



MDRN / APA-CMS

DESIGN REVIEW - LEGAL SCOPE



MDRN



“ we shape our environment, then it shapes us”

THEN

Beauty in the eye of the beholder? :

“...amidst all the variety and caprice of taste, there are certain general principles...”

David Hume, “*Of the Standard of Taste*” (1757)



MDRN - Legal “Roots”



NOW:

Planning, politics (and lawyers):

“...How with this rage,
shall Beauty ‘hold a plea’...”

Shakespeare, Sonnets



Why this “update” ?



“Community Character” ?

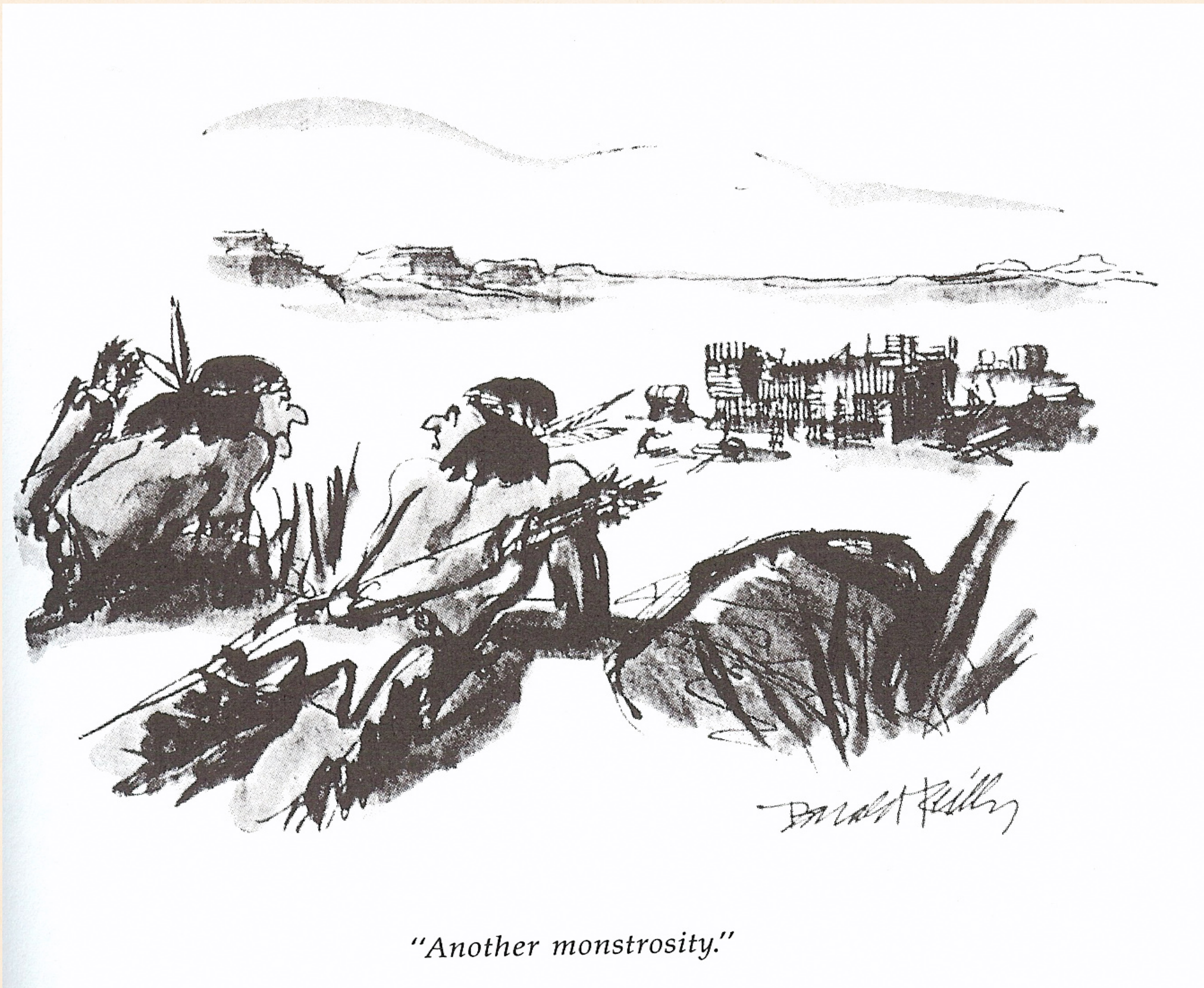
OVERALL “REGULATORY” ISSUES

- ❖ **Jurisdiction (Purposes)**
- ❖ **Scope of Review**
- ❖ **Delegation**
- ❖ **Standards (Processes)**



JOHN R HEDRICK
COMMUNITY + DESIGN + ADVOCACY

Historical “Precedents”



“Another monstrosity.”

APA - BACKGROUND / “CAVEATS”



Overall Context - Aspects

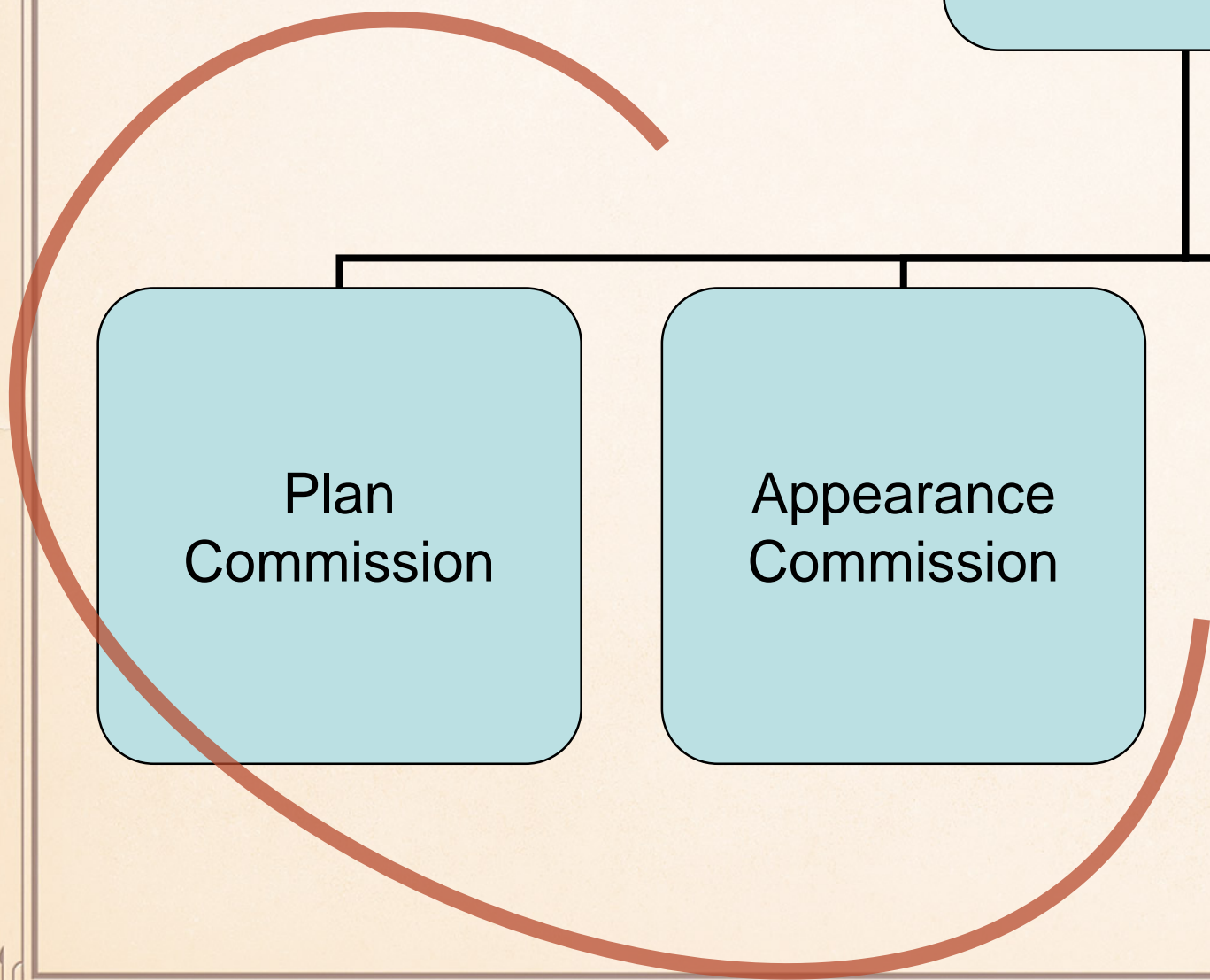
Board

Plan
Commission

Appearance
Commission

Zoning Board
Appeals

Historic
Preservation



Community Appearance Regulation:

Municipal Design Review Practices in Metropolitan Chicago

Sponsored by:



The Chaddick Institute

Provided for:



Municipal Design Review Network

Prepared by:

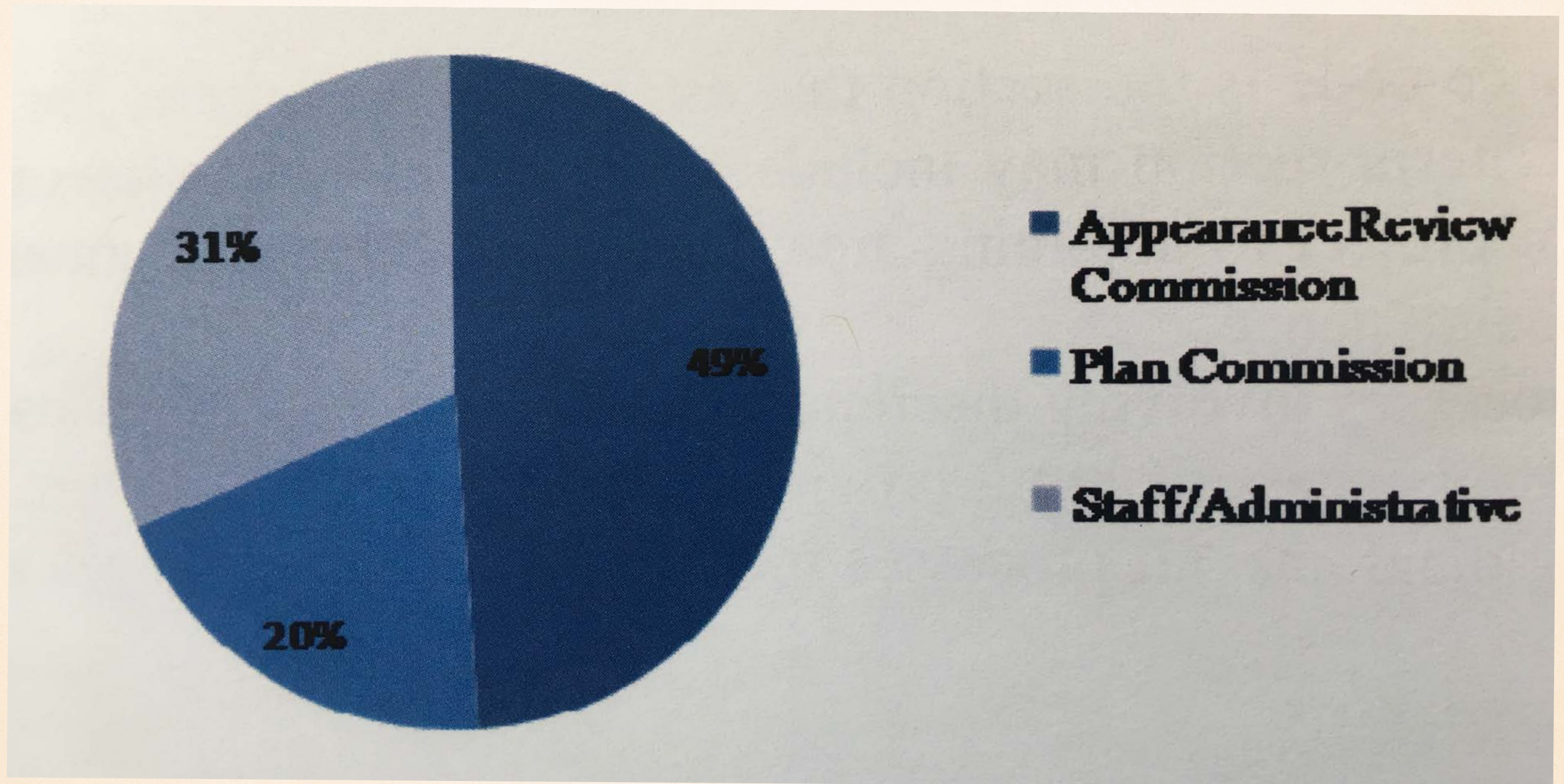


Scenic Illinois



By: John R. Hedrick, J.D.
Senior Advisor
Chaddick Institute for
Metropolitan Development

PREVALENCE



THE VALUE OF DESIGN REVIEW

Can be measured in:

▶ **PROPERTY VALUE**

Design review can boost property values by introducing certainty into the marketplace and improving the overall economic climate (Clarion Associates 2002).

▶ **QUALITY OF LIFE**

Protects the visual character and preserves the sense of place and pride in a community.

▶ **ENVIRONMENT & SUSTAINABILITY**

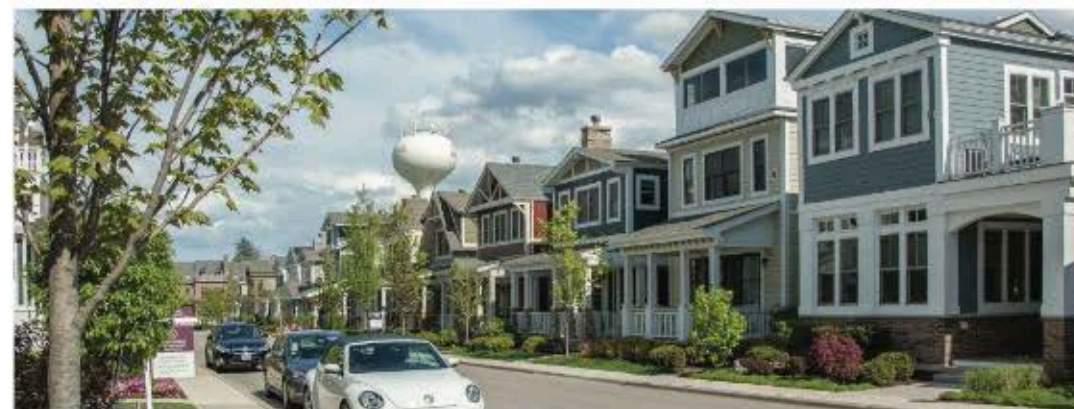
Preserves green space, retains more land in a natural state and encourages sustainable technologies.

▶ **HEALTH & PUBLIC SAFETY**

Creates a walkable and active downtown that has physical and psychological benefits, such as increased safety from “more eyes on the street.”

▶ **ECONOMIC DEVELOPMENT**

Helps with business recruitment and creates a more pedestrian-friendly, human-scaled atmosphere—a place people want to be!



APPEARANCE COMMISSIONS



“Discretionary?”

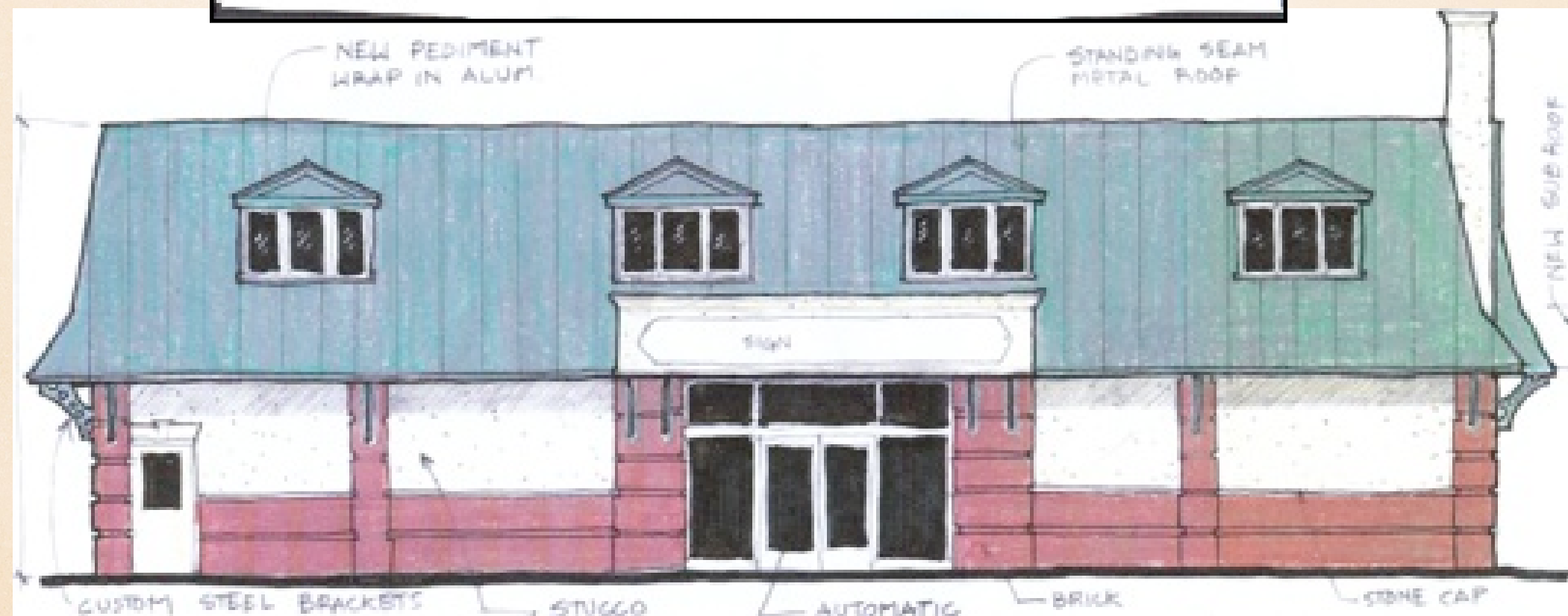
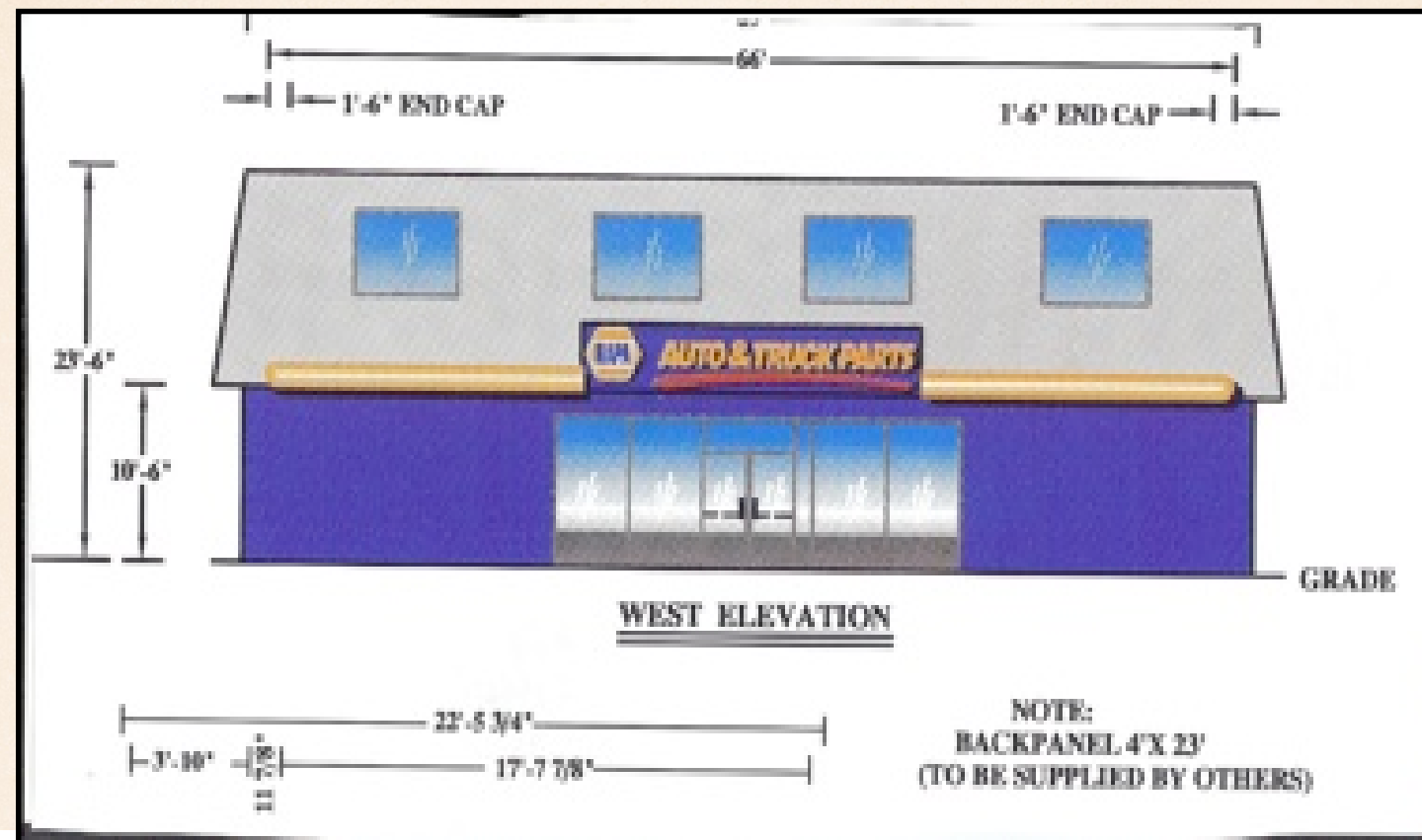


COMMISSIONS - QUALIFICATIONS

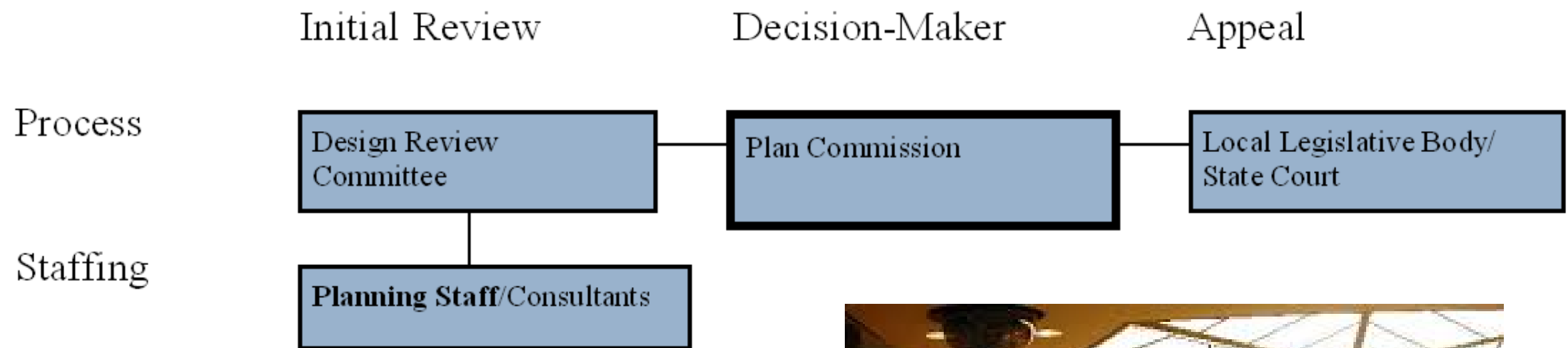
- ❖ Commissioners ?
- ❖ Qualifications
- ❖ Legal Aspects



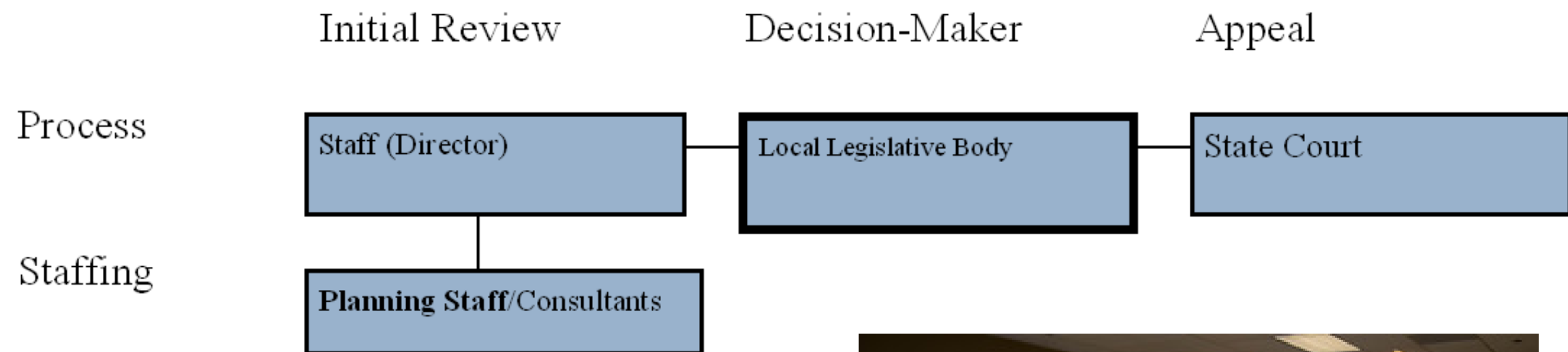
- ❖ *Hanna v. City of Chicago* case



PLAN COMMISSION



STAFF / ADMINISTRATIVE



LEGAL ISSUES



- ❖ State Police Power (aesthetics as general welfare)
- ❖ Artistic expression under First Amendment?
- ❖ Importance of procedural safeguards (Due Process)

* See, e.g. Poole, *The Urban Lawyer*, v.19, 1987

“STANDARDS”



Town	Scope of Review	Process	Method	No. Hearings	No. Cases	Cases Invoking Defense of Standards	Percentage
Arlington Heights	CSR	ARC	A	4	6	1	17
Barrington	CS	ARC	R	3	4	2	50
Glen Ellyn	C	ARC	R	4	3	2	67
Glenview	CS	ARC	A	2	9	1	11
Highland Park	CS	ARC	A	3	4	0	
Lake Forest	CSR	ARC	A	4	4	2	50
Libertyville	CS	ARC	R	4	19	4	21
Morton Grove	CS	ARC	A	5	5	1	20
Schaumburg	CRS	STF	n/a	3	3	1	33
Totals				32	57	14	

C = a review limited to commercial design, including multifamily housing; S = signage; R = residential, single-family properties; ARC = a hearing before an architectural review board; STF = a review by staff; A = the status of the commission as the approval authority; R = the commission recommends approval to the municipal council (from Hedrick, 2009).

Design Guidelines

Downtown Sign Design Guidelines

2. Pin-mounted wall signs

- a. Pin-mounted letterforms should be unobtrusive and should project no more than 12 inches from the storefront
- b. Pin-mounted letterforms should be attached to a thin, flat background, not a raceway. Backgrounds should be no more than four (4) inches or less than the depth of the pin-mounted letters.
- c. Pin-mounted letterforms should contrast with the material color on which they are mounted.
- d. Pin-mounted letterforms should not use mirror finishes.
- e. Pin-mounted letterforms should not use metals or pins that will rust.

ok



Contrasting, non-illuminated pin letters maintain the character of the existing storefront façade (2c)



Illuminated pin-mounted letterforms are simple to read and are centered over a thin background (2b)

no

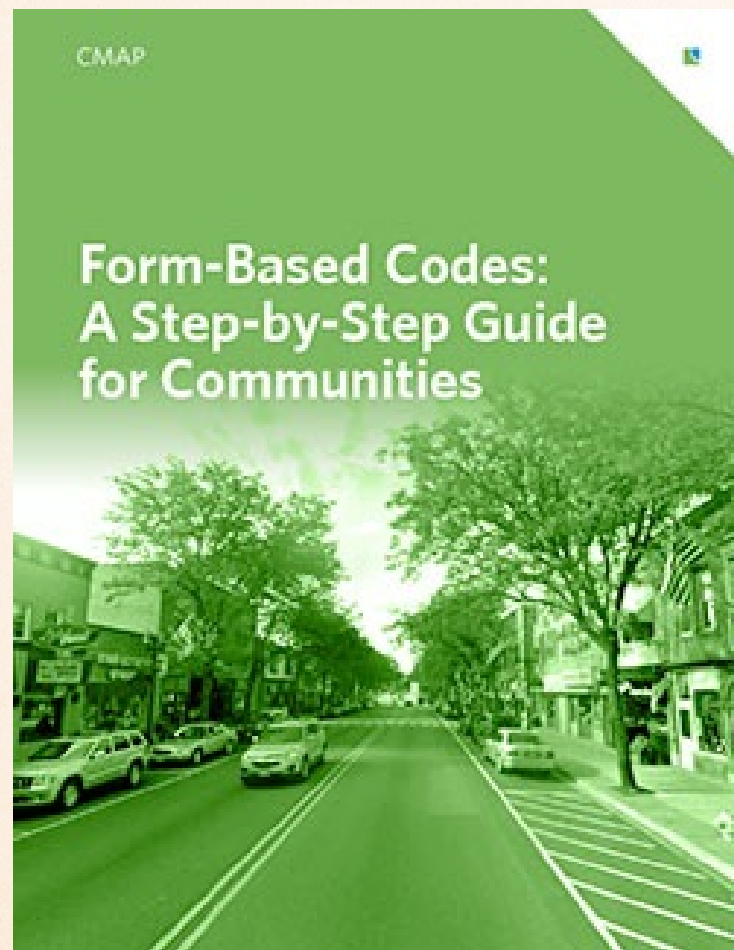


Pin-mounted letters on an obtrusive box that projects from the storefront (2b)



Pin-mounted letterforms should contrast with the background material, not blend in so that the sign is illegible (2c)

New Directions?



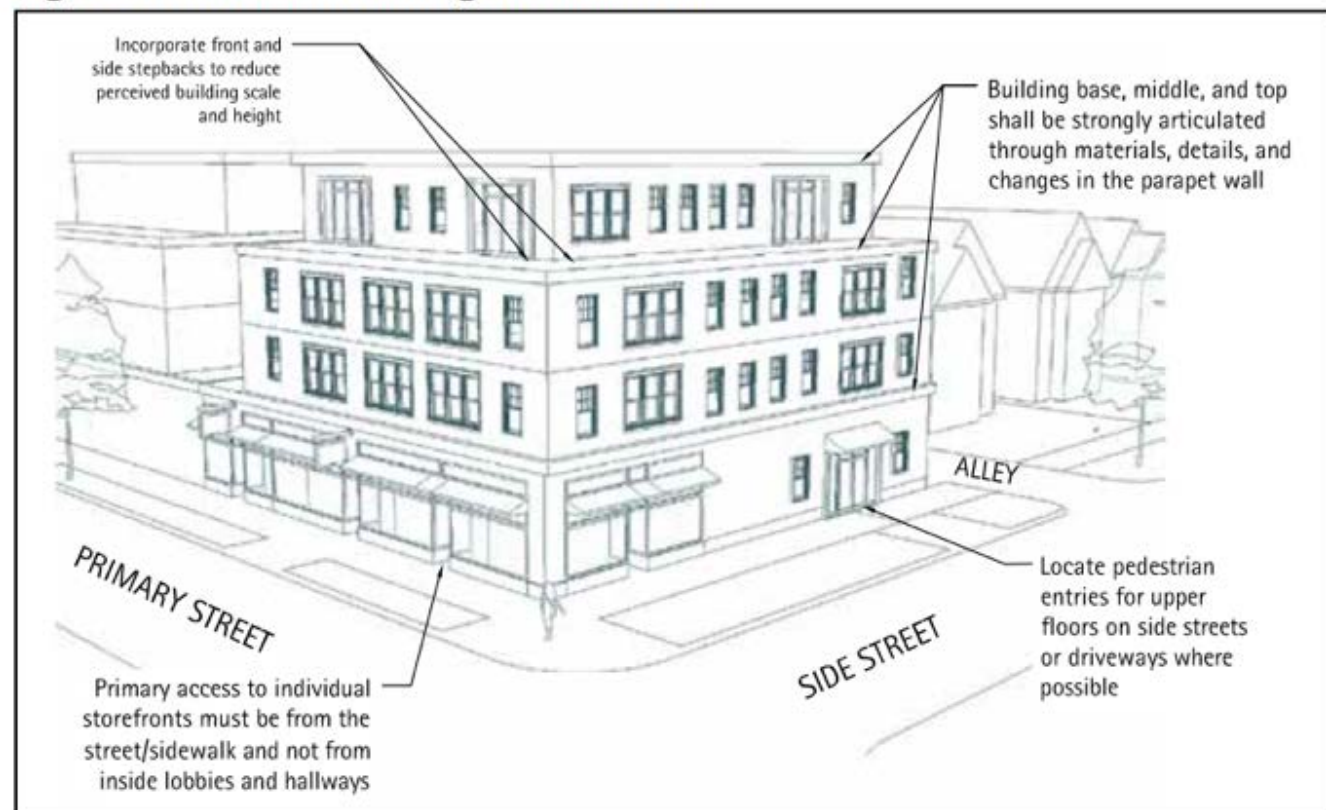
Glenview Downtown Development Code

Article 4: Design Standards

Building Types

4.6.1 Mixed Use

Figure 4.1: Mixed-use Building on Corner Lot

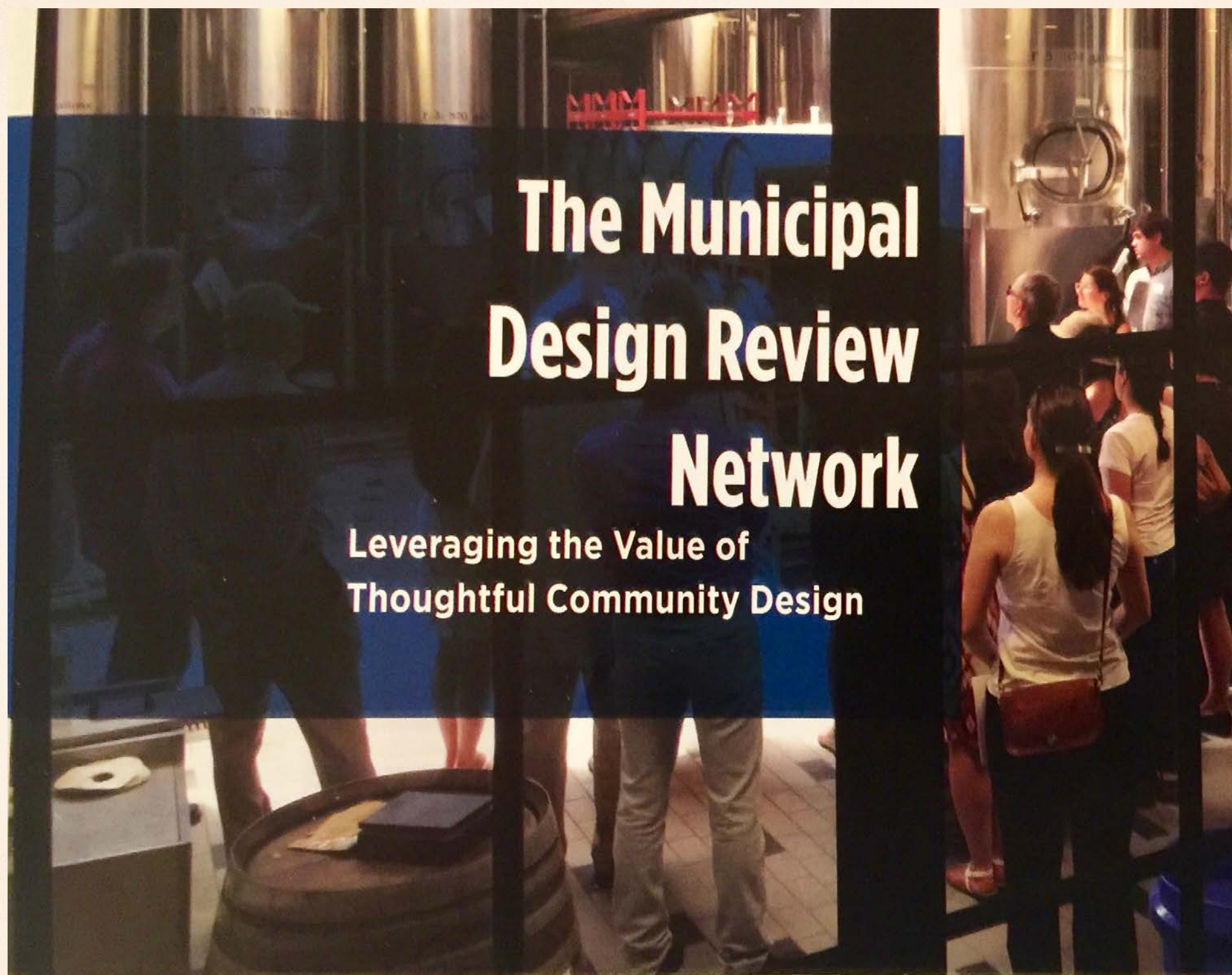


POLITICAL SUPPORT !!



Community Engagement





The Municipal Design Review Network

**Leveraging the Value of
Thoughtful Community Design**

BY JOHN HEDRICK, FOUNDER, MUNICIPAL DESIGN REVIEW NETWORK AND JOSEPH P. SCHWIETERMAN,
INSTITUTE FOR METROPOLITAN DEVELOPMENT, DEPAUL UNIVERSITY

APPENDIX - REFERENCE



The Illinois Act (P.A. 95-0475)

Amendment to 65 ILCS 5/11-13-1

“...the corporate authorities in each municipality have the following powers:

*

*

*

(12) to establish local standards solely for the review of the exterior design of buildings and structures, excluding utility facilities and outdoor off-premises advertising signs, and designate a board or commission to implement the review process.”