

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**7/21/2015**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Zoning Ordinance Text Amendments	Stanley J. Popovich, AICP Planning Manager

**SYNOPSIS**

Ordinance have been prepared to amend the Zoning Ordinance text of the following sections:

1. Section 4.020.C.4.c – Institutional Master Plans
2. Section 4.030.C – Planned Unit Developments
3. Section 9.020 – Prohibited Signs and Sign Characteristics
4. Sections 9.050 and 9.060 – Signs along the BNSF railroad right-of-way
5. Section 12.020 – Zoning Ordinance Text Amendments
6. Section 12.040.C.6 – Planned Unit Development Review and Approval Criteria
7. Section 15.230 - Definitions

**STRATEGIC PLAN ALIGNMENT**

The goals for 2011-2018 include *Exceptional Municipal Services*

**FISCAL IMPACT**

n/a

**UPDATE & RECOMMENDATION**

This item was discussed at the July 14, 2015 Village Council meeting. Staff recommends approval on the July 21, 2015 Active Agenda.

**BACKGROUND**Request #1 - Section 4.020.C.4.c – Institutional Master Plans

Institutional Master Plans provide a framework for development of large, public, civic and institutional uses. The Master Plan process requires the submittal of narratives, drawings and plans that detail existing and proposed conditions. The proposed text amendment provides the Village with flexibility to determine what drawings and plans are most necessary and beneficial to establish an Institutional Master Plan.

Request #2 – Section 4.030.C – Planned Unit Developments

The current Zoning Ordinance does not clearly identify how existing Planned Developments established prior to the adoption of the current Ordinance in 2014 are treated. The proposed amendment reclassifies the previously approved Planned Developments as Planned Unit Developments subject to the regulations that were established as part of their approval.

### Request #3 - Section 9.020 – Prohibited Signs and Sign Characteristics

The current ordinance permits painted wall signs to be located only in the DB, DT and Fairview Concentrated Business District but not elsewhere. The proposed amendment prohibits painted wall signs throughout the Village.

There are instances of flags and murals painted on buildings and these are permitted by the code on the basis that they are decorative, and do not convey constitutionally protected commercial or non-commercial speech.

The Village researched this topic and found the elimination of painted wall signs is common in many municipalities in the area, including Darien, Glen Ellyn, Hinsdale, Lombard and Oak Brook. Painted wall signs present numerous issues, including permanence, on-going maintenance and water damage to the underlying structure. If painted wall signs were permitted, the unintended consequence would permit property owners the ability to install amateurish painted wall signs, by spray can or otherwise, with commercial or non-commercial messages on properties throughout the Village.

### Request #4 – Sections 9.050 and 9.060 – Signs along the BNSF railroad right-of-way

The existing ordinance prohibits the installation of wall signs along the BNSF right-of-way, although projecting, monument, awning and window signs are permitted. Recognizing that some properties cannot physically install a permitted sign along the BNSF right-of-way, the proposed amendment would allow wall signs to face the BNSF right-of-way. The amendment provides additional flexibility to property owners along the BNSF right-of-way.

### Request #5 - Section 12.020 – Zoning Ordinance Text Amendments

The existing ordinance only permits the Village Council to initiate text amendments. Prior to this time, any person, including Village officials, departments, boards or commissions or residents could request a text amendment. The current process has resulted in a less efficient process. The proposed amendment will restore authority to initiate text amendments to the Village Council, Village Manager, Plan Commission or Downers Grove property owners.

### Request #6 – Section 12.040.C.6 – Planned Unit Development Review and Approval Criteria

When a Planned Unit Development is approved, the property is rezoned and must meet the standards for rezoning. The proposed amendment clarifies that the standards for a rezoning must only be met when a new Planned Unit Development is proposed. As proposed, the rezoning standards would not be applicable for existing Planned Unit Developments.

### Request #7 – Section 15.230 – Definitions.

In conjunction with Request #4 above, the definition of tenant frontage is amended to include the width of tenant space adjacent to the BNSF right-of-way for the purposes of Sections 9.050 and 9.060.

### Public Comment

Two speakers at the July 6 Plan Commission meeting expressed concern with Requests #3 and 4.

The proposed text amendments are consistent with the Comprehensive Plan and meet the review and approval criteria set forth in Section 28.12.020 of the Zoning Ordinance.

As the general public can now apply for a text amendment, a \$491 application fee for zoning text amendments shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

**ATTACHMENTS**

Ordinances

Staff Report with attachments dated July 6, 2015

Draft minutes of the Plan Commission meeting dated July 6, 2015

VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY

INITIATED: Community Development DATE: July 21, 2015  
(Name)

RECOMMENDATION FROM: n/a FILE REF: 15-PLC-0018  
(Board or Department)

**NATURE OF ACTION:**

**STEPS NEEDED TO IMPLEMENT ACTION:**

- Ordinance
- Resolution
- Motion
- Other

Motion to adopt "AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE DOWNERS GROVE ZONING ORDINANCE REGARDING SIGNS", as presented.



**SUMMARY OF ITEM:**

Adoption of this ordinance will amend certain provisions of the Downers Grove Zoning Ordinance regarding signs.

**RECORD OF ACTION TAKEN:**

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**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE  
DOWNERS GROVE ZONING ORDINANCE REGARDING SIGNS**

WHEREAS, the Village Council finds:

- 1) Signs painted directly onto a wall, fence, or roof create a greater upkeep and maintenance problem than signs separately manufactured and hung or affixed to a wall, fence or roof, and such signs face increased fading, chipping, deterioration, loss of visibility, brick fracture, and other visual deterioration.
- 2) Signs painted directly onto a wall, fence, or roof present far more demanding and difficult methodology for removal than signs separately hung or affixed to a wall, fence, or roof, and whether by sand blasting, chemical removal, paint over or other method of obliteration, the after effects of removal of such signs painted directly onto a wall, fence, or roof often leave residual ghost signs, discolored building surfaces or other undesirable visual blight detrimental to the appearance of the Village.
- 3) Permitting signs painted directly onto a wall, fence, or roof would allow hand painted spray paint messages to lawfully exist on walls, fences, and roofs, which would cripple the enforcement ability of the Village to eradicate graffiti, and would legalize the very visual blight that the Village has been fighting for the past decade to eradicate.
- 4) Through enforcement efforts and the imposition of a decade long amortization schedule, nearly 100% of signs painted directly onto a wall, fence, or roof have been eradicated, and broadening the prohibition of signs painted directly onto a wall, fence, or roof to include the DB, DT, and Fairview business district will create a uniform rule to protect against the visual detriments of such signs, while leaving ample opportunities to post a multitude of code compliant signs throughout the Village.

WHEREAS, the Village Council further finds:

- 1) The Village sign regulations currently permit multiple signs facing the BNSF rail corridor, but wall signs are required to be posted so as to face a driveable right of way or public roadway so as to assure that the wayfinding safety function of wall signs can be fulfilled by making such signs visible to motorists attempting to locate their destination.
- 2) While monument signs, projection signs, window signs, and other signs are currently permitted facing the BNSF rail corridor, wall signs are not permitted by the current sign regulations.

- 3) Many properties along the BNSF corridor have structures which were built at a time when rear yard set back requirements of the Village Code permitted the structures to be at or near the BNSF property line, thus leaving inadequate rear yard for posting signs which are compliant with the current code provisions.
- 4) By permitting wall signs which face the BNSF, the Village will be providing broader opportunities for signage to those properties with frontage on the rail corridor, while maintaining consistency with the established policy of the Village to permit a broad variety of signage along the rail corridor.
- 5) By recognizing the additional frontage of the BNSF for purposes of allowing additional wall signs, the amendment will nevertheless maintain the driveable right of way and public road frontage as permitting wall signs facing such frontages and thus the amendment will not detract from the regulations which encourage the traffic safety function of wayfinding signs visible to drivers along those roadways.
- 6) By maintaining the gross signage limit of 300 SF per property as well as the limit on the number of signs per tenant frontage, the amendment will still prohibit the unconstrained proliferation of signage and the accompanying visual blight, and the amendment will still require competitive balance by prohibiting one property owner from over signing their property to the detriment of neighboring property values or neighboring business interests.

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

**Section 1. That Section 28.9.020 is hereby amended as follows:**

**9.020 Prohibited Signs and Sign Characteristics**

\* \* \*

- P. any sign painted directly on a wall, roof, or fence, ~~except in the DB, DT or Fairview Concentrated Business District;~~

**Section 2. That Section 28.9.050.C is hereby amended as follows:**

**9.050.C. Sign Regulations Generally – Wall Signs**

\* \* \*

5. In addition to all other signs allowed by Section 9.050, lots with frontage along the BNSF railroad right-of-way are allowed one additional wall sign to be displayed on the wall facing the BNSF railroad right-of-way. Such sign shall not exceed 1.5 square feet per lineal foot of tenant frontage along the BNSF railroad right-of-way. The maximum allowable sign area including all

permitted signs pursuant to Section 9.050 may not exceed 300 square feet excluding any signs expressly excluded from the maximum sign area calculations.

**Section 3. That Section 28.9.060.E is hereby amended as follows:**

**9.060.E. Sign Regulations for Downtown and the Fairview Concentrated Business District – Wall Signs**

\* \* \*

4. In addition to all other signs allowed by Section 9.060, lots with frontage along the BNSF railroad right-of-way are allowed one additional wall sign to be displayed on the wall facing the BNSF railroad right-of-way. Such sign shall not exceed 1.0 square foot per lineal foot of tenant frontage along the BNSF railroad right-of-way. The maximum allowable sign area including all permitted signs pursuant to Section 9.060 may not exceed 300 square feet excluding any signs expressly excluded from the maximum sign area calculations.

**Section 4. That Section 28.15.230. is hereby amended as follows:**

**15.230 Definitions – Words and Terms Beginning with “T”**

\* \* \*

**Tenant Frontage**

The width of a tenant space measured from one side wall to the other along the front exterior wall or other drivable accessible routes or the BNSF railroad right-of-way for purposes of Sections 9.050.C.5 or 9.060.E.4.

**Section 5.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 6.** That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

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**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
JULY 6, 2015 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
15-PLC-0018	Zoning Ordinance Text Amendments	Stanley J. Popovich, AICP Planning Manager

### REQUEST

The Village is requesting multiple text amendments to the Zoning Ordinance. The proposed amendments are to the following Articles:

- Article 4, Institutional and Public Districts and also Planned Unit Developments
- Article 9, Signs
- Article 12, Zoning Ordinance Text Amendments and also Planned Unit Developments
- Article 15, Definitions.

### NOTICE

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

### GENERAL INFORMATION

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

### ANALYSIS

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#### 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 Amendments

#### PROJECT DESCRIPTION

The Village is requesting review of multiple text amendments to the Zoning Ordinance. For each proposed amendment new proposed text is underlined, while text proposed to be removed is shown as a ~~strikeout~~. Each request is described and shown below.

**Request #1 - Amend Section 4.020.C.4.c – Institutional Master Plans**

Institutional Master Plans provide a framework for development of large public, civic and institutional uses. The submittal requirements to establish a master plan include narratives, drawings and plans that detail the existing and proposed physical characteristics of the institution. In many ways, the submittal requirements are oriented towards new institutional uses and do not take into account existing established institutions. The proposed amendments provide the Village with the flexibility to determine what information is necessary and most beneficial to establish an Institutional Master Plan. The proposed amendments are shown below:

**4.020.C.4 Institutional Master Plans****c. Existing Property and Uses**

The institutional master plan must include a description of land, buildings, and other structures occupied by the institution as of the date of submission of the institutional master plan. At the discretion of the community development director, ~~At a minimum~~, the following information ~~may~~ shall be required:

- (1) illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features and other significant site improvements;
- (2) land and building uses;
- (3) gross floor area;
- (4) building height;
- (5) landscaping and lighting; and
- (6) off-street parking and loading facilities.

**d. Uses and Development Envelope**

The institutional master plan must include a description of all proposed land uses to be allowed and the land area and development envelope within which future development will occur. The development envelope shall be described in narrative and through the use of drawings or models. At the discretion of the community development director, the plan ~~may~~ must include the following in describing the development envelope:

- (1) floor area ratio (far);
- (2) average daily and peak-hour traffic;
- (3) height;
- (4) setbacks;
- (5) total site area of open space; and
- (6) total number of motor vehicle and bicycle parking spaces to be provided.

**e. Transportation Management Plan**

At the discretion of the community development director, the institutional master plan ~~must~~ may include a transportation and parking management plan that identifies any traffic mitigation measures to be used.

**f. Nonmotorized Circulation Plan**

At the discretion of the community development director, the institutional master plan ~~must~~ may include a nonmotorized circulation system plan.

**Request #2 - Amend Section 4.030.C – Planned Unit Developments – Zoning**

The existing Zoning Ordinance does not clearly identify how Planned Developments established prior to the effective date of the current ordinance are treated. Under the current ordinance, new Planned Unit Developments require a rezoning of the property to add the suffix “PUD” to the base zoning classification. Staff has processed three Planned Development Amendments in the past year and has had to determine whether or not to require a rezoning in each case. Staff has used the general rule that if the building footprint or size of the buildings are to be increased, the petitioner must rezone the property.

To provide clarity in how existing Planned Developments are treated, staff is recommending that all previously established Planned Developments are reclassified as Planned Unit Developments subject to the regulations in place at the time the Planned Development was approved. The proposed text amendment is shown below:

**4.030.C. Zoning Map**

1. Approved PUDs must be identified on the zoning map by appending the map symbol “PUD” as a suffix to the base zoning district classification, as in “R-4/PUD.”
2. All properties classified by ordinance or resolution as a planned development prior to the effective date of this ordinance are reclassified as a Planned Unit Development (PUD) subject to the regulations established as part of their previous approvals.

**Request #3 - Amend Section 9.020 – Prohibited Signs and Sign Characteristics**

The existing Sign Ordinance permits painted wall signs in the DB (Downtown Business) zoning district, the DT (Downtown Transition) zoning district and the Fairview Concentrated Business District (Fairview Avenue, between Maple Avenue and Burlington Avenue). Painted wall signs are prohibited in all other areas of the Village. The proposed amendment prohibits painted signs throughout the Village. The proposed text change is shown below:

**9.020 Prohibited Signs and Sign Characteristics**

- P. any sign painted directly on a wall, roof, or fence, ~~except in the DB, DT or Fairview Concentrated Business District;~~

There are currently no painted commercial or non-commercial wall signs in the Village. The allowance of painted signs in limited locations of the Village versus other locations may be somewhat more difficult to defend relative to the intent and purpose of the Sign Ordinance as detailed in Section 9.010. There are instances of flags and murals painted on buildings and these are permitted by the code on the basis that they are decorative, and do not convey constitutionally protected commercial or non-commercial speech.

Based on our research, the elimination of painted wall signs is common in many municipalities in the area. The elimination of painted wall signs throughout the Village relates to promoting uniform and equal treatment of such signs regardless of their location or message, and further enhances aesthetics. Painted wall signs simply wear and age differently in a four season climate, and the aging process and illumination challenges can raise significant visibility issues avoided by commercially manufactured wall signs. Tired, faded, chipped wall signs painted directly onto wood or masonry are perceived by many business communities as presenting a negative face to the commercial vitality of the community. Many perceive such signs to be aesthetically undesirable, and as the aging process goes on, more difficult to read as well. Lighting of a wall sign painted onto a building is typically non-existent or done with direct lighting with differing reflective qualities depending on the direction of the viewing. Order and effective

display of signs project a high quality commercial environment that is far more attractive than an area dominated by the visual chaos of signs that are excessively large or deteriorating.

Painted wall signs present numerous issues, including permanence, on-going maintenance and water damage to the underlying structure.

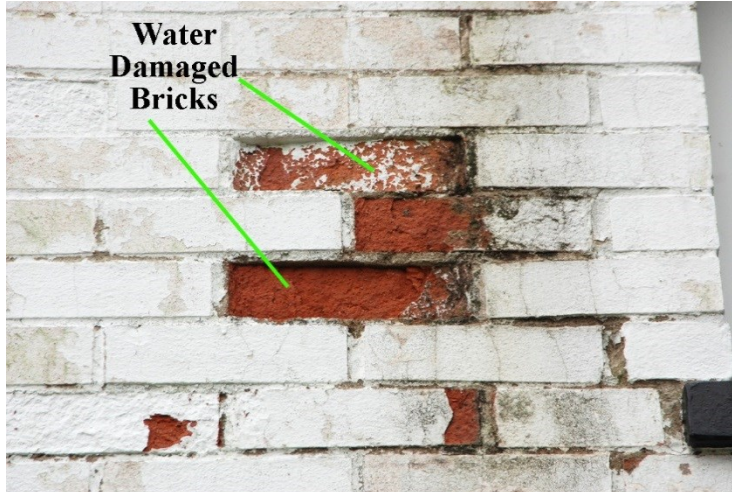
Many buildings in the Village are masonry. Once brick is painted, it is extremely difficult to completely remove the paint. Sandblasting, power-washing or chemical applications are common practices to remove paint from brick. All of these removal processes are very caustic and can cause significant damage to the brick. In many cases, all of the paint is not removed and can leave what is known as a ghost sign (see picture below). The ghost sign will continue to cause brick deterioration as described below. Additionally, if a business relocates, there is no guarantee that the new coat of paint will completely cover the older sign which would be a violation of Section 9.090 which requires all signs advertising a discontinued business be removed within 30 days.



Source: <http://static.messynessychic.com/wp-content/uploads/2013/11/ronan.jpg>

Once a building is painted, there is continued on-going maintenance as the paint begins to immediately deteriorate and the wall will need to be repainted again soon. The building must be frequently repainted because of the potential for water damage to the brick.

Water damage is a significant concern with painted brick buildings. Bricks need to “breathe.” Bricks naturally absorb and discharge moisture. If a brick surface is painted, moisture will still enter the brick via hairline cracks in the paint or through other breaches within the masonry. Since paint is not a breathable material, moisture that accumulates within the masonry cannot evaporate during the warmer and dry days. Instead, the moisture accumulates on the surface of the masonry where the paint begins. Because the paint has closed the brick pores, the paint prevents the brick from breathing. When the temperature drops below freezing, the accumulated moisture freezes and expands shearing the faces of the brick with a delamination or spalling process. The masonry is now open and exposed to additional water infiltration which can lead to larger areas of damage. The sign then loses some of its visual appeal and requires repainting.



Source: <http://www.cincihomepro.com/2010/03/repairing-painted-bricks/>

Currently, all roof signs are prohibited, except for signs located on a mansard roof. If allowed, a commercial or other property could therefore paint a sign on a mansard roof. Similar concerns of painting walls as noted above would apply to the mansard roof materials.

Similar to masonry, the allowance of painted signs on a fence could lead to a de-facto approval of an additional monument sign on the property. Typically a fence is located along the property line. A sign painted on the fence as a monument style sign along a property line would not meet the setback requirements for monument signs and could also become a maintenance issue. Similarly, painted or stained fences require more frequent maintenance as the paint will deteriorate over time. The deterioration could lead to unkempt fences creating a poor appearance of the Village.

If painted signs were permitted in the Village, the unintended consequences would permit property owners to install amateurish painted wall signs with commercial or non-commercial messages on properties throughout the Village, by spray can or otherwise. By allowing these amateur signs it could present a negative face to the overall vitality of the community. The continued vitality of the community is one of the key tenants of the Comprehensive Plan.

Furthermore, by allowing painted signs, graffiti could be painted or sprayed onto a building and the Village would have one less regulation in our enforcement tool belt to remove such graffiti. This could also lead to a negative perception of the Village.

#### **Request #4 - Amend Sections 9.050 and 9.060 – Signs along the BNSF railroad right-of-way**

The existing sign ordinance prohibits the installation of wall signs along the BNSF railroad right-of-way (BNSF ROW) because the BNSF ROW is not a public roadway or drivable right-of-way. The ordinance does allow the installation of monument signs, projecting signs, awning signs and window signs along the BNSF ROW. Recognizing that due to lot size and setback restrictions some properties cannot physically install a permitted sign facing the BNSF ROW and to be flexible in the types of signs that are allowed along the BNSF ROW while furthering the purposes of the Sign Ordinance identified in Section 9.010, the Village is proposing to also allow wall signs to face the BNSF ROW throughout the Village.

The proposed amendment would allow a single wall sign to face the BNSF ROW. The allowable sign size of the BNSF ROW wall sign would be based on the tenant frontage facing the BNSF ROW. This frontage could not be used to increase sign sizes on other building or monument signs. When taken in

total, all other permitted signage for the property may not exceed 300 square feet total. The proposed text amendments are shown below:

### **9.050.C. Sign Regulations Generally – Wall Signs**

5. In addition to all other signs allowed by Section 9.050, lots with frontage along the BNSF railroad right-of-way are allowed one additional wall sign to be displayed on the wall facing the BNSF railroad right-of-way. Such sign shall not exceed 1.5 square feet per lineal foot of tenant frontage along the BNSF railroad right-of-way. The maximum allowable sign area including all permitted signs pursuant to Section 9.050 may not exceed 300 square feet excluding any signs expressly excluded from the maximum sign area calculations.

### **9.060.E. Sign Regulations for Downtown and the Fairview Concentrated Business District – Wall Signs**

4. In addition to all other signs allowed by Section 9.060, lots with frontage along the BNSF railroad right-of-way are allowed one additional wall sign to be displayed on the wall facing the BNSF railroad right-of-way. Such sign shall not exceed 1.0 square foot per lineal foot of tenant frontage along the BNSF railroad right-of-way. The maximum allowable sign area including all permitted signs pursuant to Section 9.060 may not exceed 300 square feet excluding any signs expressly excluded from the maximum sign area calculations.

### **Request #5 - Amend Section 12.020 – Zoning Ordinance Text Amendments**

During the Zoning Ordinance update in 2014, the authority to initiate text amendments was modified so only the Village Council could initiate text amendments. Prior to this time, any person including Village officials, departments, boards or commissions or residents could request a text amendment. The new process has resulted in a less efficient process. The current process requires applicants to request the Council consider an amendment and then direct staff to prepare such amendment. In most cases, the request to Council is conceptual in nature and staff has not had the opportunity to work with the applicant on their request. The current steps to amend the text of the ordinance are listed below:

1. Petition Village Council for conceptual consideration of a Text Amendment
2. Village Council directs staff to prepare a text amendment
3. Staff prepares text amendment
4. Text Amendment is presented to Plan Commission
5. Text Amendment is presented to the Village Council

The proposed amendment will restore authority to initiate text amendments to permit the Council, Village Manager, Plan Commission or Downers Grove property owners to request a text amendment. The streamlined process will eliminate the first two steps shown above and allow the staff and the petitioner to work in conjunction to develop the language of the proposed amendment prior to any public hearing regarding the text amendment. The proposed amendment is shown below:

### **Section 12.020 Zoning Ordinance Text Amendments**

#### **A. Authority to File**

Amendments to the text of this zoning ordinance may be initiated only by the village council, plan commission, village manager, or by the property owner(s) or the property

owner's authorized agent.

#### **B. Review and Report—Community Development Director**

Complete applications for zoning ordinance text amendments must be filed with the community development director. The community development director must prepare a report and recommendation on the proposed zoning ordinance text amendment. The report must be transmitted to the plan commission before their public hearing on the proposed amendment.

#### **Request #6 - Amend Section 12.040.C.6– Planned Unit Development Review and Approval Criteria**

In conjunction with Request #2 above, staff is requesting a minor amendment to the review and approval criteria for Planned Unit Developments. Review criteria 'a' notes that the request must meet the zoning map amendment review and approval criteria. Currently, this is a requirement in all cases, including PUD Amendments where those PUDs have already been rezoned. The proposed amendment clarifies that the rezoning criteria are only required when new PUDs are proposed. The proposed amendment is shown below:

#### **12.040.C.6 Planned Unit Developments – PUD Development Plans – Review and Approval Criteria**

- a. the zoning map amendment review and approval criteria of Sec 12.0301 in the case of new Planned Unit Development proposals;

#### **Request #7 - Amend Section 15.230– Definitions**

In conjunction with Request #4 above, the proposed amendment clarifies that tenant frontage includes the wall along the BNSF ROW only for the purposes of Section 9.050.C.5 and 9.060.E.4. The proposed amendment is shown below:

#### **15.230 Definitions – Words and Terms Beginning with "T"**

##### **Tenant Frontage**

The width of a tenant space measured from one side wall to the other along the front exterior wall or other drivable accessible routes or the BNSF railroad right-of-way for purposes of Sections 9.050.c.5 or 9.060.e.4.

#### **PUBLIC COMMENT**

The legal notice was published in the *Downers Grove Suburban Life*. At this time, no public comments have been received on any proposed text amendment.

#### **FINDINGS OF FACT**

##### ***Section 12.020.F Review and Approval Criteria of Zoning Ordinance Text Amendments***

*The decision to amend the zoning ordinance text is a matter of legislative discretion that is not controlled by any one standard. In making recommendations and decisions about zoning ordinance text amendments, review and decision-making bodies must consider at least the following factors:*

#### **(1) Whether the proposed text amendment is in conformity with the policy and intent of the comprehensive plan**

The proposed text amendments (#1, #2, #3, #4, #5, #6, and #7) are consistent with the policy and intent of the Comprehensive Plan. The Comprehensive Plan notes that the Zoning Ordinance

should be regularly reviewed and updated. In each case, the proposed amendments further these policies and goals of the Comprehensive Plan:

- Maintain the Village's image and desirability as a great place to live
- Develop aesthetically pleasing and functionally well-designed retail and commercial shopping areas
- Enhance the economic viability, productivity, appearance and function of the Village's commercial corridors
- Ensure the provision of high-quality public facilities
- Continue to support the operation of other important community service providers.

This standard is met.

**(2) Whether the proposed zoning ordinance text amendment corrects an error or inconsistency in the zoning ordinance, meets the challenge of a changing condition or is necessary to implement established policy.**

The seven proposed text amendments (#1, #2, #3, #4, #5, #6, and #7) each address a challenging condition. Each of the amendments are intended to provide additional flexibility to the Village's residents and businesses. The amendments provide flexibility in submittal requirements for INP-2 zoning, clarifies how the Village treats existing Planned Developments, provides additional flexibility and removes inconsistencies in the sign regulations, increases the number of people that can request Zoning Ordinance text amendments and clarifies PUD approval standards. The proposed amendments further the purposes of the Zoning Ordinance as shown in Section 1.060 of the Zoning Ordinance. This standard is met.

## **RECOMMENDATION**

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As detailed above, proposed revisions #1, #2, #3, #4, #5, #6, and #7 to Articles 4, 9, 12 and 15 of the Zoning Ordinance all meet the review and approval criteria identified in Section 12.020.F of the Zoning Ordinance. Staff recommends the Plan Commission forward a positive recommendation to the Village Council regarding requests #1, #2, #3, #4, #5, #6, and #7.

Staff Report Approved By:



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Stanley J. Popovich, AICP  
Planning Manager



## DRAFT

**FILE 15-PLC-0018:** A petition seeking approval of multiple text amendments to: 1) Article 4, Institutional and Public Districts and also Planned Unit Developments; 2) Article 9, Signs; 3) Article 12, Zoning Ordinance Text Amendments and also Planned Unit Developments; and 4) Article 15, Definitions. Village of Downers Grove, Petitioner.

Planning Manager Popovich, on behalf of the village, summarized that the first request under Article 4 focuses on future institutional master plans and the proposal is to address more flexibility in the village's requirements for current and future master plans and for better flexibility by staff. The second portion of Article 4, addresses better clarity on the treatment of existing planned unit developments ("PUDs"), specifically whether staff needs to interpret if the PUD requires or does not require a rezoning at the time of a PUD amendment. Examples followed. Regarding Article 9, Signage, Mr. Popovich explained the proposal was to prohibit painted wall, roof or fence signs throughout the entire village as there are inconsistencies within the ordinance. Examples followed with Mr. Popovich stating that this amendment, to prohibit painted wall signs, is common in many municipalities throughout the area. The amendment will provide a uniformity to the village. The negatives of painted walls followed.

Regarding signs along the Burlington Northern Santa Fe Railroad ("BNSF") line, which is not a public roadway, Mr. Popovich explained what was allowed currently, noting that the village was proposing for any owner with frontage along the line to be allowed to install one wall sign on the facade facing the railway. Square footage calculations followed, noting it provided staff with some flexibility for properties along the railroad right-of-way and furthers the purposes of the sign ordinance.

Next, Mr. Popovich discussed the village's proposal to streamline the initiation process for text amendments. He explained that currently the village council initiates text amendments (as adopted in the 2014 zoning ordinance) and discussed them at two meetings, the amendment is forward to the Plan Commission and then back to village council for a formal vote which is two meetings. To streamline the process, the village was proposing to return to the former process (prior to the June 2014 adoption).

The next request, Mr. Popovich explained, was to clarify the zoning map amendment requirements in a PUD development plan, noting that the requirements only need to be addressed when a new rezoning associated with a PUD is proposed.

Lastly, regarding the Definitions revision, Mr. Popovich said it was to redefine the term "Tenant Frontage", as discussed earlier tonight, and for consistency purposes in the zoning ordinance.

Mr. Popovich reported there was no public comment received on this petition. He presented the findings of fact on the overhead. Per staff, both the findings of fact and the standards of approval were met regarding the above seven changes, along with meeting the village's Comprehensive Plan. Mr. Popovich recommended that the Plan Commission forward a positive recommendation to the village council.

Per commissioner questions, Mr. Popovich provided other examples of potential institutional master plans -- the two high schools, park district land -- those sites with over four acres. He clarified the goal of this amendment is that the village will have discretion in ensuring that the plan complies with current village standards. Also, an applicant will not have to return to provide sheets for an already-established plan; just for the new changes.

Mr. Thoman asked that the Plan Commission consider each of the seven items above individually, followed by requesting to consider Request No. 5 – the Zoning Ordinance Text Amendment – separately because he had been on the Comprehensive Plan Ad hoc Committee and it had taken a few years to get the ordinance adopted. He explained the intent of the change was to slow down the process and to give the village council the first opportunity to set the parameters for the (policy) discussion. He explained how the process was prior to the change and then the benefits of slowing down the process after the change was made to the ordinance. However, Mr. Popovich pointed out that council members wanted more of a concrete description of what the text amendment would be during their initial discussion. Examples of the challenges followed. Asked how the process was going presently, Mr. Popovich stated that the village council directed staff to modify the change.

After discussing the matter, the commissioners decided to vote separately on revision 5. Per Ms. Hogstrom's question as to why the words "at the discretion of the community development director" were being recommended for the Institutional Master Plans, Mr. Popovich explained it was to give staff some flexibility in determining whether certain required items in the institutional plan were needed or not.

The chairman opened up the meeting to public comment.

Mr. Jeffery Schwab, 1338 W. Nelson, Chicago, an attorney with the Liberty Justice Center which represents Leibundguth Storage & Van Service, regarding a federal lawsuit filed against the Village of Downers Grove, described that Leibundguth has four wall signs on its property, two of which are hand-painted and one of which faces the BNSF rail line. He stated that should the village adopt the two revisions to the sign ordinance, it will not allow Mr. Peterson to keep those signs and it will not resolve the lawsuit. He believes the sign ordinance will remain unconstitutional under the First Amendment.

Mr. Todd Paradis, 417 67<sup>th</sup> Court, Downers Grove, referring to the verbiage "at the direction of the community development director", understood that there was no community development director for the village currently. (Mr. Popovich explained otherwise). Mr. Paradis also pointed out that staff addresses only the negative points about signage and not the positives, i.e., advertising. He also stated that ivy grows on buildings and penetrates buildings too.

Mr. Bob Peterson, 6861 Camden Road, Downers Grove, owner of Leibundguth Storage, reminded the commissioners that the small businesses make up the Village of Downers Grove and are the backbone of this country. He stated he is a small business and was trying to keep his business alive. To remove the signage, he would lose anywhere from \$30,000 to \$60,000 in business. He pointed out the code adopted by the community of Riverside-Brookfield, which he supported, and further stated that the Village of Downers Grove was not working with its small

businesses on this aspect. He compared the worries of a small business owner versus a council member. He explained the importance of the signs located on the rail line face and their size. He reviewed a list of signs that either were reduced in size or removed in the village which resulted in financial losses to the businesses. He believed more thought should have gone into staff's discussions about signage and staff should have met with the business owners before recommending changes to the sign ordinance. He believed that restricting the sign that faces the BNSF up to 300 square feet should be based on the size of the building.

Hearing no further comment, the public comment portion of the meeting was closed.

**WITH RESPECT TO FILE 15-PLC-0018, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO APPROVE ITEMS 1, 2, 3, 4, 6 AND 7.**

**SECONDED BY MS. HOGSTROM. ROLL CALL:**

**AYE: MR THOMAN, MS. HOGSTROM, MR. COZZO, MR WEBSTER, CHAIRMAN RICHARD**

**NAY: NONE**

**MOTION CARRIED. VOTE: 5-0**

**WITH RESPECT TO FILE 15-PLC-0018, MS. HOGSTROM MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO APPROVE ITEM 5, AS WRITTEN.**

**SECONDED BY MR. WEBSTER. ROLL CALL:**

**AYE: MS. HOGSTROM, MR. WEBSTER, MR. COZZO, CHAIRMAN RICHARD**

**NAY: MR. THOMAN**

**MOTION CARRIED. VOTE: 4-1**