

**MINUTES OF UNIFIED DEVELOPMENT ORDINANCE
ADVISORY COMMITTEE MEETING**

Thursday, March 31, 2022 6:30pm
City Hall Council Chambers
800 Game Farm Road, Yorkville, IL

NOTE: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, the United City of Yorkville is encouraging social distancing by allowing remote attendance at the UDO Advisory Committee meeting due to the ongoing Covid-19 pandemic.

Meeting Called to Order

The meeting was called to order at 6:30pm by Chairman Chris Funkhouser and a quorum was established.

Roll Call & Establishment of Quorum

Committee Members:

Chris Funkhouser, Chairman/Alderman/in-person
Jeff Olson, PZC Chairman/remote attendance
Deborah Horaz, PZC Member/remote attendance
Dan Transier, Alderman/in-person

Absent: David Schultz, Engineer-HR Green

Others Present:

Krysti Barksdale-Noble, Community Development Director/remote attendance
Jason Engberg, Senior Planner/in-person
Jackie Wells, Houseal Lavigne/in-person

Previous Meeting Minutes January 20, 2022

Chairman Funkhouser asked to add “Minutes of” before the “Unified Development Ordinance” heading. The minutes and revision were then approved on a voice vote.

Citizens Comments None

1. Introduction

Mr. Engberg recapped the last meeting noting it was a discussion regarding signs and several revisions were made. He then turned the meeting over to Ms. Wells.

2. Review of Materials

a. Chapter 6: Signs Discussion

Ms. Wells said her presentation reflects the changes made from feedback from the last meeting. She then began the review and discussion.

Sign Area Chapter 10-6-2: *Revisions:* made the permanent sign area limit only applicable to the multi-unit residential mixed use or non-residential uses. Section D was eliminated regarding irregularly shaped lots.

Permitted Sign Types (Section 10-6-4): *Revisions:* a new A4 was added allowing the Zoning Administrator to determine whether a proposed sign is substantially similar to a listed sign. The Chapter was updated to include M-1 and M-2 districts.

Permitted Sign Types by District Table, (Section A): *Revisions:* updated M-1 and M-2 districts.

Permanent Sign Standards: *Revisions:* Wall Signs, Section A, revised maximum area from 60% of exterior wall width to 75% of exterior wall, clarified standards for primary and secondary wall signs.

Discussion: Chairman Funkhouser said many businesses have signs protruding above the roof line and in some instances, it is appropriate. He said there should be some regulation, some flexibility and be proportionate to vertical clearance. Ms. Noble suggested that signs not meeting the clearance in protruding from the existing building, would be exempt from the 10' clearance, being considerate of the existing structure. Mr. Engberg said perhaps it should only apply to the primary sign.

Single Tenant Monument Signs & Multi-Tenant Monument Signs: *Revisions:* The size was revised to 32 sq. ft. regardless of district and incentives were added for higher quality materials. Landscape area for both types of signs was revised from 50% of the sign area to 25%.

Discussion: Mr. Engberg said the city has many pole signs and is trying to encourage unique materials and design. He said some of the pole signs would not be allowed under the current regulations. Ms. Wells recommended larger signs with the use of higher quality materials and design itself. Materials could determine the incremental increase in size, said Ms. Wells. Ms. Noble said the current height limit is 12 feet. The sign width should not be restricted, but left to the business, commented Mr. Olson. Committee members wondered if it's more cost effective and visible to have a taller, rather than wider sign. They asked how many sign permit applications are received in a month, which is about 10. Ms. Horaz asked what constitutes "high quality" signs. Ms. Wells listed some of the criteria to determine "high-quality", including standardized color palettes chosen by the business. It was decided to give a certain square footage for high quality as an incentive. Chairman Funkhouser asked to have a key code for sign base vs. sign area.

Landscape Regulations for Monument Signs: *Revisions:* Based on committee feedback, staff reduced overall requirement of sign area from 50% to 25%. Ms. Noble found landscaping standards from Lake Zurich that are more detailed as where to landscaping is located.

Discussion: Mr. Transier favored the flexibility and wants to give businesses more options. Chairman Funkhouser suggested omitting placement of plants, if the 'zone of landscaping' is shown. He also noted that plants described as "native" are not really native, but are cultivated and non-native and Ms. Wells noted that in the landscaping standards, it should say native or adapted rather than ornamental. Ms. Noble said the landscaping around the sign should be capped at 36" height since it's usually near an entry and there is a need for visibility. For flexibility, Mr. Funkhouser recommended against a 36" cap as long as the visibility "triangle" is clear. He said that landscaping should be subject to the Zoning Administrator's approval. Ms. Noble noted the ordinance requires a maximum 24" tall shrub.

Pole and Pylon Signs:

Discussion: Ms. Wells noted these signs are prohibited now and several existing ones are legal non-conforming, for which the city recently allowed improvement with electronic message boards. She asked if other improvements should be required at the same time as the message boards. Mr. Engberg said in 2020, Paradise Car Wash had a pole sign for which they wished to change the entire look. The city had to deny them because it was a pole sign and they were doing major reconstruction. A text amendment was done to allow non-conforming signs. Ms. Wells said the non-conforming signs should be allowed to undergo improvements. Other committee members commented they were not in favor of pole signs.

Awning Signs, Canopy Signs, Projecting Signs: *Revisions:* Projecting signs will now have vertical clearance reduced from 10' to 8', internal illumination will be allowed and signs that protrude above the roof line will be considered on a case-by-case basis.

Window Signs: Revisions: Ms. Wells said the maximum sign area was increased from 25% to 50% of the individual window sign area.

Discussion: Mr. Engberg noted that a permit is not required for window signs, but not more than 50% of the total window can be used for the sign. Ms. Horaz asked if window signs invite more clutter, however, Ms. Noble noted that some stores have limited window space. Committeeman Olson asked if the city would allow the same signage size if the entire wall was a window—it would not be allowed. Ms. Noble said the window signs are more cost-effective, are usually not permanent and also promote window shopping. It was suggested to reduce the percentage, but if the sign exceeds that, then a permit should be required. Ms. Wells noted that temporary window signs are no longer allowed. Mr. Transier asked if these prohibitions would allow painting of windows for sports or holidays? Due to the Supreme Court decision, Ms. Wells said the painting would be allowed at a temporary coverage at 25%. Some businesses may want to use window signs to block visibility for safety, security, etc. Mr. Engberg said language to define “temporary” would be needed and enforcement could be an issue if a permit is needed. Committee members discussed signs on blacked out windows. They agreed they do not want to require permits for window signs, to lower the maximum sign area for window signs and add allowance for plain window coverings.

On-site Travel Directional Signs: Revisions: Based on committee input, the maximum sign area was revised to a maximum of 6 sq. ft. of sign area and a maximum height of 4 feet.

Temporary Signs Standards & General Standards for Permanent Temporary Signs: Revisions: eliminated restriction on concurrent display periods and number per calendar year. Current regulations allow 30 day display per year and 3 non-concurrent display periods per calendar year. Temporary signs were changed to 90 days.

Temporary Sign Types: Revisions: Wall-mounted banner, increase sign area from 2.5% to 7.5% of wall area in specific districts and 5% to 10% on in other districts with 90-day display time. Ground-mounted: 90 days display time. Mr. Engberg added that sign size for buildings far from the main road is based on ratios.

Feather Signs: Revisions: Maximum sign area changed from 16 sq. ft to 26 sq. ft. and maximum height from 8' to 12'. Three are allowed if 16 sq. ft. or less and 1 sign if 16 sq. ft. or more. For multi-tenant, 3 feather signs are allowed. The revision allows for 90 days in a calendar year and committee members suggested it should be in a 30-day consecutive period. Sandwich boards do not need a permit and are to be placed outside each day during business hours. Size was revised from 6 sq. ft. to 8 sq. ft., maximum height from 3' to 4', allow 2 sandwich board signs and eliminate restrictions of location relative to business. Ms. Horaz asked if portable signs on wheels are allowed and Ms. Wells said that temporary sign type is not included in the code and not allowed.

Miscellaneous Other Sign Changes:

Temporary Window Sign: eliminated

Post Sign: revised from 6 sq. ft. in all districts to 6 sq. ft. in residential and 16 sq. ft. for non-residential

Yard Sign: Increased height maximum from 3.5' to 4'

Cold Air Inflatables: This sign type that has been added, restriction of 72 hours and height maximum of 25'

Ms. Horaz asked about Happy Birthday and similar type of signs. Currently 2 yard signs next to each other are allowed and the 5' setback is eliminated. More discussion is also needed on these.

Election Signs: Revisions: General election signs will be changed to just “election” signs and eliminate 5' setback. A maximum display of 60 days before and 15 days after federal, state or local elections is allowed. Committee discussed number of signs to be allowed and to be cautious as to not limit someone's free speech. HOA's cannot exceed the number set by city regulations. The size is being restricted to 4 sq. ft. for any election sign, however, during elections, a person can have two - 4 sq. ft. signs. Mr. Engberg also cited a limit of 20 signs in the Section 10-6-2 for temporary signs.

General Sign Standards (Section 10-6-7): *Revisions:* Was 50% of sign area for permanent copy, revised to 80% of sign. Sign illumination cannot be detectable across property lines.

Discussion: Ms. Horaz asked if there can be double-sided electronic boards and how the permit is handled. Ms. Wells said the maximum sign area would be measured on one side of the sign. Ms. Horaz asked if electronic signs are allowed on walls? If the code is passed as written now, those signs would become legally non-conforming. Chairman Funkhouser suggested if businesses want that type of sign, they must forego a monument sign with Ms. Wells adding that most communities are only allowing them on monument signs. Consensus: electronic signs should generally be on monuments but, existing wall signs are legal non-conforming.

Prohibited Signs & Content Section (Section 10-6-9): *Revisions:* Originally included off-premises signs and billboards. Pending Supreme Court decision about off-premises signs and content neutrality of definition of off-premise signs and to avoid any issues, the off-premises signs were eliminated and just billboards allowed. The cold air inflatables were removed from the prohibited sign list. Ms. Horaz asked about the “rat” inflatables. They cannot be restricted and are allowed to be up 72 hours and no more than 25' tall.

Ms. Wells said she does not anticipate the Supreme Court to change their stance on the content issue. Regarding specific content, there is still a prohibited content section, so language was added to clarify if content is prohibited or restricted by state. Mr. Transier asked who defines what is obscene and Ms. Wells replied there is ample case law.

Safety, Maintenance, Abandonment (Section 10-6-10): *Revisions:* Requirement for landscape maintenance was eliminated, allowance for inspection and removal by zoning administrator was eliminated to reflect what city currently does.

3. Committee Comments and Questions

Ms. Horaz raised a concern about big apartment complexes and the affect the density has on traffic, schools, etc. Currently Oswego is looking at these kinds of developments. Ms. Noble said this topic could be addressed at a Planning and Zoning Commission meeting.

Next Step: Comments from Chapters 3, 4, and 5 will be sent to committee members for review and staff will be reviewing subdivision standards. The next meeting will be in early May and meeting content will depend on those comments and reviews.

4. Adjournment

There was no further business and the meeting adjourned at 8:33pm

Minutes respectfully submitted by Marlys Young, Minute Taker