



**MINUTES  
VILLAGE OF GLENCOE  
ZONING COMMISSION  
SPECIAL MEETING**

Village Hall Council Chamber and Videoconference  
Monday, October 24, 2022 – 7:00 p.m.

**1. CALL TO ORDER AND ROLL CALL**

The Special Meeting of the Commission of the Village of Glencoe was called to order by the Chair, at 7:00 p.m. on the 24th day of October 2022, held at Glencoe Village Hall.

Attendee Name	Title	Status
<b>Zoning Commission</b>		
Scott Novack	ZC Chairman	Present
Sara Elsasser	Commissioner	Present
Alex Kaplan	Commissioner	Present
Debbie Ruderman	Commissioner	Present
Michael Koppersmith	Commissioner	Present
Jake Holzman	Commissioner	Present
Dena Fox	Commissioner	Present
<b>Village Staff</b>		
Braeden Lord	Village Attorney	Present
Lee Brown	Village Planner	Present
Taylor Baxter	Development Services Manager	Present
Richard McGowan	Planner	Present

**2. CONSIDERATION OF MINUTES OF THE OCTOBER 3, 2022 ZONING COMMISSION MEETING**

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Kaplan, Ruderman, Koppersmith, Holzman, Fox
<b>NAYS:</b>	None
<b>ABSENT:</b>	Elsasser

Commissioner Sara Elsasser was absent for the approval of the October 3, 2022, Zoning Commission meeting minutes, but was present for the remainder of the meeting.

**3. CONTINUED CONSIDERATION OF A REFERRAL FROM THE VILLAGE BOARD FOR A PROPOSED AMENDMENT TO THE SIGN CODE SECTION OF THE ZONING CODE**

This continued consideration is a continuation of the October 3<sup>rd</sup>, 2022 Zoning Commission meeting.

Taylor Baxter gave a brief overview of the referral, reminding Board Members that after an initial conversation with staff in the summer of 2021, the Village Board instructed staff in late 2021 to begin the process of updating the sign code to address two issues, which are the usability/clarity of the code, and the legal issues with restricting sign content in the code. Mr. Baxter reiterated that the current sign code is not easy for contractors, businesses, and other parties to read and interpret. Mr. Baxter also noted a nationally significant court case *Reed v. Town of Gilbert (2015)*, and an outcome of that court case was that signs could not be regulated based on the content of the signage, and the Village's sign code currently has multiple areas that have content-based regulations, so the proposed changes would need to make the sign code content-neutral. Mr. Baxter noted that some problematic sign types that are fundamentally content-based, such as a "Real Estate Sign" or "Political Sign", and the code itself also has content-based restrictions for other sign types, so these need to be removed from the code to the extent possible.

Mr. Baxter then provided ZC with research for window signage, political signs, hate speech limitations, and possible new definitions. The first comparison was for nearby municipalities' requirements for window signage, and if they require an exterior appearance review for new window signage – in summary, 4 out of 5 nearby municipalities require an appearance review for permanent signs.

ZC Chairman Scott Novack then asked Commissioners to give some thought for a definition of "permanent signage". Village Planner Lee Brown then noted that Highland Park took away their appearance review requirement for window signage because it was such a problem. Mr. Baxter then provided ZC with the second comparison for nearby municipalities' requirements for political signage – in summary, 5 out of 5 nearby municipalities have retained content-based restrictions.

Commissioner Michael Koppersmith noted that he would like to see the Village have the ability to restrict hate speech where possible, while acknowledging that removing content-based restrictions from the sign code assumes some loss of control. Commissioner Alex Kaplan asked if the Village has an existing issue with hate speech on signs, and noted that perhaps we do not want to address something that is not a problem. Commissioner Jake Holzman agreed that regulating hate speech may be a bit more challenging without content based restrictions and asked what may be the best path forward. Village Attorney Braeden Lord stated that hate speech can be difficult to enforce since it generally is protected by the first amendment, while noting examples of legal cases from Skokie, IL, and St. Paul, MN. Mr. Baxter then presented a general overview of hate speech restrictions, noting that they are generally difficult to regulate, but potential examples of regulation could include specific threats or incitement of violence, sexually obscene content, and fraud/defamation.

Attorney Lord noted that inciting violence can often be referenced as “fighting words” that often threatens or incites violence against a particular group or individual. Commissioner Sara Elsasser noted that while hate speech may be difficult to enforce without content-based regulations, some notation or verbiage could be a way to potentially mitigate someone from taking advantage of the sign code. Commissioner Kaplan asked how the Village would qualify something as hate speech, and Chairman Novack noted that it could potentially be the three examples from staff’s presentation of hate speech restrictions:

1. Specific threats or incitement of violence
2. Sexually obscene content
3. Fraud/defamation

Commissioner Kuppersmith noted perhaps these elements may already be protected within federal or state laws, and Attorney Lord noted that hate crimes may already be protected within federal or state laws, but the speech element cannot necessarily be prohibited due to the first amendment. Chairman Novack asked if there was a sign that hypothetically incited violence, would Public Safety alert the resident or would it be Public Works. Staff noted that if it incited violence then it would start with Public Safety. Board Member Elsasser voiced her concerns over removing content-based restrictions, and the potential side effect of someone taking advantage of relinquished control during election season.

There was then a discussion about making a motion about the hate speech verbiage at this point, but Chairman Novack and some ZC members seemed to agree that a motion could be made at the end of tonight’s ZC discussion. Board Member Dena Fox asked about a situation where people have used sidewalk chalk to share messages, and Mr. Baxter noted that when that happened in the Village approximately two years ago, the Village did respond but did not consider the sidewalk chalk to be signage. Commissioner Kaplan asked what “attention getting devices” were and staff provided an excerpt from Section 5-105 of the Sign Code:

*(b) Attention-Getting Device. A **sign** designed to attract attention by means of flashing or moving parts, bright color or light, or movement of any kind. Examples of such **signs** include pennants, banners, flags, streamers, balloons, propellers, whirligigs, search lights, and flashing lights.*

Commissioner Kaplan then noted concern with using the word “misinformation” and stated that he did not want to use that word because it may already be defined legally and could potentially present issues.

The ZC then moved on to discuss window signs, and one of the main points of the discussion was whether to limit the percentage of windows signs for all windows combined (on a storefront) or for each window of the storefront, which lead to proposed new definitions for the sign code:

- “Window area”: A window assembly including the sash, glazing and frame of an uninterrupted system of windows. Where a structural or architectural element interrupts a window or system of windows, it is considered a different window area.

- Systems of windows with multiple windows offset by an angle of more than 45 degrees shall be considered separate window areas.
- “Storefront”: The part of an exterior wall or walls of a building abutting interior space occupied by a business establishment.
  - Staff is proposing replacing “business establishment” with “storefront”.

Mr. Baxter then presented several examples of existing storefronts in the Village in order to show the ZC what businesses have done and what regulations can consider when there are various styles of windows and framing around storefront entrances. Commissioner Kaplan asked if signage can go through the Zoning Board of Appeals (ZBA) and Mr. Baxter confirmed that it can. Chairman Novack presented the ZC with options to consider whether appearance review should be required for window signs. Commissioner Fox asked if it would be helpful to require an exterior appearance review for any new business in town in order to prevent potential code violations. Commissioner Ruderman asked if there is an existing percentage limit on window signage and Mr. Baxter confirmed that there is not, but noted that there are design guidelines for signage (referenced PDF page 34 in the ZC Agenda Packet). Chairman Novack then asked about what would potentially happen to existing signs that may not be in compliance with any changes. Mr. Baxter noted that it is up for discussion, but would entail additional communication with businesses, and perhaps a sunset ordinance or collaborative ways to encourage businesses to be in compliance.

Commissioner Ruderman noted that she is not sure that an exterior appearance review is necessary because of staff time, and it potentially make everything look the same. Commissioner Fox asked the ZC if they would want to assign a maximum letter height. Chairman Novack noted that the exterior appearance review may be another second check on some of these components. Mr. Baxter then shared additional storefront examples of window signage that is currently out of compliance and what could potentially be brought into compliance.

Chairman Novack noted that he’s hearing some agreement on a 15% limit for window coverage, and asked the ZC if they want to require an exterior appearance review for window signage. Commissioner Michael Kuppersmith noted that the sign code should be effective but if the appearance of the signage becomes an issue then the ZC could adjust as needed. Commissioner Elsasser seemed to agree and stated that she’s not sure if the exterior appearance review requirement should be required if the Village currently doesn’t have too many issues with window signage. Commissioner Ruderman seemed to agree and noted that the proposed amendments to the sign code may help fix some of the existing issues and if the need changes, they could always reconsider introducing the exterior appearance review process for window signage. Commissioner Kaplan agreed with Commissioner Ruderman.

Chairman Novack asked if the ZC wants to consider defining what a “window” is for the purpose of defining window signage. There was then a discussion about the measurement of sign area, signs on lots with multiple users, and sign spacing, and staff referenced the existing language from the sign code which clarifies how sign area is measured. Chairman Novack noted that he doesn’t think the intent of the language in “Sign Spacing” in § 5-

105(E)(13) is to have letters on a window sign spaced out at least two feet from each other, but they have to know that if they're not spaced out more than two feet from each other, then they could be considered as one sign. Chairman Novack stated that the language should be clear how sign area is interpreted and measured.

Chairman Novack asked if *Reed v. Gilbert* touches on the number of signs, and Commissioner Kupper-Smith asked if there's a reason why there's no limit on the number of political signs. Mr. Baxter stated that the code currently allows an unlimited number of political signs, but it says political signs "during election season", and there are legal concerns with limiting the number of political signs. Attorney Lord noted that there could be an aggregate limit on the overall signage. Commissioner Ruderman added that perhaps it would be helpful to add the word "window" to the painting signs that are prohibited in residential districts, and perhaps some language referencing "election-related" signage that could prevent commercial signage. Attorney Lord stated that he thinks that gets into content-based restrictions. Commissioner Kaplan asked if the Village can even limit duration of political signs because that in itself is based on content. Attorney Lord noted that Commissioner Kaplan brings up a good point because arguably event-based restrictions could be content-based restrictions in hiding, and since courts are changing all of the time, that could be a possible way to approach regulating political signage. Commissioner Kaplan asked if the Village is putting itself at risk but setting a duration for political signage. Commissioner Ruderman noted that the ZC could always revisit this if the number of signs are abused. Chairman Novack reiterated that the current regulations allow for an unlimited amount of political signs during election season and that he likes the language as proposed and to him it's a minor risk. Commissioner Kaplan stated that he wants to reiterate that limiting the duration could open it up to legal challenge but it might be our best path forward. Chairman Novack agreed and noted that this may be the best Reed-favoring compromise to address the sign code.

Commissioner Kupper-Smith suggested three changes to the proposed amendments from the ZC packet:

**Page 16, paragraph 23:** To eliminate "and real estate signs" from the new language:

23. Temporary Sign. A sign or advertising display constructed of cloth, canvas, fabric, paper, or other light material ~~designed or intended to be displayed for a short period of time,~~ **including Standard Informational Signs and Real Estate Signs.**

**Page 24, (J)(2):** To revise the word from "on" to "of" from the existing language:

2. When a ~~business establishment~~ **storefront** ~~on~~ **of** the first floor a building has no wall sign, an awning sign shall not exceed 1.5 square feet of area per 1 foot of lineal width of ~~it's~~ **the** storefront.

**Page 30:** The percentages are different but should be consistent across the board for all Zoning Districts. Chairman Novack then asked if the ZC should consider the differences

between Zoning Districts. Mr. Baxter noted that there are not proposed changes to window signage requirements for the Highway Frontage (HF) Zoning Districts, but the HF Districts can also seek a variation if necessary.

In addition to the proposed sign code amendments, Mr. Baxter then read the additional notes for a motion and resolution.

1. Add to the list of prohibited signs (§5-105 (E)), non-first amendment-based restrictions for fraudulent/defamatory signs, obscenity, specific threats or incitement of violence signs.
2. Clarify the measurement of window area language to areas separated by doors.
3. To change the window coverage limit to 15%.
4. To maintain no exterior appearance review requirement for window signage.
5. To clarify the 2-foot separation requirement between window signs.
6. To add language that states no signage in a residential district shall be painted on a window.
7. Two of the three clean up changes noted by Commissioner Koppersmith to eliminate the proposed verbiage “and real estate signs” as noted above and to revise the word “on” to “of” from the existing language relating to storefronts of the first floor of a building as noted above.

#### **PUBLIC COMMENT**

Chairman Novack asked the audience if there are any public comments. No public comments were made.

A motion was made and seconded to direct staff to draft a resolution recommending approval of the proposed sign code amendments with the changes as noted in numbers 1-7 above.

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Kaplan, Ruderman, Koppersmith, Holzman, Fox
<b>NAYS:</b>	None
<b>ABSENT:</b>	None

#### **4. DISCUSSION OF COMPREHENSIVE PLAN PROCESS AND ZONING-RELATED ISSUES**

Mr. Lee Brown introduced himself as the Village Planner and noted that the last Comprehensive Plan update for the Village of Glencoe was in 1996. Mr. Brown explained the plan can provide solid policy direction for the Village’s next 5 to 20 years, informed and shaped by extensive community engagement and how the ZC will play a role, and how the process could play out. Mr. Brown then noted that the ZC can start by looking at [www.allinglencoe.org](http://www.allinglencoe.org) which is a place where residents can voice opinions, opportunities, concerns, and ideas. Mr. Brown recommended that the ZC looks at the “comment map”

available on the [www.allinglencoe.org](http://www.allinglencoe.org) website. Commissioner Elsasser sought clarification on how the Comprehensive Plan helps think about the direction the Village is heading, and how it relates to zoning. Mr. Baxter stated that a successful Comprehensive Plan should help provide concrete guidance, including small area plans. Chairman Novack added that a Comprehensive Plan can really help with support or opposition for proposals. Mr. Brown added that Accessory Dwelling Units (ADUs), and how more people may be working from home, are other factors for the ZC to consider.

Chairman Novack asked if they should review the questions to prepare for next meeting. Mr. Brown stated that these are questions for discussion, and that the Village wants to make effective decisions without favoring who screams the loudest, and that it's mostly a land use discussion, not necessarily zoning.

Mr. Brown then read the following questions for ZC to prepare for the next meeting:

1. In what areas/on what issues does the Zoning Board/Zoning Commission need additional guidance from Village policy, particularly related to the Comprehensive Plan?
2. How can the Village use the public engagement process to make sure that a variety of perspectives are appropriately taken into account when evaluating development proposals?
3. How can the Village provide opportunities for additional multi-family or transitional (age-based) housing within the current built environment?
4. While extremely unlikely, if a large parcel of land became available for (re)development, what should be the community's priorities?
5. How might climate change impact zoning standards?
6. Should the inconsistency (non-conformance) between existing lot sizes and the standards of the RB and RC districts be maintained?

Commissioner Fox asked if there was a way to summarize the issues and Mr. Brown noted that we're building an encyclopedia with public comments right now with [www.allinglencoe.org](http://www.allinglencoe.org). Mr. Baxter noted that sometimes the impervious surface limits for multi-family housing can be very limiting with no option for a variation. Chairman Novack added that it would be helpful to hear some of the feedback staff has received from developers. Commissioner Ruderman stated that the ZC should look at the pros and cons of potentially changing things such as zoning. Chairman Novack stated that it's a great land use discussion and that everyone should look at [www.allinglencoe.org](http://www.allinglencoe.org) before the next ZC meeting on November 7<sup>th</sup>, 2022.

#### **PUBLIC COMMENT**

Chairman Novack asked the audience if there are any public comments. No public comments were made.

Since this portion of the ZC meeting was not a public hearing, a motion was not made, but Chairman Novack stated that he would like the Comprehensive Plan discussion to be on the November 7<sup>th</sup>, 2022, ZC agenda.

**5. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Chairman Novack asked the audience if there are any public comments on non-agenda items. No public comments were made.

**6. MOTION TO ADJOURN**

There being no further business to come before the Zoning Commission, the meeting was adjourned at 9:21 p.m.

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Kaplan, Ruderman, Koppersmith, Holzman, Fox
<b>NAYS:</b>	None
<b>ABSENT:</b>	None