

KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE
111 West Fox Street • Rooms 209 and 210 • Yorkville, IL • 60560
AGENDA

Wednesday, January 22, 2020 – 5:00 p.m.

CALL TO ORDER

ROLL CALL: Larry Nelson (Chair), Kendall County Regional Planning Commission Chairman or Designee (Bill Ashton), Kendall County Zoning Board of Appeals Chairman or Designee (Randy Mohr), Kendall County Board Chairman or Designee (Scott Gryder), Kendall County Soil and Water Conservation District Representative (Megan Andrews), Kendall County Planning, Building and Zoning Committee Chairman or Designee (Matthew Prochaska), and Jeff Wehrl

APPROVAL OF AGENDA

APPROVAL OF MINUTES Approval of Minutes from December 11, 2019 Meeting (Pages 2-4)

NEW/OLD BUSINESS

1. Review of the Zoning Ordinance with Corrections Proposed by Teska Associations
 - a. Sections 7:01, 8:01, 8:03, 9:00 Pertaining to the Right to Farm Clause (Page 5)
 - b. Sections 11:02 and 11:04 Pertaining to Landscaping and Parking Requirements (Pages 5-6)
 - c. Sections 11:02, 12:08, 12:09, and 12:10 Pertaining to Parking Lot Lighting and Signage Lighting (Pages 7-11; 14-16)
 - d. Sections 4:06 and 4:07 Pertaining to Home Occupation Regulations (Pages 12-13)
 - e. Section 13:07 Pertaining to Initiation of Map and Text Amendments (Page 13)
 - f. Sections 12:19, 12:20, and 13:00 Pertaining to Code Enforcement, Citation Authority, Hearing Officer, and Fines (Pages 17-20)
 - g. Approval of Recommendation and Referral of the Zoning Ordinance Project to the Kendall County Regional Planning Commission; Project Announcement To Be Included on February 1, 2020, Kendall County Regional Planning Commission Annual Meeting Agenda

OTHER BUSINESS/ANNOUNCEMENTS

CITIZENS TO BE HEARD/PUBLIC COMMENT

ADJOURNMENT Next regularly scheduled meeting on Wednesday, February 26, 2020

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**KENDALL COUNTY
COMPREHENSIVE LAND PLAN AND ORDINANCE COMMITTEE**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois
5:00 p.m.
Meeting Minutes of December 11, 2019*

Chairman Larry Nelson called the meeting to order at 5:01 p.m.

Members Present: Bill Ashton, Larry Nelson, Matthew Prochaska, and Jeff Wehrli

Member Absent: Megan Andrews, Scott Gryder, and Randy Mohr

Others Present: Matt Asselmeier, Senior Planner, and Tony Scianna

APPROVAL OF AGENDA

Mr. Wehrli made a motion, seconded by Mr. Prochaska to approve the agenda. With a voice vote of four (4) ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Prochaska made a motion, seconded by Mr. Wehrli, to approve the minutes of the October 23, 2019, meeting. With a voice vote of four (4) ayes the minutes were approved.

NEW/OLD BUSINESS

1. Review of Sections 7:01, 8:01, 9:00, 10:03.1, 11:00, 12:04, 12:08, 12:09, 12:10, 12:19, 12:20, 13:00, and 14:00 of the Zoning Ordinance with Corrections Proposed by Teska Associates

The Committee reviewed the sign lighting regulations and parking lot lighting regulations with Tony Scianna. Mr. Scianna said that lighting is measured in lux. Footcandles don't relate to brightness of signs; footcandles measure light on a surface. Lux measures light at the source of light. Mr. Scianna discussed the backlight, uplight, and glare (BUG) rating of lights and will send the dark sky regulations to Mr. Asselmeier. Mr. Scianna will investigate rules regarding scrolling, changing, motion, and pulsating signs. Using watts as a measurement of light is not good with today's technology. Mr. Scianna will send additional lighting regulations to Mr. Asselmeier.

The consensus of the Committee was to change the proposed right to farm language from "may continue" to "can continue."

The consensus of the Committee was to remove the reference to the Shared Parking Report from the Urban Land Institute in Section 11:02.C.

The consensus of the Committee was to remove the detailed Americans with Disabilities Act language in the parking regulations and to have the ordinance link to the Illinois Accessibility Code and Americans with Disabilities Act.

The consensus of the Committee was to change the applicability of the screening regulations in Section 11:02.F.8 from any institutional premises to business and manufacturing districts and properties zoned A-1 with special use permits as part of the special use permit. The regulations could be varied upon approval of the Regional Planning Commission and County Board.

The consensus of the Committee was to have the same parking regulations for multi-family structures as two-family dwellings.

The consensus of the Committee was to use the total square footage of floor area to determine parking requirements for restaurants, furniture and appliance stores, and health clubs.

The consensus of the Committee was to note that self-storage businesses were not the same as warehousing and storage businesses.

The Committee agreed with the proposed language regarding notices for meetings.

The consensus of the Committee was that the Zoning Board of Appeals should issue a recommendation within thirty (30) days of the close of a hearing in cases of map and text amendments.

The consensus of the Committee was leave Separability as a separate section.

The Committee reviewed the citation amendment proposal. Mr. Prochaska will bring up the topic of the hearing officer at the next Planning, Building and Zoning Committee meeting.

The consensus of the Committee was to allow the Zoning Administrator to initiate text amendments to the Zoning Ordinance.

The consensus of the Committee was to add the language regarding outdoor uses of home occupations to the proposal.

The consensus of the Committee was to wait with forwarding the proposal to the Regional Planning Commission until the lighting information was provided.

The proposal will be placed on the annual meeting agenda.

Discussion occurred about setting a deadline for the County Board to take final action on zoning related petitions.

OTHER BUSINESS/ANNOUNCEMENTS

None

CITIZENS TO BE HEARD/PUBLIC COMMENT

None

ADJOURNMENT:

The next meeting will be January 22, 2020. Mr. Wehrli made a motion to adjourn the meeting, seconded by Mr. Prochaska. With a voice vote of four (4) ayes, the motion passed and the meeting adjourned at 6:59 p.m.

Respectfully submitted,
Matthew H. Asselmeier, AICP
Senior Planner

Follow-Up Items from December Meeting

Right to Farm

Amended Right to Farm Clause added to Sections 7:01, 8:01, and 9:00 as follows:

Kendall County has a long, rich tradition in agriculture and respects the role that farming and agricultural related businesses continue to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator -- A-1 or A-1 Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agricultural practices may result in occasional smells, dust, sights, noise, and unique hours of operations that are ARE NOT TYPICAL IN OTHER ZONING AREAS. Please be aware that certain special and permitted uses are in existence and may continue operations as approved.

Landscaping

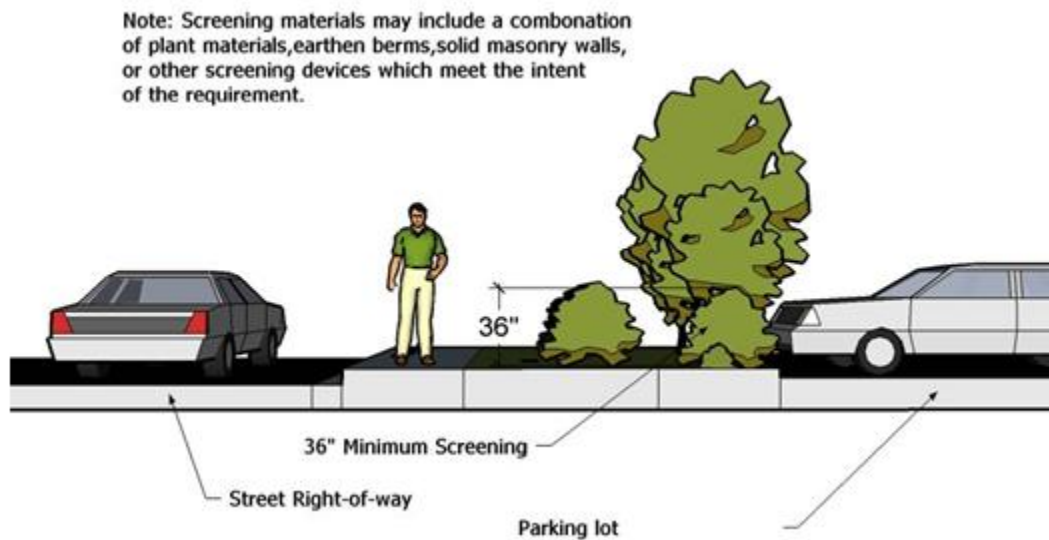
Amendments to Section 11:02.F.8:

Screening/ Perimeter Landscaping. All required open automobile parking areas containing more than twenty (20) parking spaces shall be effectively screened as follows:

- a) On each side adjacent to any property situated in a residential district, **business district, manufacturing district, or agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, ~~or on any institutional premises~~**, a wall, fence, or densely planted compact hedge no less than three (3) feet in height across 100% of the length of the parking area is required. **However, if the property owner can provide clear evidence indicating that less screening is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee**
- b) On each side across a public right-of-way from any property situated in a residential district, **business district, manufacturing district, or agricultural zoned property with a special use permit unless otherwise approved as part of the special use permit, ~~or on any institutional premises~~**, the landscaping shall consist of one of the following options:
 - i. A berm that is at least two (2) feet higher than the finished elevation of the parking lot (at the nearest point) and a minimum of one (1) tree and ten (10) shrubs for every thirty feet of frontage shall be provided. Shrubs shall be placed on the property such that parking or vehicular uses are screened from view as seen from the street or neighboring properties.

Perennials and groundcovers are encouraged to compliment the site design. All berms shall maintain a 10 foot setback from the edge of the existing or future R.O.W. whichever is greater.

- ii. A minimum two foot (2') grade drop from the right-of-way line to the parking lot and a minimum one (1) tree and 10 shrubs for every thirty (30) feet of frontage shall be provided. Shrubs shall be placed on the property such that a parking or vehicular areas are screened from view as seen by the street or neighboring properties. Perennials and groundcovers are encouraged to compliment the site design.
- iii. A wall, fence or natural vegetative screening no less than ~~3~~ **three** feet (**3'**) in height along the length of the parking area.



- iv. **However, if the property owner can provide clear evidence indicating that less landscaping is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee.**
- c) The minimum size for plant materials (at time of installation) shall be as follows: (**separated trees**)
- i. Shade Tree – 2-1/2" caliper
 - ii. Evergreen Tree – 6' height

- iii. Ornamental tree – 2” caliper single trunk or 6’ height multi-trunk
- iv. Shrubs – 24” height

- d) All driveways crossing a public sidewalk shall have a clear sight triangle inside the property measuring eight feet (8’) by eight feet (8’). (Amended 7/18/2006)

11:04 SCHEDULE OF PARKING REQUIREMENTS

For the following uses, accessory off-street parking spaces shall be provided as required hereinafter. However, if the property owner can provide clear evidence indicating that less parking is required, the Regional Planning Commission may approve a reduction in the requirements of this section. Such decisions may be appealed to the Planning Building and Zoning Committee. ~~Applicants may also file for a variation from these requirements following the procedures outlined in Section 13.04 of this Zoning Ordinance.~~ Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both on the premises at any one time.

Lighting

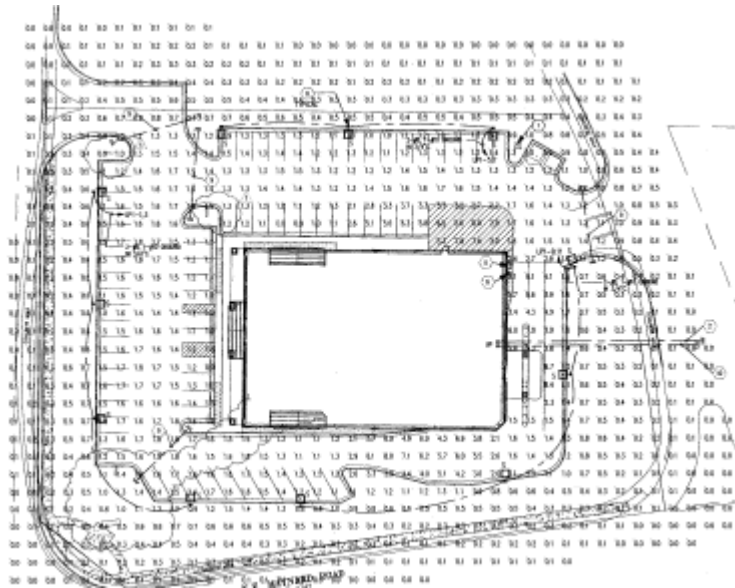
11:02.F.12

Lighting.

All off-street parking and loading facilities, other than residential driveways, shall be illuminated as approved during submittal of the final review phase (special use, final RPD, site plan review or amendments to the parking lot layout). Lighting shall be in accordance with the standards of Illuminating Engineering Society of North America (IESNA) as follows:

- a) A photometric plan will be required as a supporting document for parking lots with equal to or greater than thirty (30) parking spaces. Said photometric plan must show the locations, size, height, orientation, design, construction details, catalog cuts and plans for all of the outdoor lighting and signs, including wall mounted lighting. The plan must show the levels of illumination measured in horizontal foot-candles at ground level in a regularly spaced grid pattern extending sufficiently past the project property lines. A catalog sheet showing the proposed lighting fixtures must be included.

Example:



- b) To reduce glare onto adjacent properties, only “fully shielded” or “cut-off” light fixtures are allowed. Fully shielded means that no light is emitted above the horizontal plane of the luminaries. Flat lenses are allowed. Sag lenses and wall packs are prohibited. Abutting or nearby residential properties shall not be able to see the actual light source, unless the luminaries are less than 100 watt incandescent. (Amended 7/19/2011)



- c) All under-canopy lights must be fully recessed into the canopy.
- d) Where non-residential sites are adjacent to residential sites (existing or future residential areas as shown on the officially adopted version of the Land Resource Management Plan (LRMP)), the light level at

the property line produced by the non-residential lighting shall not exceed 0.2 foot-candles. The lighting shall be designed to avoid casting direct light or glare onto the adjacent residential property. Acceptable means to prevent glare or direct light onto the residential property include pole/luminary-mounted shields and dense vegetation. On abutting nonresidential properties (existing or future non-residential as shown on the officially adopted version of on the Land Resource Management Plan (LRMP)), or public streets the maximum illumination at the property line shall be five (5.0) foot-candles. Where residential is across a street, the maximum illumination at the use's boundary shall be two (2.0) foot-candles.

Higher maintained foot-candle levels may be appropriate for certain uses such as illuminated ball fields, auto dealerships, or gas stations. In such instances, information will be reviewed during Site Plan review. The Zoning Administrator may approve higher light levels for specific uses during the review process without the need for a variation. The Zoning Administrator may refer such instances to the Planning, Building, and Zoning Committee of the County Board. Such decisions made by the Zoning Administrator may be appealed to the Planning, Building, and Zoning Committee of the County Board. (Amended 7/19/2011)

- e) The maximum mounting height (including fixture, pole and base) for light standards located in a parking lot shall not exceed twenty (20) feet measured from ground level to the base of the lens. (Amended 7/19/2011)
- f) All non-residential lighting is required to be turned off no later than sixty (60) minutes after business hours, only leaving lighting necessary for site security, unless otherwise approved by the Planning, Building, and Zoning Committee of the County Board.
- g) Non-residential out lot lighting fixtures must be architecturally compatible with fixtures used elsewhere in the development.
- h) Decorative seasonal lighting shall be limited to a power rating of less than or equal to 75 watts.

12:08 AGRICULTURAL DISTRICT

3. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs for places of worship, schools and government uses, subject to the following standards:

- a. The size of the Changeable Copy Sign shall be counted towards the

total sign area permitted for each sign type, ~~and shall not exceed 60% of the total permitted sign area.~~

- b. Anything displayed on the changeable copy sign shall remain illuminated and visible ~~for a minimum of 5 minutes for a time period stated in the special use permit. No scrolling is permitted.~~
- c. The message shall not flash **or pulsate**. Any message that remains visible for less than ~~5 minutes~~ **2 seconds** shall be considered flashing.
- d. Changeable Copy signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
- e. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.
- f. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line.
- g. All content shall only be permitted for the place of worship, school or government use and their events and functions only.
- h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.

12:09 RESIDENTIAL DISTRICTS

- 3. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs for places of worship, ~~and~~ schools ~~and government~~ uses, subject to the following standards:
 - a. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, ~~and shall not exceed 60% of the total permitted sign area.~~
 - b. Anything displayed on the changeable copy sign shall remain illuminated and visible ~~for a minimum of 5 minutes for a time period stated in the special use permit. No scrolling is permitted.~~
 - c. The message shall not flash **or pulsate**. Any message that remains visible for less than ~~5 minutes~~ **2 seconds** shall be considered flashing.
 - d. Changeable Copy signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure.
 - e. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence except on those days of the year when special services or events are held for the observance of religious holidays.

- f. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line.
- g. All content shall only be permitted for the place of worship, **and** school ~~or government~~ use and their events and functions only.
- h. The changeable copy sign shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location.
- i. The location of the sign shall be in accordance with **s**Section 12:06 of the Zoning Ordinance.

12:10 BUSINESS DISTRICTS (and Manufacturing Districts).

1. Changeable Copy Signs. Changeable Copy Signs are permitted as a part of Wall or Free-Standing Signs. The size of the Changeable Copy Sign shall be counted towards the total sign area permitted for each sign type, **and shall not exceed 40% of the total permitted sign area.**
2. Electronic Message Board Display. Electronic Message Board Displays are permitted in all Business and Manufacturing Districts subject to the following standards (*Amended 10/19/10*):
 - a. The electronic message board must be located along an arterial or major collector roadway.
 - ~~b. The electronic message board component of a sign shall comprise no more than 80% of the sign's total allowed sign face area~~
 - c. Any individual letter scrolling or otherwise displayed on the electronic message board shall remain illuminated and visible for at least 2 seconds
 - d. The message shall not flash **or pulsate**. Any message that remains visible for less than 2 seconds shall be considered flashing
 - e. Electronic message board signs are prohibited within 100 feet of a principal residential structure if any part of the sign face could be visible from the principal residential structure
 - f. The hours of illumination shall be limited to between 6:00am and 11:00pm for signs located less than 500 feet from any principal residence
 - g. When adjacent to residential properties light levels shall not exceed 0.05 foot candles as measured along the residential property line
 - h. All advertising content shall only be permitted for tenants of the subject property and community events
 - i. The electronic message board shall be equipped with an automatic dimming feature capable of adjusting the brightness of the sign according to ambient light levels at the install location
 - j. Location of the sign shall be in accordance with **s**Section 12:06 of the Zoning Ordinance.

Home Occupations

4:06 HOME OCCUPATION- AGRICULTURAL provided:

1. It is conducted entirely within the dwelling or permitted accessory building by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence. **Research and development related businesses shall be exempt from the requirement that the home occupation be conducted entirely within the dwelling or permitted accessory structure, unless otherwise prohibited by law.**
2. A maximum sign of **eight** (8) square feet will be permitted but must meet setback requirements in ~~s~~**Section 11:00** of the Zoning Ordinance and be unlit.
3. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises except that items incidental to the home occupation may be sold, i.e., hair products may be sold at a salon.
4. No person shall be employed on site other than members of the family residing on the premises and two persons outside the family, providing that additional persons outside of the family may be permitted by the ~~Zoning Board of Appeals~~ **ZBA** pursuant to an application for special use filed in accordance with the provisions of this ordinance.
5. The number of off-street parking spaces for that use is provided as required by the ~~Off-Street Parking, Loading, and Landscape Requirements~~ **Section 11:00** of this Ordinance.
6. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, **unless otherwise permitted by law.**

4:07 HOME OCCUPATION- RESIDENTIAL provided:

1. It is conducted entirely within the dwelling by a member or members of the family residing in the dwelling and when such home occupation is clearly incidental and secondary to the use of the dwelling as a residence. **Research and development related businesses shall be exempt from the requirement that the home occupation be conducted entirely within the dwelling, unless otherwise prohibited by law.**
2. There are no signs, display or activity that will indicate from the exterior of the dwelling that it is being used for any use other than a dwelling except as allowed by the sign regulations for the district in which such "home occupation" is located.
3. No article shall be sold or offered for sale on the premises except as is produced by the occupation on the premises, except that items incidental to the home occupation may be sold, i.e., hair care products sold at a salon.
4. No more than ten (10) vehicle trips ~~by either~~ (customers, delivery persons or employees) may be made throughout a day to and from the home occupation.

5. No person shall be employed on site other than members of the family residing on the premises and one person outside the family in all residential districts.
6. The number of off-street parking spaces for that use is provided as required by the Off-Street Parking, Loading, and Landscape Requirements of this Ordinance.
7. No mechanical equipment is used which may generate obnoxious fumes, excessive noise or other such related nuisances. No offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be produced which is perceivable at or beyond the lot lines, **unless otherwise permitted by law.**
8. Instruction in music, crafts and dance shall be limited to one student at a time with a maximum of eight per day. **To-exceed Exceeding** this limit requires a variance.
9. Salons shall be limited to one **station (chair or nail table), commonly referred to as a station.**

Zoning Administrator Initiation of Text Amendments

13:07

- B. INITIATION OF AMENDMENTS. Amendments may be proposed by the County Board, a Committee designated by the County Board, the ~~Zoning Board of Appeals-ZBA~~, the Regional Plan Commission, **the Zoning Administrator**, or by a person, firm or corporation having a possessory interest which is specifically enforceable on the land which is described in the application for an amendment.

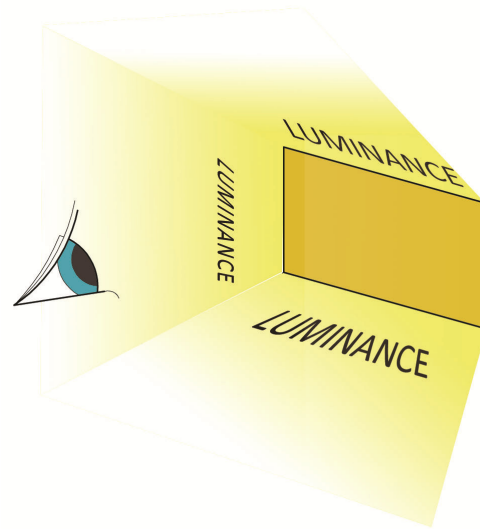
Sign Brightness

Measuring Sign Brightness

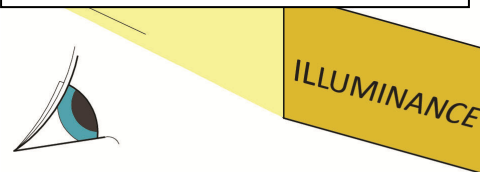
by Gregory Young

Apart from energy consumption, there are the important issues of light trespass and light pollution, which cause distraction, obscure stars in the night sky, and, like any other form of pollution, disrupt ecosystems and cause adverse health effects for humans and wildlife alike. Light trespass¹ is measured in two ways: luminance or illuminance. *Luminance* (measured in nits²) quantifies surface brightness, or the amount of light an object gives off. *Illuminance* (measured in footcandles³) quantifies that amount of light which falls onto an object.

By either measure, digital signage can create significant problems. “During daylight, an unlit static billboard will have a brightness which “fits in” with its surroundings; it will not cause excessive distraction because of excessive luminance” (Carhart, 2010, p.4). But, to capture drivers’ attention, digital signs must be set to very high luminance levels, as they are essentially competing with the sun, which has a luminance level of 6,500 nits. If this extreme brightness is not modulated to fit nighttime conditions, we face issues including very high energy consumption during the day, light pollution in the evening, and potential driver distraction at all times. The OAAA (Outdoor Advertising Association of America) has guidelines to address brightness limits, but they are not mandated.



This sign (above) gives off light. Its **Luminance** is measured in **nits**.



This sign (above) is being lit by a light source. Its **Illuminance** is measured in **footcandles**.

¹ **Light trespass** occurs when unwanted light enters one's property, for instance, by shining over a neighbor's fence. A common light trespass problem occurs when a strong light enters the window of one's home from the outside

² **Nit**—term used to describe a metric unit of luminance. It is defined as candela per square meter (cd/m^2). The unit is based on the candela, the modern metric unit of luminous intensity; and the square meter.

³ **Footcandle** – Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

Observed and Recommended Levels of Brightness

Information Source	Product type	Luminance (surface brightness)
(C.Luginbuhl study)	Typical Ambient Roadway Illumination	1 Nit
(C. Luginbuhl study)	Typical Floodlit Billboard	approximately 100 Nits
Digital Billboards: New Regulations for New Technology by Drew Carhart	Traditionally lit static billboards	98% were under 150 Nits, 83% were under 100 Nits (Arizona Study); 124 Nits average (New York Study)
IESNA recommendations	Recommendations for Digital Billboard Luminance	250 Nits (day), 125 Nits (night)
Outdoor Advertising Association of America (Ian Lewin Study)	Recommendations for Digital Billboard Luminance	300-350 Nits suggested (study based on light trespass readings)
Hewlett-Packard (Specifications)	47" LCD Digital Signage Display	500 Nits
Corn Digital (Specifications)	32" & 42" LCD Posters	500 Nits (32") 700 Nits (42")
Carhart study	Daytime sky (sunny)	5,000-7,000 Nits
Virginia Tech Transportation Inst.	The Sun	6,500 Nits
Senzen Top Technology Co., Ltd (specifications)	seires PH12 (14'x48' full-color LED billboard	8,000+ Nits
EraLED (Specifications)	Series P20 full-color LED billboard (assorted sizes)	8,500 Nits
ProVIDEO Billboard Panels (specifications)	Series 1515-4, 14'x48' full-color LED billboard	11,000+ Nits
Optec Displays (specifications)	model 1248, 14'x48' full-color LED billboard	11,000+ Nits
Optec Displays (specifications)	model 2040-5, 14'x48' full-color LED billboard	11,000+ Nits

Limiting Sign Brightness

Proposed limits on sign brightness have caused much debate. Research provided by the Illuminating Engineering Society of North America (IESNA) states that drivers should be subjected to points of brightness no greater than 40 times the average brightness level of their general surroundings; this proportion is known as the contrast ratio. "As roadway lighting and automobile headlights provide ambient nighttime lighting levels of about one nit, this implies signage should appear no brighter than about 40 nits" (Luginbuhl, 2010, p.1). Surprisingly, the IESNA's own recommendations for signage luminance suggest limits between 250-1400 nits---greatly exceeding their stated maximum contrast ratio of 40:1.

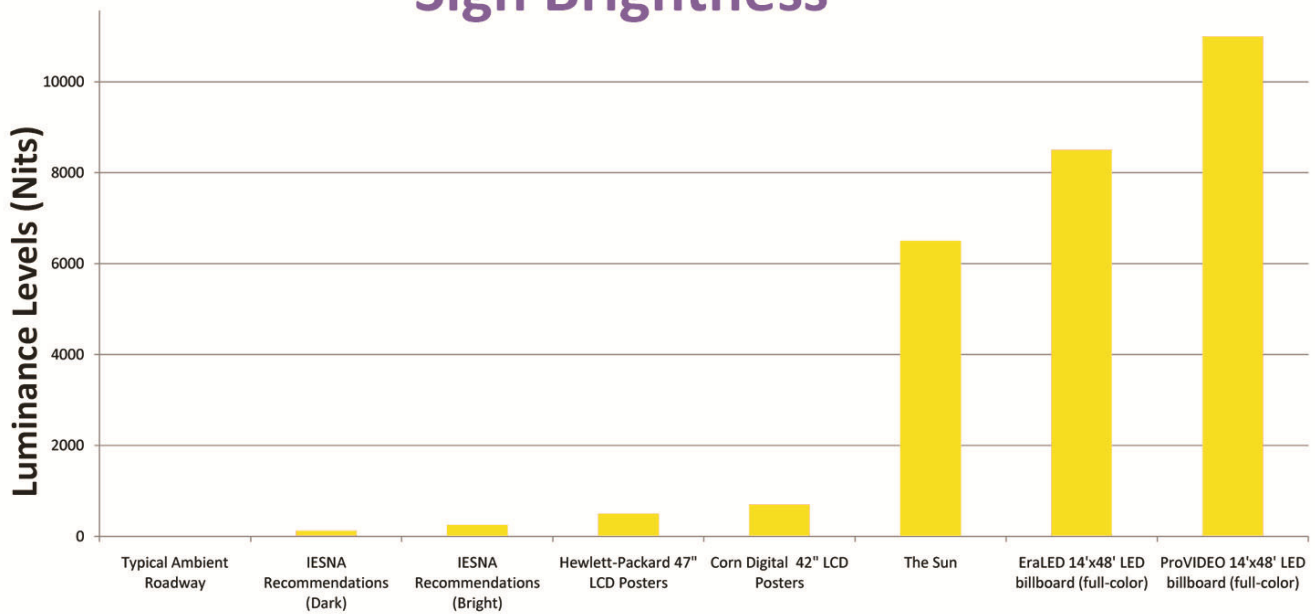
The OAAA, has deemed 300-350 nits an acceptable level of night brightness. However, their guidance is based on the use of the IEEE standard for light trespass (IESNA-TM-11-00), when, for reasons of traffic safety and glare in drivers' eyes, it should have been based on IEEE's standard for roadway sign lighting (IESNA RP-19-01).

Traditionally floodlit static billboards rarely exceed 100 nits; experts on both driver distraction and light pollution recommended that, as a means of compromise, the new technologies should not exceed this value. In many areas, including Philadelphia, brightness levels are currently unregulated, and many manufacturers publicize their signs' capabilities to reach up to 11,000 nits.

Digital signage advocates mention the horizontal louvers⁴ included in many billboards as an effective measure to prevent light pollution. In reality, these louver systems were designed primarily to shade each diode from sunlight (thus increasing their prominence), not to limit nighttime glow.⁵ As Luginbuhl states in "Lighting and Astronomy," horizontal light (that which is emitted between 0° and roughly ±20°, and not restricted by horizontal louvers) contributes even more to skyglow than light emitted at higher angles. The effects of lower-angle lighting---such as that used to captivate approaching drivers-- are visible over a much broader area (Carhart, 2010).

A better option is to simply operate signs at less than maximum brightness. Not surprisingly, sign brightness and energy usage are directly related; beyond reducing light pollution and distraction, lowering luminance reduces total power consumption. One manufacturer experimented with running their digital displays at half-brightness; they were able to reduce power usage by nearly 40%, while maintaining full sign readability (Noventri, see in chart). Another option for reducing unnecessary brightness (and thus power usage) is to equip signs with sensors which automatically lower light output in accordance with atmospheric conditions. For example, sign brightness would mechanically be dimmed during dusk, early morning hours, or during cloudy or overcast weather. Again, OAAA does have guidelines for dimming, but they are not mandatory.

Sign Brightness



⁴ A **louver** is a slat that is angled to keep out rain, direct sunshine, etc. The angle of the slats may be adjustable or fixed.

⁵Retrieved from <http://www.optec.com>

Zoning Citation Authority Proposal

Reference 55 ILCS 5/5-12017 and 55 ILCS 5/5-1113

1. The first paragraph of Section 12:19 is amended as follows:

Any of the following shall be a violation of this ordinance and shall be subject to the ~~procedures in case of violation and penalties found in Section 13:00 of this Ordinance as well as the remedies set forth in Section 13:00 of this Ordinance. enforcement remedies and penalties in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law.~~

2. Section 12:20 is deleted in its entirety (language moved to Sections 13:01.A or 13:09).

~~12:20 ENFORCEMENT AND REMEDIES~~

~~A. Any violation or attempted violation of this ordinance, or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings as provided for under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law: (Amended 8/17/04)~~

~~Issuing a stop-work order for any and all work on any signs in the same zoning lot;~~

~~Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;~~

~~Imposing any penalties that can be imposed directly by the County under the zoning ordinance;~~

~~Seeking in court the imposition of any penalties that can be imposed by such court under the zoning ordinance; and~~

~~In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning ordinance and building code for such circumstances.~~

~~Enforcement of building codes.~~

~~The County shall have such other remedies as provided for or allowed by state law for the violation of the zoning ordinance and building code.~~

~~All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.~~

3. Section 13:01.A.3 is amended as follows:

~~Procedure in case of violation. Whenever the Zoning Administrator or his or her designee determines that a violation of this Ordinance has occurred, the Zoning Administrator or his or her designee shall sign and cause a written Citation to be served upon the owner, tenant, and/or occupant of the property (it being the intent of this Ordinance to make all such persons jointly and severally liable for compliance), which Citation shall inform the person served of the Ordinance violation and the date of a required court appearance.~~

~~Any violation or attempted violation of this Ordinance, or any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by any of the following remedies or any other remedies available at law or in equity:~~

~~Issue a stop-work order for any and all work or use;~~

~~Revoke all permits and cause the cessation of any and all construction activities;~~

~~Seek an injunction or other order of restraint or abatement that requires the removal of the sign(s), the correction of the nonconformity, or the abatement of the activity or use;~~

~~Impose any penalties that can be imposed directly by the County under the Zoning Ordinance;~~

~~Seek in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance;~~

~~In the case of a sign, construction activity, or use that poses an immediate danger to the public health or safety, taking such measures as are available to the County under the applicable provisions of the zoning ordinance and building code for such circumstances; and~~

~~Enforcement of building codes.~~

All enforcement procedures found in this Ordinance are cumulative and the County shall have available all remedies for violations of this Ordinance as provided for or allowed by State law.

~~Whenever there is found a violation of the terms of this ordinance, the Zoning Administrator or his or her designee shall file a formal complaint in accordance with the procedures as established under the ordinances of the County regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. When compliance is so secured, the Zoning Administrator shall issue an occupancy certificate certifying such compliance.~~

4. Section 13:01.D is deleted in its entirety.

~~13.01.D. HEARING OFFICER.~~

~~A Hearing Officer shall be appointed by the County Board on the basis of training and experience which qualifies them to conduct hearings, make recommendations or findings of fact and conclusions on the matters heard and otherwise exercise and perform the powers, duties and functions delegated in accordance with this Section. The Hearing Officer shall receive such compensation as the County Board shall provide, and the County Board may establish a schedule of fees to defray the costs of providing a hearing officer. (Amended 4.20.04)~~

~~1. Powers and Duties. Hearing Officer shall be responsible for:~~

~~a) Conducting hearings and performing all other duties as assigned under the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County. (Amended 3.21.18)~~

5. Section 13:09 is amended as follows:

13:09 PENALTIES.

Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a petty offense punishable by a fine not to exceed \$500 with each week the violation remains uncorrected constituting a separate offense **and shall be assessed in accordance with the terms and provisions of the applicable ordinances and codes established by the County Board regarding the creation of a Code Hearing Unit charged with the enforcement and administrative adjudication of violations to the provisions of this and all other applicable codes and ordinances of the County unless otherwise provided by law. (Amended 8.17.04).**

~~In addition to the above, the County may take summary steps to abate violations to this Ordinance and charge the violator with the cost of abating the violation. Upon nonpayment, the County may file a lien against the property.~~

In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.

6. Section 13:10.H is amended as follows (language moved to Sections 13:01.A.3 and 13:09):

13.10 SITE PLAN REVIEW

H. Enforcement. It is the policy of the County that enforcement of this Site Plan review requirement is in the highest public interest. If any person, firm, or corporation violates the provisions of this **Section Chapter**, the County may exercise any or all of the remedies and penalties available under law. **including, but not limited to the following:**

~~1. Imposition of a fine of not less than \$100 nor more than \$1,000 for the first offense. For the second and subsequent offences, the fine shall not be less than \$500 nor more than \$1,000. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.~~

~~2. Said violation shall be considered a nuisance. The County may take summary steps to abate the nuisance and charge the violator with the cost of abating the nuisance. Upon nonpayment, the County may file a lien against the property.~~

~~3. If the violation occurs in connection with the development of property or the building of structures, the County may revoke all permits and cause the cessation of any and all construction.~~

~~4. The County may obtain an injunction requiring the abatement of the violation.~~

~~5. In addition to the fines herein, the County shall be entitled to all costs of prosecution, including attorney fees incurred by the County, and the cost, if any, of abating the violation.~~