

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
10/6/2015

SUBJECT:	SUBMITTED BY:
New Business - Zoning Text Amendment for Electronic Message Board Signs	David Fieldman Village Manager

SYNOPSIS

At the request of Commissioner White, consideration of whether to revisit the topic of electronic or digital signs at North High School and South High School has been placed on the New Business Agenda. Pursuant to Village Council policy, this topic shall be a discussion item only to allow for the Council to direct staff to prepare an action for consideration at a later date.

STRATEGIC PLAN ALIGNMENT

The goals for 2015-2017 and beyond include Exceptional Municipal Services.

FISCAL IMPACT

N/A

RECOMMENDATION

Action at the discretion of the Village Council.

BACKGROUND

Commissioner White requested that the Village Council consider whether to revisit the topic of electronic or digital signs at North High and South High. The proposal is as follows:

I ask that the village council address the following question as part of the consideration of the institutional master plan for the two high schools operated by District 99:

Should the current council consider whether to allow electronic display signs at North High and South High?

I believe this question should be asked, and answered, on the public record so all members of our community hear the same message. Whether to allow electronic display signs at our high schools is a policy question that can only be answered by the village council, therefore council needs to take ownership and give an answer that provides clear direction to the entire community.

The current Zoning Ordinance prohibits electronic message board signs in all zoning districts.

In 2008, School District 99 submitted a text amendment request for electronic message board signs to the Village (http://www.downers.us/public/docs/agendas/2008/06-10-2008/Active_d.pdf). The 2008 proposed amendments would have permitted electronic message center signs as special uses on property that is zoned residential, greater than 18 acres in area and located on an arterial street. The key concepts were:

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

The Village Council denied the requested text amendment at their June 17, 2008 meeting. (<http://www.downers.us/minutes/2008/2008/06/17/june-17-2008>).

In February 2015, School District 99 requested the Village Council to direct Village staff to draft a text amendment that would permit electronic message board signs for properties that are zoned INP-2, Campus-Scale Institutional and Public District. At that time the School District desired to place a single electronic message board sign at Downers Grove North High School and at Downers Grove South High School. The request to authorize the preparation of the text amendment failed by a vote of 3 yeas and 4 nays. Minutes of Council consideration of this item can be found by clicking here:

(http://www.downers.us/public/docs/agendas/2015/02-10-15/MIN%202015-6067%20-%20Council%20Minutes%20-%20February%203,%202015%20-%202015_172.pdf)

(<http://www.downers.us/public/docs/agendas/2015/02-17-15/AgendaMinutesPreview02-10-15.pdf>)

Currently, both high school properties are zoned residential. The school district has submitted petitions to rezone these properties to INP-2.

The INP-2 zoning district is intended to accommodate development and expansion of large public, civic and institutional uses, while minimizing the potential for adverse impacts on surrounding areas. INP-2 zoned properties must be larger than 4 acres in size. Currently, only the Good Samaritan Hospital Campus is zoned INP-2. Other properties which could be eligible for an INP-2 zoning designation would be:

- School District 99 Properties
- School District 58 Properties
- Park District Properties
- Forest Preserve Properties
- Midwestern University Campus
- Village Properties

In June, 2015, the US Supreme Court decided Reed v. City of Gilbert, 135 S.Ct. 2118 (2015), which involved a challenge to municipal non-commercial sign regulations. The Reed case involved non-commercial sign regulations which incorporated different rules and sign regulations based upon the type of non-commercial message being conveyed (religious vs ideological vs political). The U.S. Supreme Court declared that this differentiation rendered the non-commercial sign restrictions to be content-based speech regulations subject to strict scrutiny and ultimately

unconstitutional. Provisions such as these had previously been held constitutionally valid non-commercial speech regulations prior to Reed. However, according to Reed, these types of regulations are now considered to be content-based speech regulations. In light of this new Supreme Court decision, any text amendments to the Village's non-commercial sign regulations that would result in different regulations for different types of non-commercial signs should be thoroughly reviewed and analyzed prior to consideration and adoption.

ATTACHMENTS