

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

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

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: Scott R. Niehaus, Village Manager

DATE: August 11, 2014 (B of T) Date: August 21, 2014

TITLE: Correction to Scrivener's Error - Sign Ordinance: Temporary Signs

SUBMITTED BY: Department of Community Development

BACKGROUND/POLICY IMPLICATIONS:
Ordinance approving text amendments to Sections 153.224 (D) and 153.237 (F) of the Lombard Sign Ordinance, to correct a Scrivener's error associated with Ordinance No. 6412.
(DISTRICTS - ALL)

Staff requests a waiver of first reading of the Ordinance.

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: Scott R. Niehaus, Village Manager

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

DATE: August 21, 2014

SUBJECT: Correction to Scrivener's Error – Sign Ordinance: Temporary Signs

BACKGROUND/POLICY IMPLICATIONS

In 2009 the Plan Commission recommended (PC 09-26), and the Village Board approved, Ordinance No. 6412 which amended the temporary sign provisions in the Sign Ordinance. Unfortunately, Ordinance No. 6412, as adopted, contained a Scrivener's error that inadvertently moved the permit limitations text under the Motor Vehicle Promotional Sign regulations rather than keeping it within the temporary sign provisions. In review of the Plan Commission public hearing testimony, it is clear that this was not the original intent of the text amendment and that the text should have remained under the temporary sign regulations as originally intended.

To correct this scrivener's error and per Village Counsel direction, the Village is requesting text amendments to remove the text from Section 153.224 (D) and instead add it as Section 153.237 (F) so that it reads as follows:

Section 155.237 Temporary signs.

(F) Permit Limitations

- (1) A permit must be must be obtained for all temporary signs. However, an existing permitted temporary sign can be removed and replaced with another temporary sign without obtaining an additional permit, provided that all of the following conditions are met:
 - a. The permit has not expired.
 - b. The new temporary sign is of the same material as the sign for which the permit was issued.
 - c. The new temporary sign has the same dimensions as, or smaller dimensions than, the sign for which the permit was issued.
 - d. The new temporary sign is placed in the same location as the sign for which the permit was issued.

- ~~(2) Up to eight (8) temporary permits may be issued for any one business in any calendar year, provided that the total of all permits issued does not exceed one hundred twenty (120) days in any calendar year.~~

(Please note that item subsection 2 can be removed because a maximum duration for display had subsequently been established in Section 153.237 (C), which will remain as is).

- (2) A non-renewable permit for a period of up to sixty (60) days may be issued for a temporary sign in lieu of a permanent wall sign, provided that a permit for a future permanent wall sign has been submitted.
- (3) The petitioner shall indicate on the permit application the start date, end date, and number of days for which the permit will be applicable. The temporary sign shall be removed within twenty-four (24) hours after the expiration of the permit.
- (4) If the petitioner requesting the temporary sign is not the owner or a leasee of the property on which the sign will be located, then the petitioner shall submit a written letter of consent from the property owner allowing the sign to be placed on the property.

ACTION REQUESTED

Attached is an Ordinance approving text amendments to Sections 153.224 (D) and 153.237 of the Lombard Sign Ordinance, to correct Scrivener's errors associated with Ordinance No. 6412. Please place the following item the Village Board agenda for consideration as part of the August 21, 2014 Board meeting. Staff also requests a waiver of first reading of the Ordinance.

ORDINANCE _____

**AN ORDINANCE APPROVING TEXT AMENDMENTS
TO THE LOMBARD SIGN ORDINANCE
TITLE 15, CHAPTER 153, SECTIONS 224 AND 237
OF THE CODE OF LOMBARD, ILLINOIS**

(Correction of a Scrivener's Error – Temporary Signs)

WHEREAS, the Village of Lombard maintains a Sign Ordinance which is found in Title 15, Chapter 153 of the Code of Lombard, Illinois; and

WHEREAS, the Board of Trustees adopted Ordinance 6412 on December 14, 2009 that intended to amend the Sign Ordinance to address desired changes to the temporary sign regulations being advanced by the Village; and

WHEREAS, in further review of the adopted Ordinance, the Village finds that the Ordinance inadvertently moved permit limitation provisions associated with temporary signage to another section (motor vehicle promotional signs) of the Code; and

WHEREAS, the Village finds that this amendment was unintended and did not reflect the intent of the Plan Commission through its public hearing process and the Village Board in its approval; and

WHEREAS, the President and Board of Trustees find it appropriate and necessary to adopt an amended ordinance to reflect the intent of the Plan Commission and Village Board in its original approval of the text amendments.

NOW, THEREFORE, 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 15, Chapter 153, Section 153.224, of the Code of Lombard, Illinois is hereby amended by deleting Item (D) Permit Limitations in its entirety.

SECTION 2: That Title 15, Chapter 153, Section 237, of the Code of Lombard, Illinois is hereby amended by adding the following text to the existing regulations:

§153.237 TEMPORARY SIGNS.

(F) Permit Limitations

- (1) A permit must be obtained for all temporary signs. However, an existing permitted temporary sign can be removed and replaced with another temporary

sign without obtaining an additional permit, provided that all of the following conditions are met:

- a. The permit has not expired;
 - b. The new temporary sign is of the same material as the sign for which the permit was issued;
 - c. The new temporary sign has the same dimensions as, or smaller dimensions than, the sign for which the permit was issued; and
 - d. The new temporary sign is placed in the same location as the sign for which the permit was issued.
- (2) A non-renewable permit for a period of up to sixty (60) days may be issued for a temporary sign in lieu of a permanent wall sign, provided that a permit for a future permanent wall sign has been submitted.
- (3) The petitioner shall indicate on the permit application the start date, end date, and number of days for which the permit will be applicable. The temporary sign shall be removed within twenty-four (24) hours after the expiration of the permit.
- (4) If the petitioner requesting the temporary sign is not the owner or a leasee of the property on which the sign will be located, then the petitioner shall submit a written letter of consent from the property owner allowing the sign to be placed on the property.

SECTION 3: All other provisions associated with Ordinance 6412 not amended by this ordinance, or subsequently amended, shall remain in full force and effect.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ____ day of _____, 2014.

First reading waived by action of the Board of Trustees this ____ day of _____, 2014

Passed on second reading this ____ day of _____, 2014.

Ayes: _____

Ordinance No. _____
Re: Correction of a Scrivener's Error – Temporary Signs
Page 3

Nays: _____

Absent: _____

Approved this _____ day of _____, 2014.

Keith T. Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2014.

Sharon Kuderna, Village Clerk