



Meeting Date:	January 9, 2023
Submitter:	Ronald J Wiedeman, P.E.
Department:	City Engineer
Agenda Item:	An Ordinance amending Title 15 Building and Construction, Chapter 15.12 Sign Code of the City of Crest Hill code of ordinances to add Sections 15.12.085 exemption, 15.12.275 variations and 15.12.276 variation procedure.

Summary: Staff has completed it's review of the City's Sign Code for changes to the existing code to address future installations of static or digital message signs either placed on city owned property or property controlled by the City.

The changes being recommended by staff and the City Attorney are as follows:

1. Add Section 15.12.085 EXEMPTION- All signs approved by the City Council and erected on property owned or controlled by the City of Crest Hill shall be exempt from the restrictions contained in Sections 15.12.080 and the Variation Process and Procedure contained in Sections 15.12.275 and 15.12.276
2. Add a process and procedure for variation by adding Section 15.12.275 and Section 15.12.276

Section 15.12.275 VARIATIONS

Purpose: The City Council may vary the requirements of the Sign Code. It is the intent of the Sign Code to use variations only to modify the application of the Sign Code to achieve a parity among properties similarly located and classified. Specifically, it is to be used to overcome some exceptional physical condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from using his property as intended by the Sign Code. Such practical difficulty or hardship must be clearly exhibited and must be as a result of an external influence; it may not be self-imposed.

STANDARDS FOR VARIATIONS

The City Council shall grant a variation to the Sign Code only when it shall have been determined, and recorded in writing, that all of that following standards are complied with:

1. That the property in question cannot yield a reasonable return if the Sign Code Restrictions are enforced without the requested variations.
2. That the plight of the owner is due to unique circumstances; and
3. That the variation, if granted, will not alter the essential character of the locality.

For the purpose of supplementing the above standards, the City Council, in making the determination, whenever there are particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

1. That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
2. The conditions upon which the petition for a variation is based are unique to the property owner for which the variation is sought and are not applicable, generally, to the other property within the same zoning classification.
3. That the alleged difficulty or hardship is caused by the Ordinance and has not been created by any person presently having an interest in the property.
4. That the proposed variation will not impair and adequate supply of light and air to adjacent property or substantially increase congestion in the public streets or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
5. That the variation granted is the minimum adjustment necessary for the reasonable use of the land.
6. That the granting of any variation is in harmony with the general purposes and intent of the Sign Code, and will not be injurious to the neighborhood, be detrimental to the public welfare, alter the essential character of the locality, or be in conflict with the City's Comprehensive Plan.
7. That, for reasons fully set forth in the decision by the City Council, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Sign Code would deprive the applicant of any reasonable use of the land. Mere loss in value shall not justify a variation; there must be a deprivation of beneficial use of land.

In addition, the City Council may impose such conditions and restrictions upon the premises benefited by a variation as may be necessary to comply with the standards established in this Section to reduce or minimize the effect of such variation upon other property in the neighborhood, and to better carry out the general intent of this Ordinance.

15.12.276-VARIATION PROCEDURE

(A) APPLICATION FOR VARIATION

An application for a variation shall be filed in writing with the City Clerk. The application shall be accompanied by such plans and data as required by Section 9 of the Crest Hill Zoning Ordinance, and all other information required by the City of Crest Hill Development Handbook.

(B) HEARING PROCEDURE FOR VARIATION

Upon receipt of the application, in proper form, the City Clerk shall determine a reasonable time and place for the public hearing to held at a regularly scheduled City Council meeting. The Notice of Public Hearing shall be published at least once, not more than thirty (30) days, and not less than fifteen (15) before the hearing, in a newspaper of general circulation in Crest Hill. The published notice may be supplemented by such additional form of notice as the City Council, by rule, may require.

The applicant shall notify surrounding property owners within 300' no more than 30 days but no less than 15 days prior to the public hearing. At the applicant's expense, the City will post appropriate signage on the property for notification of the Public Hearing. Notification procedures shall follow those outlined the City of Crest Hill Development Handbook.

The public hearing pertaining to the requested variation shall be held by the City Council within sixty (60) days of the filing of the application. At such time, the City Council shall hear evidence on the application for variance giving due notice thereof to the concerned parties, and shall render a written decision to grant, deny, or modify the requested variation without unreasonable delay. Action taken on a variation by the City Council shall be deemed as final administrative determination, subject to change only upon proper judicial review and order.

(C) EFFECT OF DENIAL OF A VARIATION

No application for a variation which has been denied wholly or in part by the City Council shall be resubmitted for a period of one (1) year from the date of said order of denial, except on grounds of new evidence or proof of changed conditions found to be valid by said City Council.

(D) REVOCATION

- (i) A variation shall be revoked if the testimony upon which the variance was granted was falsely given.
- (ii) In any case where a variation has been granted, and where no construction or development has taken place within one (1) year of granting thereof, then without further action by the City Council, said variation shall become null and void, unless the property owner/applicant submits a formal request in writing seeking an extension. Such written request for extension must be submitted thirty (30) days prior to expiration date.

Recommended Council Action: An Ordinance amending Title 15 Building and Construction, Chapter 15.12 Sign Code of the City of Crest Hill code of ordinances to add Sections 15.12.085 exemption, 15.12.275 variations and 15.12.276 variation procedure.

Financial Impact:

Funding Source: N/A

Budgeted Amount: N/A

Attachments:

Ord. amending sign code (City exemption and Variance Procedure)