

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
JUNE 10, 2008 AGENDA

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---|--|--|
| Zoning Ordinance Amendment Electronic Changeable Copy/Message Signs | Resolution ✓ Ordinance Motion Discussion Only | Tom Dabareiner, AICP, Community Development Director |

SYNOPSIS

An ordinance has been prepared amending Chapter 28, Zoning Ordinance, Article V, Residence Districts, Section 28.502 (R-1 District Special Uses), Article XV, Signs, Sections 28.1501.03 (Prohibited Signs) and adding Section 28.1507.01 (Electronic Changeable Copy/Message Signs) relative to permitting signs containing electronic changeable copy.

FISCAL IMPACT

N/A.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2007-2012 identified *Exceptional Municipal Government*. Supporting these goals are the objective *Top Quality Core Services Responsive to Current and Future Community and Citizen Needs*.

RECOMMENDATION

The Plan Commission recommended approval of the amendment with a vote of 7-1. Staff recommends denial of the text amendment.

BACKGROUND

The petitioner, Community High School District 99, is requesting approval of an amendment to Article XV (Signs) of the Zoning Ordinance relative to permitting electronic changeable copy/message center signs. Specifically, the petitioner is proposing modifications to Sections 28.502 (Residential District Special Uses) and 28.1501.03 (Prohibited Signs) and adding a new section to regulate signs with electronic changeable copy/message centers. These signs are prohibited by the Village's current sign regulations.

The amendments would permit electronic message center signs as special uses on property that is zoned residential, greater than 18 acres in area and located on an arterial street. As such, Plan Commission and Village Council review and approval of the specific signs would be required prior to installation. No specific signs are being requested as part of this petition. School District 99 and any other eligible property will be required to apply for a special use for specific sign requests. Information about the specific sign being requested would be provided to the Plan Commission and Village Council at that time.

The key concepts that were developed are as follows:

- The specific signs would be special uses and subject to additional Plan Commission and Village Council review. As such, conditions such as hours of operation could be included as conditions of

approval.

- Only facilities located in the residential zoning districts on a property larger than 18 acres would be eligible for the special use.
- The facility would have to have frontage on an arterial road, and the sign would have to be located on this frontage.
- Only one (1) electronic message center sign would be permitted for each facility. This sign would be in lieu of any other permitted free-standing signage for the facility.
- The signs would be no larger than 50 square feet (including the electronic changeable copy) and no taller than six (6) feet. This size and height is consistent with the existing monument sign on Main Street for Downers Grove North High School.
- Electronic messages would have to be displayed for a minimum of two (2) seconds and would not be able to move or flash. These regulations would make the signs less distracting to drivers.

Staff has the following concerns with the proposed amendment:

- The Sign Committee, Plan Commission and Village Council re-affirmed the Village's ban on electronic message centers during the 2004-2005 review of the sign regulations. Although the Sign Committee noted the ban should be re-reviewed in five (5) years to account for new technology, staff believes there has not been enough change in the technology that would warrant permitting these types of signs.
- Electronic message centers may not be consistent with the goals of the Sign Ordinance. Specifically, electronic message centers can be unsightly and can cause safety hazards by distracting motorists and pedestrians (*Sign Regulation*, American Planning Association PAS Report #419).
- The proposed amendment will make electronic message centers available for North and South High Schools as well as Good Samaritan Hospital, Midwestern University, several Downers Grove Park District sites (including the Recreation Center/Golf Course, Lyman Woods and McCollum Park), the DuPage County Forest Preserves (Maple Grove and Hidden Lake) and Fairview Village. All of these locations are near or adjacent to single family residential neighborhoods. Electronic message center signs are typically not compatible with residential development due to the amount of light they produce.
- The proliferation of electronic message center signs in these highly visible locations could lead to requests from businesses for this type of signage.

Based on these concerns, staff does not believe this text amendment is consistent with the sign amendments that went into effect in May 2005. The Plan Commission considered the amendment at its April 7, 2008, meeting. The Commission noted several concerns regarding the operations of the signs; however, the Commission determined these concerns could be addressed through the special use process. The Plan Commission generally found that loosening the ban on electronic message center signs would be appropriate for certain users on larger properties. The Plan Commission recommended approval of the text amendment with a vote of 7-1. The dissenting member noted that she thought permitting these signs even as special uses could lead to their proliferation throughout the Village. Staff continues to have concerns about these signs and recommends denial of the text amendment.

ATTACHMENTS

Ordinance

Staff Report with Attachments

Draft Minutes of the Plan Commission Hearing dated April 7, 2008

Additional Information Submitted at the April 7, 2008 Hearing

School Marquee

ORDINANCE NO. _____

AN ORDINANCE AMENDING SIGN PROVISIONS

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. That Section 28.502. is hereby amended to read as follows:

28.502. R-1 District-special uses.

The following uses are allowed in the R-1 Single-family Residence District as special uses:

(a) Accessory structures on a lot of record prior to the construction or establishment of a principal structure or use on said lot of record, provided that the lot of record is under common ownership and contiguous with a lot where a principal use or structure has been established. Provided, the lots of record shall have a common lot line that is shared for at least one hundred (100) feet or fifty percent (50%) of the lot line, whichever is greater. The Village Council may require the termination of said special use upon sale of the property.

(b) Churches, church schools, and other places of worship; provided the property for said use fronts on an arterial or collector street designated as such a street on the Downers Grove Future Land Use Map or is contiguous on at least one side to a "B", "M", or "O-R-M" zoning district and provided the zoning lot for said use has an area of not less than two (2) acres and not more than forty (40) percent of the lot is occupied by buildings. (See Section 28-1020.)

(c) Convents, monasteries, rectories or parish houses, to be occupied by not more than twenty (20) persons.

(d) Country clubs, golf courses, tennis courts, and similar recreational uses (not including commercial community pools), provided that any principal structure or accessory swimming pool shall be located not less than one hundred (100) feet from any other lot in a residential district.

(e) Clubs, lodges, meeting halls, or fraternal institutions on properties of no less than 10 acres in area.

(f) Colleges or universities, public or private, on sites of forty (40) acres or more. Such use may include additional structures which are customarily operated in conjunction as part of the college or university, including but not limited to, dormitories, classrooms and athletic facilities. Provided, not more than twenty-five percent (25%) of the site shall be occupied by buildings.

(g) Extended family accessory housing. (See Section 28-1015.)

(h) Funeral parlors. (See Section 28-1001.)

(i) Government facilities on properties no less than 10 acres.

(j) Group homes for nine (9) or more persons including supervisory and oversight personnel. (See Section 28-1003.)

(k) Hospitals or sanitariums, public or private, on tracts of land having a minimum area of twenty-five (25) acres, provided that not over twenty-five percent (25%) of the land is occupied by buildings.

(l) Nursing homes and sheltered care facilities. (See Section 28-1013.)

(m) Parking accessory to a business or manufacturing use. However, said parking use must be contiguous to or across an alley from the business or manufacturing use. Said parking shall not be used for the commercial storage of vehicles, fee parking or the construction of structures. The parking shall be maintained in accordance with Article XIV.

(n) Permanent ornamental signs or entry gates located at the entrances to recognized subdivisions the purpose of which is to identify the subdivision. Such permanent ornamental signs or entry signs shall be located on or behind property lines.

School Marquee

(o) Planned developments on tracts of twenty-five (25) acres or more. (See Article XVI.)

(p) Planned developments on tracts of two (2) or more, but less than twenty-five (25) acres when such a planned development is consistent with the intent and purpose of this Zoning Ordinance. Factors which the Plan Commission and the Village Council may consider in recommending and approving plans may include, but are not limited to, location of the tract on an arterial or collector street designated as such a street on the Downers Grove Future Land Use Map); and characteristics of the tract that make development impractical under the subdivision requirements of this zoning district and the Downers Grove Subdivision Control Ordinance. Such characteristics may include, but are not limited to, irregular shape, natural features, or location rendering property aggregation difficult. (See Article XVI.)

(q) Professional offices, such as offices of lawyers, accountants, insurance agents and similar professional uses. Provided, medical and dental offices, or other professional uses which generate high volumes of vehicular traffic throughout the workday shall not be considered to be professional offices hereunder. (See Section 28-1004.)

(r) Public parks and playgrounds, municipal community center, fire station, and public utility facilities.

(s) Private schools, elementary and high.

~~(t) Signs containing electronic changeable copy/message boards as provided by Section 28.1507.01.~~

~~(tu) Telecommunications Towers. (See Section 28-1307.)~~

~~(tv) Temporary permit uses.~~

~~(vw) Trailer parks. (See Section 28-1016.)~~

Section 2. That Section 28.1501.03 is hereby amended to read as follows:

28.1501.03 Prohibited Signs.

The following signs shall not be displayed within the Village of Downers Grove:

(1) Any sign or structure which constitutes a hazard to public health or safety.

(2) Any signs attached to utility, traffic signal poles, light poles, or standards except for governmental signs.

(3) Signs, which by color, location, or design resemble or conflict with traffic control signs or signals.

(4) Except for governmental signs erected by, or on behalf of, the unit of government having jurisdiction, no sign shall be located on the public right of way, or affixed to or upon public property. This prohibition includes, but is not limited to, any sidewalk, parkway, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, electric light or power, CATV, telephone or telegraph system, fire alarm, lighting system, public bridge, drinking fountain, trash receptacle, street sign or traffic sign.

(5) Portable signs, not including sandwich board signs as allowed in the DB Downtown Business District; DT Downtown Transition District; and Fairview Concentrated Business District.

(6) Vehicle signs when the vehicle is not licensed, insured or operational.

(7) Advertising off premises signs.

(8) Moving signs.

~~(9) LED or signs (except as permitted as a special use pursuant to Sections 28.502(t) and~~

~~28.1507.01.~~

~~(10) Flashing signs.~~

~~(101) Signs with bare bulb illumination except marquees located in the DB Downtown Business District; DT Downtown Transition District; or Fairview Concentrated Business District.~~

~~(142) Attention getting devices.~~

~~(123) Signs containing exposed gas tubing, exterior to the building, including but not limited to Argon and Neon.~~

School Marquee

(134) Roof Signs.

(145) Box-type Signs in the DB Downtown Business District; DT Downtown Transition District; or Fairview Concentrated Business District.

(156) Any sign that advertises, identifies, or pertains to a business no longer conducted, or a product no longer sold, on the premises where such sign is located, within the last thirty (30) days.

(167) Any sign painted directly on a wall, roof, or fence, except in the DB Downtown Business District; DT Downtown Transition District; or Fairview Concentrated Business District.

(178) Any sign placed or attached to a telecommunications tower, pole, or antenna.

(189) Signs containing manual changeable copy consisting of more than two lines, except that automobile service stations which dispense fuel, , governmental agencies, schools and churches may have up to four (4) lines of manual changeable copy. The changeable copy surface area shall be included in the total surface area allowed.

(1920) Signs containing electronic Changeable Copy/Message Board, except as permitted as a special use pursuant to Sections 28.502(t) and 28.1507.01.

(201) Single pole signs with a base of less than two (2) feet wide.

(242) Any sign not expressly permitted in this Article.

Section 3. That Section 28.1507.01 is hereby added to read as follows:

28.1507.01 Electronic Changeable Copy/Message Boards.

Provided a special use is duly authorized by the Village Council pursuant to Sections 28.1900 and 28.502(t), one (1) monument sign with electronic changeable copy/message board may be permitted in lieu of any other monument or free-standing signs permitted herein subject to the following conditions:

- a. The maximum surface area of the sign shall be no greater than fifty (50) square feet. The electronic changeable copy/message board shall be included in calculating the total surface area allowed.
- b. The maximum height of the sign shall not exceed six (6) feet.
- c. The sign shall be located on a frontage which is adjacent to an arterial street as designated by the Downers Grove Future Land Use Map.
- d. Messages shall be displayed for a period of two (2) seconds or more duration.
- e. Messages that move or flash shall not be permitted.
- f. The property for which such sign is proposed shall be a minimum of eighteen (18) acres in size.

Section 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5. 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



Village of Downers Grove

STAFF REPORT

TO: Plan Commission

REVIEW DATE: April 7, 2008

FROM: Department of Community
Development

PREPARED BY: Jeff O'Brien, AICP
Senior Planner

TITLE

PC 10-08; Zoning Ordinance Text Amendment – Electronic Changeable Copy/Message Centers;
The petitioner is requesting an amendment to Chapter 28, Zoning Ordinance, Article XV, Signs. The purpose of the proposed amendment would allow electronic message center signs as special uses when properties meet several standards.

Application/Notice: The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

APPLICANT: Community High School District 99
6301 Springside Avenue
Downers Grove, IL 60516

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Applications/Petitions for Public Hearing
2. Summary Letter
3. Zoning Ordinance
4. Draft Amendment Language
5. Minutes from the Sign Committee (10/26/04 and 11/23/04)

DESCRIPTION

The petitioner is requesting approval of an amendment to Article XV (Signs) of the Zoning Ordinance relative to permitting electronic changeable copy/message center signs. Specifically, the petitioner is proposing modifications to Sections 28.502 (Residential District Special Uses) and 28.1501.03 (Prohibited Signs) and adding a new section to regulate signs with electronic changeable copy/message centers. The amendments would permit electronic message center signs as special uses on property that is zoned residential, greater than 18 acres in area and located on an arterial street. These type of signs are prohibited by the Village's current sign regulations.

Proposed Amendments

As noted above, the petitioner is proposing to allow electronic message center signs as special uses in the residential zoning districts. The purpose of the request would be to allow these signs for both high schools in Downers Grove subject to several key regulations. No specific signs are being requested as part of this petition. School District 99 and any other eligible property will be required to apply for a special use for specific sign requests. Information about the specific sign being requested would be provided to the Commission and Council at that time.

The specific draft language has been developed by District 99 and Village staff (including the Village Attorney) and is attached to this report. The key concepts that were developed are as follows:

1. The specific signs would be special uses and subject to additional Plan Commission and Village Council review. As such, conditions such as hours of operation could be included as conditions of approval.
2. Only facilities located in the residential zoning districts on a property larger than 18 acres would be eligible for the special use.
3. The facility would have to have frontage on an arterial road, and the sign would have to be located on this frontage.
4. Only one (1) electronic message center sign would be permitted for each facility. This sign would be in lieu of any other permitted free-standing signage for the facility.
5. The signs would be no larger than 50 square feet (including the electronic changeable copy) and no taller than six (6) feet. This size and height is consistent with the existing monument sign on Main Street for North High School.
6. Electronic messages would have to be displayed for a minimum of two (2) seconds and would not be able to move or flash. These regulations would make the signs less distracting to drivers.

The Village performed an extensive review of its sign regulations in 2004-2005. An amended Sign Ordinance was adopted in May 2005. The amendments re-affirmed the Village's ban on electronic message centers. The Sign Committee discussed electronic message centers during their review of the sign regulations. On October 26, 2004 (minutes attached), the Committee discussed the legality of the ban on these signs. On November 23, 2004 (minutes attached), the Committee recommended prohibiting electronic message center signs. However, the Committee conceded that the ban should be reviewed in five (5) years due to changes in technology.

Staff believes the proposed language could be adopted by the Village and permit District 99 to meet their goals of informing the public of student accomplishments, important announcements and advertising upcoming events. Further, staff believes the language limits the use of the proposed signs to a specific group of properties.

Staff has the following concerns with the proposed amendment:

1. The Sign Committee, Plan Commission and Village Council re-affirmed the Village's ban on electronic message centers during the 2004-2005 review of the sign regulations. Although the Sign Committee noted the ban should be re-reviewed in five (5) years to account for new technology, staff believes there has not been enough change in the technology that would warrant permitting these type of signs.
2. Electronic message centers may not be consistent with the goals of the Sign Ordinance. Specifically, electronic message centers can be unsightly and can cause safety hazards by distracting motorists and pedestrians (*Sign Regulation*, American Planning Association PAS Report #419).
3. The proposed amendment will make electronic message centers available for North and South High Schools as well as Good Samaritan Hospital, Midwestern University, several Downers Grove Park District sites (including the Recreation Center/Golf Course, Lyman Woods, and

McCollum Park), the DuPage County Forest Preserves (Maple Grove and Hidden Lake) and Fairview Village. All of these locations are near or adjacent to single family residential neighborhoods. Electronic message center signs are typically not compatible with residential development due to the amount of light they produce.

4. The proliferation of electronic message center signs in these highly visible locations could lead to requests from businesses for this type of signage.

Based on these findings, staff does not believe this text amendment is consistent with the sign amendments that went into effect in May 2005. However, staff believes the attached language is appropriate if the Plan Commission finds these signs meet the goals of the Sign Ordinance.

RECOMMENDATIONS

Staff believes the proposed amendments are not consistent with the Village's goals of creating attractive signage that enhances the aesthetics of the community. Staff believes the electronic message centers could present a distraction to motorists and pedestrians. As such, staff recommends that the Plan Commission forward a negative recommendation to the Village Council regarding the amendments to Sections 28.502(t), 28.1501.03(19) and 28.1507.01 of the Zoning Ordinance associated with PC 10-08.

Staff drafted the language with the petitioner. As such, if the Plan Commission finds the allowance of electronic message centers consistent with the goals of the Zoning Ordinance and Sign Ordinance, staff believes the attached language will meet the goals of the petitioner and adequately protect the Village from the immediate proliferation of signage with electronic changeable copy.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:JWO
-att



Community High School District 99

Administrative Service Center
6301 Springside Avenue • Downers Grove, IL 60516-2489
(630) 795-7102 • FAX (630) 795-7199
www.csd99.org

David R. Eblen
Superintendent of Schools

February 22, 2008

Mr. Tom Dabareiner
Director, Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515-4776

Dear Mr. Dabareiner:

The purpose of this letter is to request a text amendment to the current Village sign ordinance that would permit Community High School District 99 to replace a manual signboard with an electronic message center on the campus of North High School and South High School. The District would also request a waiver of the fee associated with a text amendment.

For decades both high schools have used manual signboards to inform students, parents, and community members of upcoming events, recognize students and staff for honors and awards, and provide emergency information as needed. However, the amount of information the schools need to share has grown exponentially in recent years. The time and labor cost associated with manually changing the signboard text results in much school information never being displayed. An electronic message center would allow school information to be efficiently displayed in a cost effective manner.

We would offer the following concepts for consideration in the development of the text amendment:

1. The purpose of the electronic message center is to **communicate information** to the public who provide the financial support for the schools and their educational activities. Our informational purpose falls into the following three categories:
 - a. Emergency Information – The communication of school closings and other immediate changes in school conditions are benefited by an electronic message center.
 - b. Upcoming Events – Many school events are intended for attendance by the general public as well as parents and students. In addition, there are often multiple events in the same week. An electronic message center allows all of these functions to be communicated quickly.
 - c. Recognition – Public recognition of student achievements, awards, and honors is an important motivator for future success. The high schools have several communication vehicles internally (student announcements, principal newsletters, district newsletters, web page, etc.). However, many members of the general public who do not have access to these communication tools also are interested in

North High School
4436 S. Main
Downers Grove, IL 60515
(630) 795-8400

South High School
1436 Norfolk
Downers Grove, IL 60516
(630) 795-8500

Community High School District 99

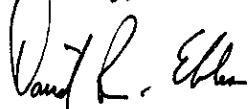
the performance of students as they participate in athletics, activities, and other competitions. Awards are also bestowed on individual staff members and the schools themselves will be honored for various achievements. An electronic message center allows all of these numerous achievements to be effectively shared with the public.

2. Our goal is to seek permission to replace the manual signboards with electronic message centers at the two high schools only. The amendment should focus on message centers to be used by **educational institutions located on property of at least 18 acres.**
3. The manual signboards proposed to be replaced with electronic message centers are located on the school campuses **adjacent to an arterial roadway.** (North High on Main Street and South High on 63rd Street.) The volume of traffic on these roadways makes them desirable locations for disseminating information to a large public audience.
4. The current size of the manual signboards totals 50 square feet in surface space. This includes the top portion of the current signs with the school names as well as the area available for text messages. We propose that the new electronic message centers be **no larger than a total of 50 square feet**, to include the name of the school and text message space. A limitation of one electronic message center per site is a reasonable consideration.
5. The goal of the electronic message center is to share information rather than grab a passerby's attention in order to sell a product or service. Consequently, **operational protocols will be developed**, to include the frequency messages will change, the times of operation, etc.
6. To ensure the electronic message centers are consistent with the desired signage environment of the Village of Downers Grove, the high school electronic message centers should be **authorized through a special use permit** that complies with the Village's special use criteria.

The school district is very aware of the extensive discussions that led to the Village's current sign ordinance. We recognize the multiple perspectives that were considered in developing the new ordinance, and understand the Village's need to observe its own ordinances. At the same time, the high schools are integral components of the Village's fabric. Funded by the property taxes of Village residents, it is important for the schools to link with residents through ongoing communication tools. Electronic message centers provide an effective and efficient means for meeting the school goal of positive community engagement. We do not believe the message centers will negatively impact the health, safety, or welfare of the Village or its residents.

We welcome the opportunity to work with Village officials to meet the school district's informational needs within a framework that is satisfactory to the Village.

Sincerely,



David R. Eblen
Superintendent

p.c. Board of Education

DRAFT
Sign Committee
**Workshop Discussion: Members from the Plan Commission, Economic
Development Commission, and the Zoning Board of Appeals**
Meeting Minutes
October 26, 2004, 2004 12:00 PM
Committee Room

Present: Chair Nicholaou, Commissioner Chalberg, Commissioner Benes, Commissioner McCormick, and Commissioner Randall

Absent: Commissioner Waechtler

Staff: Don Scheidler, Inspector, Code Services
Lori Sommers, Planner, Planning and Community Development

Public: Robert Pinelli, PS Signs and Apparel

1. Review and Approve Minutes

The Sign Committee reviewed and approved the meeting minutes from October 21, 2004, subject to correcting a typo.

2. Review and Discuss Ogden District Signage

Discussion:

Chair Nicholaou reported that the Chamber, Downtown Management Board and the public were all notified of the meeting date change from Thursday's to Tuesday's.

Chair Nicholaou started the meeting off by asking if the Sign Committee wished to start discussion on the uniformity of wall signs. Commissioner Randall stated that Naperville had approved larger signs for automobile dealerships and felt that the one hundred square feet was too big but noted that the City of Naperville is making a conscious discussion to go after those tax dollars. The Sign Committee generally discussed that it did seem big and also wondered about the legal aspects of allowing one use to have larger signs than another. The Sign Committee asked if the Legal Department could look into it.

Commissioner Randall asked for a review of last week's discussion on illuminating awnings and wondered if the Sign Committee should review this section under the CCA/Fairview District. Chair Nicholaou reviewed their discussion on awning on Ogden and stated that the committee would return to the downtown district for further discussion after the draft of the code is completed.

Chair Nicholaou asked if the committee would like to review frontages. Commissioner Benes stated that he had a suggestion for possibly alleviating some issues pertaining to the visibility of signs along Ogden Avenue. Mr. Benes suggested that the Sign Committee allow two sign heights, one for a ten-foot monument and the other for a pole type sign that had the sign portion start at ten-feet but not be higher than fifteen feet tall. The Sign Committee discussed this suggestion and questioned if it would really solve the problem of height. Mr. Scheidler stated that if the Sign Committee wished to pursue this option then there is a possibility that Ogden Avenue could end up looking similar to what the Village has now. Mrs. Sommers stated that this suggestion does not seem to contain the theme of having the signage along Ogden consistent. Chair Nicholaou suggested that the Sign Committee should make alternatives based on the direction we have been heading.

The Sign Committee then turned their discussion to monument signs and the proposed requirement for having the base be a minimum of eighty percent of the width of sign. Chair Nicholaou stated that he would like to have a page in the final ordinance that shows various depictions of the type of signs and bases allowed by the new code.

Commissioner Chalberg stated that she did not think that these eighty percent bases would look good up and down Ogden Avenue. She continue to state that the signs depicted in the Ogden Avenue Master Plan shows pole type signs and would those be allowed now? Mrs. Sommers stated that those pole signs would not be allowed unless the bases were eighty percent of the sign. Mr. Scheidler suggested changing the definition of a monument sign to state that a monument must be supported by a base, which is a minimum of two feet wide, by the width of the sign. The Sign Committee generally agreed with that change.

The Sign Committee next discussed whether or not to allow changeable copy signs or digital signs. The Sign Committee quickly all agreed that they did not want to allow digital type, LED, signs. The Sign Committee asked if the Legal Department could look into how the Village would defend not allowing any LED's or flashing signs. The discussion then turned to changeable copy lines and whether to allow one, two line or none at all. The committee generally felt that if they allowed changeable copy then it would be counted as part of the total allowable signage. The Sign Committee discussed one line verses two lines of changeable copy and decided on allowing one line of changeable copy stating that then they were being business friendly and accommodating to those that used changeable copy signs. The committee also felt that some businesses might not want to use a portion of their total allowable signage for the monument sign and opt to have a promotional window sign instead.

Chair Nicholaou stated the Village should have an automatic review date of five years after approval.

Commissioner Benes asked if the Legal Department could look into the Federal Guidelines for gas station signage. He further stated that he thinks that the Federal Guidelines only state that the price must be placed on the pump and does not specifically state that they need to have a sign displaying their prices.

Chair Nicholaou stated that at the next meeting the committee should review random sites along Ogden Avenue, like they did with the downtown area, and note the signage options for each business. Specifically, the committee should note the positives about the new ordinance, what needs to be corrected, review and modify the prohibited sign category, and if there needs to be modifications to the CCA/Fairview District, such as in illuminating awnings.

Mr. Scheidler suggested that next Tuesday's meeting be cancelled due to elections and with the Village, as a polling place will make it difficult to hold a meeting. The Sign Committee agreed to cancel the meeting. Chair Nicholaou ask Mrs. Sommers to notify the Chamber, Downtown Management Board and have Mr. Kozlowski notify the Sun and the Reporter that there will be no meeting next week.

3. Next Meeting

Chair Nicholaou stated that the next Sign Committee meeting would be next Tuesday, November 9, 2004, in the Committee Room at Noon.

4. Adjourn – 1:50 PM

APPROVED

Sign Committee

**Workshop Discussion: Members from the Plan Commission, Economic
Development Commission, and the Zoning Board of Appeals**

Meeting Minutes

November 23, 2004 12:00 PM

Committee Room

Present: Chair Nicholaou, Commissioner Chalberg, Commissioner Benes, Commissioner Waechtler, Commissioner Randall, and Commissioner McCormick

Absent: None

Staff: Beth Janicki-Clark, Village Prosecutor
Don Scheidler, Inspector, Code Services
Lori Sommers, Planner, Planning and Community Development

Public: Michael Bogert, Downers Grove Chamber; Barb Wysocki, Downers Grove Chamber

1. Review and Approve Minutes

The Sign Committee reviewed and approved the meeting minutes from November 16, 2004.

2. Review and Discuss Signage

Discussion:

Chair Nicholaou started the meeting discussing Ogden Avenue signage and that the Sign Committee decided per the Ogden Avenue Master Plan that monument signs should have a numerical street address located on the sign.

The Sign Committee reviewed awnings and added that if an awning or canopy hangs over the public right-of-way then they must enter into a license agreement with the Village. Commissioner Randall questioned the two color limitation and stated that many businesses have logos with more than two colors. Mrs. Sommers stated that logos are exempt from this provision.

Chair Nicholaou reviewed the Sign Committee's recommendation that second floor businesses can have placards or a blade sign displayed at the front entrance. The Sign Committee raised the question about whether second floor businesses should be allowed window signs. The Committee decided to table this issue and come back to it when they discuss the Liquor Commission's issues.

The Sign Committee reviewed and discussed noncommercial signage which includes institutional, home occupations and subdivision entry signs. Commissioner Chalberg questioned if the structure of the entry gate sign was counted towards the total square footage allowed. Mr. Scheidler stated that they do not calculate the structure for the sign area but there is a height restriction.

Home occupation signs were discussed and it was felt that freestanding signs should not be allowed for home occupations. The Sign Committee also stated that the total sign face area allowed should be reduced from four square feet to two square feet.

Commissioner Waechtler questioned if under the insurance and bond requirements that it should be raised to a million dollars based on our recent conversations about sandwich board signs. Ms. Janicki-Clark stated that she would look into it.

Chair Nicholaou stated that for the amortization section that all signs need to comply by 2010 and if there were any modifications to a sign except standard maintenance then the sign needs to comply with the new regulations. Commissioner Waechtler stated that the committee should put a specific date such as January 1, 2010. The Sign Committee agreed with this date. Commissioner Waechtler also questioned if the Village wants to create incentives for conforming before 2010. Commissioner Randall stated that that is not in the purview of this committee but could be something that the EDC could look into.

Ms. Janicki-Clark raised a question to the group stating that there are prior one year amortization periods for roof and off premises signs. This committee needs to understand that once these new regulations are passed those types of signs will be allowed to continue until the new amortization date of January 1, 2010.

Mr. Benes stated that the variations section needs to be reviewed and possibly modified based on our discussions. Chair Nicholaou stated that it could be attached to the Sign Committee's recommendations.

The Sign Committee then reviewed the definitions section. The Sign Committee decided to add a definition for electronic changeable copy and place electronic changeable copy signs as a prohibited sign. Commissioner McCormick stated that in five years the Village might want to review this since there might be new technology. The Sign Committee felt that electronic changeable copy should be prohibited.

The Sign Committee reviewed window signs and asked for clarification on what is counted as the sign in the twenty percent window allowance. The twenty percent is calculated for permanent or temporary signage in the window. It needs to be clarified in the temporary sign section that temporary window signs are exempt from permit. The Sign Committee questioned if the twenty percent should be changed to twenty-five percent to allow more flexibility to merchants. The Sign Committee agreed to twenty-five percent.

The Sign Committee also discussed second floor signage in the CCA/Fairview District and requiring window signs mounted inside of the glass in metallic or white text with no background and only allowing the business name. The Sign Committee also suggested requiring individual letters for wall signs and not having internally illuminated awnings in the CCA/Fairview District. The Sign Committee continued stating that no temporary window signs should be allowed on the second floor.

Mr. Scheidler reviewed the CCA/Fairview District front yard setbacks in section 28.1110(i) that states that in the CCA/Fairview District there are no setbacks for signs. The Sign Committee stated that this section should be moved into the new ordinance.

Ms. Janicki-Clark reminded the Sign Committee that they needed to review the items from the Liquor Commission. Chair Nicholaou stated that staff should write a recommendation to the Sign Committee on this issue. He went on to state that he does not think it is in our purview to decide what people put in their windows. Ms. Janicki-Clark questioned how the Sign Committee felt about lettering on patio umbrellas, should that be counted towards total square footage of signage allowed. The question was raised as to what constitutes a window sign. Chair Nicholaou stated that any sign visible from the street should be counted as a window sign.

3. Adjourn – 2:55 PM

FILE NO. PC-10-08 A petition seeking an Amendment to Chapter 28 of the Municipal Code, Zoning Ordinance, Article XV Signs, to permit signs containing electronic changeable copy/message board; Community High School District 99, Petitioner

Chairman Jirik swore in those individuals who would be speaking on File No. PC-10-08.

Mr. O'Brien explained the petitioner, Community High School District 99, is seeking a Text Amendment to allow electronic changeable copy signs (message center signs). Proposed modifications would be made to Section 28.502 (Residential District Special Uses) and Section 28.1501.03 (Prohibited Signs), and a new section would be added to regulate signs with electronic changeable copy signs. The amendments would allow electronic message center signs as Special Uses in residential districts for properties greater than 18 acres in area and located on an arterial street. If adopted, the signs would have to return to the Plan Commission and Village Council for approval. Currently, these types of signs are prohibited by the Village's sign regulations.

Mr. O'Brien noted the specific language for the amendment was attached in the Commissioners' packets, and both Downers High School North and South would become eligible properties for the Special Use if the request were approved. In addition, the Village would add a section that would specifically spell out certain regulations for the proposed message center signs, such as restrictions to property size and frontage. Those regulations would be as follows:

1. The specific signs would be Special Uses and subject to additional Plan Commission and Village Council review. As such, conditions such as hours of operation could be included as conditions of approval.
2. Only facilities located in the residential zoning districts on a property larger than 18 acres would be eligible for the Special Use.
3. The facility would have to have frontage on an arterial road, and the sign would have to be located on this frontage.
4. Only one (1) electronic message center sign would be permitted for each facility. This sign would be in lieu of any other permitted freestanding signage for the facility.
5. The signs would be no larger than 50 square feet (including the electronic changeable copy) and no taller than six (6) feet. This size and height is consistent with the existing North High School monument sign on Main Street.
6. Electronic messages would have to be displayed for a minimum of two (2) seconds and would not be able to move or flash. These regulations would make the signs less distracting to drivers.

Mr. O'Brien recalled the Village did an extensive review of its sign regulations in 2004-2005 and an amended Sign Ordinance was adopted in May 2005. The amendments re-affirmed the Village's ban on electronic message centers. He referred the Plan Commission to the Sign Committee minutes dated October 26, 2004 and November 23, 2004 that were attached to the staff report. The Sign Committee recommended

prohibiting the electronic message center signs. However, at that time the Sign Committee agreed the ban should be reviewed in five years to account for new technology.

Staff worked with School District 99 to develop the text language and believes the proposal would work within the Village's sign regulations. However, staff did have some concerns, specifically, 1) there have not been significant strides in the technology that would warrant permitting these type of signs; 2) message centers may not be consistent with the goals of the Sign Ordinance and can be unsightly and can cause safety hazards by distracting motorists and pedestrians; 3) if the amendment is adopted, not only will the electronic message centers become available for North and South High Schools, they will become available for Good Samaritan Hospital, Midwestern University, park district sites and other larger entities; and 4) the electronic message signs could lead to more requests from businesses for this type of signage. Due to these concerns, staff did not support the text amendment. However, if the Plan Commission found these signs met the goals of the Sign Ordinance, the language could be adopted.

Mrs. Rabatah asked what the outcome was from the October 2004 discussion on the legality of the ban, Mr. O'Brien explained he did not know specifically but stated that a state supreme court decided a full ban of electronic message center signs, including time/temperature signs, and was a content-neutral regulation which is how defensible sign regulations must be written. If the Village's Sign Ordinance were challenged, the court's decision would be based on whether or not the Village was regulating the content of signs.

Per Mr. Webster's question, Mr. O'Brien explained staff recommended the text amendment versus the variation process. A variation would go before the Zoning Board of Appeals, and the applicant would have to demonstrate a physical hardship for the electronic message center. As to just allowing the electronic message signs for educational facilities, Mr. O'Brien explained he worked with the Village Attorney on how to go about restricting the use so that it protected the residential areas yet accomplish the goals of the petitioner.

Mr. Cozzo asked for clarification of the Sign Ordinance's stated goals. Mr. O'Brien referenced and read those goals under Section 28.1500. Mr. Cozzo also asked about how the message board would flash a message for two seconds. Mr. O'Brien conveyed the specifics of how often the message changes, when it is operational, etc., would be discussed during the Special Use process if the ordinance were amended. It was noted the message would not be streaming as seen in other electronic signs.

Mr. O'Brien recalled the Sign Committee's reason for not supporting such electronic signage was mainly due to safety issues because of the distractions the signs presented. He stated that he was not present at those meetings so he could not go into details of that meeting. Chairman Jirik recalled from the Sign Committee meetings he attended that there was a variety of signs presented, but the goal of the Committee was to have more aesthetic signs with the signs needing to communicate but not distract. However, one

area of concern was how far the Village wanted to take the electronic signs; i.e., from the large signs such as those found in other Villages, or smaller signs such as those found in Oak Brook. The Committee at that time also understood that it was an issue to be reviewed in the future.

Mr. Waechtler pointed out the steps the Sign Committee took in its October 26, 2004 minutes and the November 23, 2004 minutes, and he recalled the distraction issue was a large factor in the discussions.

Dr. Dave Eblen, Community High School Dist. 99 Superintendent introduced Mr. Marty Schack, District Director of Physical Plant and Operations. Mr. Eblen agreed with the Chair that there was a need to communicate but not distract. He discussed the need to disseminate information from the high school due to the number of events to which the public is invited, reminders about important events, emergency information and the recognition of students and staff. He pointed out the regular signs are time intensive and costly for the manual changing (\$15,000 to \$20,000) of the boards. In addition, both North and South High Schools are part of the DuPage County Homeland Security Emergency Program and quickly disseminating information becomes important. The above reasons were why the District was seeking an electronic message board versus a manual one. Mr. Eblen also stated he resides in Downers Grove and was sensitive to aesthetics.

Mr. Schack presented photographs of the current signage for North High School and explained any electronic signage that would be constructed would look identical to the signage and color in the photograph. The proposed electronic sign would be five feet by ten feet, double-sided, with the message board slightly smaller at three feet by ten feet. The electronic letters can be modified in size. The sign will be a one-color sign with letter colors to be determined. The school intends to display its message for a period of time and not just a few minutes. No flashing or scrolling letters or graphics will be used. The ultimate goal for the District is to change the signboard more often than currently, effectively and efficiently and save the District some money.

Dr. Eblen closed by stating the concern for aesthetics was important, and he wanted to be a good neighbor. He recalled how the school worked previously with the residents on different projects and why the school worked with staff on the Special Use.

Dialog followed on how the schools could be distinguished from other private organizations of the community, wherein Dr. Eblen explained he could not distinguish the high schools from other organizations, but in times of an emergency he believed the community would come to a high school facility before going to other organizations. The Chairman also explained how school districts play a role in families determining to live in a community because the schools may be top performers or offer prestige. He believed there was value to publicizing such information.

Conversation followed that emergency backup was available for the sign. Mr. Schack explained in emergencies, the sign would be limited to those individuals driving past the

buildings. However, in a disaster, the community would be coming to the high schools for food distribution, medicine and clothing, and the electronic signs could assist in such situations. An explanation followed on the manual labor and costs associated with employees changing the current signs.

Per Mr. Schack, the proposed electronic sign board costs anywhere from \$10,000 and up. The structure cost anywhere from \$5,000 and up. The structure at North High School would be reused. The sign at South High School was old and not structurally sound and would need to be replaced. Operational costs for the electronic message center were minimal, and activity directors would input the messages. In less than two years, the signs would pay for themselves.

Concerns raised by Mr. Beggs included the proliferation of signs throughout the Village. Dr. Eblen believed it was a matter for the Commission to make distinctions by categories. The Commission could make a recommendation to support public educational institutions as one way to create a specific category based on the emergency nature of schools, how they are used and the commitment to the community, etc.

Mr. O'Brien stated the amended text was originally drafted to limit these type of signs to educational institutions, which was too narrow of a classification per the Village Attorney. He further explained if the Commission was comfortable with the concept of the electronic message centers, then they could attach a recommendation that these signs be limited to specific uses. However, from staff's perspective, there were concerns about such narrowness of the ordinance.

As to other facilities requesting similar signs, Mr. O'Brien confirmed they would have to come before the Plan Commission as Special Uses. Additionally, as to where signs can proliferate in the Village, he read the three criteria that must be satisfied to even be considered for the Special Use; i.e., the facility must be in a residential zoning district; the facility must be at least 18 acres; and front an arterial route. Asked if the Homeland Security reference could be used as criteria to narrow the request, Mr. O'Brien indicated that matter was not discussed with the school district.

Furthermore, the Chairman proceeded to suggest language in the text amendment, which limited the messages to text message only, and not graphics, which in turns began to restrict other distasteful electronic messages. Mrs. Rabatah voiced concern about the electronic messages being displayed and drivers being distracted by the messages when students are crossing 63rd Street. Dr. Eblen responded the issue will arise twice a day; i.e., when school starts and when school ends, and it will be a matter of determining how frequent the message changes with the goal to inform and not distract. The less frequent change of the message will reduce the distraction to the driver. Per her question, Dr. Eblen estimated 25 high schools in DuPage County had such signage.

Chairman Jirik opened up the meeting to public comment. No comments received. The Chairman closed the public comment portion of the meeting.

In considering the request, Mr. Waechtler suggested rather than changing the Ordinance, the matter could be viewed as a Special Use request on its own for the two high schools and due to extenuating circumstances, (the schools being used as emergency centers), it could justify the electronic signage for the two buildings. Adding to that, Chairman Jirik still supported the requirements of the other restrictions as justification to have such signage.

As to staff's thoughts, Mr. O'Brien again explained in order to allow for a sign to be installed that was not allowed specifically in the Ordinance, the petitioner would have to go through a variation process and demonstrate a hardship. He stated that in staff's opinion, it would be difficult to demonstrate the ordinance created a hardship for the school district. In addition, he explained if electronic signs were allowed, whether by variation or whether by Special Use, when any such use was allowed in the community, there was the concern of precedence and challenges in court. If electronic signs were going to be allowed, staff would only want approval to be granted through the Special Use process where operational conditions, colors, message changes, etc. could be placed upon the signs. Placing conditions on a variation is more difficult. On that note, the Chairman agreed that the more detailed the ordinance was, the more degrees of freedom were being eliminated, and staff was placing a tighter boundary on the Special Use. As a compromise, he recommended adding some of the other refinements so that when a petitioner comes in for a Special Use it is not the distasteful sign as seen in other areas. Mr. Matejczyk concurred with having the conditions in the Special Use.

Chairman Jirik suggested if the Commission was favorable, to consider, with the advice of legal counsel, the ability to add language specifying in addition to 18 acres and emergency centers, that the Village Council consider the language as well as additional specifications to provide some boundary on the types of signs that would qualify, including monochromatic, light standards, text, etc. The revisions would be up to the Village Council.

From staff's perspective on the above discussion, Mr. O'Brien explained the requirements were tailored toward large institutional-type uses and tailored to eliminate the large video-type signs. If additional conditions needed to be placed, he recommended tailoring them to the individual signs as the Commission reviews them on a case by case basis as part of the Special Use approval process; others concurred.

WITH RESPECT TO FILE NO. PC-10-08, MR. WEBSTER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL RECOMMENDING APPROVAL OF THE TEXT AMENDMENT FOR ELECTRONIC MESSAGE CENTER SIGNS AS DRAFTED.

THE MOTION WAS SECONDED BY MR. MATEJCZYK.

Mrs. Hamernik would not support the motion because she felt signs were not the most effective way to communicate. She queried how the Village could communicate to a

bank or other businesses that electronic message signs were not allowed for them but allowed for the school district. Mr. Waechtler explained while he initially felt the same way, he explained when he drives by the high school he reads the signs. The second reason why he changed his mind was that the high schools were emergency centers, which was important. Mr. Beggs also supported Mrs. Hamernick's comments, but he would support the request because he felt he was too attached to old views, and he wanted his vote to be a vote of faith. Mrs. Hamernik stated she cannot see a difference between a school sign and a private commercial sign advertising goods like a gallon of milk for \$1.99. She feels she could not justify the reasoning to the private commercial uses that want the same type of a sign.

ROLL CALL:

**AYE: MR. WEBSTER, MR. MATEJCZYK, MR. COZZO, MR. BEGGS,
MRS. RABATAH, MR. WAECHTLER, CHAIRMAN JIRIK**

NAY: MRS. HAMERNIK

MOTION CARRIED. VOTE: 7-1

Chairman Jirik encouraged the Mayor and Village Council to carefully review the minutes and on advice of counsel, consider restricting the text to preclude signs that were abundantly described as being objectionable and limiting what may come forward, as they see appropriate and, if advisable, to return the request to the Plan Commission for further review.

Mrs. Hamernik stated her earlier comments were her reasons for voting Nay.



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hearing 4/7/08