


VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

_____ Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
_____ Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: David A. Hulseberg, Village Manager
DATE: August 3, 2011 (BOT) Date: August 18, 2011
TITLE: Text Amendment to Title 3 of the Village Code
SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

The Lombard Historical Commission transmits for your consideration its recommendation relative to amending Title 3, Chapter 32, Section 32.079 of the Lombard Village Code allowing abandoned cemeteries to be designated as landmark sites without the written approval of the property owner(s).

The Historical Commission recommended approval of this amendment.

Please place this item on the August 18, 2011 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):


Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



MEMORANDUM

TO: David A. Hulseberg, Village Manager

FROM: William J. Heniff, AICP, Director of Community Development 

DATE: August 18, 2011

SUBJECT: Proposed Text Amendment for Abandoned Cemeteries

BACKGROUND

The Historical Commission has discussed naming Lombard Cemetery as a local landmark. However, the Village Code currently requires the written consent of the property owners in order for a property to be designated. As the last documented owner of the cemetery died several generations ago, this language effectively prevents the cemetery from being designated. At the request of the Commission President, staff discussed with the Village Attorney how the Code could be amended to allow such a designation. The intention of this amendment is to effectively create an exception for abandoned cemeteries while still requiring the written consent for the designation of all other properties.

Please note that passage of this amendment will not cause Lombard Cemetery to be designated as a landmark site as that designation requires a lengthy application, review, and public hearing process with ultimate approval authority resting with the Village Board. However, this amendment would give the Historical Commission the option to begin the review process for consideration of the cemetery at some point in the future, if it so chooses.

The Historical Commission recommended approval of this amendment at its meeting of July 19, 2011.

ACTION REQUESTED

Staff recommends that the Village Board approve the attached ordinance allowing abandoned cemeteries to be designated as landmark sites without the written approval of the property owners.



MEMORANDUM

TO: Rita Schneider, President
Lombard Historical Commission

FROM: Jennifer Henaghan, AICP, Senior Planner JBH

DATE: July 19, 2011

SUBJECT: Proposed Text Amendment for Abandoned Cemeteries

The Historical Commission has previously discussed naming Lombard Cemetery as a local landmark. However, the Village Code currently requires the written consent of the property owners in order for a property to be designated. As the last documented owner of the cemetery died several generations ago, this language effectively prevents the cemetery from being designated.

At the request of the Commission President, staff discussed with the Village Attorney how the Code could be amended to allow such a designation. The intention of this amendment is to effectively create an exception for abandoned cemeteries while still requiring the written consent for the designation of all other properties. The following language is submitted for consideration by the Commission, with the proposed amendment indicated in **red** text:

§ 32.079 HISTORICAL SITES; DESIGNATION AND MAINTENANCE.

(A) The Historical Commission shall have the authority to recommend the designation or rejection of sites having a special historical or community interest or value, thereby making the designation as a "landmark site" or "landmark district". These designations shall be made only with the written approval of the property owners; **however, written approval of the property owners shall not be required in the case of an "abandoned cemetery," as said term is defined in 65 ILCS 5/ 11-49-1(d), in the event that the owners of the abandoned cemetery are unknown, or no longer in existence.**

If the Historical Commission votes to recommend approval of this amendment, the Village Board could consider the amendment at its August 18 meeting.

REQUESTED ACTIONS

Does the Historical Commission recommend that the above amendment be made to Section 32.079 of the Village Code to allow abandoned cemeteries to be designated as local landmarks?

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 3, CHAPTER 32, SECTION 32.079 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE HISTORICAL COMMISSION

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That Title 3, Chapter 32, Section 32.079(A) of the Lombard Village Code is hereby amended by to read in its entirety as follows:

“(A) The Historical Commission shall have the authority to recommend the designation or rejection of sites having a special historical or community interest or value, thereby making the designation as a "landmark site" or "landmark district". These designations shall be made only with the written approval of the property owners; however, written approval of the property owners shall not be required in the case of an “abandoned cemetery,” as said term is defined in 65 ILCS 5/ 11-49-1(d), in the event that the owners of the abandoned cemetery are unknown, or no longer in existence.”

SECTION 2: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed on first reading this ____ day of _____, 2011.

First reading waived by action of the Board of Trustees this ____ day of _____, 2011.

Passed on second reading this ____ day of _____, 2011, pursuant to a roll call vote as follows:

AYES: _____

NAYES: _____

ABSENT: _____

Ordinance No. _____
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APPROVED by me this ____ day of _____, 2011.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

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