## VILLAGE OF DOWNERS GROVE REPORT FOR THE VILLAGE COUNCIL MEETING NOVEMBER 4, 2014 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
	Resolution Ordinance Motion	David Fieldman
Discussion of Sign Ordinance	✓ Discussion Only	Village Manager

#### **SYNOPSIS**

At the request of Commissioner Rheintgen, a discussion regarding the Sign Ordinance has been placed on the New Business agenda.

#### STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified Exceptional Municipal Services.

#### **FISCAL IMPACT**

N/A

#### RECOMMENDATION

Pursuant to the Village Council Policy on Agenda Items, this item shall be a discussion item only to allow for Council to direct whether staff should prepare the appropriate form of action for consideration at a later date as determined by the Village Council.

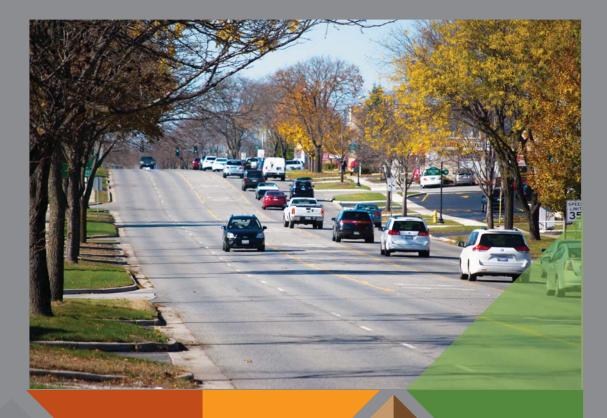
#### **BACKGROUND**

See attached report.

#### **ATTACHMENT**

Report on Sign Ordinance Implementation and Compliance

# Sign Ordinance Implementation & Compliance





#### Introduction

At the October 14, 2014, meeting, the Village Council directed staff to prepare a report about the sign ordinance. This report:

- Provides the Goals & Objectives of the 2005 Sign Ordinance Amendment
- Outlines the major changes included in the 2005 Sign Ordinance Amendment
- Summarizes the results of the ordinance
- Explains the amendments that have been made to the Sign Ordinance
- Shows the relief from the ordinance provided by planned unit developments, variations and administrative adjustments
- Details the Village's enforcement efforts
- · Identifies the common concerns about the ordinance voiced by stakeholders

The information in this report is designed to assist the Village Council in determining if further amendments to the sign ordinance should be considered.

#### Then





#### **Executive Summary**

On May 3, 2005, the Village Council approved amendments to the Sign Ordinance that reduced the size and amount of signage permitted to be installed, required landscaping to be installed around freestanding signs, and prohibited certain types of signs including electronic copy signs. The amendment also established an amortization period that required all signs to comply with current regulations by May 4, 2012, which was later extended to May 5, 2014.

Enforcement of the compliance deadline is a High Priority Action Item for 2014. The enforcement efforts have resulted in a significant reduction in the amount of signage in the Village and a reduction in "sign clutter" particularly evident along Ogden Avenue.

Since the adoption of the Sign Ordinance in 2005:

- The Village Council has amended the ordinance 6 times.
- The Village Council has approved sign variances 7 times as part of planned unit developments.
- The Zoning Board of Appeals has considered 45 sign variation petitions and has granted 28 variations (62% approval rate).
- Village staff has approved 3 administrative adjustments for signs that do not meet the minimum required setback.

As of the date of this report, nearly 95% of all properties with signs are in compliance with the Sign Ordinance. Seventy four properties that are not in compliance are taking steps to comply and 38 properties have not made an attempt to comply. The Village has established a prioritized enforcement strategy designed to address all remaining non-compliant signs within the next 12 months.

Many property and business owners have expressed concerns about the ordinance to Village staff. The following are the three most common comments made to staff.

**No "Grandfathering"** Customers express concerns that they must spend money and time bringing their signs into compliance and would like the existing non-conforming signs to remain in place until they plan to replace the signs.

**Reduction in the Amount of Signage Permitted** The ordinance allows less total signage than the previous regulations. Customers express concerns that they must reduce the amount of total signage on their property.

<u>Prohibition of Electronic Copy Change Signs</u> Many customers, especially larger businesses, have indicated that they would like to install electronic copy change signs.

To achieve compliance, the Village employs a "facilitate, not regulate" approach to the enforcement of the Sign Ordinance. Working together with property owners to identify options for meeting code requirements and allowing flexibility in establishing compliance timelines minimizes the issuance of citations. The Village has created a prioritized system for issuing any citations for outstanding violations.

Minor amendments may be made to the ordinance at any time and would not materially affect the Village's enforcement efforts. However, major amendments made during the enforcement period of the amortization compliance deadline, which began in May 2014 and is expected to run through October 2015, could negatively effect enforcement efforts. A review of the sign ordinance and enforcement efforts would be appropriate in October 2015, after the enforcement period.



On May 3, 2005, the Village Council approved several amendments to the sign ordinance after nearly a year of review and research by Village staff and various committee and board members. The stated purpose of the sign ordinance was to:

- Create a comprehensive but balanced system of sign regulations to promote effective communication and to prevent placement of signs that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.
- Preserve, protect, and promote public health, safety, and welfare.
- Preserve the value of private property by ensuring the compatibility of signs with surrounding land uses.
- Enhance the physical appearance of the Village.
- Enhance the Village's economy, business and industry by promoting the reasonable, orderly and
  effective display of signs, and encouraging better communication between an activity and the public
  it seeks with its message.
- Protect the general public from damage and injury, which may be caused by the faulty and uncontrolled construction and use of signs within the Village.
- Protect pedestrians and motorists by reducing distraction which may increase the number and severity of traffic accidents.
- Encourage sound practices and lessen the objectionable effects of competition with respect to size and placement of street signs.

#### The 2005 Sign Ordinance was Created Based on Extensive Public Input

The 2005 Sign Ordinance took almost one year to draft and was based on the input of businesses, residents, Village board and commission members, Village staff, and the Village Council. Throughout the process, public input was received and considered. The public process was as follows:

May 18, 2004 – The Village Council approved a moratorium on new sign installation.

July 28, 2004 – Sign Subcommittee of the Joint Strategic Planning Committee was created.

August 12, 2004 – Sign Subcommittee held the first of 17 weekly meetings.

January 24, 2005 – Joint Strategic Planning Committee reviewed & approved the ordinance.

February 21 & 28, 2005 – Plan Commission reviewed & approved the ordinance.

April 11 & 26, 2005 - The Village Council reviewed and discussed the ordinance.

May 3, 2005 – The Village Council approved the ordinance.

#### Then







The Sign Ordinance included the following major changes to sign regulations:

- Reduced the size and amount of signage permitted to be installed.
- Reduced the maximum height of freestanding signs.
- Required landscaping to be installed around freestanding signs.
- Prohibited certain types of signs including electronic copy/message boards, LED or flashing signs and exterior neon signs.
- Eliminated the regulations of signs by zoning district and created two sets of regulations (one set of regulations for the Downtown and Fairview areas and another set of regulations for all other locations in the Village).
- Established an amortization period that required all properties in the Village to comply with the sign regulations by May 4, 2012 (7 years)

Minutes of the Village Council meetings where the Sign Ordinance was discussed are available by clicking here:

- Meeting April 11, 2005
- Meeting May 3, 2005

#### Then





#### Results of the Ordinance

The Sign Ordinance has reduced the amount of signage in the Village and has changed the appearance of many areas of the Village, especially along business corridors where a large number of signs are located.

The results of the Sign Ordinance are evident along Ogden Avenue. A number of freestanding signs that did not comply with current regulations have been removed and replaced with compliant signs. "Sign clutter" has been reduced throughout the community.

The video below is a photo gallery of Then and Now signs. If you are unable to view this video, pictures of the featured signs are available in the attachments section of this report.



## Flexibility in the Application of the Sign Ordinance

The Village has been flexible in its application of the Sign Ordinance. Since the adoption of the ordinance in 2005, the ordinance has been amended six times and relief from the regulations has been provided 38 times in the form of planned unit development amendments, variations and administrative adjustments.

#### Amendments to the Ordinance

Since the adoption of the sign regulations, the Village has been reviewing the effectiveness of the ordinance on a regular basis. The Village Council completed general reviews of the Sign Ordinance in April 2006, June 2007, October 2011 and February 2012. The Council directed amendments to the regulations based on the 2006 and 2012 reviews. The Sign Ordinance has been amended six times in the past nine years.

**2006** Amendment for Development Signs and "Housekeeping" In July 2006, the Village Council amended the regulations for development signs and made minor modifications to clarify the regulations without changing the intent of the ordinance.

**2006** Amendment for Garage Sale and Real Estate Signs In September 2006, the Village Council amended the regulations for garage sale and real estate signs to allow for placement of these signs in public rights-of-way at specific times, including weekends.

**2008 Amendment for Political Signs** In June 2008, the Village Council amended the regulations for political signs to remove the time limit restrictions in accordance with state law.

**2010 Amendment for Monument Signs** In January 2010, the Village Council amended the sign ordinance to allow for larger monument signs for properties of 2.5 acres in size or larger and with 260 feet or more of street frontage.

**2011 Amendment for Garage Sale Signs** In October 2011, the Village Council amended the regulations for garage sale signs to permit them to be placed in the public rights-of-way on holidays.

**2012 Amendment for the Compliance Deadline** In February 2012, the Village Council amended the ordinance to extend the amortization compliance deadline by two years, to May 5, 2014.

The Village Council also considered amending the Sign Ordinance on three other occasions, but did not make any changes to the ordinance.

**2007 Butterfield Corridor Amendment Proposal** In September 2007, the Village Council considered creating sign regulations that would apply only to the Butterfield Corridor. The Council tabled the proposed amendment and did not take any further action.

**2008 Electronic Copy Change Amendment Petition** In June 2008, the Village Council considered a petition filed by School District 99 to permit electronic copy change signs. The Village Council did not make any changes to the Sign Ordinance based on this petition.

**2014 Railroad Right-of-Way Amendment Request** In September and October 2014, the Village Council considered a request introduced by Leibundguth Moving & Storage that would amend the Sign Ordinance to permit signs to face the railroad right-of-way. The Village Council did not direct staff to draft an amendment to the ordinance.

## Planned Unit Development Amendments Regarding Signage

The Village Zoning Ordinance includes Planned Unit Development (PUD) overlay districts. This PUD zoning designation is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable zoning district standards and that result in public benefits that are at least commensurate with the degree of development flexibility provided. On seven occasions, the Village Council has approved signage that does not conform to the sign regulations that would otherwise apply as part of a PUD.

**2006 Xsport Fitness Planned Unit Development** In July 2006, the Village Council approved an amendment for Xsport Fitness on Finley Road that allowed for the installation of monument signs and wall signs with height and area in excess of the maximum permitted by the Sign Ordinance.

**2007** Acadia on the Green Planned Unit Development Amendment In March 2007, the Village Council approved an amendment for Acadia on the Green on Mochel Drive that allowed for wall signs that would not otherwise be permitted by the Sign Ordinance.

**2007** Esplanade Planned Unit Development Amendment (Sara Lee) In August 2007, the Village Council approved an amendment to the Esplanade planned unit development to permit the installation of a wall sign on the office building at 3500 Lacey in excess of the maximum size permitted by the Sign Ordinance.

**2008** Esplanade Planned Unit Development Amendment (Carlucci's) In August 2008, the Village Council approved an amendment to the Esplanade planned unit development that allowed Carlucci's restaurant to display temporary signage for a period longer than that allowed by ordinance and with an area in excess of the maximum permitted by the Sign Ordinance.

**2009 Good Samaritan Hospital Planned Unit Development Amendment** In July 2009, the Village Council approved an amendment that allows the hospital to display temporary banners for a period longer than that allowed by ordinance and with an area in excess of the maximum permitted by the sign ordinance.

**2010 Downers Park Plaza Planned Unit Development Amendment** In 2010, the Village Council approved an amendment to the Downers Park Plaza planned unit development to permit additional monument signs that would not otherwise be permitted by the Sign Ordinance.

**2012 Good Samaritan Hospital Planned Unit Development Amendment** In June 2012, the Village Council approved an amendment to the Good Samaritan Hospital planned unit development that permitted the construction of an additional monument sign that would not otherwise be permitted by the Sign Ordinance.

**2014 Art Van Planned Unit Development Amendment** In November 2014, the Village Council will consider a planned unit development amendment for the Art Van furniture store located on Butterfield Road. The proposed amendment would allow Art Van to install signage larger than the maximum permitted by the Sign Ordinance.

## Sign Variations Considered by the ZBA

The Zoning Ordinance offers the opportunity to seek relief from sign regulations by applying for a sign variation. The Zoning Board of Appeals may grant a variation when certain standards are met. Since the adoption of the Sign Ordinance in 2005, the Zoning Board of Appeals has considered 45 sign variation petitions and has granted 28 variations (62% approval rate). The sign variation petitions are detailed in the attached Table 1, page 11.

## **Administrative Adjustments**

Since the adoption of the amended Zoning Ordinance in 2013, Village staff has approved three administrative adjustments for relief to the required minimum setbacks. The administrative adjustments are detailed in the attached Table 2, page 13.

#### **Current Compliance Status**

As of the date of this report, 95% of all properties with signs are in compliance with the Sign Ordinance. Seventy-four properties that are not in compliance are taking steps to comply by obtaining or applying for a building permit for compliant signs. Only 38 properties have not made an attempt to comply with the sign ordinance regulations (see attached map, page 14)

	Number	Percentage
Properties Complying	2138	95.0%
Properties Not Complying		
With Approved Sign Permits, Sign Not Yet Installed	52	2.3%
Sign Permit Application Pending	22	1.0%
No Attempt to Comply with Regulations	38	1.7%
Sub-Total	112	5.0%

#### **Enforcement Efforts Have Achieved 95% Compliance**

The Village's enforcement of the sign ordinance has resulted in 95% of all properties with signs complying with regulations. Only 38 properties have not attempted to comply with the ordinance. In the coming months the Village will focus its efforts on bringing these properties into compliance.

#### **Compliance and Enforcement Efforts**

Efforts to bring properties into compliance with the sign regulations began in 2005 with the adoption of the ordinance. Many properties came into compliance before the May 2014 deadline by installing compliant signs in conjunction with other property improvements or changes (the ordinance states that any changes to existing signage requires all signage on the property to be brought up to current regulations). By the end of 2011, approximately 75% of the properties with signs were in compliance. By April 2014, approximately 88% of the properties with signs were in compliance.

**Enforce the Sign Ordinance Amortization Compliance Deadline** is a High Priority Action Item for 2014. Proactive efforts to achieve compliance began in early 2014 in conjunction with the compliance deadline of May 5, 2014. In April 2014, the Village hired Safe Built, a private code compliance company, to assist with enforcement efforts. The cost of this contract was \$27,360. Approximately 2,600 hours of staff time and Safe Built time have been spent enforcing the sign ordinance in 2014.

As with all code compliance efforts, the Village is employing a "facilitate, not regulate" approach to the enforcement of the sign ordinance deadline. The objective is to achieve compliance by working together with property owners, identifying options to meet code requirements, allowing flexibility in establishing a timeline for removing non-compliant signs, and minimizing the issuances of violation citations that require property owners to appear in DuPage County Circuit Court.

In cases where the Village's approach fails to achieve compliance, the Village will issue violation citations that require property owners to appear in DuPage County Circuit Court. The following prioritization system will generally be used by the Village to determine which properties will be issued citations and when the citations will be issued.

<u>Maximum Number of Citations</u> The Village will issue no more than 10 citations per month. This number is based on the capacity of the Circuit Court and was developed in consultation with the Village Prosecutor.

**Priority 1:** Monument Sign Size & Setback - Citations will be issued to properties with monument signs that do not comply with size and setback regulations.

**Priority 2:** Wall Sign Size, Location & Design - Citations will be issued to properties with wall signs that do not comply with size, location and design regulations.

**Priority 3: Other Violations** Citations will be issued to properties with any other type of violation such as failure to comply with landscaping regulations and display of address regulations.

<u>Priority 4: Billboards</u> Citations may be issued to the two billboards in the Village, both located on Ogden Avenue. Billboards may be subject to other federal rules and regulations and case law that may affect the Village's enforcement efforts.

**Priority 5: Failure to Install Compliant Signs Pursuant to a Building Permit** The Village will continue to work with property owners that are taking steps to comply with the ordinance including applying for permits to install compliant signs. For property owners that obtain permits to install new signs but fail to install them within the one-year period for which a permit is valid, the Village will issue citations upon the expiration of the permit.

To date, the Village has issued 13 citations. Since the time of issuance, 8 properties have come into compliance or are taking steps to comply and 5 properties are in the Circuit Court process.

Staff expects enforcement efforts to continue for another 12 months. While some properties may still be in the Circuit Court system, maximum compliance percentage should be achieved by October 2015.

#### Comments and Concerns of Residents and Business Owners

As can be expected with any set of regulations, many property and business owners are not pleased with all aspects of the Sign Ordinance and have expressed their concerns to Village staff. The following are the three most common comments made to staff:

**No "Grandfathering"** The ordinance requires that all signs come into compliance by May 2014. Customers express concerns that they must spend money and time bringing their signs into compliance and would like the existing non-conforming signs to remain in place until they plan to replace the signs.

<u>Reduction in the Amount of Signage Permitted</u> The ordinance allows less total signage than the previous regulations. Customers express concerns that they must reduce the amount of total signage on their property.

<u>Prohibition of Electronic Copy Change Signs</u> Many customers, especially larger businesses, have indicated that they would like to install electronic copy change signs. The ordinance prohibits electronic copy change signs.



As noted previously, the Sign Ordinance has been amended several times since its adoption over nine years ago. Further minor amendments that would not significantly change the goals and objectives of the ordinance and that would not affect a large number of properties could be made at any time and would not materially affect the Village's enforcement efforts. Major amendments that would significantly change the goals and objectives of the ordinance and that would affect a large number of properties including the properties that have not yet come into compliance could negatively effect the Village's enforcement efforts. Staff recommends that major amendments not be made during the amortization compliance deadline enforcement period, which is expected to run from May 2014 through October 2015. At that time a review of the Sign Ordinance and enforcement efforts would be appropriate.

#### **Attachments:**

- Table 1: Sign Variations, 2005-2014
- Table 2: Administrative Adjustments, 2014
- Map of Non-Compliant Signs

#### Then





Table 1: Sign Variations, 2005-2014

2005				
Case Number	Address	Hearing Date	Request	Outcome
ZBA-12-05	3150 Finley Road	9/28/2005	Re-face Existing Signs	Denied
2006				
Case Number	Address	Hearing Date	Request	Outcome
ZBA-01-06	1113 Butterfield Road	4/26/2006	Re-face Existing Signs	Granted

2007				
Case Number	Address	Hearing Date	Request	Outcome
ZBA-09-07	310 Ogden Avenue	9/26/2007	Wall Sign Location	Granted
ZBA-12-07	2300 Ogden Avenue	7/25/2007	Re-face Monument Sign	Granted
ZBA-14-07	1931 Ogden Avenue	10/24/2007	Wall Sign Location	Denied
ZBA-14-07	1931 Ogden Avenue	10/24/2007	Wall Sign Location	Denied
ZBA-17-07	1212 75th Street	10/24/2007	Total Sign Area	Denied
ZBA-22-07	2424 Ogden Avenue	12/12/2007	Monument Sign Height	Granted
ZBA-22-07	2424 Ogden Avenue	12/12/2007	Wall Sign Location	Granted
ZBA-23-07	5524 Lee Avenue	1/23/2008	Monument Sign Area	Granted

2008				
Case Number	Address	Hearing Date	Request	Outcome
ZBA-03-08	415 Ogden Avenue	5/28/2014	Total Sign Area	Denied
ZBA-03-08	415 Ogden Avenue	5/28/2014	Wall Sign Location	Denied
ZBA-05-08	42 Ogden Avenue	5/28/2014	Total Sign Area	Denied
ZBA-05-08	42 Ogden Avenue	5/28/2014	Wall Sign Location	Denied
ZBA-10-08	3025 Highland Parkway	6/25/2008	Wall Sign Location	Denied
ZBA-13-08	6800 Main Street	11/12/2008	Monument Sign Area	Denied
ZBA-14-08	1711 Ogden Avenue	11/12/2008	Total Sign Area	Denied
ZBA-14-08	1711 Ogden Avenue	11/12/2008	Monument Sign Setback	Granted
2009				
Case Number	Address	Hearing Date	Request	Outcome
ZBA-02-09	2701 Ogden Avenue	1/28/2009	Wall Sign Location	Granted
ZBA-08-09	1229 Ogden Avenue	6/24/2009	Monument Sign Setback	Granted

2010				
Case Number	Address	Hearing Date	Request	Outcome
ZBA-01-10	2100 Ogden Avenue	2/24/2010	Tollway Sign Design	Granted*
ZBA-01-10	2100 Ogden Avenue	2/24/2010	Wall Sign Location	Granted
ZBA-02-10	5101 Mochel Drive	2/24/2010	Projecting Sign Size	Granted
ZBA-02-10	5101 Mochel Drive	2/24/2010	Awning Text	Denied
ZBA-02-10	5101 Mochel Drive	2/24/2010	Moving Sign	Denied
ZBA-03-10	1434 Butterfield Road	2/24/2010	Monument Sign Height	Granted
ZBA-07-10	2150 Ogden Avenue	5/26/2010	Tollway Sign Height	Granted
ZBA-10-10	3031 Finley Road	10/27/2010	Wall Sign Location	Granted

2011				
Case Number	Address	Hearing Date	Request	Outcome
	406-414 Ogden		Monument Sign	
ZBA-05-11	Avenue	11/9/2011	Setback	Granted

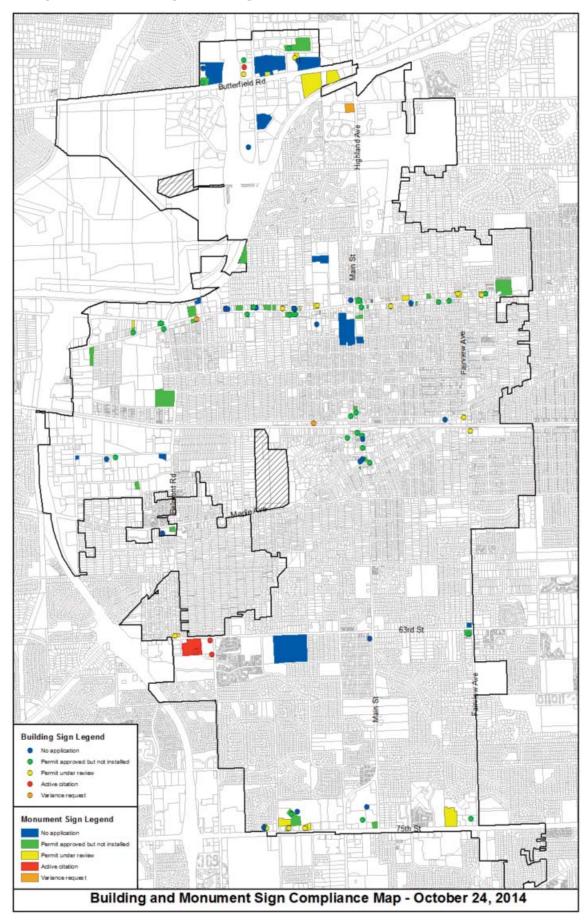
2012				
Case Number	Address	Hearing Date	Request	Outcome
ZBA-02-12	1711 Ogden Avenue	1/25/2012	Monument Sign Setback	Granted
ZBA-03-12	5008 Fairview Avenue	5/23/2014	Monument Sign Size	Granted
ZBA-03-12	5008 Fairview Avenue	5/23/2014	Monument Sign Height	Granted
ZBA-06-12	1509 Ogden Avenue	6/27/2012	Monument Sign Setback	Granted
ZBA-09-12	1866 Ogden Avenue	10/24/2012	Tollway Sign Height	Granted
ZBA-10-12	2300 Ogden Avenue	11/28/2012	Monument Sign Setback	Denied
2013				
Case Number	Address	Hearing Date	Request	Outcome
None				

2014				
Case Number	Address	Hearing Date	Request	Outcome
ZBA-02-14	2535 Curtiss Street	5/28/2014	Wall Sign Location	Granted
ZBA-03-14	1432 Butterfield Road	6/25/2014	Total Sign Area	Denied
ZBA-03-14	1432 Butterfield Road	6/25/2014	Monument Sign Area	Denied
ZBA-03-14	1432 Butterfield Road	6/25/2014	Monument Sign Height	Granted
ZBA-04-14	7401 Lemont Road	6/25/2014	Total Sign Area	Denied
ZBA-05-14	1213 Butterfield Road	6/25/2014	Monument Sign Setback	Granted
ZBA-05-14	1213 Butterfield Road	6/25/2014	Monument Sign Height	Denied
ZBA-05-14	1213 Butterfield Road	6/25/2014	Monument Sign Area	Denied
ZBA-07-14	3300 Finley Road	8/27/2014	Total Sign Area	Denied
ZBA-08-14	980 75th Street	7/23/2014	Total Sign Area	Denied
ZBA-08-14	980 75th Street	7/23/2014	Wall Sign Location	Denied
ZBA-09-14	1660 75th Street	7/23/2014	Total Sign Area	Denied
ZBA-09-14	1660 75th Street	7/23/2014	Monument Sign Height	Denied
ZBA-09-14	1660 75th Street	7/23/2014	Monument Sign Area	Denied
ZBA-11-14	2920 Finley Road	7/23/2014	Total Sign Area	Denied
ZBA-11-14	2920 Finley Road	7/23/2014	Wall Sign Location	Denied
ZBA-15-14	444 Wilson Street	8/27/2014	Monument Sign Setback	Granted
ZBA-16-14	1541-1561 Warren Ave.	8/27/2014	Monument Sign Setback	Granted
ZBA-17-14	4501 Main Street	9/24/2014	Monument Sign	Denied

Table 2: Administrative Adjustments, 2014

2014				
Case Number	Address	Hearing Date	Request	Outcome
ZBA-10-14	1149 Ogden Avenue	7/7/2014	Setback	Granted
ZBA-14-14	1326 Ogden Avenue	8/5/2014	Setback	Granted
ZBA-19-14	3800 Highland Avenue	10/14/2014	Setback	Granted
ZBA-24-14	1001 31st Street	11/11/14	Setback	Pending

## Map of Non-Compliant Signs



Then Now





Then





Then Now



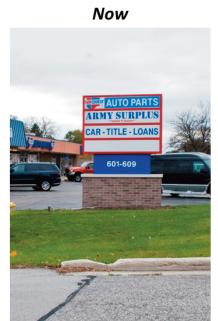


## Then



















## Then











Then









## Then







Then



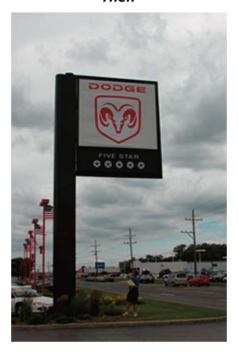












#### Now



Then Now









## Then











Then









## Now



## Then















Then





