

Effective Date: October 13, 2016

9/1/2016

107-O-16

AN ORDINANCE

**Consolidating the City of Evanston Sign Review and Appeals Board
into the City of Evanston Design and Project Review**

SECTION 1: City Code Section 4-14-1 of the Evanston City Code of 2012, as amended (the "City Code"), is hereby further amended to read as follows:

4-14-1. - STATEMENT OF PURPOSE.

- (A) **Objective.** Design and project review is a procedure for the review of proposed developments or redevelopments to ensure they are compatible with adjacent development by taking into account the relationship of the new development to its surroundings with review and discussion by members of City staff and community members from various disciplines. Design and project review also includes sign review.
- (B) **Address Details Not Covered.** The purpose of design and project review is to go beyond the basic zoning requirements and to deal with the site details on which zoning and other codes are silent. Design and project review is not a substitute for zoning.
- (C) **Elements Examined.** In carrying out the purpose of Design and Project Review, the following are examples of elements which are examined:
 - 1. Parking arrangement.
 - 2. Circulation.
 - 3. Traffic access.
 - 4. Building location on the site.
 - 5. Landscaping.
 - 6. Signage.
 - 7. Drainage.
 - 8. Exterior building design and materials.
 - 9. Emergency phone structure, as defined in City Code Section 6-18-3.
- (D) **Authority Limited.** Design and project review does not have any authority to determine land use and in certain circumstances acts as a recommending body to the Zoning Board of Appeals and/or the Plan Commission.
- (E) **Result of Review Process.** In addition to upgrading site development planning, the City hopes to create a process which will expedite the review of development proposals through providing a coordinated staff review.
- (F) **Authority Related to Sign Regulations.** The design and project review committee is also vested with the following jurisdiction and authority:

1. **Sign Administrator Appeals.** The design and project review committee will hear all appeals from any order, requirement, decision, determination, or interpretation of the Sign Administrator acting within the authority vested from Title 4, Chapter 10 of the Evanston City Code, "Sign Regulations," and make written findings and decisions for the disposition of such appeals. For this subsection only, the design and project review committee will exclusively follow the procedures set forth in City Code Section 4-10-15, "Appeals."
2. **Sign Variations.** The design and project review committee will hear all petitions for variations from the provisions of Title 4, Chapter 10 of the Evanston City Code, "Sign Regulations," make written findings, and approve, modify, approve with conditions or deny such petitions for variations. For this subsection only, the design and project review committee will exclusively follow the procedures set forth in City Code Section 4-10-16, "Variations."
3. **Unified Business Center Signage.** The design and project review committee shall hear all requests for the establishment or amendment of comprehensive sign plans for unified business centers, make written findings, and approve, modify, approve with conditions or deny such requests. For this subsection only, the design and project review committee will exclusively follow the procedures set forth in City Code Section 4-10-17, "Unified Business Centers."

SECTION 2: City Code Section 4-10-14 of the Evanston City Code of 2012, as amended (the "City Code"), is hereby further amended to read as follows:

4-10-14. – SIGN REVIEW AND APPEALS.

The Design and Project Review committee, as set forth in Title 4, Chapter 14, "Design and Project Review (DAPR)," of the Evanston-City Code, is vested with the following jurisdiction and authority:

- (A) **Sign Administrator Appeals.** The Design and Project Review committee shall hear all appeals from any order, requirement, decision, determination, or interpretation of the Sign Administrator acting within the authority vested from this Chapter and make written findings and decisions for the disposition of such appeals.
- (B) **Sign Variations.** The Design and Project Review committee shall hear all petitions for variations from the provisions of this Chapter, make written findings, and approve, modify, approve with conditions or deny such petitions for sign variations.
- (C) **Unified Business Center Signage.** The Design and Project Review committee shall hear all requests for the establishment or amendment of comprehensive sign plans for unified business centers, make written findings, and approve, modify, approve with conditions or deny such requests.

SECTION 3: City Code Section 4-10-15 of the Evanston City Code of 2012, as amended (the "City Code"), is hereby further amended to read as follows:

4-10-15. - APPEALS.

- (A) Notification to Aggrieved Party. It shall be the responsibility of the Sign Administrator to provide written notification to the aggrieved party of an action denying a permit. Said notice shall include the following:
1. The date and specific reason for denial of the permit.
 2. All forms and procedures required for filing an appeal.
- (B) Petition for Appeal. An appeal may be taken to the Design and Project Review committee by any person aggrieved by an order, requirement, decision, determination, or interpretation of the Sign Administrator acting with respect to the authority of this Chapter.
1. Application Deadline. An appeal shall be filed within forty five (45) working days after notification of the alleged erroneous order, requirement, decision, determination, or interpretation.
 2. Application Form. An appeal shall be filed in writing with the Sign Administrator on a form supplied by him/her. It shall be accompanied by such documents and information as the Board may by rule require.
 3. Filing Fee. Each appeal to the Design and Project Review committee shall be accompanied by a filing fee as established by ordinance. If the appeal is granted by the Design and Project Review committee, the filing fee shall be refunded to the applicant.
- (C) Transmittal of Record. The Sign Administrator shall, at the time of filing an appeal, forthwith transmit to the Design and Project Review committee all of the documents constituting the record upon which the action appealed from was taken.
- (D) Effect of Appeal. The appeal shall stay all proceedings in furtherance of the action appealed from, unless the Sign Administrator certifies to the Design and Project Review committee after the appeal has been filed that, by reason of the facts stated in the application, a stay would in the Sign Administrator's opinion cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by a court of competent jurisdiction, and then only if due cause can be conclusively shown.
- (E) Action of the Board. The Design and Project Review committee shall hold a public hearing on an appeal within thirty (30) days of receipt of a completed written application.
1. Hearing Notice. Notice shall be given of the time, place, and purpose of the public hearing by posting on the premises which is the subject of the hearing a notification sign which meets the following standards:
 - a. The sign shall be a minimum of twenty inches by thirty inches (20" x 30").
 - b. All capital lettering on the sign shall be a minimum of three inches

- (3") high and the colors utilized shall provide suitable contrast for readability from the adjacent public street.
- c. The sign shall contain: the title "PUBLIC NOTICE" at the top; a statement of the purpose of the hearing; the date, time and place of the hearing; and reference that the hearing is before the Evanston Design and Project Review committee.
 - d. The sign shall be placed near the front door of the premises, or as required, to be fully visible from the public street on which the premises is located. If the premises has frontage on more than one public street a separate sign shall be required for each frontage.
 - e. The sign shall be posted not less than seven (7) days before the hearing to which it refers. It shall be removed within five (5) days after the final decision of the Design and Project Review committee on the petition.
2. Required Attendance. Both the aggrieved petitioner and the Sign Administrator or their authorized representatives shall attend the meetings of the Design and Project Review committee at which the appeal is to be heard.
 3. Decision. Within fifteen (15) working days of the close of the required public hearing of the appeal, the Design and Project Review committee shall prepare and submit written findings, and by a majority vote, issue a decision to grant, deny, wholly or in part, or modify said appeal.
- (F) Council Action. Following receipt of the findings and decision of the Design and Project Review committee the Planning and Development Committee of the City Council may choose to review the decision of the Design and Project Review committee and on the basis of the record may affirm, modify or reverse the decision of the Design and Project Review committee. If no motion to review a Design and Project Review committee decision is made and adopted at the Planning and Development Committee meeting following the receipt of the findings and decision of the Design and Project Review committee, that decision of the Design and Project Review committee shall be final.
- (G) Maintenance of Records. The Sign Administrator shall maintain complete records of all findings and decisions of the Design and Project Review committee and all determinations of the City Council relative to an appeal. All such records shall be open to the public for inspection.

SECTION 4: City Code Section 4-10-16 of the Evanston City Code of

2012, as amended (the "City Code"), is hereby further amended to read as follows:

4-10-16. - VARIATIONS.

It is the intent of this Section to permit variations from the requirements of this Chapter if necessary to achieve uniformity among signs similarly located and classified.

- (A) Petition for Variation. A petition for a variation from any provision(s) of this Chapter may be made by any person having a proprietary interest in the sign for

which such variation is requested.

1. **Petition Contents.** A petition for variation shall be filed in writing with the Sign Administrator on a form supplied by him/her and shall be accompanied by such documents and information as are necessary to clearly exhibit the practical difficulty for which the variation is necessary, including:
 - a. The name, address, and telephone number of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person responsible for erecting or affixing the sign.
 - b. A description of the requested variation.
 - c. Justification of the requested variation.
 - d. The location of the premises on which the sign is to be erected or affixed.
 - e. A site plan of the premises involved, showing accurate placement thereon of the proposed sign.
 - f. A blueprint or ink drawing of the plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of dimensions, materials, color, and weight.
 - g. The written consent of the owner of the premises on which the sign is to be erected or affixed.
 - h. A fee, as determined by ordinance, to be paid at the time of filing of the petition for variation.
- (B) Action of the Design and Project Review committee.** The Design and Project Review committee shall hold a public hearing on the petition for variation within thirty (30) days of receipt of a completed written application.
1. **Hearing Notice.** Notice shall be given of the time, place and purpose of the public hearing by posting on the premises which is the subject of the hearing a notification sign which meets the following standards:
 - a. The sign shall be a minimum of twenty inches by thirty inches (20" x 30").
 - b. All capital lettering on the sign shall be a minimum of three inches (3") high and the colors utilized shall provide suitable contrast for readability from the adjacent public street.
 - c. The sign shall contain: the title "PUBLIC NOTICE" at the top; a statement of the purpose of the hearing; the date, time and place of the hearing; and reference that the hearing is before the Evanston Design and Project Review committee.
 - d. The sign shall be placed near the front door of the premises, or as required, to be fully visible from the public street on which the premises is located. If the premises has frontage on more than one public street a separate sign shall be required for each frontage.
 - e. It shall be the responsibility of the petitioner to remove the sign(s) within five (5) days after the final decision of the Design and Project Review committee on the petition.

2. Required Attendance. Both the aggrieved petitioner and the Sign Administrator or their authorized representatives shall attend the meetings of the Design and Project Review committee at which the variation is to be heard.
 3. Decision. Within fifteen (15) working days of the close of the required public hearing on the variation, the Design and Project Review committee shall prepare and submit written findings, and by a majority vote, issue a decision to grant, deny, wholly or in part, or modify said variation.
- (C) Appeals from Decision of Design and Project Review committee.
1. Decisions of the Design and Project Review committee may be appealed to Planning and Development Committee by applicant.
 2. a. If the sign which is the subject of the variation is located in a residential Zoning District, a property owner whose property is within a two hundred fifty foot (250') radius from the property on which the sign is proposed to be located may appeal the Design and Project Review committee's approval of the variation. Such an appeal may be filed only by a property owner who: 1) appeared in person or by an authorized representative at all public hearings at which the variation was considered and who presented his/her objections to the Design and Project Review committee, or 2) who filed written objections with the Design and Project Review committee to the variation.
 - b. The appeal must:
 - 1) Be filed with the Sign Administrator, within ten (10) calendar days from the date of the Design and Project Review committee's written decision;
 - 2) Be in writing; and
 - 3) Specify with particularity the ground(s) for objection. The applicant is permitted to file a written response to any ground(s) asserted in the appeal but not raised before the Design and Project Review committee.
 - c. Within five (5) working days of receiving the appeal, the Sign Administrator shall send a copy of the appeal to the applicant by first-class mail, return receipt requested. Any response the applicant files must be received by the Sign Administrator within ten (10) working days of the date the appeal was mailed to the applicant. The Sign Administrator will send a copy of any response to the appellant property owner.
 - d. After receiving the appeal and any response thereto, the Sign Administrator shall set the appeal for the next available regular Planning and Development Committee meeting and notify the applicant and appellant property owner in writing of the meeting date.
 3. The Planning and Development Committee shall decide whether or not to hear the appeal, and if granted, set a hearing date for said appeal. A decision to not hear the appeal shall be in writing and shall be issued no later than the Committee's next regular meeting.

4. The hearing shall be confined to a review of the Design and Project Review committee's decision, and, if applicable, of the written objections submitted by the appellant property owner and response(s) thereto filed by the applicant. No verbal presentations shall be heard except upon invitation by the Committee and any such presentation shall be confined to facts and matters contained in the written materials on file in the appeal.
- (D) The Planning and Development Committee shall either approve, approve with conditions, deny the application, or refer the matter back to the Design and Project Review committee for further proceedings. The Committee's decision shall be in writing and shall be issued no later than the next regular meeting after the decision is made.
- (E) Standards. Variations may be approved to overcome an exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent the display of a sign as intended by this Chapter. No variation shall be granted unless the Design and Project Review committee makes findings of fact with regards to each of the following standards:
1. Hardship. The proposed variation will alleviate some demonstrable and unusual hardship that arises due to factors including, but not limited to, location, site configuration, and/or building configuration.
 2. Reasonable Return. The proposed variation will contribute to a reasonable return from the business advertised.
 3. Not Harm Public Welfare. The proposed variation will not be materially detrimental to the public welfare.
 4. Consistent with Intent. The proposed variation promotes the purpose of the Sign Regulations set forth in Section 2 of this Chapter.
- (F) Conditions. Such conditions and restrictions may be imposed on the premises to be benefited by a variation as may be necessary to comply with the standards set forth herein, to reduce or minimize any injurious effect of such variation on other property in the neighborhood, and to implement the general intent, purpose, and objectives of this Chapter.
- (G) Revocation. In any case where a variation has been granted, and where no work pertinent thereto has been initiated within one year from the date of approval of the requested variation, then without further action by the Design and Project Review committee, said variation shall become null and void.
- (H) Maintenance of Records. The Sign Administrator shall maintain complete records of all findings of fact and decisions of the Design and Project Review committee relative to a variation. All such records shall be open to the public for inspection.

SECTION 5: City Code Section 4-10-17 of the Evanston City Code of 2012, as amended (the "City Code"), is hereby further amended to read as follows:

4-10-17. - UNIFIED BUSINESS CENTER.

No permit shall be issued for a sign to be located in a unified business center until a comprehensive sign plan has been approved for the center and the sign complies with

the provisions hereof.

- (A) **Comprehensive Sign Plan Approval.** Approval of a comprehensive sign plan for a unified business center shall be at the discretion of the Design and Project Review committee in accordance with the criteria noted herein.
- (B) **Site Plan Review.** No permit shall be issued for a sign, and no final approval shall be granted for a comprehensive sign plan prior to review and approval by the Design and Project Review committee of all comprehensive sign plans.
- (C) **Application Content.** In addition to the requirements listed for permit applications in subsection 11(C) of this Chapter, the application for a comprehensive sign plan for a unified business center shall include a format for all signs to be used in the center, including their maximum size, color, location, illumination details, lettering type, mounting details, and (if any) landscaping details.
- (D) **Criteria.** The criteria used by the Design and Project Review committee in its review of the proposed comprehensive sign plan for a unified business center shall include:
 - 1. **Scale and Proportion.** Every sign shall have good scale and proportion in its design and in its visual relationship to the other signs, buildings and surroundings.
 - 2. **Integral Elements.** The signs in the plan shall be designed as integral architectural elements of the building and site to which they principally relate and shall not appear as incongruous "add-ons" or intrusions.
 - 3. **Restraint and Harmony.** The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
 - 4. **Effective Composition.** The number of graphic elements and letters shall be held to the minimum needed to convey each sign's message and shall be composed in proportion to the area of the sign's face.
 - 5. **Compatibility.** Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
 - 6. **Unified Image.** The effect of the signs proposed in the plan shall be the establishment of a unified image for the center.
- (E) **Permitted Variations.** In conjunction with the approval of the comprehensive sign plan for a unified business center, the Design and Project Review committee may authorize limited variations to the regulations included in this Chapter. Such variations shall be permitted only when the applicant demonstrates that they are necessary to provide an improved comprehensive solution that is consistent with the purpose of this Chapter as found in Section 4-10-2 of this Chapter. The variations permitted are limited to the following:
 - 1. **Wall Signs.** For wall signs the Design and Project Review committee may vary the required twenty percent (20%) reduction on multiple signs and the requirement that signs be coterminous with the occupancy to which the signs refer.
 - 2. **Freestanding Signs.** For freestanding signs the Design and Project Review committee may vary the thirty foot (30') facade setback requirement, the height limitations up to the maximum of fifteen and one-

half feet (15.5') or the height of the principal building to which the sign pertains (whichever is lower), and the area limitations up to the maximum of one hundred twenty (120) square feet per sign (as long as the total permitted sign surface area for either the occupant or the premises is not exceeded).

SECTION 6: City Code Section 4-14-9 of the Evanston City Code of 2012, as amended (the "City Code"), is hereby further amended to read as follows:

4-14-9. - APPEALS.

- (A) Except for appeals related to sign variation decisions, sign administrator appeal decisions, and Unified Business Center decisions, any final design and project review decision may be appealed to the Design and Project Review Committee for additional consideration, modification, reversal or affirmation by the Committee upon appeal by the applicant. Such appeal shall be filed with the Committee within fifteen (15) business days of the decision by the Director of Community Development, or his/her designee, and the Committee shall consider and decide said appeal within fifteen (15) business days thereafter.
- (B) Appeals related to sign variation, sign administrator appeal, and Unified Business Center decisions may be appealed to the Planning and Development Committee of the City Council. The Planning and Development Committee shall decide whether or not to hear the appeal, and if granted, set a hearing date for said appeal. A decision to not hear an appeal shall be in writing and shall be issued no later than the Planning and Development Committee's next regular meeting. The hearing shall be confined to a review of the Design and Project Review committee's decision, and, if applicable, of the written objections submitted by the appellant property owner and response(s) thereto filed by the applicant. No verbal presentations shall be heard except upon invitation by the Planning and Development Committee and any such presentation shall be confined to facts and matters contained in the written materials on file in the appeal. The Planning and Development Committee shall either approve, approve with conditions, deny the application, or refer the matter back to the Design and Project Review committee for further proceedings. The Committee's decision shall be in writing and shall be issued no later than the next regular meeting after the decision is made.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: If any provision of this Ordinance 107-O-16 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such

invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

SECTION 9: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and will be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

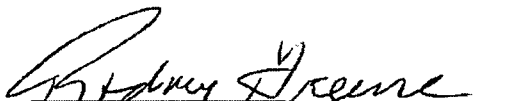
SECTION 10: This Ordinance 107-O-16 is in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: September 12, 2016
Adopted: September 26, 2016

Approved:
October 3, 2016


Elizabeth B. Tisdahl, Mayor

Attest:


Rodney Greene, City Clerk

Approved as to form:


W. Grant Farrar, Corporation Counsel