

**MINUTES
WILL COUNTY LAND USE AND DEVELOPMENT COMMITTEE
November 10, 2009**

Pledge of Allegiance

Chairman Weigel led the pledge of allegiance.

Call to Order:

Chairman Weigel called the meeting to order at 10:34 a.m.

Members Present at Roll Call:

Tom Weigel, Debra Rozak, Michael Wisniewski, Kathleen Konicki, Brian Smith and Sharon May.

Members Absent:

Katrina Deutsche

Staff Present:

David Dubois, Brian Radner, Howard Hamilton and Leigh Kelley.

State's Attorney Present:

Melanie Manning

Others Present:

See sign in sheet.

Approval of Minutes:

Sharon May made a motion to approve the minutes from September 29, 2009; seconded by Kathleen Konicki.

ALL IN FAVOR

MOTION CARRIED (6-0)

FINAL PLATS

TABLED ZONING CASES

REMANDED ZONING CASES

NEW BUSINESS (ZONING CASES)

OTHER

1. Text Amendment – advertising signs

Brian Radner gave some background on this topic. The Land Use Department was approached by a multinational advertising sign company interested in converting “static” advertising signs (which has something affixed in some manner) to “dynamic” advertising signs (which include digital billboards).

The current Will County Zoning Ordinance does not specifically address the conversion of “static” advertising signs to “dynamic” advertising signs. To allow the County time to address “dynamic” advertising signs, the

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Will County Board passed a six (6) month moratorium on the issuance of building permits for dynamic advertising signs on June 18, 2009.

The Land Use Department entered into a contract with Duncan Associates to come up with sign language that would regulate billboards and additionally language that would regulate other types of on premise commercial regulations. This project was broken into two phases; we are currently focusing on the billboard section hoping to meet the moratorium deadline and then come back and approach the on premise advertising sign section in the coming months.

Duncan and associates prepared some language and a few meetings have been held with Chairman Weigel to discuss this draft language that is before the Committee today.

The main focus of the first phase of the draft text amendment is to regulate advertising signs and to make the sign section user friendly. The draft text amendment does not include any changes in allowable advertising sign size nor does it change any separation distances. Additionally, a special use permit is still required for advertising signs with a few exceptions. The draft text amendment includes two provisions that would allow the conversion of a static conforming sign and static nonconforming sign to a dynamic sign without a special use permit if the advertising sign owner removes a designated number of nonconforming advertising signs in unincorporated areas of Will County. There are recommendations for new definitions and images that would make this section more user friendly. Finally, there are some recommended changes to existing Zoning Ordinance regulations on nonconforming uses to reflect changes made in the sign section.

Mr. Radner explained that nothing has been taken away from the current regulations. They still require Special Use Permit except for a few exceptions.

Section 13 of our Ordinance is the Signs Section. In working with the consultant we expanded the purpose Section (Section 13.1) to include additional reasons for the purpose of the sign section.

Section 13.4 Permits and Fees Required. The fee schedule has changed. The previous ordinance charged one fee of \$100 for an annual registration per sign structure. The new recommendation is \$100 per sign face. Most billboards have at least two (2) sign faces, some have more. Previously a sign company paid \$100 for one sign structure regardless of how many faces it had, now it will be \$100 per sign face. The charge will be doubled if it is paid after February 1st.

The term billboard was previously used and in the proposed regulations we are now using the term advertising signs.

Mr. Radner explained that he did a lot of research on this topic and Cook County charges \$600 a year plus a \$180 annual inspection fee, some counties do not charge at all and some counties just don't allow billboards at all.

Ms. Konicki asked which counties do not allow billboards and Mr. Radner and Mr. Radner answered Lake County, they have some existing "grandfathered" structures but no new billboards are allowed.

Conversation ensued regarding annual inspections and fees.

Mr. Radner advised the Committee that staff had recently completed inventory of all of the advertising signs in Will County. There are 92 signs in Will County; this data is being confirmed with the sign companies. The two major sign companies in Will County are Lemar Outdoor and Clear Channel Outdoor. We will now keep an annual log of the signs in Will County.

Mrs. May asked if there was a staff person who checked these signs and Mr. Radner explained that the inspecting of these signs would fall under the direction of the Development Review Division and the Planning Division. Ultimately these fees are to be paid to the Zoning Administrator so it is under his authority to look at what signs are available and to maintain the list.

Chairman Weigel asked if our Zoning Administrator recommended a certain inspection fee and Mr. DuBois stated he recommended that at some point in the near future we analyze the cost and expenses associated with it and amend the fees to reflect that. One of the recommendations is to remove the fees from the ordinance and put them into the County's fee schedule and Mr. Dubois agrees with that as well.

Chairman Weigel asked Mr. Dubois if he would be following up on that and he answered yes.

Mr. Radner explained that a provision was added to Section 13.4.4 – you will have to have your state sign permit for a billboard before we can issue any billboard permit in the County (this would be for a new sign).

Section 13.5 Nonconforming Signs

Mr. Radner explained that this section would be discussed toward the end of the discussion.

Ms. Konicki asked what Mr. Radner what were the criteria for a state sign permit and Mr. Radner explained.

Ms. Konicki asked if Will County's regulations are stricter than the State of Illinois can we enforce ours and Mrs. Manning stated she believed so but would look into this.

Section 13.7 Maintenance and Repair

The recommended change allows for maintenance and repair of signs so they don't fall into disrepair and it states whether it is a conforming or non-conforming sign.

Section 13.10 General Standards

There has been a recommended change to Number 8 to not place the sign tag on the sign because most of the signs are located on poles along interstates and staff just can't get to the sign to see the sticker, they are only about 2" x 2". Staff has proposed an in-house list and a number would be assigned to each sign and the sign would then be known by that number. The current billboards in Will County have been mapped out by GIS and were shown on the overhead.

Ms. Konicki referenced Section 13.7 and the maintenance of the signs.

Section 13.11 Sign Provisions by District

Mr. Radner reiterated that a special use permit is still required in this draft text amendment for a billboard sign whether it is dynamic or static. That is the recommended language. Mr. Radner asked the Committee if they still felt a special use permit would still be the ideal way of handling advertising signs in unincorporated areas of Will County and Chairman Weigel answered that the Committee had a consensus that a special use permit would be fine.

The state regulations are referenced – depending on the size of the sign, depending on where it is located. These numbers have not changed.

Mr. Radner explained that there was a little clarification in the spacing to make it read better but nothing had changed.

Page 11, number 8

Dynamic Displays: Advertising signs incorporating dynamic displays are subject to the regulations of 13.14. This explains that you must follow the regulations of 13.14.

Mrs. Rozak asked why the word shall was changed to may. Mr. Radner explained this language change was recommended by the consultant. Conversation ensued and it was decided that all musts and mays in the document would be changed to shall.

Mr. Wisniewski asked about safety concerns regarding the signs and how distracting they are. Conversation ensued regarding this topic.

Ms. Konicki stated she liked the idea of getting rid of nonconforming signs. With regard to the digital signs that rotate to a different sign, Mr. Radner explained that in these regulations there are provisions that say motion and pyrotechnics are not permitted on this type of signs; it is just a static image. The only change would be the images changing, not a video going across.

Ms. Konicki stated if only the picture rotated it should not be so distracting. Conversation ensued regarding signs with motion and how distracting they can be.

Mrs. Rozak asked the difference between static and dynamic and Mr. Radner explained.

Mrs. Konicki asked about the lighting for these signs. Mr. Radner stated there are no regulations for the dynamic signs light out-put, but certainly staff could put in some regulations. Mr. Radner stated 0.3 footcandle seems to be the standard.

Ms. Konicki stated she would like to bring the existing signs within a stricter ambient light requirement, this would reduce energy consumption. Conversation ensued regarding existing signs and the lighting output.

Mr. Radner advised the Committee that if this proposed language was adopted there is a provision that mentions in the future if something changes we can go back and amend the code.

Section 13.14 – Advertising Signs that Incorporate Dynamic Displays

1. **Purpose** a. There are few if any opportunities to establish new (static display or dynamic display) advertising signs in unincorporated Will County because of long-standing regulations that require advertising signs to be separated from one another and from certain protected land uses. At the same time, the county is extremely limited in its ability to require the removal of existing nonconforming advertising signs. The provisions of this section establish fair and objective regulations governing the use of dynamic displays on advertising signs.
 - b. Among other things, these regulations allow some advertising signs to be converted from static to dynamic displays. Such regulations are intended to provide an incentive for the voluntary and uncompensated removal of nonconforming advertising signs under certain circumstances and help reduce the number of nonconforming signs in the county, thereby improving its overall appearance. In doing so, these provisions are intended to advance the goals of the Land Resource Management Plan, the overall purpose of this zoning ordinance and specific purposes of this section.

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Mr. Radner explained this purpose was put in this section to explain why if the Committee chooses to allow the approach of allowing sign companies to switch from static to dynamic provided they remove a certain number of signs without having to get a special use permit.

Mrs. Rozak asked how a sign becomes a nonconforming sign and Mr. Radner explained the sign codes were very loose up until the 1990s. In the mid-90s the county came up with more stringent billboard requirements and a special use permit became necessary.

2. Where Allowed

- a. A new advertising sign that incorporates a dynamic display may be established if approved as a Special Use, subject to compliance with all applicable advertising sign and dynamic display regulations of this section.
- b. An existing, conforming advertising sign face may be converted to incorporate a dynamic display if approved as a Special Use, subject to compliance with all applicable advertising sign and dynamic display regulations of this section.
- c. A single existing, conforming advertising sign face may be converted to incorporate a dynamic display as of right in exchange for the removal of 2 nonconforming advertising sign faces, subject to compliance with all applicable advertising sign and dynamic display regulations of this section.

Mrs. Rozak asked if this is economically feasible and Mr. Radner answered yes.

Mrs. May asked if signs could be shared and Mr. Radner answered no, but many different advertisements can be on one sign. We have the ability in the code to require the sign companies to post "Amber Alerts". Under a special use we could possibly condition these types of signs to require additional time donated to the county.

- d. A single existing, nonconforming advertising sign face may be converted to incorporate a dynamic display as of right in exchange for the removal of 4 nonconforming advertising sign faces, subject to compliance with all applicable advertising sign and dynamic display regulations of this section.
- e. A nonconforming advertising sign face may be converted to incorporate a dynamic display if approved as a Special Use. Such conversions are subject to compliance with all applicable advertising sign and dynamic display regulations of this section and the nonconformity "conversion" provision of 11.6.

3. Voluntary Sign Removal

- a. Before issuance of a sign permit for an advertising sign that incorporates a dynamic display, applicants who elect to remove nonconforming advertising signs in exchange for permission to convert a static display to a dynamic display must agree in writing to permanently remove within 15 days after issuance of the sign permit, the number of advertising sign faces required to be removed pursuant to Section 13.14.2.e or 13.14d.
- b. Signs to be removed must be owned or leased by the applicant for the dynamic display. Removal must include the complete removal of the structure and foundation supporting each sign face.
- c. The applicant must also agree in writing that the county may remove the sign if the applicant does not do so within the time required, and the application must be accompanied by a financial guarantee acceptable to the state's attorney's office to cover the county's costs of removing the signs.

Melanie Manning from the States Attorney's Office recommends "to the Land Use Department".

- d. The applicant must also agree in writing that they are removing the sign voluntarily and that they have no right under any law to financial compensation for the removed sign.

- e. Each sign face to be removed must have an area of at least 288 square feet and the cumulative total sign face area to be removed in exchange for a permission to establish a dynamic display on a single sign face must be at least 90% of the area of the proposed dynamic display.
- f. If the removed sign face is one for which an Illinois State permit is required, the applicant must surrender the permit to the state upon removal of the sign. The dynamic display may not be operated until proof is provided to the county that the state permit has been surrendered.

3. Additional Standards and Requirements

- a. The images and messages displayed on a dynamic display must have a minimum dwell time of at least 10 seconds and may not contain any movement, animation, audio, pyrotechnics or other special effects.
- b. The transition or change from one message to another must occur in one second or less and involve no animation or special effects.
- c. The images and messages displayed must be complete in and of themselves, without continuation in content to the next image or message or to any other sign.
- d. Dynamic displays must be equipped with a default mechanism that freezes the display in one position or present a static or blank display if a malfunction occurs.
- e. Dynamic displays may not have a brightness of such intensity or brilliance that they impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.
- f. Dynamic displays must be equipped with a light detector/photocell that automatically adjusts the display's brightness according to natural ambient light conditions.
- g. The maximum brightness level of a dynamic display is 0.3 footcandles above ambient light levels, which must measure as follows. First, at least 30 minutes past sunset, and with the display set to run full black copy or turned completely off, the ambient light level reading must be taken with a light meter positioned 4 to 5 feet above the ground at the following distance from the sign face:

| Sign Face Area (sq. ft.) | Feet from Sign Face |
|--------------------------|---------------------|
| 0-100 | 100 |
| 101-379 | 150 |
| 380-700 | 200 |

Second, with the display set to run full white copy, the same light meter must be used to obtain another light level reading with the meter held in the same position and aimed directly at the sign face. The difference between the two readings is the sign's actual brightness level. If the difference is more than 0.3 footcandles (3.23 lux), the brightness level is in violation of this ordinance and must be adjusted downward. Failure to make such adjustment may result in other available enforcement actions to be taken by the county.

- h. The county, through appropriate personnel, may exercise its police powers to protect the public health, safety and general welfare by requiring that Amber Alerts and emergency information related to natural disasters or imminent threats to public safety be displayed on dynamic displays.
- i. Regulations governing dynamic displays are subject to ongoing monitoring and future modification in the exercise of the county's police powers. No vested right is ever created in an existing dynamic display. If regulations governing operational aspects of dynamic displays (e.g., dwell time, transitions, illumination/brightness, etc.) are modified, advertising sign owners and operators are required to bring dynamic display advertising signs into compliance with all applicable dynamic display regulations.

Mr. Radner advised that there would be no "grandfathering" the sign companies would have to comply with the regulations of today.

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- j. Proposed for dynamic displays must be reviewed and approved by the Building Department for compliance with all applicable building safety and electrical codes. Applications must include appropriate documentation from an Illinois licensed design professional of the sign structure's ability to accommodate the dynamic display technology.

Section 11.1-7 Nonconformities

Mr. Radner explained that a few adjustments would have to be made to this section to cover routine repairs and maintenance. 2. Routine maintenance of nonconforming signs is allowed, including changing of copy, necessary non-structural repairs, and incidental alterations that do not expand, extend or enlarge the nonconforming features of the sign.

Section 11.3 Nonconforming Structures

11.3-1 Definition – A nonconforming structure is any building or structure that was legally established but which no longer complies with site and structure requirements of the zoning district in which such building or structure is located. “Nonconforming structures” include “nonconforming signs” which are signs that were lawfully established – in accordance with all applicable sign regulations in effect at the time of their establishment – but that no longer comply with the sign regulations of this ordinance.

11.3-10 Advertising Signs; Conversion to Dynamic Display

Alterations, modifications or conversions of a nonconforming advertising sign to incorporate a dynamic display are prohibited unless the advertising sign is brought into full compliance with all applicable regulations of this zoning ordinance.

Mr. Smith asked if there is anything that states they must get rid of nonconforming signs before conforming and Mr. Radner answered no. There are two options.

Mr. Radner displayed the existing advertising signs in within Will County on the overhead.

Mr. Radner displayed and reviewed the proposed schedule for advertising sign text amendment on the overhead.

Mr. Radner explained that he spoke with Chairman Weigel regarding this schedule and the plan was to have the PZC hold a public hearing in January but that does not seem possible so now we are looking into the LUDC holding the public hearing. A stakeholders meeting has been scheduled for November 19th. Scenic Illinois, the Will County Governmental League, Joliet Region Chamber of Commerce and the Outdoor Advertising Association of Illinois (who recommended that 2 people from this region be present to represent them), have been invited.

Mr. Radner asked the Commission how they felt about the proposed schedule.

Conversation ensued regarding inviting a Trustee or a Planner from Homer Glen to the stakeholders meeting. Mr. Radner advised the Committee that all municipalities were informed through the Governmental League. Chairman Weigel suggested Ms. Konicki contact someone from Homer Glen.

Sharon May made a motion to approve the proposed schedule; seconded by Michael Wisniewski.

ALL INFAVOR

MOTION CARRIED (6-0)

2. Regional Water Supply Planning Group - Update

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Howard Hamilton reviewed his letter dated November 3, 2009. Page 2 contains a schedule and Mr. Hamilton stated that we are nearing the date to finalize the report. December 14th meeting will be a meeting to put the final touch to the document with the final adoption on January 5, 2010 and then by the entire group on January 26, 2010.

Mr. Hamilton explained when he last spoke to the LUDC in May, 2009 these four goals which were designed to obtain regional data, but keep planning local and unobtrusive were discussed: 1. Obtain data to help encourage *sustainable* growth in Will County. 2. Seek to limit intrusive red-tape by “regional” entities that could harm the growth of our county. 3. Seek to limit unfunded mandates and regulations. 4. Avoid regional requirements that could be promulgated toward a goal of requiring smart growth – an important note that I make here is the difference between *smart* and *sustainable*. I would argue that *smart* is subjective term that changes with perspective, but that *sustainable* is objective and is the simple goal of “keeping things going”. Some of this is in response to issues that we have had in the past both on the municipal and county level working with NIPC and trying to make sure that this report wouldn’t further some of those issues.

On October 27, 2009 we received Version 9 of the draft report which allowed only a short window to get comments back to the LUDC and try to get input. Comments were also received from the Business Industry and Power (BIP) caucus on issues that they thought needed to be addressed in the report or needed to be addressed differently.

Mr. Hamilton advised the Committee that the link to the entire report was:
<http://www.cmap.illinois.gov/WorkArea/DownloadAsset.aspx?id=17730>.

Mr. Hamilton also provided the full comments from BIP, a twelve page document. A fourteen page response was received from CMAP to BIP.

Mr. Hamilton explained that he was looking for a final position on a few issues that he could take forward to the committee and tell them “this is what Will County thinks”.

BIP does not feel the report as written addresses economic development. This is consistent with the goals discussed above. This is a position that Will County should support.

A further concern is the report is written to be used as a springboard to put additional taxes in place or fees. This is also consistent with the above listed goals. We are in-line with what BIP has asked for on this issue.

When CMAP’s staff reviewed the twelve page letter from BIP and provided their fourteen page response they felt that they could accept three of the recommendations from BIP, fourteen of the recommendations could be accepted if they were modified and nineteen of the issues they could not support.

Page 5 – On pages 98-106 of Version 9 of the report the many sections have been added or modified since BIP’s comments were drafted.

Recommendations – That the IEPA require compact and contiguous growth essentially for northeastern Illinois as a way to conserve water. Mr. Hamilton stated this is exactly what we are trying to avoid, having planning boundaries put on Will County. Mr. Hamilton’s recommendation is that this section be struck.

The next issue is the need for facility planning area reviews; right now that is the process used to review the expansion of sewage treatment plants. This report recommends that process be used when new wells are drilled at water facilities. They also state GO TO 2040 should be the blueprint used by the review of those expansions

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of water facilities. Mr. Hamilton stated our recommendation, to be consistent with our previous goals, is that these sections be struck from the final report.

Mr. Hamilton stated it is his recommendation that Will County provide written endorsement of the comments offered by Business, Industry and Power and that the sections discussed above be struck from the report. Upon incorporation of these revisions it is his further recommendation that Will County be prepared to offer written

endorsement of the finalized report at the January 26, 2010 meeting of the Regional Water Supply Planning Group.

Ms. Konicki asked who BIP is made up of and Mr. Hamilton explained they are business men from large businesses, large industries and power suppliers. There are two members of BIP that serve on the Regional Water Supply Planning Group. They have their own group that gets together, discusses and prepare written statements. They are better funded than other groups.

Ms. Konicki stated she needs to be provided information on these individuals. Conversation ensued regarding this group. Ms. Konicki asked Mr. Hamilton to provide her this information in writing.

Chairman Weigel asked what the Governmental Leagues stance was, and were they adopting the BIP's standards and Mr. Hamilton answered yes.

Chairman Weigel stated he reviewed the report and agreed with the recommendations from Mr. Hamilton.

Mr. Wisniewski stated he concurred with the Chairman's comments.

Chairman Weigel asked Mr. Hamilton what he needed from the Committee and He explained that he would put together a resolution to be brought forward to the County Board.

REPORTS, COMMUNICATIONS, CORRESPONDENCE

Mrs. Rozak asked about the changes that have occurred in the Land Use Department and Mr. Dubois gave an overview.

Ms. Konicki stated an email of the restructuring would be good.

Mrs. May asked for more specific information to be given to the Board Members.

Ms. Konicki asked if the email would show who is coming and who is going.

Mr. Dubois stated he would work with the Executive's office since it is a Human Resource issue.

ADJOURNMENT

Kathleen Konicki made a motion to adjourn; seconded by Michael Wisniewski.

ALL IN FAVOR

MOTION CARRIED (6-0)

The meeting recessed at 12:14