

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
JUNE 17, 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*.

UPDATE & RECOMMENDATION

This item was discussed at the June 10, 2008 Workshop. David Eblen of District 99 has provided staff with a memorandum addressing Council's concerns raised during the meeting. This memorandum has been attached for Council's information.

As mentioned at that meeting, the Plan Commission recommended approval of the text amendment with a vote of 7-1. Staff continues to have concerns about these signs and recommends denial of the text amendment on the June 17, 2008 active agenda. A vote of no will deny the text amendment; a vote of yes will approve 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.



Community High School District 99

Administrative Service Center
6301 Springside Avenue • Downers Grove, IL 60516-2489
(630) 795-7102 • FAX (630) 795-7199
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David R. Eblen
Superintendent of Schools

TO: Mr. David Fieldman
Acting Village Manager

FROM: David R. Eblen *DRE*
Superintendent

DATE: June 11, 2008

RE: Response to Village Council Concerns about Text Amendment for
Electronic Message Boards

After listening to the Village Commissioners share their perspective on the District's petition for a Text Amendment to the Village Sign Ordinance, I would like to share the following information. Please know that I fully understand the concern for modifying the ordinance that emerged from a long study that had multiple perspectives which were not always compatible. I also recognize that many property owners have complied with the new sign ordinance, and in fact have met the requirements sooner than had been anticipated or was allowed by the ordinance's grace period. Making a revision to a relatively new ordinance that had a major impact on many property owners in the Village is problematic. As a governmental body ourselves, I am sure there have been times when District 99 has similarly rejected requests for revisions to a policy or regulation because it had emerged from a process with multiple perspectives and the resulting policy was not necessarily what each stakeholder would have preferred.

At the same time, I do believe it is important to clarify precisely what District 99's petition for a Text Amendment is hoping to achieve. Based on the individual comments by Commissioners, I am not sure they were fully aware of how thoroughly the District has studied the issue and, more importantly, is ready to commit to a very conservative approach in its use of an electronic message board to communicate to the public.

Let me be very clear about the school district's intention and means for achieving its goal.

1. The Electronic Message Board Itself – In the Village staff presentation, pictures were shown of various electronic signs in the area, and many were not representative of the District's vision, such as the Hollywood Boulevard message board. Unfortunately, a picture was not shown of the current North High School sign. The District simply wants to take the manual letter area of the current sign and convert it to an electronic message board. In addition, the school district is willing to observe the following:

- The LED display would be one color only on a black background.
- The LED display would not use graphics.
- The LED display would not flash, "explode", and do the other kinds of things that is often seen on electronic message boards.

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

- The message board could be programmed to change no more frequently than a set time period (i.e., 3 minutes, 5 minutes, hourly) to minimize distracting drivers. It costs the District approximately \$15,000 per year to manually change the sign. The electronic message board, regardless of the frequency of changing the text, totally eliminates that staff cost.
- The sign could be turned off between 10:00 p.m. and 6:00 a.m.
- The current electronic message boards have rheostats to adjust the brightness of the sign. Our lighting engineers indicate that the brightness that would be recommended for night time would in fact be less than the brightness of the current manual sign. Thus light intrusion in a residential neighborhood would be less than currently experienced.

2. Exceptions for Educational Institutions

- The Text Amendment that was submitted for Council consideration was drafted to be very tight. Because of the conditions related to minimal acreage and location on an arterial road, there are no other schools in the Village that would qualify except for Midwestern University located on 31st Street. For anyone concerned about the expansion of electronic message boards to other educational institutions in residential neighborhoods, as the Text Amendment is currently written there would be no other schools in the Village that qualify.
- The high schools have a unique need to communicate effectively with the public for matters that have a community benefit.
 - The two high schools are designated as emergency centers by both the DuPage Homeland Security Office and the American Red Cross. In the event of a tornado, train wreck requiring evacuations due to a chemical spill, and other disasters, the electronic message board allows quick dissemination of vital information to the public at sites that will be safety centers for community residents. Use as designated safety centers makes the high school sites distinctive from the Village staff concern that electronic message boards will be requested by the Park District and Forest Preserve District. Their facilities would not be useful during a community disaster.
 - Inclement weather is a factor in school operations. This past winter was a good example where although school was closed for only one day, there were many other days when there was a question as to whether school would be open or closed. An electronic message board would help inform about school status as early as 6:00 a.m., when some students and staff arrive. In addition, the annual Commencement ceremony is a major community event. Questions always arise as to whether the ceremony will be inside or outside when the weather is questionable. This year's graduation day was a good example where it would have been beneficial to have the electronic message board to

inform parents and the public about the location of the Commencement program.

- There are many community events (Mayors Basketball Classic, Muriel Anderson Thanksgiving Concert, Downers Grove Choral Society Concert), as well as various taxing body meetings (Downers Grove Village Strategic Planning meeting) that are held at the high schools. An electronic message board would provide a public service for these community events.
- As noted in the Commissioners' comments, one of the strengths of the Village of Downers Grove is the quality of its schools. Each year the Board of Education honors anywhere from 350 to 450 recipients of awards earned by students, teachers, staff, teams, and/or the school itself. All of these achievements are a tribute to the community and help boost community pride. A manual message board simply does not allow all of these accolades to be shared with the general public.
- The Plan Commission members shared some of the same concerns voiced by Village Commissioners about "opening the door" to other entities if the high schools were allowed to use electronic message boards. The Plan Commission recognized, however, that requiring each request to go through the Special Use Permit process would 1) ensure tight control on which entities received permission to use an electronic message board, and 2) could define the operational aspects of the electronic message board. Perhaps a conversation with members of the Plan Commission would be helpful to the Village Council members.

Thank you for allowing me to share these reflections from last night's meeting. I would be happy to expand on them if there is further interest.

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** June 17, 2008
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** 10-08
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt “AN ORDINANCE AMENDING SIGN PROVISIONS”, as presented.

SUMMARY OF ITEM:

Adoption of the attached ordinance shall amend sign provisions to allow electronic message center signs as special uses.

RECORD OF ACTION TAKEN:

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