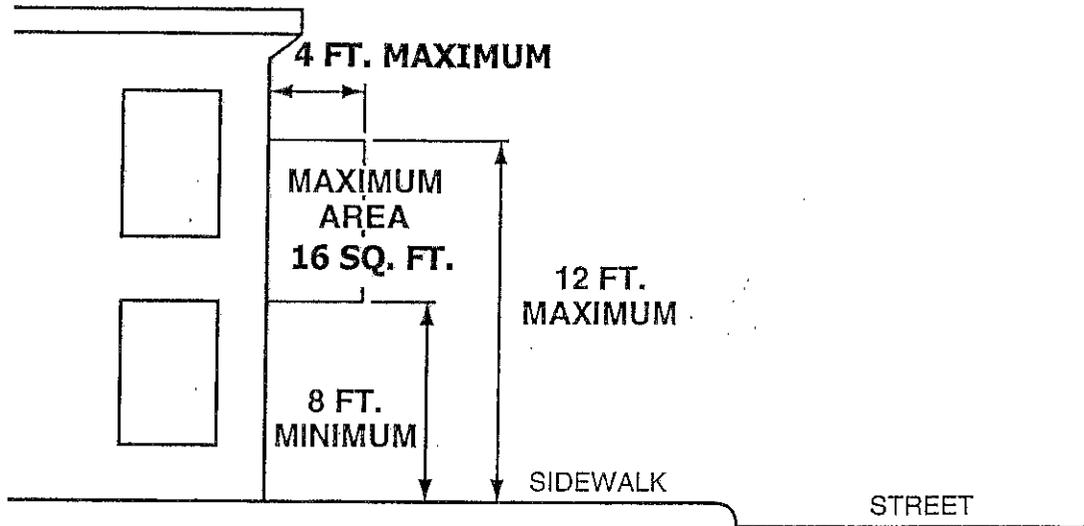
(A) No individual temporary sign shall exceed **sixteen (16) square feet** in size and the total square footage of temporary signs displayed on any one lot shall not exceed **eighty (80) square feet.**

(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.

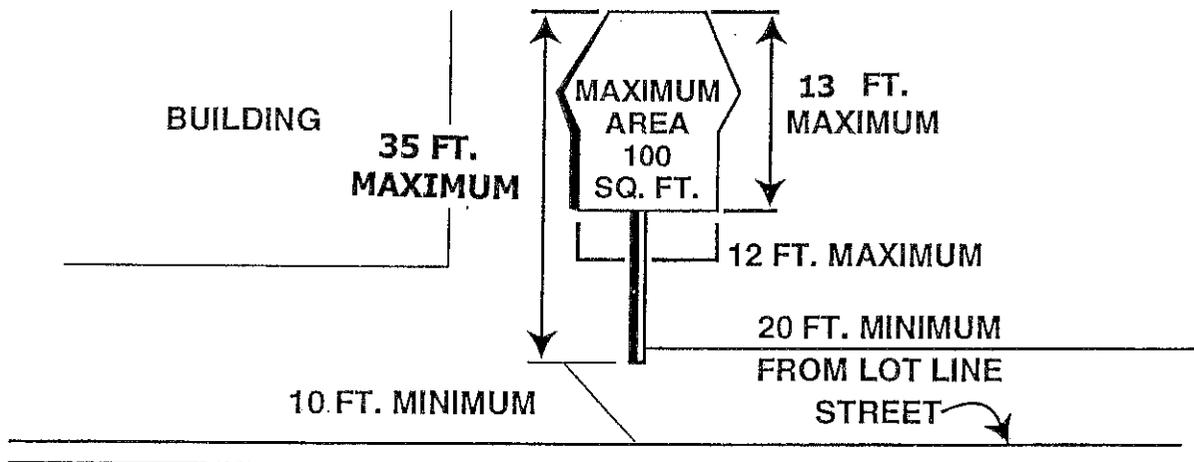
(Sec. 155.288) Penalty, see Section 40-25-1. (Ord. No. 1433; 09-04-12)

APPENDIX B: SIGN ILLUSTRATIONS

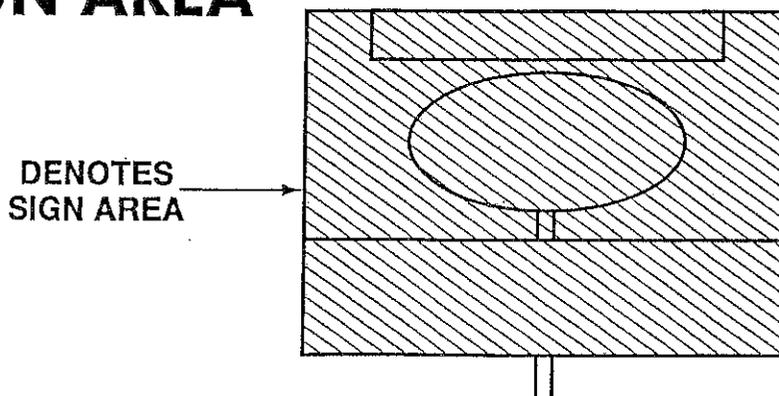
A PROJECTING SIGNS (See Section 40-16-15)



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



C SIGN AREA



(See Section 40-16-3)