

ORDINANCE 2015-O-15

**AN ORDINANCE AMENDING §158.14
OF THE MUNICIPAL CODE OF WINTHROP HARBOR
CLARIFYING RULES FOR SIGN CODE VARIATION HEARINGS**

WHEREAS, the Village currently has a Sign Code, set forth in Chapter 158 of the Winthrop Harbor Municipal Code, and

WHEREAS, the Sign Code includes section 158.14 which sets out a procedure for variations, but which has recently been found to have at least one significant typographical error, and also doesn't prescribe fully and clearly the procedures for variation petitions and hearings, and

WHEREAS, section 158.14 currently reads as follows:

158.14 VARIATIONS

A. If specific standards or requirements contained in this Chapter 158 preclude a proposed sign from being erected, the applicant may request a variation. Such a variation requires a public meeting on the matter before the Village's Planning and Zoning Board ("PZB"). A petitioner shall file in the office of the Village Clerk a written petition requesting such a meeting and setting forth a brief statement of the grounds. At the time of filing said petition, a sign Variation Review Fee as found in Section 158.15, shall be submitted. Upon receipt of such petition the Village Clerk shall set a time and place for such meeting before the Village Board, and give the petitioner notification thereof. At such meeting, the petitioner shall be given an opportunity to be heard and show why relief from such provisions should be granted. When considering a petition for such a variation, the PZB shall consider the general objectives outlined in Section 158.01-C as well as the standards for a variation outlined in Sections 32.01 through 32.07 of the Winthrop Harbor Municipal Code, including demonstration of a hardship that was not created by the applicant, as to why the variation should be granted. In granting such a request, the PZB shall have the right to impose any and all such further conditions upon the erection and display of such signs as they may deem to be in the best interests of the Village. If granted, a variation must be acted upon within 6 months, as demonstrated by the issuance of a valid sign permit, or the variation shall become null and void.

B. Appeals: Appeals of the interpretation of this Chapter by the Building Commissioner are heard by the Planning and Zoning Board ("PZB"), and all hearings and determinations shall be subject to all provisions of sections 32.01 through 32.07 of the Winthrop Harbor Municipal Code.

And,

WHEREAS, the combined Planning and Zoning Board has held a public meeting on proposed amendments to section 158.14, and has recommended certain changes be forwarded to the Village Board for final approval and adoption, and

WHEREAS, the Village Board finds that the proposed amendments are appropriate and should be codified,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Section 158.14 of the Winthrop Harbor Municipal Code is hereby amended and shall hereafter read as follows:

158.14 VARIATIONS AND APPEALS

A. VARIATIONS.

1. **Generally.** If specific standards or requirements contained in this Chapter 158 preclude a proposed sign from being erected or modified, the applicant may request a variation. Such a variation requires a public meeting on the matter before the Village's Planning and Zoning Board ("PZB").

2. **Procedure.** A petitioner seeking a variation shall file in the office of the Community Development Director a written petition requesting that a meeting be convened and setting forth a brief statement of the grounds. At the time of filing said petition, a sign Variation Review Fee as found in Section 158.15, shall be submitted. Upon receipt of such petition the Community Development Director shall set a time and place for such meeting before the Planning and Zoning Board, and give the petitioner notification thereof. The petitioner shall be required to publish notice of the meeting in a newspaper of general circulation in the community not more than 30, nor less than 15, days prior to the scheduled meeting. No additional notice to adjoining or nearby landowners is required as signs and variations are determined to affect all persons within the community on an approximately equal basis. The Village may, but is not required, to also post the property with signage denoting the pending petition.

3. **Meeting.** At such meeting, the petitioner shall be given an opportunity under oath to be heard and show why relief from such provisions should be granted. Any citizen may also testify under oath for or against the petition or any aspect thereof.

4. **Standards for Consideration.** When considering a petition for such a variation, the PZB shall consider the general objectives outlined in Section 158.01-C as well as the standards for a variation outlined in Sections 32.01 through 32.07 of the Winthrop Harbor Municipal Code, including demonstration

of a hardship that was not created by the applicant, as to why the variation should be granted.

5. **Motions.** At the conclusion of the PZB's discussion, the Chair shall ask for a motion to approve or deny the petition. Following the second of such a motion, the Chair shall request a roll call vote. The majority of the members present shall prevail on such a motion.

6. **Additional Terms and Conditions.** In granting such a request, the PZB shall have the right to impose any and all such further conditions upon the erection and display of such signs as they may deem to be in the best interests of the Village. Any such conditions shall be imposed by incorporation into the motion described hereinabove.

7. **Limitations.** If granted, a variation must be acted upon within 6 months, as demonstrated by the issuance of a valid sign permit, or the variation shall become null and void.

B. APPEALS. Appeals of the interpretation of this Chapter by the Building Commissioner are heard by the Planning and Zoning Board ("PZB"), and all hearings and determinations shall be subject to all provisions of sections 32.01 through 32.07 of the Winthrop Harbor Municipal Code.

C. FINALITY. Decisions of the PZB made under the provisions of this section shall be final administrative decisions, subject to review and appeal pursuant to the provision of the Administrative Review Act, 735 ILCS 5/3-101 et seq.

SECTION TWO: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 19TH DAY OF MAY, 2015.

APPROVED:

ROBERT D. LOY, MAYOR

ATTEST:

JANA J. LEE, VILLAGE CLERK

AYES: Braden, Hargett, Marabella, McCarthy, Robards, Weiss

NAYS: None

ABSENT: None

FIRST READING: WAIVED MAY 19, 2015

SECOND READING: WAIVED MAY 19, 2015

ORDINANCE PASSED: MAY 19, 2015