

COUNCIL WORKSHOP ITEM

- ITEM:** Zoning Commission Recommendation regarding text amendment case 2002-03, Part A regarding clarification to the provisions regarding window promotional signs in Business Districts, and Part C regarding the correction of miscellaneous scrivener's errors (Part B has been withdrawn by Staff).
- DATE:** September 17, 2002
- PREPARED BY:** Amanda G. Browne, Planner
Department of Planning Services
- PURPOSE:** To consider approval of the text amendments requested by Staff

DISCUSSION:

At their August 22, 2002 meeting, the Zoning Commission conducted its public hearing regarding the proposed text amendments in Parts A and C of this case. As outlined in the staff report, the amendments of Parts A and C are for clarification purposes only, and consist primarily of scrivener's errors. Part B has been withdrawn by Staff in order to allow us to further investigate that particular text amendment and refile it at a later date.

As indicated in the minutes of the public hearing, the Zoning Commission unanimously forwarded a positive recommendation to the Village Council in favor of the proposed text amendments requested in parts A and C of this case.

ATTACHMENTS:

1. Correspondence from Chairman of the Zoning Commission, Lawrence Musielak
2. Staff Report, dated August 16, 2002
3. Draft Minutes of Zoning Commission public hearing, dated August 22, 2002
4. Draft Ordinance prepared by Legal Department

RECOMMENDATION:

To place an Ordinance approving the requested text amendments on an Active Agenda, as recommended by the Zoning Commission.



September 13, 2002

<http://www.vil.downers-grove.il.us>

COMMUNITY RESPONSE CENTER

630.434.CALL (2255)

CIVIC CENTER

801 Burlington Avenue
Downers Grove
Illinois 60515-4776
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

FIRE DEPARTMENT ADMINISTRATION

6701 Main Street
Downers Grove
Illinois 60516-3426
630.434.5980
FAX 630.434.5998

POLICE DEPARTMENT

825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

PUBLIC WORKS

DEPARTMENT

5101 Walnut Avenue
Downers Grove
Illinois 60515-4074
630.434.5460
FAX 630.434.5495

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

842 Curtiss Street
Downers Grove
Illinois 60515-4761
630.434.5595
FAX 630.434.5599

Mayor Brian Krajewski and Village Council
Village of Downers Grove
801 Burlington
Downers Grove, IL 60515

RE: File No. 2002-03: Text amendments to the Zoning Ordinance, Section 28 of the Downers Grove Municipal Code, including: A) clarification to the provisions regarding window promotional signs in Business Districts; B) amendments to side yard setback requirement for residences without attached garages which are serviced by dedicated and improved public alley rights-of-way; and C) the correction of miscellaneous scrivener errors.

Dear Mayor Krajewski and Council Members:

At their August 22, 2002 meeting the Zoning Commission reviewed proposed amendments to the Zoning Ordinance including A) clarification to the provisions regarding window promotional signs in Business Districts; B) amendments to side yard setback requirement for residences without attached garages which are serviced by dedicated and improved public alley rights-of-way; and C) the correction of miscellaneous scrivener errors.

MR. PAPPALARDO MOVED TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING PART A OF CASE 2002-03: A TEXT AMENDMENT TO SECTION 28-1516 OF THE ZONING ORDINANCE CONCERNING WINDOW SIGNS AND WINDOW PROMOTIONAL SIGNS. MR. STEELE SECONDED THE MOTION.

| | | |
|--------------|-----------------|--|
| VOTE: | Aye: | Mr. Pappalardo, Mr. Steele, Mr. Levin, Ms. Rabatah, Chairman Musielak |
| | Nay: | None |
| | Abstain: | None |

MOTION CARRIED: 5:0:0

MR. LEVIN MOVED TO ACCEPT STAFF'S REQUEST TO WITHDRAW PART B OF CASE 2002-03 CONCERNING SIDE YARD SETBACKS FOR RESIDENCES WITHOUT ATTACHED GARAGES. MR. PAPPALARDO SECONDED THE MOTION.



VOTE: **Aye:** Mr. Levin, Mr. Pappalardo, Mr. Steele, Ms. Rabatah,
 Chairman Musielak

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

MS. RABATAH MOVED TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING PART C OF CASE 2002-03 CONCERNING CORRECTION OF MISCELLANEOUS SCRIVENER'S ERRORS IN THE ZONING ORDINANCE, SECTION 28 OF THE DOWNERS GROVE MUNICIPAL CODE. MR. LEVIN SECONDED THE MOTION.

VOTE: **Aye:** Ms. Rabatah, Mr. Levin, Mr. Pappalardo, Mr. Steele,
 Chairman Musielak


Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Further discussion of these recommendations can be found on pages 2-6 of the August 22, 2002 minutes.

Sincerely,

Lawrence Musielak
Lawrence Musielak, Chairman 
Zoning Commission

:km

**VILLAGE OF DOWNERS GROVE
DEPARTMENTAL CORRESPONDENCE**

TO: Zoning Commission Members

FROM: Amanda G. Browne, Planner
Department of Planning Services

DATE: August 16, 2002

RE: **Zoning Ordinance Text Amendment Case 2002-03. Part A) clarification to the provisions regarding window promotional signs in Business Districts; Part B) amendments to side yard setback requirement for residences without attached garages which are serviced by dedicated and improved public alley rights-of-way; and Part C) the correction of miscellaneous scrivener errors.**

Introduction:

This three-part amendment is being presented by Staff to the Zoning Commission for recommendation to the Village Council. Part A proposes to clarify the provisions regarding promotional window signs in business zoning districts by replacing a phrase which appears to have been deleted when the Ordinance was reformatted in the 1990's. Part B proposes an amendment to the side yard setback requirements for residences which do not include attached garages but which can be serviced by dedicated and improved alley rights of way. Part C proposes the correction of miscellaneous scrivener errors throughout various sections of the Zoning Ordinance.

Part A - Window signage in Business Districts:

There are two forms of window signs under the terms of the Ordinance: "window signs" and "window promotional signs", the provisions for which are found in Section 28-1514 of the Zoning Ordinance.

A window sign is by definition permanent in nature, such as one that is hung, painted, or affixed to the window. In commercial districts, window signs are limited to 50% of the total window area; they require a permit; and as they are intended to be permanent in nature, they are calculated as part of the total sign surface area permitted on the lot.

A window promotional sign is one that is temporary in nature, in that it is advertising a sale or a special event. Window promotional signs are also limited in size to no more than 50% of the total window area, but as they are intended to be temporary in nature, they are exempt from both the permit and fee requirements, and they do not count towards the total sign surface area permitted on the lot.

The current language of the Ordinance, however, exempts “window signs” from permit and fee requirements, as opposed to exempting only “window promotional signs.” This language is inconsistent with the previous form of the Ordinance prior to its having been reformatted in 1998. This language is also inconsistent with the current and historical practice of requiring permits and fees for permanent window signs and with calculating the window signs as part of the total permitted sign surface area of the lot.

It is the opinion of Staff that when the Village adopted the re-formatted version of the Zoning Ordinance in the 1998, “window signs” were erroneously listed as a sign type that is exempt from permitting and fee requirements. Staff therefore proposes the following amendment to Section 28-1516 of the Zoning Ordinance (~~stricken~~ items are proposed to be deleted; double underlined items are proposed to be added):

28-1516. Exemptions from permit requirement

Except as otherwise provided in this section, the following types of signs shall be exempt from the permit and permit fee requirements of this Article; such signs shall, however, conform to all other applicable requirements of this Article:

~~(f) *Window signs.* On zoning lots in business districts, each business location may have one or more window signs with a total sign surface area which does not exceed 50% of the total display window area. Such signs shall not be included when calculating total sign surface area on a zoning lot.~~

(m) *Window Promotional Signs.* Window promotional signs shall be permitted. Such signs shall not be included when calculating total sign surface area on a zoning lot. (See Section 28-1514).

Part B – Side yard setbacks for residences without attached garages:

Part B of this amendment proposes an amendment to the side yard setback requirements for residences which do not include attached garages but which can be serviced by dedicated and improved alley rights of way.

Staff has been reviewing this amendment with members of the Public Works Department, the Code Services Department, and the Legal Department. In order to fully address the affects of the amendment, Staff feels that more time is needed to review this issue before it is presented to the Commission.

Procedurally, as this portion of the amendment was published as part of the legal notification, it must either be continued or withdrawn in order for it to be presented to the Commission at a later date. Rather than have a portion of this amendment continued to a date uncertain, Staff respectfully requests that this portion of the amendment be withdrawn, so that it may be filed as a separate case at a later date.

PART C – Miscellaneous Scriveners Errors:

Staff has found a handful of non-substantive errors in the text of the Zoning Ordinance, and proposes their correction as scriveners errors. Proposed deletions are ~~stricken~~, and proposed additions are double-underlined.

Amendment C1:

The title of “Senior Director” is no longer utilized in the framework of the Village government, and the name of the Community Development Department has been changed to the Department of Planning Services. The following amendment is therefore proposed:

28-201 Definitions.

Director. The Senior Director of Community Development the Department of Planning Services of the Village of Downers Grove, or such person’s designee.

Amendment C-2:

The section of the Ordinance pertaining to public hearing notices currently cites a Section of the Ordinance which does not exist. Staff therefore proposes the following amendment to reflect the correct Section citation.

28-306. Public Hearing Notices.

(a) Notice for public hearing - classification change, planned development, special use or variation.

(1) Published Notice: Notice, including a description of the property involved, a brief summary of the nature of the petition, and the time and place of the hearing shall be published at least once in one or more newspapers published in the Village, not more than 30 nor less than 15 days before the hearing.

(2) Additional Notice: In addition to publication described in ~~section 28-306(b)(1)~~ Section 28-306(a)(1), notice of a public hearing will be given as provided in this section to provide reasonable information without imposing undue technical burdens on the process of deciding any petition. The hearing body or Village Council may waive any technical defects in the notice procedures outlined below. The fact that notice is not given in strict compliance with this section shall not invalidate, impair, or otherwise affect any such petition, the public hearing, or any decision rendered in respect thereto.

Amendment C3:

Within the list of permitted and special uses for each Zoning District, section citations are provided to direct the reader of the Ordinance to additional regulations pertaining to particular uses. These additional use regulations are found in Article X of the Ordinance.

In 2000, new regulations pertaining to churches when allowed as special uses in residential zoning districts were added to Article X as a new Section 28-1020, which should be referenced where churches are listed as special uses in the R-1 District (which is incorporated by reference in the R-2 through R-5A Districts), and in the R-6 District.

28-502. R-1 District – special uses.

The following uses are allowed in the R-1 Single Family Residence District as special uses:

(a) Churches, church schools, and other places of worship; provided the property for said use fronts on an arterial or collector street designated as such a street on the Downers Grove Future Land Use Map or is contiguous on at least one side to a "B", "M", or "O-R-M" zoning district and provided the zoning lot for said use has an area of not less than two (2) acres and not more than forty (40) percent of the lot is occupied by buildings. (See Section 28-1020).

28-514. R-6 District – special uses.

The following uses are allowed in the R-6 Multiple-family Residence District as special uses subject to the conditions stipulated for each use:

(c) Churches, church schools, and other places of worship. (See Section 28-1020).

Amendment C4:

The list of authorized Special Uses in the B-2 Zoning District (which is incorporated by reference in the B-3 District), lists automobile repair shops as a special use, but incorrectly references the use regulations in Section 28-1018 which apply to automobile service stations (ie: gas stations). This reference should therefore be stricken.

28-606. B-2 District – Special Uses.

(a) Automobile Repair Service Shops, including automobile laundries, repair, rebuilding and painting of automobiles. (See Section 28-1018)

Amendment C5:

The list of authorized special uses in the B-2 District also lists recycling collection facilities as a special use. Section 28-1007 contains use regulations pertaining to this type of use, and should be referenced.

28-606. B-2 District – Special Uses.

(j) Recycling Collection Facilities (See 28-1007)

Conclusion:

With respect to Parts A and C of the proposed amendment, Staff requests that the Zoning Commission forward a favorable recommendation to the Village Council. With respect to Part B of the proposed amendment, Staff requests that the Zoning Commission accept our request to withdraw the amendment in order to allow additional time for review before this issue is presented to the Commission.

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VILLAGE OF DOWNERS GROVE ZONING COMMISSION
VILLAGE HALL, COUNCIL CHAMBERS
801 BURLINGTON AVENUE

Thursday August 22, 2002

Chairman Musielak called the meeting of the Zoning Commission to order at 7:30 p.m.

ROLL CALL

PRESENT: Mr. Levin, Mr. Pappalardo, Ms. Rabatah, Mr. Steele, Chairman Musielak

ABSENT: Mr. Griesbaum, Mr. Baker

STAFF: Amanda Browne, Planner, Department of Planning Services
Karen Mudra, Recording Secretary

Chairman Musielak said that the first order of business was consideration of the minutes of the March 14, 2002 Zoning Commission meeting. He asked if there were any corrections or additions to the minutes. Hearing none, he called for a motion.

MR. STEELE MOVED THAT THE MINUTES OF THE MARCH 14, 2002 ZONING COMMISSION MEETING BE ACCEPTED AS PRESENTED. MR. LEVIN SECONDED THE MOTION.

VOTE: **Aye:** Mr. Steele, Mr. Levin, Mr. Pappalardo, Ms. Rabatah, Chairman Musielak

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Chairman Musielak asked Ms. Browne to enter the legal notice into the record. Ms. Browne said the following legal notice was published in the Downers Grove Reporter on Wednesday, August 7, 2002:

Legal Notice: Village of Downers Grove Notice of Public Hearing - Notice is hereby given that a public hearing will be conducted by the Zoning Commission of the Village of Downers Grove on Thursday, August 22, 2002 at 7:30 p.m. in the Committee Room of the Village Hall, 801 Burlington Avenue, Downers Grove, IL.

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The purpose of the public hearing is to consider text amendment Case 2002-03, including but not necessarily limited to: A) clarification to the provisions regarding window promotional signs in Business Districts; B) amendments to side yard setback requirement for residences without attached garages which are serviced by dedicated and improved public alley rights-of-way; and C) the correction of miscellaneous scrivener's errors.

All interested parties should attend this hearing and will be given an opportunity to be heard. The hearing may be continued from time to time with no further public notice. Individuals with a disability requiring reasonable accommodations in order to participate should contact the community relations department at (630) 434-5550 prior to the meeting. Wheelchair access may be gained through the south (side) entrance of the Village Hall. Zoning Commission, Mr. Lawrence Musielak, Chairman. Published in the Downers Grove Reporter, Wednesday, August 7, 2002.

Case 2002-03 :

Ms. Browne noted that Case 2002-03 as published, consists of three proposed amendments. She said Part A concerns window promotional signs in Business Districts. Part B concerns the side yard setback requirements for residences which do not have attached garages, but do have access to improved alley rights-of way. However, Ms. Browne said staff wishes to withdraw Part B from consideration at this time in order for staff to investigate this item further and refile the amendment at a later date. Part C concerns the correction of miscellaneous scrivener's errors found throughout various sections of the Ordinance.

Ms. Browne said the issue in Part A came to staff's attention as the result of an inquiry from a business owner regarding window signs and window promotional signs, which brought to light an apparent loophole in the Ordinance that exempts both types of signs from permit and fee requirements, when in fact only promotional signs are intended to be exempted from the permit and fee requirements.

Ms. Browne said that there are two forms of window signs under the terms of the Ordinance: "window signs" and "window promotional signs", the provisions for which are found in Section 28-1514 of the Zoning Ordinance. She said that a window sign is by definition permanent in nature, such as one that is hung, painted, or affixed to the window. In commercial districts, window signs are limited to 50% of the total window area; they require a permit; and as they are intended to be permanent in nature, they are calculated as part of the total sign surface area permitted on the lot.

In contrast, a window promotional sign is one that is temporary in nature, in that it is advertising a sale or a special event on a temporary basis. Window promotional signs are also limited in size to no more than 50% of the total window area, but as they are intended to be temporary in nature, they are exempt from both the permit and fee requirements, and they do not count towards the total sign surface area permitted on the lot.

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Ms. Browne noted that the current language of the Ordinance, "window signs" from permit and fee requirements, as opposed to exempting only "window promotional signs." This language is inconsistent with the previous form of the Ordinance prior to its having been reformatted in 1998, and is also inconsistent with the current and historical practice of requiring permits and fees for permanent window signs, and with calculating the window signs as part of the total permitted sign surface area of the lot.

Ms. Browne said that it is the opinion of Staff that when the Village adopted the re-formatted version of the Zoning Ordinance in the 1998, "window signs" were erroneously listed as a sign type that is exempt from permitting and fee requirements. Staff therefore proposes to delete this provision of the Ordinance in Section 28-1516(f).

Chairman Musielak asked how long these provisions have been in place. Ms. Browne replied at least since 1998.

Ms. Rabatah asked if the language in Section 28-1516(f), which the amendment proposes to strike, could also be found in another section of the Ordinance so that the provisions regarding window promotional signs would not be lost. Mr. Browne replied yes. She said Section 28-1514(a) concerning window and window promotional signs states that in business districts one or more window signs are limited to an "aggregate area of not more than 50% of the total display window area. Contents of such sign shall be limited to name, type of business, major product, address, phone number, hours and logo."

Chairman Musielak asked if the subparagraphs within Section 28-1516 would be re-lettered to compensate for the deletion of subparagraph (f). Ms. Browne replied yes.

Chairman Musielak asked for a motion on Part A of Case 2002-03.

MR. PAPPALARDO MOVED TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING PART A OF CASE 2002-03: A TEXT AMENDMENT TO SECTION 28-1516 OF THE ZONING ORDINANCE CONCERNING WINDOW SIGNS AND WINDOW PROMOTIONAL SIGNS. MR. STEELE SECONDED THE MOTION.

Mr. Levin asked about the fees concerning these signs. Ms. Browne said there is no fee required for a temporary sign placed in the window of an establishment advertising a sale for a limited period of time, i.e. a week, etc. She added that such temporary signs are not included when calculating to total sign area permitted on a zoning lot. Mr. Levin asked if a temporary sign could cover the entire window. Ms. Browne replied yes, but only on a temporary basis.

Chairman Musielak asked if the Village checks signs for compliance with the Ordinance. Ms. Browne said she believes Code Services checks signage on a complaint basis. However, she added that the Code Services Department has grown over the last few years, and with more officers they are taking a more proactive approach to Code violations, in addition to responding to complaints.

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN TEXT AMENDMENTS TO THE
DOWNERS GROVE ZONING ORDINANCE

BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage County, Illinois,
as follows: (Additions are indicated by shading; deletions by ~~strikeout~~.)

SECTION 1. That Chapter 28 of the Downers Grove Municipal Code is hereby amended as follows:

28-201. Definitions.

For the purposes of this Zoning Ordinance, the following words and phrases shall have the meanings respectively ascribed to them as follows:

* * *

Director. The ~~Senior~~ Director of ~~Community Development~~ Planning Services of the Village of Downers Grove, or such person's designee.

* * *

28-306. Public Hearing Notices.

* * *

(2) Additional Notice: In addition to publication described in ~~s~~Section 28-306(ba)(1), notice of a public hearing will be given as provided in this section to provide reasonable information without imposing undue technical burdens on the process of deciding any petition. The hearing body or Village Council may waive any technical defects in the notice procedures outlined below. The fact that notice is not given in strict compliance with this section shall not invalidate, impair, or otherwise affect any such petition, the public hearing, or any decision rendered in respect thereto.

* * *

28-502. R-1 District-special uses.

The following uses are allowed in the R-1 Single-family Residence District as special uses:

(a) Churches, church schools, and other places of worship; provided the property for said use fronts on an arterial or collector street designated as such a street on the Downers Grove Future Land Use Map or is contiguous on at least one side to a "B", "M", or "O-R-M" zoning district and provided the zoning lot for said use has an area of not less than two (2) acres and not more than forty (40) percent of the lot is occupied by buildings. (See Section 28-1020.)

* * *

28-514. R-6 District-special uses.

The following uses are allowed in the R-6 Multiple-family Residence District as special uses subject to the conditions stipulated for each use:

* * *

(d) Churches, church schools, and other places of worship. (See Section 28-1020.)

* * *

28-606. B-2 District - Special uses.

The following uses are allowed in the B-2 General Retail Business District as special uses:

* * *

(b) Automobile repair service shops, including automobile laundries, repair, rebuilding and painting of automobiles. (See Section 28-1018.)

* * *

(j) Recycling collection facilities. (See Section 28-1007.)

* * *

28-1516. Exemptions from permit requirement.

Except as otherwise provided in this section, the following types of signs shall be exempt from the permit and permit fee requirements of this Article; such signs shall, however, conform to all other applicable requirements of this Article:

* * *

~~(f) Window Signs.~~ On zoning lots in business districts, each business location may have one or more window signs with a total sign surface area which does not exceed fifty percent (50%) of the total display window area. Such signs shall not be included when calculating total sign surface area on a zoning lot.

~~(g) Institutional Signs.~~ Exterior identification signs or bulletin boards not over twenty (20) square feet in area shall be permitted for public charitable or religious institutions where such signs or bulletin boards are located on the premises of the institution. A permit without fee shall be required for this type of sign. No more than one such sign shall be permitted for each street side of the premises.

~~(h) Nameplate sign.~~ One nameplate sign shall be permitted for each building or building unit if the building contains more than one use. The maximum permitted sign surface area shall be one square foot.

~~(i) Real estate signs.~~ In residential zoning districts, real estate signs shall not exceed four (4) square feet in sign surface. In business and manufacturing zoning districts, real estate signs shall not exceed thirty-six (36) square feet in sign surface area. Content of a real estate sign shall be restricted to advertising for the sale, rental or lease of the property where such sign is located. Real estate signs shall not exceed ten (10) feet in height. There shall be no more than one such sign allowed per zoning lot where such lot contains a single use and no more than one such sign per use where the zoning lot contains multiple uses.

~~(j) Rummage Sale or Garage Sale Signs.~~ Rummage sale or garage sale signs shall be subject to the provisions of Section 28-1506. In addition, no such sign shall exceed five (5) square feet in sign surface area, and no such sign shall continue to be used more than a period of five (5) days. No rummage sale or garage sale sign shall be placed or otherwise erected on the public right-of-way.

~~(k) Window Displays.~~ Merchandise, pictures, or models of product or service incorporated in a window display shall be permitted without building permit or fee. Such displays shall not be calculated in the total surface area of signs permitted in a commercial establishment.

~~(l) Political Campaign Signs.~~ Political campaign signs shall be permitted. Such signs shall contain a sign surface area not in excess of twelve (12) square feet.

~~(m) Window Promotional Signs.~~ Window promotional signs shall be permitted. Such signs shall not be included when calculating total sign surface area on a zoning lot. (See Section 28-1514.)

~~(n) College and University Signage.~~ Notwithstanding the provisions contained in Section 28-1517(c), exterior identification signs not over fifty (50) square feet in surface area and six (6) feet in height shall be permitted for colleges and universities containing forty (40) or more acres, where such

signs are located on the premises of the college or university. A permit without fee shall be required for this type of sign. One such sign at each side of the primary entrance (not to exceed a total of two (2) signs) shall be permitted.

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.

Mayor

Passed:

Published:

Attest: _____
Village Clerk

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