

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
FEBRUARY 14, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Sign Ordinance Amendment	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance was prepared adopting an amendment to the Sign Ordinance extending the sign compliance deadline from May 4, 2012 to May 5, 2014.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 include *Strong and Diverse Local Economy* and *Exceptional Municipal Services*.

FISCAL IMPACT

Extending the compliance deadline would reduce Village expenses related to sign ordinance efforts.

UPDATE & RECOMMENDATION
 This item was discussed at the February 7, 2012 Village Council meeting. Staff recommends approval on the February 14, 2012 Active Agenda.

BACKGROUND

The Village Council approved a comprehensive amendment to the sign ordinance in May 2005. The ordinance contains a provision in Section 28.1512g that requires all signs come into compliance with all regulations no later than May 4, 2012, thereby creating a seven year amortization period. The seven year amortization period was established based on the life expectancy of a typical business sign and was intended to provide ample time for property owners to bring any non-conforming signs into compliance with the regulations.

The Village Council discussed extending the amortization date at their December 13, 2011 meeting. Based on Village Council feedback during that meeting, staff prepared an amendment to extend the amortization period two years to May 5, 2014. Extending the compliance deadline would:

- Recognize current and recent economic conditions
- Allow for additional signs to come into compliance voluntarily
- Allow for more use of the OASIS program along the corridor with greatest non-compliance

- Reduce the work load and costs for the Village
- Promote the “facilitate not regulate” approach

The Council raised the following questions during their discussion:

- *Primary reasons for businesses to comply with the sign ordinance* – Businesses and property owners modify signs for two specific reasons: 1) the ordinance requirement is triggered by a change in any signage on the building or 2) the business/owner is receiving an economic incentive from the Village (e.g. an OASIS grant or sales tax rebate agreement). It is the staff’s experience that owners do not change signage simply to comply with the Village’s regulations.
- *Effects of extension on court rulings in the future* – The courts tend to look favorably on extending the deadline. There are two reasons that granting more will strengthen the Village’s position. First, granting additional time recognizes the unique economic conditions and provides additional notice for owners, which is often viewed favorably by courts. Second, granting additional time will likely decrease the number of cases that would necessitate court action, placing less burden on the court.
- *Detailed Business Education Plan* – Assuming the extension is approved, staff would implement the following plan:
 - February 15, 2012 – Letters would be sent to owners of nonconforming signs announcing the extended deadline. Individual nonconformities would be detailed along with required actions. Owners in the Ogden Avenue TIF district would be made aware of the OASIS program.
 - February 2012 through May 2014 – The Village will conduct on-going marketing efforts, including publishing announcements on the web site, Channel 6 and Village newsletters. Staff will work with the Economic Development Corporation, Chamber of Commerce and Downtown Management to advertise the deadline to businesses.
 - January 2, 2013 – A second notice would be sent to owners of nonconforming signs.
 - January 3, 2014 – A final, certified notice will go to owners who still have not complied with the sign ordinance.
- *Effects of OASIS Program* – The OASIS program was implemented in 2010. The first grants were awarded in July 2011. To date, 18 applications have been approved. Of those, 15 include removal of nonconforming signs. The Village and Economic Development Corporation continue to promote the program to businesses in the TIF district. In the 2012 notices, staff will inform owners in the TIF district of the program. Additionally, staff and the EDC will review deadlines and adjust so that business can take advantage of OASIS.

To encourage faster compliance, staff and the EDC will explore setting a deadline for funding signs with the OASIS Team. Two changes will be discussed 1) removing the sign component from OASIS starting in 2013 and 2) permitting funding for signs only in conjunction with other site or façade improvements. The next meeting of the OASIS Team is February 10, 2012. These concepts will be discussed at that meeting.

The sign ordinance regulations combined with other Village programs and “triggers” have achieved a high level of compliance. There are approximately 2,250 signs in the Village. Based on additional review of sign permits and site inspections, completed after the Council’s December discussion, nearly 75% of these signs comply with the regulations. Even with the significant compliance, there are still 565 signs that do not conform the sign ordinance. About 20% of these are non-compliant wall signs located on properties with non-compliant stand-alone signs; therefore, the number of affected properties may approximate 450. Signage in the downtown is currently near full compliance. Signage along Ogden Avenue is at about 40%. Other commercial areas fall somewhere in between.

When the compliance deadline was established, the Village did not foresee the poor economic conditions that began in 2008 and are still affecting the Village and businesses today. Many businesses currently do not have the resources to bring non-compliant signs into compliance. Further, the Village has limited resources to dedicate to compliance deadline enforcement efforts.

Based on the rate at which compliance has been achieved within the past few years, staff expects that approximately 200 signs per year will come into compliance. The number of non-compliant signs is projected to decline to approximately 165 by May 2014.

The Plan Commission reviewed the proposed amendment at their January 9, 2012 meeting. One member of the public spoke in favor of the extension. The Plan Commission found that the proposed amendment was consistent with original goals of the sign ordinance. The Commission unanimously recommended approval of the two-year extension.

If the compliance deadline is extended, staff will inform the owners of non-compliant signs of the May 2014 deadline and will continue to facilitate voluntary compliance prior to the deadline.

ATTACHMENTS

Ordinance

Staff Report with attachments dated January 9, 2012

Draft Minutes of the Plan Commission Hearing dated January 9, 2012

Position Letters from the Economic Development Corporation, Downtown Management and the Chamber of Commerce

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Community Development **DATE:** February 14, 2012
(Name)

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

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

Ordinance

Motion to adopt "AN ORDINANCE REGULATING
NON-CONFORMING SIGNS", as presented.

Resolution

Motion

Other

SUMMARY OF ITEM:

This ordinance will extend the date for non-conforming signs to come into compliance with the sign ordinance to May 5, 2014.

RECORD OF ACTION TAKEN:

Sign Regulations

ORDINANCE NO. _____

AN ORDINANCE REGULATING NON-CONFORMING SIGNS

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 28.1512. is hereby amended to read as follows:

28.1512. Non-Conforming Signs/Amortization Period.

Any sign which existed lawfully on the effective date of this sign code which remains or becomes nonconforming by reason of adoption of this sign code or because of subsequent amendments thereto, or which shall become non-conforming by reason of the annexation to the Village of the lot or parcel on which such sign is located, shall be considered a non-conforming sign and the continuance of such sign shall be only as hereinafter permitted:

a. Ordinary repairs and maintenance, including the removing and replacing of the outer panels shall be permitted, provided, the panels are replaced with identical panels and that no structural alterations or other work which extends the normal life of the non-conforming sign shall be permitted.

b. Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.

c. No repair or alteration which increases the size of the non-conforming sign shall be permitted.

d. No non-conforming sign shall be moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of this sign code.

e. If a non-conforming sign is located on property which is sold, with the full ownership of the property being transferred, the non-conforming sign shall be brought into conformance with this code at the time of the transfer unless the business will continue to operate under the same name.

f. If a non-conforming sign is abandoned or the described business discontinued for a continuous period of thirty (30) days, it shall be discontinued and any subsequent sign shall conform to all of the requirements of this sign code.

g. On or prior to ~~May 4, 2012~~May 5, 2014 all non-conforming signs shall be brought into conformance with this article. Said period shall for all purposes be deemed an appropriate amortization period for each and every non-conforming sign presently located within the corporate limits of the Village or hereinafter located within the Village by reason of annexation into the Village of the lot or parcel on which the sign is located. Such amortization period shall be non-compensated.

h. Subsection (g) shall not apply to signs previously granted variances by the Zoning Board of Appeals. Such signs shall be deemed non-conforming signs to which all other provisions of this section shall apply.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Sign Regulations

Mayor

Passed:

Published:

Attest:

Village Clerk



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
JANUARY 9, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC 02-12 Zoning Ordinance Text Amendment – Signs	Zoning Ordinance Text Amendment	Jeff O’Brien, AICP Planning Manager

REQUEST

The proposed amendment will modify the Village’s sign regulations as it relates to the amortization date for nonconforming signs.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

APPLICANT: Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

ANALYSIS

SUBMITTALS

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

1. Application/Petition for Public Hearing
2. Zoning Ordinance
3. Proposed Amendment

PROJECT DESCRIPTION

The Village is requesting review of a text amendment to the sign ordinance. Specifically, the Village Council directed staff to draft an amendment to modify the amortization date for nonconforming signs. The amendment would extend the amortization period two years to May 5, 2014. When the sign ordinance was adopted in 2005, it contained a provision requiring all signs to comply with the regulations on May 4, 2012 – seven years after the ordinance’s original adoption.

The sign ordinance regulations combined with other Village programs have achieved a high level of compliance. There are approximately 2,250 signs in the Village. Based on a review of sign permits and visual inspections, staff estimates that nearly 75% of these signs comply with the regulations, leaving about 565 which must still come into compliance. About 20% of these are non-compliant wall signs located on properties with non-compliant stand-alone signs; therefore, the number of affected properties is about 450.

When the compliance deadline was established, the Village did not foresee the poor economic conditions that began in 2008 and are still affecting the Village and businesses today. Many businesses currently do not have the

resources to bring non-compliant signs into compliance. Further, the Village has limited resources to dedicate to compliance deadline enforcement efforts.

Based on the above factors, the Village Council directed staff to prepare an amendment to extend the amortization period by two years. Extending the compliance deadline would:

- Recognize current and recent economic conditions
- Allow for additional signs to come into compliance voluntarily
- Allow for more use of the Ogden Avenue grant program (“OASIS”) along the corridor with greatest non-compliance.
- Reduce the work load and costs for the Village

Based on the rate at which compliance has been achieved within the past few years, staff expects that approximately 200 signs per year will come into compliance. The number of non-compliant signs is projected to decline to approximately 165 by May 2014.

If the compliance deadline is extended, staff will inform the owners of non-compliant signs of the May 2014 deadline and will continue to facilitate voluntary compliance prior to the deadline.

Specifically, Section 28.1512(g) will be modified to read as follows (proposed language in **bold**).

On or prior to ~~May 4, 2012~~ **May 5, 2014** all non-conforming signs shall be brought into conformance with this article. Said period shall for all purposes be deemed an appropriate amortization period for each and every non-conforming sign presently located within the corporate limits of the Village or hereinafter located within the Village by reason of annexation into the Village of the lot or parcel on which the sign is located. Such amortization period shall be non-compensated.

All of the other provisions of the sign ordinance would remain unchanged.

PUBLIC COMMENT

No public comments have been received to at this time.

FINDINGS OF FACT

The proposed extension of the amortization deadline will provide owners with two additional years to bring their signs in compliance with the Village’s requirements. The proposed amendment recognizes the recent economic conditions and provides a minimum amount of relief for property owners. Further, the extension will allow for the Village to provide additional notification to owners and better prepare for the expiration of the amortization period.

RECOMMENDATIONS

The proposed text amendment provides a minor extension to the amortization schedule adopted in 2005. The proposed change recognizes the recent economic conditions and will provide a minimum amount of relief to property owners. The amendment will allow the Village to provide more notification to property owners and gain more compliance voluntarily. As such, staff recommends the Plan Commission make a positive recommendation to the Village Council to extend the sign ordinance amortization period two years to May 5, 2014.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:jwo
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2012 PC Petition Files\PC 02-12 Zoning Ordinance Text Amendment - Sign Ordinance Extension\Staff Report PC 02-12.doc

File PC 02-12 A petition seeking a text amendment to Article XV, Signs, of Chapter 28 of the Municipal Code. The purpose of the request is to amend certain sign regulations regarding the amortization date for nonconforming signs. Village of Downers Grove, Petitioner.

Chairman Jirik swore in those individuals who would be speaking on this matter.

Mr. O'Brien presented staff's report. He indicated the Village was requesting approval of an extension of the sign ordinance's amortization date. He explained the date is currently May 4, 2012. The new date would be May 5, 2014. The change in the day would ensure the deadline falls on a weekday. He provided background on the sign ordinance and compliance levels. Mr. O'Brien explained that 75% of signs comply with the sign ordinance, which means that 565 signs still need to be updated to comply with Village regulations.

Mr. O'Brien indicated the Village was requesting the extension to account for the economic conditions that were not foreseen when the original update was adopted. He also indicated that enforcing the deadline with the current number of nonconforming signs would overburden the Village staff and court system.

Mr. O'Brien indicated the proposed amendment was consistent with the Village's Comprehensive Plan and original goals of the updated sign ordinance. He stated staff was recommending approval of the extension.

Mrs. Rabatah asked if staff knew where the nonconforming signs are located.

Mr. O'Brien explained staff spent time reviewing sign permit files and inspecting properties in November and December 2011. He indicated staff knows what properties are noncompliant. He explained staff knows the nature of the nonconformity too. He went on to note that Ogden Avenue has the most nonconformity.

Mr. Beggs stated the Village first adopted a sign ordinance in 1965. He indicated the Village reviewed numerous requests for bigger and taller signs almost immediately after the original adoption. He provided an example of an early variation request.

Mr. Quirk asked how staff was notifying owners of violations.

Mr. O'Brien explained if the extension was approved, notices would be sent to owners shortly after the Council approval. He noted owners would receive letters detailing violations and explaining that they had two years to comply. Staff would follow up with a final, formal notice in 2013 to those who were still not in compliance.

Mr. O'Brien stated owners in the Ogden Avenue TIF district would be given a reminder about the OASIS program. However, the Economic Development Corporation was already making owners in this area aware of the program.

Mr. Webster asked how the Village had previously been informing owners.

Mr. O'Brien explained that owners were notified when the ordinance was originally adopted in 2005. He stated the Village also proactively seeks sign compliance when owners apply for sign permits. He noted the sign ordinance contains provisions that owners must bring all signs into compliance when applying for a permit. Mr. O'Brien stated that bringing signs into conformance with the ordinance is a standard condition for redevelopment or incentive agreements with the Village. He noted that these practices helped reduce the number of nonconforming signs.

Chairman Jirik asked if there would be future extensions.

Mr. O'Brien stated the staff did not believe additional extensions would be entertained or necessary given the current and anticipated levels of compliance.

Chairman Jirik went on to say he thought it was important that businesses were treated fairly and that those who continued to wait to comply would not be rewarded with future extensions. He thought that would help ease concerns of businesses that already complied.

Chairman Jirik asked for public comments.

Marge Earl, 4720 Florence Ave, encouraged the Plan Commission to adopt the amendment. She noted that the ZBA would see a sharp increase in the number of sign variation requests if the extension was not adopted. She went on to say this increase in cases would punish others looking to pursue development, redevelopment and home improvements.

There being no further comments from the public, Chairman Jirik declared public participation closed.

Chairman Jirik asked if there were any other thoughts or comments from the Board. There being none, he asked for a motion.

MR. WEBSTER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL RECOMMENDING APPROVAL OF AN AMENDMENT TO THE SIGN ORDINANCE EXTENDING THE AMORTIZATION DATE TO MAY 5, 2012.

SECONDED BY MR. QUIRK.

ROLL CALL:

AYE: MR. WEBSTER, MR. QUIRK, MR. BEGGS, MR. COZZO, MR. HOSE, MR. MATEJCZYK, MRS. RABATAH, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 8-0



January 18, 2012

The Honorable Mayor Martin Tully and
Village of Downers Grove Commissioners
Village of Downers Grove
801 Burlington Street
Downers Grove, IL 60515

Dear Mayor and Commissioners:

Over the course of several years, the Downers Grove Area Chamber of Commerce & Industry has had many meetings with business owners regarding the sign ordinance; we are confident you and the Village staff have as well. The Chamber is supportive of the staff's proposal to delay the required date of compliance for the very same reasons stated within the Manager's report. We also appreciate the Plan Commission vetting this issue and concur with their recommendation.

It has been almost seven years since the sign ordinance was signed into law. In an effort to further the Village's intent of facilitating, not regulating, we recommend an opportunity be granted to suggest considerations for improving the sign ordinance. Just as the economy has changed since its writing, so have stakeholders, legislators, signage and even definitions. It has also been brought to the Chamber's attention that there may be some unintended consequences of the written law and all parties involved would benefit from further clarity, ensuring consistency of intent.

An opportunity to update and enhance the seven year old sign ordinance is consistent with the Village's desire to serve as a business-friendly community; we ask that you support the recommendation of staff and Plan Commission. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Laura Crawford".

Laura Crawford
President & CEO

cc: Downers Grove Area Chamber of Commerce Members
David Fieldman, Village Manager
Enza Petrarca, Village Attorney

DOWNTOWN
Downers Grove

Management Corporation

933A CURTISS STREET
DOWNERS GROVE, IL 60515
PHONE 630.725.0991
FAX 630.725.0993
WWW.DOWNTOWNDG.ORG

February 2, 2012

**The Honorable Mayor Martin Tully and
Village of Downers Grove Commissioners
Village of Downers Grove
801 Burlington Street
Downers Grove, IL 60515**

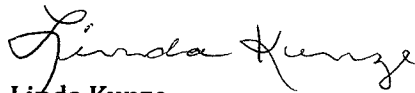
Dear Mayor and Commissioners:

As the representative organization of the downtown business and property owners, The Downtown Management Corporation fully supports the recommendations of staff and the Plan Commission to delay the compliance of the sign ordinance until May 5, 2014.

We also concur with the Chamber to use this moratorium to consider improving the ordinance for the betterment of the Village as a whole. This period would afford the Village an opportunity to transform the ordinance into a user-friendly tool and provide greater clarity and consistency in enforcement.

We appreciate your time and effort in considering this matter. Please feel free to contact us with any questions you may have.

Cordially,



**Linda Kunze
Executive Director**

cc: David Fieldman
Enza Petrarca



Date: February 3, 2012

To: Mayor Tully and Village Council
Dave Fieldman

From: Michael Cassa, President
Downers Grove Economic Development Corporation

Re: Sign Ordinance

On behalf of the Downers Grove Economic Development Corporation, I am presenting our position on the proposed extension of the deadline for businesses to be in compliance with the sign ordinance.

On February 7, 2012 the Village Council will discuss a proposal to extend the May 2012 deadline for compliance with the sign ordinance. The proposal would extend the deadline for two years. Village Manager Dave Fieldman has stated that about 2/3 of signs are now in compliance. The goal is to facilitate the process to bring the remaining 1/3 into compliance.

The current sign ordinance was adopted in 2005. At the time, the economy was strong and businesses, especially smaller businesses, had the financial ability to design and install new signage on their property. However, in the current economy, this is not the case. The condition of the economy, and its impact on local businesses, is the primary reason for the extension of the deadline. Many businesses have shared their concerns about the May 2012 deadline and their ability to bear the costs of new signage at this time.

The Downers Grove Economic Development Corporation agrees with the staff recommendation that an extension of the deadline would help facilitate the goal of bringing all signs into compliance. It would also be another example that the Village of Downers Grove is business-friendly, and values input from the business community. The proposal strikes an appropriate balance between the twin goals of enhancing signage in our community, and supporting local businesses.

The Downers Grove Economic Development Corporation supports the proposed extension of the deadline for compliance with the sign ordinance.