

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 2, 2007 AGENDA

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---|--|--|
| Repeal of the Design Review Committee and Appearance Code | Resolution ✓ Ordinance Motion Discussion Only | Tom Dabareiner, AICP Community Development Director |

SYNOPSIS

An ordinance has been prepared to amend the Village Code to repeal the Design Review Committee and Appearance Code.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Exceptional Municipal Government*. Supporting these goals are the objectives *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs* and *More Attractive Commercial Developments*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the September 25, 2007 Workshop. Staff recommends approval on the October 2, active agenda.

BACKGROUND

The Village has a Design Review Committee (DRC) and Appearance Code for the downtown. The DRC and Appearance Code have not been administered since the fall of 2005. In April 2005, the Village Council established the Architectural Design Review Board (ADRB) to review the Village's need for design guidelines and design review. The ADRB reviewed the DRC and Appearance Code and noted these items were no longer effective. In December 2006, the Village Council reviewed the ADRB's recommendations and made a motion directing staff to prepare an ordinance to repeal the Appearance Code and DRC. The terms of all members of the DRC expired in July of 1999 or prior.

VILLAGE OF DOWNERS GROVE

COUNCIL ACTION SUMMARY

INITIATED: Legal Department **DATE:** October 2, 2007
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

| | |
|---------------|------------|
| <u> X </u> | Ordinance |
| <u> </u> | Resolution |
| <u> </u> | Motion |
| <u> </u> | Other |

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt “AN ORDINANCE REPEALING THE DESIGN REVIEW COMMITTEE”, as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall repeal the Design Review Committee.

RECORD OF ACTION TAKEN:

Design Review Committee

ORDINANCE NO. _____

AN ORDINANCE REPEALING THE DESIGN REVIEW COMMITTEE

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by ~~shading~~/underline; deletions by ~~strikeout~~):

Section 1. Section 7.39. is hereby repealed in its entirety

7.39. Definitions.

~~_____ For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:~~

~~_____ *Central design area.* The area bounded by Franklin Street on the north, Elm Street, as extended, on the east, Summit Street, as extended, on the south, and Saratoga Avenue, as extended, on the west.~~

~~_____ *Certificate.* Certificate of approval.~~

~~_____ *Committee.* The design review committee.~~

~~_____ *Director.* The Director of Community Development.~~

~~_____ *Exterior design feature.* An essential and visible part of the exterior of a building or structure, including the architectural style and general arrangement of any portion of the building or structure as is open to view from a public street, alley, place or way. Exterior design features may include, but are not limited to, the kind, color, and texture of building materials, type of windows, doors, lights, colors, signs and other fixtures appurtenant to such building or structure.~~

~~_____ *Kind for kind.* In evaluating proposed improvements to an exterior design feature, an improvement which causes the building to appear so substantially similar to such building or structure as it existed prior to the improvement as to be indistinguishable therefrom.~~

~~_____ *Person.* Any individual, firm, partnership, corporation or trust. (Ord. No. 3310, § 1.)~~

Section 2. Section 7.41. is hereby repealed in its entirety

7.41. Design Review Committee; created; composition.

~~_____ A Design Review Committee is hereby created, which committee shall consist of seven members, appointed by the Village Manager, for staggered terms of three years each. Members shall hold office for their designated terms and until their successors have been appointed. (Ord. No. 3310, § 1.)~~

Section 3. Section 7.42. is hereby repealed in its entirety

7.42. Powers and duties.

~~_____ The committee shall have the following powers and duties:~~

~~_____ (a) To hold public hearings on and make recommendations for any amendments to the Appearance Code adopted in Section 7-43.~~

~~_____ (b) To consult and work with the Director of Community Development in the review of applications for permits of any construction, additions, alterations or enlargements affecting exterior design features in the central design area.~~

~~_____ (c) To consult with and cooperate with other boards and commissions, Village departments and personnel, and any other governmental bodies on matters affecting the appearance of buildings and structures under this article.~~

~~_____ (d) To review exterior design drawings, landscape and site plans, materials, colors, photographs or~~

Design Review Committee

~~any other necessary documents or items for any proposed construction, additions, alterations or enlargements affecting exterior design features in the central design area.~~

~~———— (e) To encourage applicants to utilize the standards and guidelines set forth in the Appearance Code, and to assist applicants in the application of the Appearance Code to their properties.~~

~~———— (f) To conduct meetings, as necessary, on the issuance of certificates as provided in Section 7-44.~~

~~———— (g) To prepare an annual report summarizing the changes made in the central design area, the number of certificates of approval which were issued and the number which were denied. This annual report will be placed on public file by the Village Council. (Ord. No. 3310, § 1.)~~

Section 4. Section 7.43. is hereby repealed in its entirety

7.43. Appearance Code adopted; amendments.

~~———— (a) The Appearance Code dated January 20, 1997, is hereby adopted to govern exterior design features for properties in the Central Design Area as designated in Section 7-40 hereof.~~

~~———— (b) The Appearance Code may be amended from time to time by the Village Council, upon recommendation of the Committee, and after a public hearing thereon. (Ord. No. 3310, § 1.)~~

Section 5. Section 7.44. is hereby repealed in its entirety

7.44. Regulatory powers of the design review committee over exterior design features, buildings and structures.

~~———— (a) A certificate of approval must be obtained for any of the following changes or alterations to an exterior design feature in the central design area:~~

~~———— (1) If such change or alteration would otherwise require a building permit;~~

~~———— (2) If such change or alteration involves exterior surface improvements to the building, including painting, siding, or roofing visible from the street, and such improvements are not kind for kind;~~

~~———— (3) If such changes or alterations involve new landscaping or lighting, or replacement of existing landscaping or lighting, which is not kind for kind;~~

~~———— (4) If there is any other change or alteration having an impact on an exterior design feature which is not kind for kind.~~

~~———— (b) The procedure for obtaining a certificate of approval shall be as follows:~~

~~———— (1) The Director of Community Development, upon receipt of an application for a permit or permits as required by ordinance, shall determine and advise the applicant whether, under the provisions of this article, a certificate of approval is required.~~

~~———— (2) When a certificate of approval is required for exterior painting which is not kind for kind, but which is in conformance with the Appearance Code for "color palette", the Director of Community Development shall issue such certificate.~~

~~———— (3) When a certificate is required, the Director shall forward the application, including all preliminary exterior drawings, sketches, photographic examples, landscape or site plans and materials to the committee. The committee shall within twenty one days, make a recommendation to the Village Manager to issue or not issue a certificate. The committee may make recommendations as to changes in the exterior drawings, sketches, landscaping, site plans, materials and colors which, in the opinion of the committee, would tend to effect the general purposes of the Appearance Code.~~

~~———— (4) Upon receipt of the committee's recommendation, the Village Manager shall issue a certificate if it is found that:~~

~~———— a. The applicant's plans are substantially consistent with the Appearance Code;~~

~~———— b. The proposed exterior design features of the project are suitable and compatible with the character of neighboring buildings and structures existing or under construction, and with the character of the central design area, and contributes to the favorable environment of the area;~~

~~———— c. The exterior design features of the project will not be detrimental to the~~

Design Review Committee

~~harmonious and orderly growth of the central design area; and~~

~~d. The exterior design features of the project will not cause a substantial depreciation in the property values or taxable values in the central design area.~~

~~e. If applicable, the applicant has executed an encroachment license agreement indemnifying and holding the Village harmless from any liability resulting from the projection of any awning or exterior lighting into the public right of way, such agreement to be approved and signed by the Village Manager.~~

~~(5) The Village Manager shall issue or deny a certificate of approval within three days of the recommendation of the committee.~~

~~(6) There shall be no additional fees for a certificate of approval.~~

~~(7) Amendments to a certificate may be obtained by application therefor in the same manner as provided for an original certificate. (Ord. No. 3310, § 1.)~~

Section 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk