

1. Call Meeting To Order

2. Roll Call

3. Public Participation

This is an opportunity for the public to provide public comment to the Presiding Officer. Those wishing to speak are required to sign in prior to commencement of the meeting and must address Council from the seat and table provided. The public comments must comply with Ordinance 2014-02 and be limited to 5 minutes or less

4. Approval Of Meeting Minutes

4.A. May 16, 2016 Planning & Zoning Board Meeting Minutes

Documents: [5.16.16 PZB.PDF](#)

5. Purpose Of Meeting - Chairman/Staff

5.A. Recommendation Towards Text Amendment - Signage

City Staff wishes to discuss further the proposed text amendment as it relates to signage.

Documents: [2016-38 MEMO.PDF](#), [2016-38.PDF](#)

5.A.i. Introduction & Overview Of Proposed Text Amendment - City Staff

5.A.ii. Questions & Discussion From The Planning And Zoning Board

5.A.iii. Public Testimony Period

5.A.iv. Public Hearing Is Closed

5.A.v. Action - Planning And Zoning Board

6. Meeting Adjourned

MINUTES OF THE PLANNING AND ZONING BOARD, MAY 16, 2016

The minutes of the regularly scheduled Planning & Zoning Board Meeting of May 16, 2016, held in Council Chambers of the Municipal Building in Monticello, Piatt County, Illinois.

Meeting convened at 7:00pm

MEMBERS PRESENT:

Mike Hawkins
John Frerichs
Tim Timmerman
Tim Higham
Gerald Day
Marthaan Riegel

Callie Jo McFarland
Bob Mahrt

MEMBERS ABSENT:

John Frerichs
City Clerk Harlan

Chairman Hawkins called the meeting to order at 7:00pm and roll call was taken. No individuals signed up for public participation, and there were no meeting minutes to approve. Chairman Hawkins stated the purpose of the meeting was to hold a public hearing and make a recommendation on a Variance request for 330 Gainesborough Court; a Conditional Use; and to discuss and make a recommendation on a proposed text amendment to the signage ordinance.

Ms. McFarland gave an overview of the Variance Request. Ms. Alexander would like to construct an enclosed porch over an existing deck on the north side of her property at 330 Gainesborough Court. Constructing the porch would encroach into the side yard setback, so Ms. Alexander is petitioning to reduce the sideyard setback from 9.025' to 8'6". All adjacent property owners were notified by certified mail, and a public hearing was published in the April 27th edition of the Piatt County Journal-Republican. There was no public comment brought to the attention of City Staff, and the Chimney's HOA had no concerns with the request. Chairman Hawkins opened the public hearing at 7:04pm, and with no public testimony, Ms. Breitweiser made a motion to close the public hearing at 7:05pm, with Mr. Beem seconding the motion. With no further discussion, Mr. Beem made a motion to approve the variance as written. Ms. Breitweiser seconded the motion and the motion carried unanimously.

First Baptist Church owns the property to the north of the church, 414 E. Livingston, which houses the parsonage and outdoor area for the church. The property also has an existing storage shed and play structure. The church would like to construct an open pavilion that is 20' x 45' to use as a fellowship area on the property. Because the zoning ordinance allows for one accessory structure, the church has applied for a conditional use permit to allow an additional accessory structure. All adjacent property owners were notified by certified mail, and a public hearing was published in the April 27th edition of the Piatt County Journal-Republican. There was no public comment brought to the attention of City Staff. Chairman Hawkins opened the public hearing at 7:09pm. There was no public testimony and Mr. Day made a motion to close the public hearing at 7:09pm, with Mr. Timmerman seconding the motion. Mr. Day made a motion to approve the conditional use request for 414 E. Livingston. Mr. Beem seconded the motion and the motion carried unanimously.

Based upon the direction from Mayor Stoner, City Staff was asked to take the signage ordinance to the attorneys for drafted amendments, particularly the section regarding temporary signage. Ms. McFarland stated that the existing ordinance as it relates to temporary signage presents discrepancies in interpretation, which also creates issues for enforcement. She reiterated that the City itself cannot control content or the message on the sign, as that is a freedom of speech violation. The City can only control size, placement, and duration. Additionally, the City cannot control the duration of time that political signs are placed. City legal counsel has reviewed the signage ordinance and recommends the following amendments. The first section of the proposed amendment is related to the posting of bills, and would be added to Chapter 130, (General Offenses). In section two, (Chapter 153, Zoning Ordinance), it is recommended the elimination of the temporary special event signs. The verbiage creates an issue with no definition of 'special event sign' without discriminatory actions. It is recommended that if the Planning & Zoning Board and City Council wishes to retain the 'special event sign' component, they need to discuss the height, size, location, number of sign, spacing, materials, and method of placement- not the content to go on the sign. Questions such as enforcement and the impact on the community entryway announcement signs were discussed, as well as the use of temporary event signage for events. Chairman Hawkins opened the public hearing, and Mr. Shreffler spoke questioning the trespassing of signage on public utility poles. The public hearing was closed at 7:31pm, after a motion and second. A motion was made by Mr. Day, seconded by Mr. Beem to approve the proposed text amendment. Motion carried.

With no further business, the meeting adjourned at 7:39pm.

Respectfully submitted by,

Callie Jo McFarland
City of Monticello



PLANNING & ZONING BOARD MEETING MEMORANDUM

ITEM: Ordinance 2016-38 Zoning Text Amendment - Signage	DEPARTMENT: City Administration
AGENDA SECTION: New Business	SUBMITTED BY: Callie Jo McFarland, Community Development Director
ATTACHMENTS: (X) ORDINANCE () RESOLUTION () OTHER SUPPORTING DOCUMENTS	DATE: June 16, 2016

BACKGROUND:

The Planning & Zoning Board made a motion to recommend approval of a proposed text amendment at the May 16th Planning & Zoning Board Meeting. After further consideration, there was a misunderstanding between staff and legal counsel on the method for temporary signage to continue, so the staff chose to withhold it from council action. The amendment would have in fact removed the opportunity for any temporary signage to occur that is on public property. The recommended proposed amendment allows for a definition of special event signs, and only providing authorization (with permission from the City Administrator) to those which are of government, charitable, or not-for-profit status.

Additionally, Staff recommends eliminating the conditional use process for signage on public property. Zoning, by definition, is a regulation that is designated for land uses on private property, not public property. Therefore regulating signage on public property through a zoning action is not a best practice. For permanent signage in the public right-of-way, the City would like to begin utilizing an encroachment permit process. This is a mechanism that is already in place in the City Municipal Code under the Streets and Sidewalks Chapter, in which permission is granted through City Council action. The City has not utilized this method but once (as per record), and Staff recommends this practice be followed in the future.

RECOMMENDED ACTION:

It is recommended that the Planning & Zoning Board discuss and make a recommendation to city council on whether to approve or deny this text amendment.

ORDINANCE No. _____

**ORDINANCE
OF THE CITY OF MONTICELLO
AMENDING THE CITY CODE REGARDING SIGNS**

WHEREAS, the City Council of the City of Monticello has determined that it is in the best interest of the City to amend that part of the City Code dealing with temporary special event signs;

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Monticello that Article XV, Section 153.037 is hereby amended by adding thereto in Paragraph (C), "Definitions," the following definition of "Special Event Sign

Section 153.037 (C) *Definitions*

SPECIAL EVENT SIGN. Special event sign shall mean a sign advertising or announcing a special community-wide event or activity conducted by or sponsored by or on behalf of a unit of local government, a charitable organization or a not-for-profit corporation. A special community-wide event or activity is one which seeks to attract donations, participants, or customers throughout the City of Monticello.

BE IT FURTHER ORDAINED, that Section 154.037(H) is hereby amended to read as follows.

153.037 SIGNS.

(H) *Exceptions.* Temporary special event signs may be placed in public right-of-way or on ~~city~~ **public** property with the written permission of the ~~Superintendent of City Services~~ **City Administrator**. The temporary special event signs may be placed no more than 2 weeks prior to the advertised event and must be removed no later than 3 days after the event.

Permanent signs may be placed in public right-of-way or on city property with the issuance of a ~~conditional use permit~~ **an Encroachment Permit pursuant to Sections 94.075-94-079 of this Code**. ~~Holiday decorations are excepted from these regulations.~~ **Any such sign shall constitute a limited public forum for placement of messages relating to the activity or business of the permittee only.**

BE IT FURTHER ORDAINED, that this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED this _____ day of _____, 2016

VOTE:

AYES: _____

NAYS _____

ABSTAIN: _____

APPROVED this _____ day of _____, 2016

Mayor

ATTEST:

City Clerk