

**Winnetka Village Council
Special Meeting and Study Session**

Village Hall
510 Green Bay Road
Tuesday, February 8, 2011
7:30 p.m.

Emails regarding any agenda item are welcomed. Please email LRosenthal@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure.

AGENDAS

Special Meeting Agenda

- 1) Call to Order
- 2) Pledge of Allegiance to the Flag
- 3) Quorum
 - a) February 15, 2011, Regular Meeting.
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Warrant Lists Nos. 1687 and 16882
 - b) Ordinance No. MC-1-2011 – Adoption3
- 6) Adjournment of Special Meeting

Budget Meeting Agenda

- 1) Convene Budget Meeting(Previously Distributed)
 - a) Budget Overview
 - b) Public Works Department
- 2) Executive Session
- 3) Adjournment

NOTICE

All agenda materials are available at www.villageofwinnetka.org (click Council and then Current Agenda), the Reference Desk at the Winnetka Library, or in the Manager’s Office at Village Hall (2nd floor).

Videos of the Regular Village Council meetings are televised on Channel 10, Mondays, Wednesdays, and Fridays at 7:00 p.m. Videos of the meeting may also be viewed on the Internet via a link on the Village’s web site: www.villageofwinnetka.org.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Liz Rosenthal, at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3540; T.D.D. (847) 501-6041).

AGENDA REPORT

TO: Village Council
DATE: February 4, 2011
SUBJECT: Warrant Lists No. 1687 and 1688

Warrants Lists Nos. 1687 and 1688 are enclosed in each Council member's packet.

Recommendation: Consider approving Warrants Lists Nos. 1687 and 1688.

AGENDA REPORT

SUBJECT: Ordinance MC-1-2011 – Amending Sign Regulations in Chapter 15.60 of the Winnetka Village Code

PREPARED BY: Katherine S. Janega, Village Attorney

REFERENCE: September 21, 2010 Council Meeting, pp. 73 – 76
January 18, 2011 Council Meeting, pp. 18 – 23

DATE: February 4, 2011

Ordinance MC-1-2011 amends the Winnetka Sign Code, Chapter 15.60 of the Village Code, to bring the regulation of political signs into conformity with Public Act 96-904, which limits the authority of all municipalities, including home rule units, to regulate political signs on private property.

P.A. 96-904 amends paragraph 12 of the general statement of municipal zoning and land use regulatory authority in Section 11-13-1 of the Illinois Municipal Code. (65 ILCS 5/11-13-1) Effective January 1, 2011, the amended paragraph 12 grants the following powers to regulate signs:

“to establish local standards solely for the review of the exterior design of buildings and structures, excluding utility facilities and outdoor off-premises advertising signs, and designate a board or commission to implement the review process; except that, other than reasonable restrictions as to size, no home rule or non-home rule municipality may prohibit the display of outdoor political campaign signs on residential property during any period of time, the regulation of these signs being a power and function of the State and, therefor [sic], this item (12) is a denial and limitation of concurrent home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution.”
[Emphasis added.]

Currently, political signs are governed by Section 15.60.090 of the Village Code, which is captioned “Permitted temporary signs.” Subsection A enumerates the different kinds of temporary signs that are permitted, all without a permit, and regulates such aspects of the signs and their displays as type, size, location and times the signs may be displayed. Subsection B requires the party posting a sign to remove it, but authorizes the Village to remove the sign if the responsible person fails to do so.

Paragraph 4 of Section 15.60.090(A) permits signs related to elections and signs displayed by civic, philanthropic, religious or educational organizations regarding an organization-sponsored event. While Section 15.60.090(A) sets a maximum size of eight square feet for temporary signs, paragraph 4 allows signs with an area of up to 32 square feet. The larger size was intended to allow a sponsoring organization to post a larger sign on site, with smaller signs being allowed at other locations, usually on members’ residential properties. In

addition, paragraph 4 requires the signs to be removed “no more than seven days after the election or event for which it was displayed.”

MC-1-2011 brings paragraph 4 of Section 15.60.090(A) into compliance with P.A. 96-904 by moving the regulation of political signs on residential properties from that provision to subsection K of Section 15.60.080. Captioned “Sign allowed without a permit,” Section 15.60.080 does not contain any time restrictions. The new text of section 15.60.080(K) also adds a size limit of six square feet. This size limitation was arrived at after Community Development staff reviewed typical yard signs in both Winnetka and neighboring, measured actual yard signs found in Winnetka, and concluded that most had an area of less than six square feet.

Section 2 of Ordinance MC-1-2011 also contains two technical amendments to Section 15.60.080. First, in subsection A, the reference to the eight square feet size limit in the cross-reference to Section 15.60.090 has been replaced with a general incorporation of the size provisions in Section 15.60.090, so that Section 15.60.080 does not appear to create a different standard for signs otherwise subject to Section 15.60.090. Second, the current subsection K has been redesignated as subsection L.

Section 3 of Ordinance MC-1-2011 amends paragraph 4 of Section 15.60.090(A), deleting political campaign signs on residential properties (which have been moved to Section 15.60.080) while retaining all other political and special event signs. To resolve the ambiguity regarding the size of signs, paragraph 4 now establishes two separate size standards for event signs, depending on where they are located. As amended, the maximum size for on-site event signs would be 32 square feet, while off-site signs and political signs on non-residential properties would be limited to an area of six square feet, the same size as for political signs on residential properties. The time limitations in paragraph 4 of Section 15.60.090(A) have not been changed, so that signs governed by paragraph 4 must still be removed no later than 7 days after the event or election.

Recommendation:

Consider adoption of Ordinance MC-1-2011, amending Chapter 15.60 of the Winnetka Village Code as it pertains to certain temporary signs.

**AN ORDINANCE
AMENDING CHAPTER 15.60 OF THE WINNETKA VILLAGE CODE
AS IT PERTAINS TO POLITICAL SIGNS**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to adopt ordinances, to promulgate rules and regulations and to exercise any power and perform any function pertaining to the government and affairs of the Village and that protect the public health, safety and welfare of its citizens; and

WHEREAS, in the exercise of its home rule powers, the Village has enacted Chapter 15.60 of the Winnetka Village Code, titled “Signs,” which contains comprehensive regulations of signs within the Village; and

WHEREAS, the Illinois General Assembly has enacted Public Act 96-904, which limits the exercise of home rule authority in the regulation of certain political signs; and

WHEREAS, the Council of the Village of Winnetka (the “Village Council”) desire to amend Chapter 15.60 to bring it into compliance with Public act 96-904 and to otherwise clarify the requirements for such signs and for certain other signs allowed without a permit.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: Subsection A of Section 15.60.090, “Permitted temporary signs,” of Chapter 15.60, “Signs,” of Title 15 of the Winnetka Village Code, “Buildings and Construction,” is hereby amended to provide as follows:

Section 15.60.080 Signs allowed without a permit.

The following signs shall be allowed without a permit; provided that, the sign is not prohibited by Section 15.60.060 of this chapter; and provided that, the sign complies with Section 15.60.130 of this chapter.

A. Permitted, nonilluminated temporary signs described in Section 15.60.090; provided, the area of any such sign does not exceed ~~eight square feet~~ the size limitations established therein;

B. Permitted, nonilluminated signs on single and two-family dwellings, as described in Section 15.60.100(A);

C. Permitted, nonilluminated signs of organizations described in Section 15.60.110; provided, the area of any such sign does not exceed eight square feet;

D. (Repealed.)

E. Memorial plaques, building markers, cornerstones, historical plaques and similar designations displayed for noncommercial purposes; provided that, the area of any such signs does not exceed six square feet;

F. Signs and pavement markings required by the police, fire or other governmental departments for the safety and convenience of the public;

G. Street or house number signs not exceeding one and one-half square feet in area;

H. Nonilluminated directional signs which do not contain a commercial message, logo or illustration, and which do not exceed three square feet in area;

I. Incidental signs; provided that, they shall not exceed one square foot in area.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.08)

J. Self-supporting portable menu board signs displayed at restaurants or other food service establishments that offer food service for consumption on the premises, subject to the following limitations:

1. The signs shall be no more than 24 inches wide and 36 inches high, including support elements.

2. No restaurant or food service establishment shall be allowed more than one such sign.

3. The signs may be displayed only during the hours that the business is open to the public.

4. The signs may be placed on a public sidewalk, provided they do not extend more than two feet from the face of the building.

5. The signs may only be displayed between May 1 and November 30 of each year.

6. The proposed location of a sign for a restaurant with outdoor seating shall be depicted on the site plan submitted with the application for the outdoor seating permit and the sign shall be placed only in the location specified on the approved outdoor seating plan.

7. Notwithstanding the foregoing, the Village reserves the right to order the relocation or removal of any menu board sign if the Director determines that the sign poses a safety hazard for pedestrian or vehicular traffic.

K. Any outdoor sign that pertains to elections or political campaigns and that is located on residential property; provided, such sign shall be no more than six (6) feet in area.

L. Subject to the approval of the Village Council, banners displayed on any utility pole, street light or lamp post in the Hubbard Woods or Elm Street business districts, provided the Village Council determines that the banner is not a commercial or political advertisement.

(Amended MC-7-2002 § 4, 08/06/02; Amended MC-3-2003, 03/04/03)

SECTION 3: Subsection A of Section 15.60.090, "Permitted temporary signs," of Chapter 15.60, "Signs," of Title 15 of the Winnetka Village Code, "Buildings and Construction," is hereby amended to provide as follows:

A. Signs Permitted. The following temporary signs shall be allowed without a permit; provided, they meet the requirements of this section; and provided further, that, unless specifically provided otherwise, the area of the sign ~~does shall~~ not exceed eight (8) square feet.

1. Nonilluminated real estate signs, advertising the sale or lease of the lot or premises on which they are located; provided that, any such sign shall be less than six feet in height. No more than one such sign shall be allowed on the lot or premises, except that on corner lots, there may be one such sign facing each street. All such signs shall be removed within seven days after the sale or lease of the premises.

2. Nonilluminated construction-site signs identifying the parties engaged in the design and construction on the lot or premises on which they are displayed, subject to the following conditions:

a. Any sign in a residential zoning district shall have an area of no more than eight square feet in area nor shall the top of the sign be more than six feet above grade.

b. Any such sign in a nonresidential zoning district shall be no more than sixteen (16) square feet in area nor shall the top of the sign be more than twelve (12) feet above grade.

c. No more than one such sign shall be allowed on the lot or premises.

d. All such signs shall be removed within seven days after completion of the work to which the sign pertains, as determined by the Director.

3. Decorations displayed in connection with civic, patriotic or religious holidays, except that they shall be removed within seven days after the specific holiday.

4. ~~Signs-Certain signs~~ pertaining to elections or political campaigns, and signs displayed by civic, philanthropic, religious or educational organizations regarding an event sponsored by the organization, subject to the following conditions:

a. No outdoor sign that pertains to elections or political campaigns and that is located on non-residential property shall be more than six (6) feet in area;

b. No such sign that is for an event sponsored by a civic, philanthropic, religious or educational organization and that is located on the exterior of the premises of the organization sponsoring the event shall be more than thirty-two (32) square feet in area; and

c. No sign that is for an event sponsored by a civic, philanthropic, religious or educational organization and that is located in an exterior location other than on the premises of the organization sponsoring the event shall be more than six (6) feet in area; and

d. b.—Any such sign subject to this paragraph 4 shall be removed no more later than seven days after the election or event for which it was displayed.

5. Window signs displayed on nonresidential premises located in a commercial zoning district to advertise special sales of merchandise or special commercial events, subject to the following conditions:

a. No such sign may be illuminated,

b. No such sign shall be more than eight square feet in area and the total area of all window signs, both temporary and permanent, shall not exceed the ten (10) percent limitation for window signs as provided in Section 15.60.120(B)(1)(d),

c. No such sign shall be displayed for more than thirty (30) days;

6. Nonilluminated garage sale signs displayed on the residential property on which the sale is conducted, subject to the following conditions:

a. No such sign shall be more than eight square feet in area,

b. No more than one such sign shall be permitted on the lot or premises, except that on corner lots one such sign may face each street,

c. No such signs shall be displayed for more than seventy-two (72) hours;

7. Signs such as banners, balloons, and similar devices that are displayed on residential property in a single-family residential zoning district to announce a birth, birthday, anniversary or similar special occasion; provided, no such sign shall be displayed more than twelve (12) hours before the occasion, and no such sign shall be displayed for more than forty-eight (48) hours.

SECTION 4: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 5: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 8th day of February, 2011, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 8th day of February, 2011.

Signed:

Village President

Countersigned:

Village Clerk

Introduced: January 18, 2011

Posted: January 19, 2011

Passed and Approved:

Posted: