



MEMORANDUM

TO: Trustee Johnston, Chairman
Economic and Community Development Commission

FROM: William J. Heniff, Director *WJH*
Department of Community Development

DATE: August 8, 2016

SUBJECT: **Business Lighting Review**

At the July, 2016 Economic and Community Development Committee (ECDC) meeting, the issue of business perimeter lighting, particularly around business windows, was introduced to the Committee. This matter was brought forward by staff based upon inquiries received by and through elected officials and citizen inquiries. Of specific concern was lighting that has been incorporated into perimeter window faces by selected business tenants. Such lighting can vary widely and have varying intents and purposes. However, it is assumed that many such establishments have placed lighting elements in their windows as a measure of drawing attention to the business establishment from the street or it is intended to be a decorative feature for the business.

The ECDC offered initial comments as part of the July meeting. Subsequent to that meeting, additional information has been collected by staff and a series of possible regulatory options are offered for initial discussion. At the ECDC meeting staff will be presenting an additional PowerPoint presentation to supplement this memorandum. To guide the discussion, staff offers a range of regulatory options within a table below that describes some of the possible options that are available to the Village should the Committee, and ultimately the Village Board, desire to establish such regulations or restrictions. As staff previously noted, any such regulations would be best regulated within the nuisance provisions of the Village Code.

The goal of the ECDC would be to make findings based upon the review of the matter and to provide specific direction to staff. From this direction, staff would prepare a draft ordinance for consideration by the Committee and the Village Board.

BACKGROUND

As a refresher and to ensure that the ECDC is broadly reviewing the issue, below are photographs of window lighting similar to examples seen in Lombard. Such lighting can take many forms, including LED rope lighting, neon tube lighting, spot lighting, accent spot lighting or even ornamental lighting.

LED Rope lighting



Neon tube lighting



Accent/Spot Lighting



Other Ornamental (or Holiday Decorations) Lighting



Each of the four identified lighting types can vary in impact and purpose. Additionally, their corresponding visual impacts can vary as well.

Options Available

To assist in the review by the ECDC, staff created six possible options that may be able to provide guidance in the establishing any code provisions, going from least restrictive to most restrictive. These options include:

Option	Description/Action	Benefits	Challenges
1	Status Quo – no change to Village regulations	Lights would remain as permitted; businesses can determine desired breadth and design of lighting	Concerns remain
2	Prohibit the lighting by type, (i.e. prohibit LED rope lighting, or neon tubing lighting, etc.)	This would allow a business to use neon or other lights to highlight their windows	Technology changes may require further review over time
3	Prohibit the lighting based on the business' distance from the street	Would allow businesses in selected areas (i.e. Yorktown Mall, High Point and Eastgate Shopping Center) to have window lighting	Would still allow all types of lighting, if beyond a specified distance, such as 180 feet from right-of-way (i.e., not a direct prohibition)
4	Prohibit by zoning district	Could eliminate the lights in specific areas, like downtown area or Roosevelt Road	As a nuisance provision, may not adequately address concern
5	Prohibit lighting around the entire perimeter of the window	This would allow a business to use the lighting around three (or less) of the four sides of their windows	Would still allow the lights around a portion of the window and may not adequately address concern
6	Prohibiting window lighting as a whole	Lighting would be prohibited Village wide	Could create issues with holiday lighting and may preclude other types of accent light that may otherwise be deemed appropriate

Nuisance items are enforced by Code Administration and a variance cannot be given for a nuisance. While many ECDC members were in favor of the concept of prohibiting the lighting at the July ECDC meeting, this table is offered for guidance. If direction is offered to further regulate such lighting, there must be a nexus between the lights and reason for the regulation. Most importantly, the rationale should be based upon a public impact and necessity, as opposed to personal preference. This matter is important to consider as if codified within code, property owners and businesses not adhering to code provisions could be subject to Village enforcement

activity. Therefore, the review should be based upon what light should be regulated or restricted based upon nuisance impact rather than individual preference.

To assist the ECDC, Village staff undertook an outreach effort to solicit additional input and informing them of the ECDC's consideration of the matter. This included letters to Lombard Town Centre and the Lombard Area Chamber of Commerce and Industry, business owners that had some type of lighting their windows, a press release seeking input, social media outreach, and reaching out to residents that inquired about the matter. This outreach was requested to provide a wide variety of input by any interested parties.

ACTIONS REQUESTED

Staff is bringing this item to the ECDC for review and direction. The ECDC should review the options and offer staff direction on which option(s) they prefer. Staff will then prepare draft legislation for future ECDC consideration.

Name	Address	Type
Citgo/Mobil gas station	610 S Main Street	Rope
Sparkle Again	13 N Main Street	Rope
Ashtray Smoke Shop	6 W St Charles Road	Rope
Steves Gyros	916 E Roosevelt Road	Rope
Al-Wahid Meats and Grocery/Tandoor Express	896 E Roosevelt Road	Rope
Senor Jalapeno	436 S Main Street	Rope
Giagnorio's Pizza	434 S Main Street	Neon
Lovers Lane	711 E Roosevelt Road	Neon
Smoke Shop	330 E Roosevelt Road	Rope
Good Guy Vapes	620 E Roosevelt Road	Rope
Allende Restaurant	1238 S Highland Avenue	Rope
Smoke House	318 W Roosevelt Road	Rope
Happiness is Pets	616 E Roosevelt Road	Neon
Tobacco	645 E Roosevelt Road	Rope
Eastgate Barber	837 S Westmore Meyers Road	Rope
Just Auto Care	323 S Westmore Meyers Road	Rope
The Ladies Room	410 S Main Street	Rope
Fine Line Barber Parlor	706 S Main Street	Rope
Slyvia E's Fine Jewelry	1255 S Main Street	Rope
Restaurante Mexicano	621 E Roosevelt Road	Rope
Wise Guys Vapes	1218 S Garfield Street	Rope
Z Nail Salon	701 E Roosevelt Road	Rope
Von Maur	145 Yorktown Shopping Center	Building
Punky's	16 S Park Avenue	Icicle
Fairytales	28 W St Charles Road	Icicle
Randall Bullen Photography	5 S Park Avenue	Icicle
The Vino Cellar	141 W St Charles Road	Icicle
Drytini	8 S Park Avenue	Icicle
Lori's Antique Jewelry	134 E St Charles Road	Flood
Com2 Computers	1196 S Main Street	Rope
Viceroy of India	233 E Roosevelt Road	Neon Building

Selected municipalities were contacted based on their proximity to Lombard and/or to provide examples of existing regulations. Please note, that while some municipalities prohibit the lighting, Lombard Village staff have noticed the lighting on business locations. Furthermore, the municipalities contacted noted that these regulations are not a priority enforcement action.

Municipality	Regulations
Addison	Have not addressed as the lights are not flashing or moving
Barrington Hills	Prohibits based on community character (i.e. the night sky). Prohibited for commercial and residential. Listed as a nuisance.
Bloomington	Prohibits open neon. Listed as a sign, due to the fact that light directs attention to a place.
Carol Stream	Allowed as a window sign. A neon border of not more than one inch in width may be permitted around the perimeter of each window and shall be included in the neon area calculations. Neon borders shall be measured by multiplying the linear length of the neon border by one inch.
Downers Grove	Prohibited
DuPage County	Do not regulate
Glen Ellyn	Prohibited as a sign.
Naperville	No specific regulations. Do not allow chasing or flashing neon.
Niles	Sign Code prohibits neon, LED tubing, series lighting, and other similar applications window trimming
Oak Brook	Prohibited, as it is not specifically allowed per the Zoning Code. Noted that many of these lights aren't LED, they are neon.
Oakbrook Terrace	LED exterior lights are prohibited (decorative lights are allowed during the holidays). See Section 156.043(A)(4) of the Sign Code.
Schaumburg	Prohibited window trimming/lighting in windows on 01/2016, giving businesses until May 2017 to comply. See Section 155.50(R) of the Sign Code
Villa Park	No specific regulations. Do not allow chasing or flashing neon.
West Chicago	Neon tubing around windows is not allowed per the Zoning Code. Staff have extrapolated the wording to interpret that LED lighting is also not allowed per Code.
Wheaton	Prohibits perimeter window lighting. Listed as an attention getting device, and inconsistent with the suburban character of Wheaton.
Wood Dale	Prohibited under lighting regulations, has considered adding to the Sign Code under attention getting device.
Woodridge	Prohibited as an exposed bulb.

Business Lighting

August 8, 2016

Village of Lombard
Community Development Department

Lighting Examples



Other Lighting Examples



Current Regulations

Current Lombard Village Code does not regulate perimeter window lighting. Neon is also not prohibited. In other municipalities this type of lighting is classified as a sign.

Lombard Code defines a sign as follows:

"Sign. Any device, structure, fixture or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods or services."

Benefits

- 1. Business Attraction**
Perimeter lighting may attract more business and provide better visibility in remote areas.
- 2. Business Design**
The business owner is given creative license to create the image wanted for their business.
- 3. Economic Alternative for Large Sign**
Lower cost to purchasing a larger sign that would attract more customers and get attention.
- 4. Provides Business Identity**
Allows the business to be identified during night hours and provides an image associated with the business.

Challenges

- 1. Aesthetics**
Residents may view these lighting techniques to be tacky and not fit with the image that Lombard wants to present.
- 2. Brightness**
The brightness of LED lights may be a distraction to drivers going past an establishment using window perimeter lighting.
- 3. Light Pollution**
The extra lighting may be deemed a nuisance to the local community.
- 4. Holiday/ Decorative Lighting**
The distinction between perimeter lighting for everyday use and that of a decoration for a specific holiday.

Selected Lombard Businesses with Some Type of Window Lighting

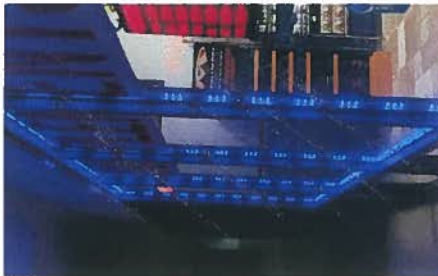
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Model Gas Station	610 S Main Street	Rope
Sparkle Again	13 N Main Street	Rope
Ashtary Smoke Shop	6 W St Charles Road	Rope
Stevens Gyros	916 E Roosevelt Road	Rope
Al-Walid Meats and Grocery/Indoor Express	888 E Roosevelt Road	Rope
Senor Japonico	438 S Main Street	Rope
Chaparral's Pizza	434 S Main Street	Rope
Chaparral's	171 E Roosevelt Road	Neon
Smoko Shop	371 E Roosevelt Road	Rope
Good Guy Vapors	820 E Roosevelt Road	Rope
Alienkle Restaurant	1298 S Highland Avenue	Rope
Smoker House	318 W Roosevelt Road	Rope
Happinness Is Pets	618 E Roosevelt Road	Neon
Tollaco	845 E Roosevelt Road	Rope
Fastgate Barber Shop	837 S Westmore Meyers Road	Rope
Jiffy Auto Care	323 S Westmore Meyers Road	Rope
The Ladies Room	410 S Main Street	Rope
The Urban Barber Parlor	708 S Main Street	Rope
Stash Barber Parlor	855 S Main Street	Rope
Restaurante Mexicano	621 E Roosevelt Road	Rope
Wire Guys Vapors	1218 S Garfield Street	Rope
2 Nail Salon	701 E Roosevelt Road	Rope
Von Mau	145 Yorktown Shopping Center Building	Building
Punkys	16 S Park Avenue	Icicle
FairyTales	28 W St Charles Road	Icicle
Raxxal Bullen Photography	5 S Park Avenue	Icicle
The Vito Cedar	141 W St Charles Road	Icicle
Olyfin Cedar	8 S Park Avenue	Icicle
Gold's Antique Jewelry	194 E St Charles Road	Rope
Gold's Computers	108 S Main Street	Rope
Viceroy of India	233 E Roosevelt Road	Neon Building

Local Municipal Codes

Selected Communities that Restrict/Prohibit Lighting

- Barrington Hills
- Bloomingdale
- Downers Grove
- Glen Ellyn
- Niles
- Oak Brook
- Oakbrook Terrace
- Schaumburg
- West Chicago
- Wheaton
- Wood Dale
- Woodridge

Note: While communities have limitations codified, many do not regulate as a primary enforcement matter



Challenges in Establishing Regulations

- Code Consistency
- Legally Defensible
- Not Arbitrary or Variable
- Equal Enforcement
- No Exceptions (i.e. cannot vary a nuisance)
- Geographical Considerations (All business districts, downtown, etc.)

Regulating Options

- Status Quo – Do Nothing
- Limit Lighting by Type
- Limit by Distance from Street
- Prohibit by Zoning District or Area
- Limit by Extent of Window Coverage
- Prohibit All Window Lighting

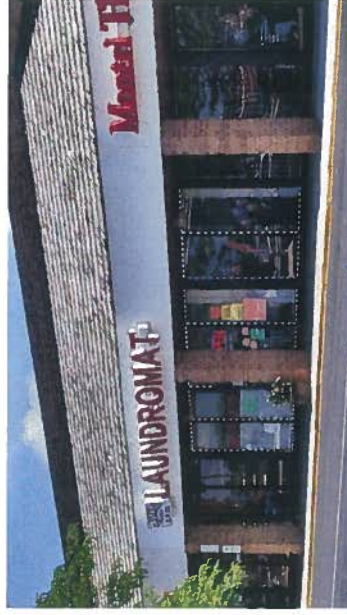
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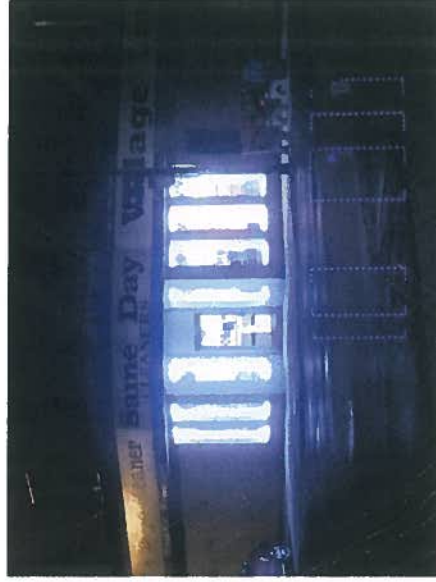
LED Rope Lighting - Daytime



LED Rope Lighting - Night



LED Rope Lighting - Night



Neon Tube Lighting - Daytime



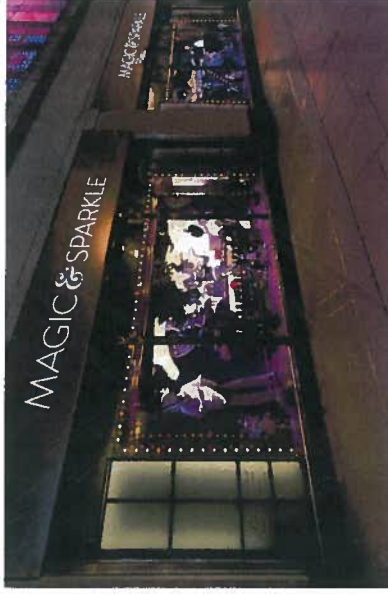
Neon Tube Lighting – Cloudy Day



Neon Tube Lighting - Night



Ornamental (Holiday) Lighting



Accent/Spot Lighting



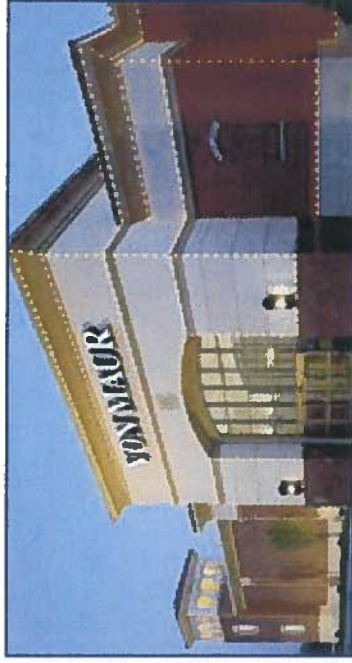
Ornamental (Holiday) Lighting



Regulating Options

- Status Quo – Do Nothing
- Limit Lighting by Type
- **Limit by Distance from Street**
- Prohibit by Zoning District or Area
- Limit by Extent of Window Coverage
- Prohibit All Window Lighting

Building Lighting – Setback from Street



Regulating Options

- Status Quo – Do Nothing
- Limit Lighting by Type
- Limit by Distance from Street
- Prohibit by Zoning District or Area
- Limit by Extent of Window Coverage
- Prohibit All Window Lighting

Downtown Business Lighting



Regulating Options

- Status Quo – Do Nothing
- Limit Lighting by Type
- Limit by Distance from Street
- Prohibit by Zoning District or Area
- **Limit by Extent of Window Coverage**
- Prohibit All Window Lighting

Neon Tube Lighting In Single Window Panel



Regulating Options

- Status Quo – Do Nothing
- Limit Lighting by Type
- Limit by Distance from Street
- Prohibit by Zoning District or Area
- Limit by Extent of Window Coverage
- **Prohibit All Window Lighting**

ECDC Action Requested

Determine What Should be Regulated

- Review of 6 possible options
- Provide initial direction based upon meeting and public input
- Address building/window applications (i.e., if restricted, what is permissible)
- If appropriate, provide direction to Village staff on desired type of sought regulation
- Language to be considered at future ECDC meeting

