



Legislation Details (With Text)

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Title:	Provide direction regarding options that may be used to address existing non-conforming pole signs located along East Ogden Avenue.		
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Attachments:	1. Ogden Pole Signs		

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CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Provide direction regarding options that may be used to address existing non-conforming pole signs located along East Ogden Avenue.

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Allison Laff, AICP, Deputy Director

BOARD/COMMISSION REVIEW:

Not required.

BACKGROUND:

Under new business at the April 17, 2018 City Council meeting, Councilman Coyne directed staff to develop options that may be used to eliminate non-conforming pole signs along East Ogden Avenue (from Washington Street to the City's eastern boundary).

DISCUSSION:

Ordinance History

Pole signs are defined as a type of ground sign which is supported by a pole structure extended from the ground. While pole signs have been largely prohibited in the City since the early 2000s, an exception was created for Ogden Avenue whereby pole signs remained a permitted improvement. However, in 2008, new pole signs were prohibited Citywide, including along Ogden Avenue, and all pole signs in existence at the time of the code amendment were deemed existing non-conforming structures.

Non-Conforming Regulations

Per the Sign Code, the following regulations apply to non-conforming signs:

1. Ordinary repairs and maintenance, including removing and replacing of the outer tenant panels shall be permitted (except in those cases when the revision of the display of commercial speech is due to a change of the business tenant). No structural alterations, or other similar work shall appreciably extend the normal life of the sign.
2. No repair, alteration, or replacement which increases the size of the sign shall be permitted.
3. No sign shall be moved in whole or part to any other location on the same or any other lot unless every portion of such sign is made to conform to all regulations of this Chapter and other applicable regulations of the City.
4. A nonconforming sign which is destroyed or damaged by fire or act of nature to the extent that the cost of restoration shall exceed fifty percent (50%) of the cost of the replacement of the entire sign, shall not be restored unless said sign shall conform to all of the regulations of this Chapter and other applicable regulations of the City of Naperville.
5. If a nonconforming sign is discontinued for a continuous period of one hundred eighty (180) days, it shall be removed, and any subsequent sign shall conform to all of the requirements of this Chapter and other applicable regulations of the City of Naperville.
6. Any nonconforming sign which violates any provision of this Section shall be considered a nuisance and removed within thirty (30) days.

Existing Pole Signs

Since pole signs became prohibited in 2008, several have been removed and replaced with monument signs, as follows:

- 215 E. Ogden (New Multi-Tenant Strip Center with Starbuck's)
- 300 E. Ogden (State Farm/Russian School of Mathematics)
- 335 E. Ogden (Nicky's Hot Dogs - received Ogden Grant)
- 450 E. Ogden (Andy's Frozen Custard - former Grandma Sally's)
- 915 E. Ogden (NTB*)
- 1032 E. Ogden (Metropolitan Asian Family Services*)
- 1097 E. Ogden (Enterprise Rent-a-Car)
- 1154 E. Ogden Avenue (HomeWerks - former Chuck E. Cheese)
- 1299 E. Ogden (CVS - former Pizza Hut)

**Each of these properties received City Council approval of a variance to permit continued use of a non-conforming pole sign. The variance approval included a 2-year sunset clause. The pole signs were replaced with monument signs following expiration of the sunset.*

However, even with the improvements noted above, there continue to be **49 pole signs** located within the East Ogden Avenue Corridor. An inventory of the existing pole signs, as well as pictures of each sign located along the Corridor, can be found in the attached.

Options to Increase Compliance

The greatest opportunity for removal of existing pole signs is often in conjunction with the redevelopment of a property. If City Council wishes to reduce the number of pole signs in a more expedited manner (or on those properties that are not likely to be redeveloped), this could be achieved through additional regulations, incentives, or a combination of both, as provided below. When considering these options, it is important to note the following:

- Adequate and highly visible signage is an important (and often required) improvement for many commercial businesses.
- Many sites along this Corridor will have limited locations on their property in which a code-compliant monument sign can be located by right.
- There is a significant cost to remove an existing pole sign and replace it with a monument sign.
- A non-conforming pole sign could be replaced with monument sign that, per code, could include an electronic message board (EMB) on 50% of the sign's face. Given the frequency of signs along the Corridor, this could also potentially have undesired aesthetic implications.

Additional Regulation: Stricter Non-Conforming Regulations

The current non-conforming regulations allow for alteration of a pole sign's panels provided that the business does not change. For example, if Joe's Flower Shop has a new logo, they can replace their old tenant panel with a new tenant panel. However, if Joe's Flower Shop sells to Bob's Shoe Repair, the pole sign must be removed. In the case of multi-tenant pole sign, new panels can be added as new tenants occupy the shopping center; in these instances, the pole sign would be required to be removed only if damaged beyond 50% replacement or voluntarily taken down. The Code could be amended to require removal of the pole sign at any time that a tenant panel is changed, thereby resulting in stricter standards for compliance and less flexibility with tenant changes. For single-tenant signs, this code change could have the unintended consequence of outdated or dilapidated sign panels, as the replacement of these panels would trigger pole sign removal.

Additional Regulation: Elimination of Ogden Avenue Corridor Pole Signs within a Specified Timeframe

As described above, there is a documented public interest in the elimination of pole signs throughout the City. In addition, there is a history of efforts by the City to improve the Ogden Avenue Corridor. The current pole signs along the Ogden Avenue Corridor have been nonconforming uses under the City's Code, albeit legal nonconforming uses, for a decade. The Illinois Municipal Code, 65 ILCS 5/11-13-1, provides that provision may be made for the gradual elimination of uses, buildings and structures which are incompatible with the character of the districts in which they are located. In addition, since this issue clearly pertains to a matter of local government and affairs, the City's home rule authority also supports the City's right to take action. Therefore, so long as a reasonable timeframe is provided for, and particularly if the City takes one or more of the steps described below to mitigate the impact on affected property owners, the City may require the elimination of pole signs along the Ogden Avenue Corridor.

Incentive: Grant Program

Given the costs associated with removal and replacement of a pole sign with a monument sign, the City may offer a grant to complete this work. It is reasonable to assume that a monument sign could cost approximately \$20,000 on average. If, for example, a \$5,000 grant were offered per property, the City would need a budget of approximately \$245,000 to fund this grant program. It should be noted that the City previously offered a grant for certain aesthetic improvements, including façade, landscaping, and signage upgrades, undertaken to properties located along Ogden Avenue. This program did have limited interest and participation in the years it was administered. However, staff believes that a more targeted and simplified grant program which is specific to signs only, particularly if new regulations are imposed, may yield more success.

Incentive: Administrative Variance Approval

As noted above, many properties along the East Ogden Corridor will not be able to site a monument sign on their property in compliance with all code requirements. This is due to many factors, including limited existing setbacks between the parking lot and the property line, limited property depth, existing lot widths which may not meet code minimums for a monument sign, inability to meet the required setback from the interior property lines, and inability to remove on-site parking for the sign based on minimum parking requirements. Requiring a variance to replace a pole sign with a monument sign can be costly and time-consuming, thereby deterring a property owner from making the request. To counteract this, the Code could be amended to allow the Zoning Administrator the ability to administratively grant variances to permit the installation of a monument sign provided that the proposed sign complies with items such as the East Ogden Avenue sign design guidelines and sight distance requirements. For those properties that could not meet these requirements, the Code could be amended to permit additional wall sign allowances to ensure the provision of adequate business signage or allow for administrative approval to reduce on-site parking spaces below code minimums without the need for a variance (provided a parking problem would not be created).

City Council Feedback & Next Steps

At the September 4, 2018 meeting, City Council should provide staff with specific direction regarding the options noted above that may be used to address existing non-conforming pole signs located along East Ogden Avenue. For any option that includes an amendment to the Naperville Municipal Code, a public hearing will be required before the Planning and Zoning Commission with final approval by City Council. For any option that results in additional/stricter regulations, the City is required to directly notify all impacted property owners (i.e., those with existing non-conforming poles signs) of the proposed amendment.

FISCAL IMPACT:

To be determined.