



Village of Lincolnwood Plan Commission

Meeting
Wednesday May 1, 2013
7:00 P.M.

in the
Council Chambers Room
Lincolnwood Village Hall - 6900 Lincoln Avenue
Meeting Agenda

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
April 3, 2013 Meeting Minutes
4. **Review of Plat of Consolidation: Consideration of Combined Preliminary and Final Plat of Subdivision – 3700 West Pratt Avenue**
Request: Request to Review Proposed Plat of Consolidation in Accordance with Final Plat of Subdivision Review Only Rather than Preliminary and Final Plat of Subdivision Reviews
5. **Public Hearing: Sign Requirements - Zoning Code Text Amendment**
(Continued from March 6, 2013, February 6, 2013 and January 9, 2013)
Request: Text Amendment to Review Requirements for A-Frame, Sandwich Board, and Similar Signs
6. **Public Hearing: Notice Requirements - Zoning Code Text Amendment**
(Continued from March 6, 2013, February 6, 2013 and January 9, 2013)
Request: Text Amendment to Review Notice Requirements for Public Hearings
7. **Public Hearing: Health Club or Private Recreation and Firearms Shooting Ranges - Zoning Code Text Amendment**
(Continued from March 6, 2013 and February 6, 2013)
Request: Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Limited to Health Club or Private Recreation and Firearms Shooting Ranges, Consideration of Firearms Shooting Ranges as a Special Use in M-B District Subject to Certain Restrictions, and the Addition or Modification of Off-Street Parking Requirements for Firearms Shooting Ranges, Commercial Recreation Facility, or Other Similar Uses

8. **Public Hearing: Definitions - Zoning Code Text Amendment**
(Continued from March 6, 2013 and February 6, 2013)
Request: Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Not Limited to Banquet Facility, Banquet Hall, Façade, Fence, Semi-Private or Semi-Private Fence, Restaurant and Restaurants, Fast-Food or Carryout
9. **Public Hearing: Accessory Structures - Zoning Code Text Amendment**
(Continued from March 6, 2013 and February 6, 2013)
Request: Text Amendment to Permitted Obstructions in Required Yards Section to consider Modifying Regulations Including but Not Limited to Open Balconies, Porches, and Open Patios or Terraces
10. **Public Hearing: Compliance Deadlines for Fences - Zoning Code Text Amendment**
(Continued from March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Modifying or Eliminating Compliance Deadlines Associated with Fence Violations
11. **Public Hearing: Appeals of Administrative Order or Zoning Officer - Zoning Code Text Amendment**
(Continued from March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Modification Concerning the Zoning Board of Appeals as the Final Administrative Determination Body for the Village
12. **Public Hearing: Voting Requirements - Zoning Code Text Amendment**
(Continued from March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Modifying or Eliminating Voting Deadlines for Plan Commission and Zoning Board of Appeals
13. **Public Hearing: Driveway Requirements - Zoning Code Text Amendment**
(Continued from March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Residential Driveway Requirements
14. **Public Hearing: Final Approval Procedure of Planned Unit Development - Zoning Code Text Amendment**
(Continued from March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Requiring Public Hearing for Final Approval of Planned Unit Developments
15. **Public Hearing: Illumination/Glare Requirements for Signs - Zoning Code Text Amendment**
(Continued from March 6, 2013 and February 6, 2013)
Request: Text Amendment to Organize or Modify References to Glare Reduction Regulations for Signs
16. **Other Business: Public Hearing Procedures**
17. **Next Meeting**
18. **Public Comment**
19. **Adjournment**

**MEETING MINUTES OF THE
PLAN COMMISSION
April 3, 2013
7:00 P.M.**

DRAFT

**LINCOLNWOOD VILLAGE HALL
COUNCIL CHAMBERS
6900 NORTH LINCOLN**

MEMBERS PRESENT:

Vice Chairman Mark Yohanna
George Touras
Steve Jakubowski
Don Sampen

MEMBERS ABSENT:

George Touras
Chairman Paul Eisterhold
Patricia Goldfein
Sue Auerbach

STAFF PRESENT:

Community Development Director Timothy M. Clarke, AICP
Community Development Manager Aaron N. Cook, AICP
Community Development Coordinator Lauren Wolf

VILLAGE COUNSEL

Hart Passman

I. CALL TO ORDER

Vice-Chairman Yohanna noted a quorum of four members present and called the meeting to order at 7:07 p.m.

II. APPROVAL OF MINUTES

Commissioner Sampen made a motion to approve the March 6, 2013 Plan Commission minutes. Seconded by Commissioner Jakubowski. Motion approved 3-0 with one abstention.

**III. PUBLIC HEARING: Preliminary Plat of Subdivision – 3400 West Pratt Avenue
Request: Review of Preliminary Plat of Subdivision and Certain Variations from
the Subdivision Ordinance.**

Vice-Chairman Yohanna opened the meeting swearing in all three petitioners: Hal Franke Attorney for CenterPoint Properties Trust, Edward Harrington from CenterPoint Properties Trust, and Hubert Loftus the Engineer for the project from Manhard Consulting.

Vice-Chairman Yohanna confirmed that all due notices have been received prior to the meeting.

April 3, 2013

Development Manager Cook began with a brief presentation to outline the subject matter, and helped the Plan Commission understand a relatively new subdivision process. CenterPoint Properties Trust seeks approval of a Preliminary Plat of Subdivision to divide the property at 3400 West Pratt Avenue into three parcels. The proposed subdivision is within the MB Light Manufacturing/Business District. CenterPoint has indicated the proposed subdivision is for the purpose of developing one lot for use as a medical office building. The matter before the Plan Commission is only consideration of the Preliminary Plat of Subdivision. Prior to the Plan Commission meeting, staff held a Developmental Team Review Meeting with a representative from each department to discuss the proposed subdivision.

The Developmental Team Review notes that there is a portion of the CenterPoint property located to the west of the proposed subdivision that is approximately 18 feet wide. This property is located between the public parking lot and ATF. Staff raised concerns that this “sliver” of property could potentially pose property maintenance concerns in the future.

Staff also noted that there is a requirement to establish an Owner’s Association and covenant to govern maintenance obligations relative to retention/detention ponds. This covenant needs to be prepared submitted at the time of Final Plat of Subdivision.

The team also noted that the Subdivision Code requires the installation of a five foot wide public sidewalk along Northeast Parkway. Because of the existing parkway trees, the result may be the need for easements on the subject property for such sidewalks in order to avoid the existing trees. It was also noted that an easement will be required for existing 10” water main running through the property. Staff also recommends that the new sidewalks be constructed after the Final Plat of Subdivision rather than when each parcel is developed.

Development Manager Cook concluded that the property owner is seeking approval of a Preliminary Plat of Subdivision and variations from the Subdivision ordinance for public sidewalks and parkway trees. This is the required first step in a two-step process to gain approval to subdivide the property. Upon approval of the Preliminary Plat of Subdivision, the property owner will next file for Plan Commission consideration and Village approval on a Final Plat of Subdivision.

Vice-Chairman Yohanna noted that it would be more logical to take a grant of easement for a straight line for the space for sidewalks south of the utility poles. Then it will encroach a foot onto the property and therefore will be a straight line sidewalk, rather than meandering around the trees and utilities. Development Manager Cook agreed.

Attorney Hal Franke spoke on behalf of CenterPoint. In 1999, the Village adopted two Ordinances, and the Dominick’s and the Bell and Howell Site, which contemplated the subdivision of the site before the Plan Commission this evening. The Ordinance wanted each lot to have four sides, which is why that “sliver” is not included. However, that “sliver” will need to be maintained and is part of the PUD Ordinance Z99-51. Two years

April 3, 2013

ago we came before the Plan Commission to propose a potential subdivision and this Commission and the Village Board acted on a Text Amendment to allow the developing of assisted living facilities in this district. In terms of the parkway trees, CenterPoint does not have an issue adding more parkway trees if needed and happy to work with the Village Arborist. The police department noted that the berm will pose a potential problem with visibility to the site, which the Village made CenterPoint install in the first place. In the future as the site is developed they can minimize the berm. Also, an association is not needed on this site because it is under single ownership of CenterPoint. Today this is not a need for an association or any covenants. A condition can be put on in the future for Final Plat of Subdivision approval. Village Attorney Passman did not have a problem handling the association discussion in the future.

Mr. Franke explained that the issue is the sidewalk. CenterPoint does not have a problem with the sidewalk on Pratt Avenue. Would like to put the sidewalk in on Pratt Avenue at the time it is being developed, not at final plat of subdivision. CenterPoint would seek a waiver on the timing of Pratt Avenue sidewalk installation. CenterPoint Engineer Loftus passed out a site plan showing the site. The problem is the sidewalk on Northeast Parkway. There is a complete sidewalk running along the north side of Northeast Parkway and one is not necessarily needed on the south side, and it will connect to nothing. CenterPoint desired a waiver on the Northeast Parkway sidewalk installation.

Commissioner Sampen stated he understands the petitioners' position.

Development Department Director Clarke stated that the town center was developed without a public sidewalk surrounding it. The development of the Dominick's was a milestone in the Village. One member of the Village Board raised why sidewalks were not developed. A small sidewalk was added to try and attend to that concern. Since that time, the Village has tried to connect the Village through sidewalks. Will not get to a place where you have a walkable Village if you do not start somewhere. Vice-Chairman Yohanna agreed, and stated need to think about what will be there in twenty-five years. It would be a wise move to put this sidewalk in with an easement on the property.

Development Director Clarke noted that there is a big emphasis on health. One of the benefits of Lincolnwood is the connectivity, and that residents can walk. The subdivision ordinance was developed to begin to require sidewalks to be placed on those properties at the time of development.

Mr. Franke stated that an additional goal of the community is to avoid installing impervious surfaces, due to the amount of flooding that exists. Don't know why you would want to put a sidewalk there, there is a complete sidewalk on the other side of the street. Vice-Chairman questioned the expense of the sidewalks. Engineer Loftus noted that it would cost around thirty thousand dollars.

Vice-Chairman Yohanna questioned Mr. Franke about the "sliver". The railroad still appears on the deed. The only logical use would be for the Village to expand that

April 3, 2013

parking lot. Edward Harrington from CenterPoint stated that they could do something when someone is interested in that third parcel.

Commissioner Jakubowski stated that the Pratt Avenue sidewalk should be immediately constructed. People are always walking on it and it is a safety hazard.

Counsel can work out association information with Village Board at the Final Plat Approval and Recording.

Vice-Chairman Yohanna asked if anyone in the audience wanted to speak on the matter. No additional comment was presented. Commissioner Jakubowski made a motion to approve with conditions

1. Pratt Avenue sidewalk installed upon approval of Final Plat Subdivision
2. Sidewalk on North East Parkway developed at the time of developing the adjoining parcel
3. Declaration of easements
4. Water main easement that the public works department suggested
5. Counsel to look into the “sliver” of land, the former railroad property

Seconded by Commissioner Touras. Motion carried 4-0.

IV. PUBLIC HEARING: Zoning Map Amendment and Text Amendment – Retail Overlay District in MB District

Request: Consideration of a Retail Overlay District in the MB District

Development Manager Cook explained this is a consideration of a retail Overlay District on certain properties within the MB district. Public Hearing signs were installed in advance of the hearing at Touhy Avenue/Capitol Drive; at 3701 W Touhy Avenue; at 7060 Lawndale Avenue; at 7085 N Ridgeway Avenue; and at 3725 W Touhy Avenue. Also, installed on the signs were maps of the parcels for consideration.

In considering both the previous retail analysis performed for the Lincolnwood Business Park and with pending development of a Wal-Mart store in Skokie at Touhy and Lawndale, on July 25, 2012, the EDC determined that a retail overlay district in a portion of the Light Manufacturing-Business Zoning District would be appropriate. As conceived, the purpose of an overlay district would be to allow, as added alternative uses to the existing manufacturing zoning, retail uses in a specified portion of the MB district. As a guide for development of this overlay district, the EDC recommended utilizing the Village’s B2 use regulation as a template.

A meeting was held with area business owners and property owners by the EDC on December 19, 2012. Approximately 18 people attended the meeting. At this meeting much clarification was sought. Some attendees expressed concern that the proposal would make it difficult for them to expand their business. The EDC clarified that existing businesses in this area were important and the Village has no interest in having any leave in the community. In order to establish an Overlay District, the Plan Commission must consider amendments to the Zoning Code. The Village currently has

April 3, 2013

three overlay districts all within the B1 District and all situated along Lincoln Avenue. In order to establish the area in which the overlay standards will apply the Plan Commission must consider a map amendment to the Village's Zoning Map. The EDC recommended two areas for consideration, for future redevelopment in the Village.

Commissioner Jakubowski questioned if we start to generate all this new traffic, where will people park. Development Manager Cook responded that the same B2 requirements are in place. The hope is multiple parcels would be bought and torn down with new development and parking.

Vice-Chairman Yohanna asked if anyone in the audience wanted to speak on this matter.

Mr. Adams from 7140-7150 Lawndale attended the EDC meetings as well. Mr. Adam's stated his full support or the Overlay District zone as long as the current Manufacturing District is not affected. Vice-Chairman Yohanna thanked him for his time and coming to the Plan Commission Meeting.

Commissioner Sampen made a motion to recommend acceptance of the proposed text amendment and map amendment to the Village Board and approve as a B2 Overlay District. Commissioner Jakubowski seconded. 4-0 Aye.

V. OTHER BUSINESS:

Public Hearing Procedures will discuss at a future meeting.

VI. PUBLIC COMMENT:

None.

VII. ADJOURNMENT:

The next Plan Commission public hearing will be held on April 24, 2013. Hearing no further business, Motion to adjourn made by Commissioner Touras. Seconded by Commissioner Sampen. Motion approved unanimously 4-0.

Meeting adjourned at 9:59 PM.

Respectfully submitted,

Lauren Wolf
Community Development Department Coordinator



Staff Report Plan Commission May 1, 2013

Subject Property:

3700 West Pratt Avenue

Zoning District: MB Light
Industrial/Business District

Petitioner: Lincolnwood Properties,
Property Owner

Nature of Request: The property
owner seeks consideration of the
Discretionary Elimination of Preliminary
Review of a Major Subdivision.



Summary of Request

Lincolnwood Properties Trust seeks Plan Commission review under Section 16-4-3 of the Subdivision Code for the elimination of preliminary review of a major subdivision. This review is limited to the property owners request that the Village approve the proposed Plat of Consolidation as a Final Plat application only rather than the standard two-step approval process for major subdivisions: 1) Preliminary Plat and 2) Final Plat. The subject property is located within the MB District Light Manufacturing/Business District.

At the May 1st meeting, the Plan Commission will not review and approve the proposed Plat of Consolidation, only the request to eliminate the Preliminary Plat review process. If the elimination of preliminary review is granted, the Plat of Consolidation will be reviewed at a future regularly scheduled meeting of the Plan Commission and in accordance with all notice requirements.

The subject property, which is the location of Trim-Tex, is comprised of eleven underlying parcels which the property owner seeks to consolidate into one lot of record. No improvements are proposed with this consolidation request.

Standards for Granting Discretionary Elimination

Subdivision Code Section 16-4-3

If the proposed subdivision is a major subdivision, the applicant may request that the Plan Commission review the proposed subdivision solely in accordance with and pursuant to the final plat review process set forth in Section 16-4-5 of this Code. No such request shall be granted unless: (a) the applicant files a final plat application in accordance with Section 16-3-3 of this Code; and (b) the Plan Commission determines, in its sole and absolute discretion, that the proposed subdivision can be effectively and fully considered without separate preliminary and final review. If approval is granted by the Plan Commission, the proposed subdivision shall be reviewed by the Plan Commission solely in accordance with and pursuant to the final plat review process set forth in Section 16-4-5 of this Code. If the Plan Commission denies the request, the plat shall be reviewed in accordance with and pursuant to the preliminary plat review process set forth in Section 16-4-4 of this Code.

The Subdivision Code states that if, “The Plan Commission determines, in its sole and absolute discretion, that the proposed subdivision can be effectively and fully considered without separate preliminary and final review.” The Plan Commission may recall approval of a Plat of Consolidation at 6743 North Central Park Avenue in 2012. This residential Plat of Consolidation was approved by Final Plat approval only as the Subdivision Code defined the request as a Minor Subdivision. Minor Subdivisions are permitted, without review by the Plan Commission, to be approved by Final Plat only. Because the property at 3700 W. Pratt Avenue is not residentially zoned, the Plat of Consolidation is defined as a major subdivision and subject to the two-step process.

Conclusion

Lincolnwood Properties Trust seeks Plan Commission approval to eliminate the preliminary review of a major subdivision. The Plan Commission will not review the contents of the Plat of Consolidation or any possible variations at the May 1st meeting.

Documents Attached

1. Plat of Consolidation prepared by Chamberlin/Masse Engineering

KOENIG SUBDIVISION

BEING A SUBDIVISION OF THE FOLLOWING DESCRIBED PROPERTY:

PARCEL 1: LOT 9 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960, AS DOCUMENT 17954788, AND ALSO THE VACATED ALLEY LYING EAST OF AND ADJOINING AFORESAID LOT 9, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOTS 1 AND 4 IN GEORGE REINBERG'S PRATT AVENUE SUBDIVISION, IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 8193303, IN COOK COUNTY, ILLINOIS.

PARCEL 3: THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF PRATT AVENUE, DISTANT 50 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE BETWEEN THE TWO MAIN TRACKS OF THE JUNCTION RAILWAY COMPANY (NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY) AS SAID MAIN TRACK CENTERLINE WAS ORIGINALLY LOCATED AND ESTABLISHED ACROSS SAID SECTION 35, THENCE NORTHEASTERLY PARALLEL WITH SAID ORIGINAL CENTERLINE BETWEEN MAIN TRACKS, A DISTANCE OF 280 FEET, THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 20 FEET, MORE OR LESS, TO A POINT DISTANT 22.50 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MOST NORTHWESTERLY OR WEST BOUND MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, AS SAID MAIN TRACK IS NOW LOCATED, THENCE SOUTHWESTERLY PARALLEL WITH SAID LAST DESCRIBED MAIN TRACK CENTERLINE, A DISTANCE OF 272 FEET, MORE OR LESS TO A POINT ON THE NORTH LINE OF SAID PRATT AVENUE, THENCE WESTERLY ALONG SAID NORTH LINE OF PRATT AVENUE, A DISTANCE OF 22 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 4: THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 IN GEORGE REINBERG'S PRATT AVENUE SUBDIVISION SAID CORNER BEING ON THE NORTH LINE OF PRATT AVENUE AND ALSO BEING DISTANT 50.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE BETWEEN THE TWO MAIN TRACKS OF THE JUNCTION RAILWAY COMPANY (NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY) AS SAID CENTERLINE WAS ORIGINALLY LOCATED AND ESTABLISHED; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 1 AND PARALLEL TO SAID ORIGINAL CENTERLINE, A DISTANCE OF 280.0 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 20.0 FEET, MORE OR LESS, TO A POINT DISTANT 22.50 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE MOST NORTHWESTERLY OR WEST BOUND MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY AS SAID TRACK WAS FORMERLY LOCATED, BEING 23.43 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF THE PRESENT MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTHWESTERLY PARALLEL TO THE SOUTHWESTERLY LINE OF SAID LOT 1 AND THE CENTERLINE OF SAID PRESENT MAIN TRACK, A DISTANCE OF 271.21 FEET TO A POINT ON THE NORTH LINE OF PRATT AVENUE, THENCE EASTERLY ALONG THE NORTH LINE OF PRATT AVENUE, A DISTANCE OF 14.61 FEET TO A LINE PARALLEL WITH AND DISTANT 10.00 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF SAID PRESENT MAIN TRACK; THENCE NORTHEASTERLY PARALLEL TO THE SOUTHEASTERLY LINE OF SAID LOT 1 AND THE CENTERLINE OF SAID PRESENT MAIN TRACK, A DISTANCE OF 285.45 FEET TO A POINT ON A LINE DRAWN AT RIGHT ANGLES TO THE CENTERLINE OF SAID PRESENT MAIN TRACK THROUGH THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG SAID LAST DESCRIBED RIGHT ANGLE LINE, A DISTANCE OF 13.43 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 5: THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS. THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF WEST MORSE AVENUE AND THE NORTHWESTERLY RIGHT OF WAY LINE OF JUNCTION RAILWAY COMPANY (NOW THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY); THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 35.88 FEET TO A POINT IN THE CENTERLINE OF WEST MORSE AVENUE; THENCE EASTERLY ALONG THE EXTENDED CENTERLINE OF WEST MORSE AVENUE FORMING AN ANGLE OF 113 DEGREES 31 MINUTES 20 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 35.52 FEET TO A POINT; THENCE SOUTHWESTERLY FORMING AN ANGLE OF 86 DEGREES 37 MINUTES 32 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 332.81 FEET TO A POINT; THENCE NORTHWESTERLY FORMING AN ANGLE OF 89 DEGREES 21 MINUTES 08 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 33.43 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 7 FORMING AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 282.45 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

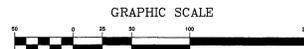
PARCEL 6: LOT 7, EXCEPT THE WEST 505.00 FEET (AS MEASURED PARALLEL WITH THE WEST LINE) IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.

PARCEL 7: THE EAST 115 FEET (AS MEASURED PARALLEL TO THE WEST LINE) OF THE WEST 505 FEET OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.

PARCEL 8: THE NORTH 140 FEET (AS MEASURED PARALLEL WITH THE WEST LINE) OF THE EAST 75.0 FEET OF THE WEST 390 FEET (AS MEASURED AT RIGHT ANGLES TO THE WEST LINE) OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.

PARCEL 9: THE EAST 75.0 FEET OF THE WEST 390 FEET (EXCEPT THE NORTH 140 FEET) OF LOT 7 IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.

PARCEL 10: THE WEST 315 FEET OF LOT 7 (MEASURED AT RIGHT ANGLES TO THE WEST LINE THEREOF) IN JOHN REINBERG'S MORSE AVENUE ADDITION TO LINCOLNWOOD, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 2, 1960 AS DOCUMENT NUMBER 17954788, IN COOK COUNTY, ILLINOIS.



DATE: DECEMBER 11, 2012

PARCEL #	AREA (SF)	AREA (AC)
1	33,989	0.78
2	12,114	0.28
3	5,813	0.13
4	5,063	0.12
5	10,746	0.25
6	29,338	0.67
7	28,816	0.66
8	10,504	0.24
9	8,888	0.20
10	81,682	1.88
TOTAL	327,981	7.53

OWNERS CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK) SS
THIS IS TO CERTIFY THAT THE UNDERSIGNED ARE THE OWNERS OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPTS THE SAME UNDER THE STYLE AND TITLE THEREIN INDICATED.

OWNER: LINCOLNWOOD PROPERTIES, L.P. A LIMITED PARTNERSHIP
1925 BURR OAK DRIVE EAST
GLENEVE, ILLINOIS 60025-1856

DATED THIS ____ DAY OF ____ A.D., 20____
BY: _____
PRINTED NAME / TITLE: _____
ADDRESS: _____

NOTARY'S CERTIFICATE

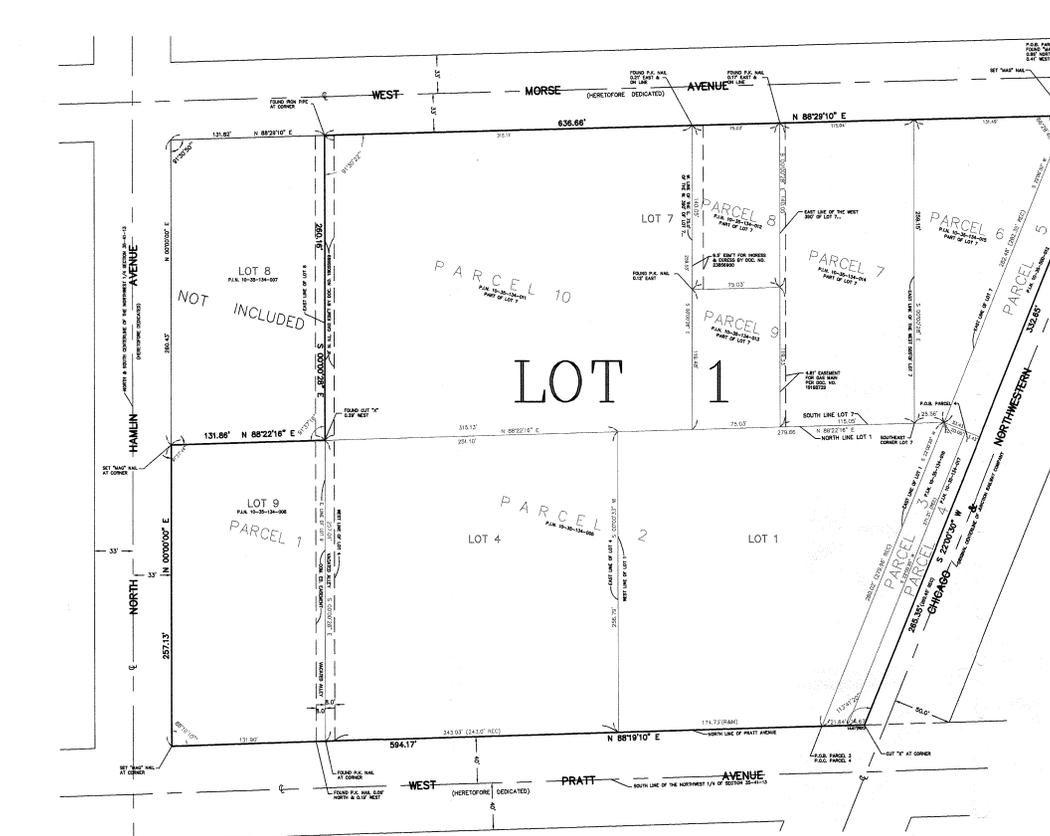
STATE OF ILLINOIS
COUNTY OF COOK) SS
I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ DID PERSONALLY APPEAR BEFORE ME THIS DAY AND ACKNOWLEDGED THAT THEY SIGNED THE HERON DRAWN PLAT AS THEIR FREE AND VOLUNTARY ACT.
GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS ____ DAY OF ____ A.D., 20____

NOTARY PUBLIC MY COMMISSION EXPIRES _____

SURVEYORS CERTIFICATE

STATE OF ILLINOIS
COUNTY OF LAKE) SS
I, VINCENT J. MASSE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2854 DO HEREBY CERTIFY THAT THE PROPERTY SHOWN HEREON HAS BEEN SURVEYED AND SUBDIVIDED, AND THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION THEREOF, ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
I FURTHER CERTIFY THAT THE PARCEL CONTAINS 327,981 SQUARE FEET OR 7.53 ACRES AND THAT ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 170310285J, DATED AUGUST 19, 2008 THE PROPERTY HEREON DESCRIBED IS SITUATED WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.1% ANNUAL CHANCE FLOODPLAIN).
I FURTHER CERTIFY THAT THIS SUBDIVISION IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF LINCOLNWOOD, ILLINOIS AND THAT IRON ROD MONUMENTS WILL BE SET AT LOT CORNERS AND POINTS OF CHANGE IN ALIGNMENT.
I HEREBY AUTHORIZE THE VILLAGE OF LINCOLNWOOD TO RECORD THIS PLAT OF SUBDIVISION IN MY ABSENCE.
DATED THIS ____ DAY OF ____ A.D., 20____

VINCENT J. MASSE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2854



PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK) SS
THIS IS TO CERTIFY THAT THE MEMBERS OF THE PLAN COMMISSION OF THE VILLAGE OF LINCOLNWOOD, ILLINOIS HAVE REVIEWED AND APPROVED THIS PLAT.
DATED THIS ____ DAY OF ____ A.D., 20____
BY: _____
CHAIRMAN

VILLAGE TREASURER CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK) SS
I, _____, TREASURER FOR THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS HAVE REVIEWED AND APPROVED THIS PLAT.
DATED THIS ____ DAY OF ____ A.D., 20____

VILLAGE TREASURER

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK) SS
THIS IS TO CERTIFY THAT THE VILLAGE ENGINEER OF LINCOLNWOOD, ILLINOIS HAS REVIEWED AND APPROVED THIS PLAT.
DATED THIS ____ DAY OF ____ A.D., 20____

VILLAGE ENGINEER

BOARD OF TRUSTEES CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK) SS
APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS AT A MEETING HELD THIS ____ DAY OF ____ A.D., 20____
BY: _____
PRESIDENT

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS
COUNTY OF LAKE) SS
I, _____, COUNTY CLERK OF COOK COUNTY, ILLINOIS DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORTIFIED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE PLAT.
GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT CHICAGO, COOK COUNTY, ILLINOIS THIS ____ DAY OF ____ A.D., 20____

COUNTY CLERK

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS
COUNTY OF COOK) SS
THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS THIS ____ DAY OF ____ A.D., 20____

COUNTY RECORDER

VINCENT J. MASSE, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-2854



CHAMBERLIN / MASSE ENGINEERING
LAND SURVEYORS ~ PLANNERS ~ ENGINEERS
14044 W. PETRONELLA DRIVE, SUITE 2
LIBERTYVILLE, ILLINOIS 60048
(847) 362-8444 FAX 362-9350

DRAWN BY:	JOB NO. 206145	DRAWING NO.
CHECKED BY: VM	F.B.	PG.
		1 OF 1

LICENSE EXPIRES 11/30/14

RECEIVED
APR 9 2013
LINCOLNWOOD
COMMUNITY DEVELOPMENT

Agenda Item #5



**Staff Report
Plan Commission**

May 1, 2013

Continued from March 6, 2013, February 6, 2013 and January 9, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to the B1, B2, B3, O and MB District.

Requested Action: Text amendment to clarify regulations of A-frame and sandwich board signs as regulated by Article XI Section 11.06(1) and Section 11.04(8).

Nature of Request: Consideration of the requirements for A-frame and sandwich board signs.

Petitioner: Village Board

Summary

At the March 6, 2013 meeting, the Plan Commission reviewed the research of other communities' standards for A-frame and sandwich board signs. These small temporary signs are regulated by the Lincolnwood Zoning Code however, the regulation lacks clarity. The Commission identified Morton Grove's regulations for "portable signs" as preferred and continued the public hearing. Below is the Morton Grove definition of portable sign and the regulation.

PORTABLE SIGN. Any movable sign, such as a sandwich board, not permanently attached to the ground or a building and easily removable using ordinary hand tools.

Standard:

One (1) portable sign such as a sandwich board sign not exceeding four feet (4') in height and six (6) square feet per sign face shall be allowed for each frontage of a tenant space in the C1, C2 and CR districts. Such signs shall only be displayed during the hours that the tenant space is open for business. Such signs shall be free of dents and other damage, shall be maintained in like new appearance, shall be weighted or anchored to not tip over, and shall not impede pedestrian circulation or traffic flow.

If the standard used by Morton Grove is recommended staff suggests that the recommendation include specific language relative to the permitted location of these temporary signs (i.e. whether or not these should be permitted within the public right-of-way). Of the communities where staff could determine specific regulations, it appears that a consistent standard is to not permit A-Frame/Sandwich Board signs within the public right-of-way.

Examples within Lincolnwood

Attached is an incomplete inventory of A-frame/sandwich board signs in Lincolnwood. These are representative of size, location, and design of typical A-frame/sandwich board signs that are found within the community and elsewhere. Included on each page is staff's assessment on how the Morton Grove standards would apply to each sign. The most consistent non-compliance issue with the example signs is location within the public right-of-way.

Conclusion

Staff is seeking additional discussion and consideration of the Plan Commission preferred example language from Morton Grove relative to A-frame and sandwich board signs. Staff suggests the consideration should include discussion on the desired regulation of the particular sign type as well as discussion on the permitted locations (private property and/or public right-of-way).

As part of a motion, staff recommends that Section 11.04(8) be amended to provide clarification that special event/grand opening signs are permitted on private property only. The staff recommendation is below:

Section 11.04(8)

(8) Special Event/Grand Opening Signs: The following temporary, special event signs shall be permitted on private property only for a total of two (2) nonconsecutive events per year, but shall not be erected or maintained for a period exceeding fifteen (15) consecutive days per event, and must be removed if wind gusts exceed safety guidelines or design standards for the sign, or the standards for safety tie downs to or by which they are affixed or secured:

- i.** Portable signs;
- ii.** Pennant/streamer signs;
- iii.** Temporary banner signs;
- iv.** A-frame signs; and
- v.** Other temporary signs for special events not requiring a special sign permit, and as may be approved by the Zoning Officer.

Attachments:

1. A-frame and Sandwich Board Sign Examples
2. Sandwich Board/A-Frame Sign Regulations of Nearby Communities
3. Zoning Code Excerpt: Article XI Sections 11.04(8) and 11.06(1).

Nunoz Auto Repair Touhy & Lincoln Avenue



Status Under Morton Grove Code: *Does Not Comply* – Limited to One Sign, “Oil Change” Sign Appears Exceed 4’ in Height and Maybe 6 SF in Sign Area

Animal Store – David's Square



Status Under Morton Grove Code: *Complies* – Does Not Appear to Impede Pedestrian Circulation

Touhy & Crawford Business Area



Status Under Morton Grove Code: *Does Not Comply* – In Public Right-Of-Way

Public Storage on Touhy Avenue



Status Under Morton Grove Code: *Does Not Comply* – In Public Right-Of-Way & Impeding Pedestrian Circulation (on sidewalk)

Fast Signs on Devon



Status Under Morton Grove Code: *Does Not Comply* – In Public Right-Of-Way

- ii. **Underside Canopy Signs:** An additional canopy sign may be mounted on the underside of a canopy, perpendicular to the building wall, provided that no more than one underside canopy sign is installed per business establishment. The area of an underside canopy sign shall not exceed four (4) square feet.
 - iii. **Clearance:** A clearance of eight feet (8') shall be maintained from finished grade to the lowest point of any canopy sign.
 - iv. **Extension and Projection:** A canopy sign mounted on a canopy face shall not extend above or below the canopy face nor shall it project more than fifteen inches (15") beyond the canopy face.
- (5) **Awning Signs:** Individual letters, words or symbols may be affixed or applied to any awning surface, provided that the area of the awning sign does not exceed fifteen percent (15%) of the exterior surface area of the awning.
- (6) **Permanent Window Signs:** Permanent window signs may be affixed or applied to window glass, provided that the area of permanent window signs does not exceed twenty percent (20%) of the window surface area. A maximum of four (4) permanent window signs per business establishment may be illuminated.
- (7) **Changeable Copy Signs:** Changeable copy signs are permitted only as an integral part of a monument sign, provide that the changeable copy area is no larger than twenty five percent (25%) of the entire sign face. Illuminated changeable copy signs shall comply with the requirements for internally lit signs, inhibiting light transmission. Only gasoline price signs accessory to gasoline service stations will be permitted to have manual or electronic changeable copy, which signs shall be maintained to show current gasoline prices at all times.
- (8) **Special Event/Grand Opening Signs:** The following temporary, special event signs shall be permitted for a total of two (2) nonconsecutive events per year, but shall not be erected or maintained for a period exceeding fifteen (15) consecutive days per event, and must be removed if wind gusts exceed safety guidelines or design standards for the sign, or the standards for safety tie downs to or by which they are affixed or secured:
- i. Portable signs;
 - ii. Pennant/streamer signs;
 - iii. Temporary banner signs;
 - iv. A-frame signs; and
 - v. Other temporary signs for special events not requiring a special sign permit, and as may be approved by the Zoning Officer.

11.05: EXEMPT SIGNS

The following signs, while subject to any other Village ordinance which may apply, are exempt from the permit requirements set forth in this Article.

- (1) **Construction Signs:** One nonilluminated single faced temporary sign per construction site shall be permitted not exceeding twelve (12) square feet of sign area in residential zoning districts or sixty four (64) square feet in business or manufacturing districts, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid

- ii. No transit shelter sign shall extend beyond the side of the structure to which the sign is mounted;
- iii. No transit shelter sign shall be installed in a Residential District of the Village, except signs displaying: (a) transit service information; or (b) public service information provided by the Village; and
- iv. No transit shelter sign shall be installed on any shelter for which the Board of Trustees has not adopted a resolution approving the installation of signs thereon, which resolution shall not be adopted except upon the submission by the applicant of evidence that the owner of the property on which the shelter is or will be located has authorized the placement of the shelter and the installation of signs thereon.

(Ordinance No.2011-2937)

11.06: PROHIBITED SIGNS

The following sign types are specifically prohibited in all locations within the Village:

- (1) A-frame, sandwich board and other signs which are placed on a sidewalk or curb or between a sidewalk and curb or other parkway, except special event signs and open house directional signs.
- (2) Abandoned signs.
- (3) Advertising vehicles.
- (4) Off premises advertising signs, except transit shelter signs installed pursuant to Section 11.05(23) of this Article. (Ordinance No. 2011-2937)
- (5) Animated signs.
- (6) Bench signs.
- (7) Billboards.
- (8) Flashing signs.
- (9) Light pole signs.
- (10) Painted wall signs.
- (11) Portable signs, except special event signs.
- (12) Projecting signs.
- (13) Signs, which:
 - i. Bear or contain statements, words, pictures or symbols which are unlawful;
 - ii. Are attached to any fence or freestanding wall;

Sandwich Signs/A-Frame Signs Regulations					
	Definition	Allowed	Significant Regulations	Location	Duration
Lincolnwood	A-frame, sandwich board and other signs which are placed on a sidewalk or curb or between a sidewalk and curb or other parkway, except special event signs and open house directional signs.	???		Not allowed on public ROW	
Skokie	A-frame sign. A freestanding sign constructed of two ridged sheets of material that are hinged on top that is used to display the name of the business, information concerning the services or products provided by the business and the cost of the same.	Yes			
Morton Grove	PORTABLE SIGN. Any movable sign, such as a sandwich board, not permanently attached to the ground or a building and easily removable using ordinary hand tools.	Yes w/ Restrictions	One (1) portable sign such as a sandwich board sign not exceeding four feet (4') in height and six (6) square feet per sign face shall be allowed for each frontage of a tenant space in the C1, C2 and CR districts. Such signs shall only be displayed during the hours that the tenant space is open for business. Such signs shall be free of dents and other damage, shall be maintained in like new appearance, shall be weighted or anchored to not tip over, and shall not impede pedestrian circulation or traffic flow.	Not allowed in visual line of sight pedestrians or traffic or Public ROW	At will of Village Administrator
Glenview	None	No	Portable Signs: Generally prohibited and specifically prohibited for auto uses.		
Evanston	Portable Sign: Any sign not permanently affixed to the ground, a building, or other structure, which may be moved, or is intended to be moved, from place to place.	Yes w/ Restrictions	No more than two per premise.		
Wilmette	N/A			No Signs Permitted in ROW	
Park Ridge	N/A	Yes w/ Restrictions	A-frame signs, also known as "sandwich boards," used to advertise a business, its products or its services may be displayed by a retail establishment in a commercial district between the hours of 9:00 a.m. to 9:00 p.m. Only one such sign, not exceeding twenty-four (24) square feet (12' per side) in size shall be permitted for each establishment. The sign may not be placed on roadways and must be placed in such a manner as to not obstruct pedestrian traffic and may only be placed along the actual frontage of the establishment. The sign may be placed on public property as long as a Certificate of Insurance, in an amount determined by the City, is provided to the City prior to displaying the sign. A-frame signs are otherwise prohibited.	No Signs Permitted in ROW	9AM-9PM
Niles	A-board sign means a temporary two-sided sign usually in the form of an "A", also known as a sandwich board sign. See A-board sign.	Yes w/ Restrictions			
Des Plaines	None	Yes w/ Restrictions	A-Frame Signs likely fall under: Temporary Signs - No more than 1 sign may be erected at one location at any given time and no more than 4 signs may be erected at one location over the course on any calendar year. No temporary sign shall exceed 64 feet.		
Winnetka	"Portable sign" means any sign designed to be moved easily and not permanently attached to a building, structure or the ground, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu board and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operation of the business. (Winnetka Sign Code)	Yes w/ Restrictions	Portable Menu Signs are permitted with restrictions for restaurant uses. One Per Business.	Allowed on public sidewalks but not more than 2 feet from the face of the building	Only during business hours Only permitted May 1- November 30

Agenda Item #6



**Staff Report
Plan Commission**

May 1, 2013

Continued from March 6, 2013, February 6, 2013 and January 9, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to all Zoning Districts in which public hearings are held.

Requested Action: Text amendment to clarify Notice Requirements as regulated by Article X Section 5.20(1)e.

Nature of Request: Consideration of the notification requirements for public hearings.

Petitioner: Village Board

Summary

This matter was continued by the Plan Commission to have staff consult with the Village Attorney's regarding any legal concerns/liability issues with the existing notification requirements. At the March 6th meeting staff indicated there may be an issue with potentially treating applicants differently by requiring greater notice requirements. Staff spoke with the Village Attorney who indicated that there is no liability for the Village from applicants or from neighbors in the event greater notification is required for various zoning applications.

Staff continues to have concerns with the discretionary nature of the notice requirements and recommends an amendment to either 1) eliminate the discretionary notice or 2) clarify when additional notice is required.

Note: Below is the summary provided at the March 6, 2013, February 6 and January 9, 2013 Plan Commission meeting. This matter was continued.

Article X Section 5.20 of the Zoning Code identifies the notice requirements for public hearings. This section outlines requirements for placing notice in a newspaper, installation of public notice signs, and written notice to property owners for all public hearings. Section 5.20(1)e states that in certain situations and at the discretion of the Zoning Officer, "...the Zoning Officer may require that Applicant give the notices required...beyond two hundred fifty (250') but not exceeding five hundred (500') feet from the site..."

The criteria listed in this section as to when additional notice may be required beyond 250 feet includes,

“Whenever an application pertains to a site of two acres or more, and the Zoning Officer determines that because of size, location, proximity to other Zoning Districts, existing or likely traffic pattern, nature of use, or for any other appropriate reason or combination of reasons...”

This section leaves it to the discretion of the Zoning Officer that for any reason notice beyond the 250 feet may be required. Staff’s concern is that it is difficult to anticipate each and every time in which a matter may be controversial and therefore merit greater notice. Staff prefers that the community identify what the appropriate notice is for all public hearing matters and eliminate the discretionary additional notice.

Summary of Research

Based on the research of nearby communities no other community has a discretionary notification provision in which staff determines when additional notice is given. Skokie and Glenview have provisions that the Plan Commission and/or the Zoning Board of Appeals may require additional notices beyond what is required by code. All other communities researched identify the notification distance and provide no additional discretionary notice requirements.

Recommendation

Staff maintains that this is a matter for the community to determine what is most appropriate. Staff does believe that Section 5.20(1)e is too discretionary relative to when additional notice is required. Staff recommends either establishing a notice distance for all public hearings or to clarify and be more specific on the parameters in which additional notice must be provided.

Attachments:

1. Research of Nearby Communities
2. Zoning Code Excerpt: Article XI Sections 5.20(1)e.

Regulation

Lincolnwood Zoning Code 5.21.1B and 5.21.1E

b. The Village shall give notice in writing to property owner(s) of each lot located within two hundred fifty feet (250'), including streets, of the property lines of the subject property for which the requested relief is sought. All notices required pursuant to this Section 5.20 shall be sent by United States mail not more than thirty (30) days nor less than fifteen (15) days in advance of such hearing. The Applicant shall reimburse the Village for all costs associated with the issuance of notices pursuant to this Section 5.20(1)(b), including staff costs, in accordance with Section 5.02 of this Zoning Ordinance. (Ordinance No. 2010-2887)

e. Whenever an application pertains to a site of two acres or more, and the Zoning Officer determines that because of size, location, proximity to other Zoning Districts, existing or likely traffic pattern, nature of use, or for any other appropriate reason or combination of reasons, a larger notice area should be required in order to better inform those beyond the regular notice area who might be particularly impacted, then the Zoning Officer may require that Applicant give the notices required pursuant to this Section 5.20 to the owner of lots lying within a specified radius beyond two hundred fifty (250') feet but not exceeding five hundred (500') feet from the site which is the subject of the application. (Ordinance No. 2010-2887)

Skokie Zoning Code Article 2, Section 118-34 Initiation and Amendment of Cases

(1) *Personal notice*. The petitioner shall provide notices to property owners of as ascertained by the most recent available property tax records available to the public by the Cook County Assessor's Office, of all lots, or buildings lying in whole or part within 250 feet of the property lines of the subject property. The petitioner shall also provide notices to all tenants, occupants, and property owners on the subject property. The petitioner shall file an affidavit with the Village Manager or designee containing a complete list of the names and last known addresses of all persons served proper notice pursuant to this section. The notice shall be delivered by certified mail, properly addressed not more than 45 days nor less than 15 days prior to the hearing. The petitioner shall provide to the Community Development Department the receipts of payment from the U.S. Postal Service for certified mail delivery prior to the hearing. Exceptions to this procedure are given for the following cases:

a. Exception permits sought for rear and side yard locations not abutting a street or alley: Notice shall be given only to the aforementioned residents and persons to whom the real estate tax bills are sent of properties abutting those side and rear yard locations.

b. Vacations of alleys or streets shall require written notice to all property owners within 250 feet of the subject alley or street to be vacated.

(2) *Publication of notice*. The Village Manager or designee shall publish a notice in a newspaper of general circulation within the Village not more than 30 days or less than 15 days prior to the hearing.

(3) *Posting of notice*. The Village Manager or designee shall post notices on the property for which a case has been filed so that they are visible from the street and on the main entrance door of the improvement so that it is visible from the outside, if such an improvement exists, not more than 30 days and not less than 10 days prior to the hearing.

a. On an unimproved property: Placed in such a manner as to be visible from the street.

b. On an improved property: Placed on the front or main entrance door of the improvement so as to be visible from the outside and placed on the lot in such a manner as to be visible from the street.

(4) *Additional notices*. Supplemental or additional notices may be distributed, published, or posted as the Zoning Board of Appeals or Plan Commission may request from time to time.

Morton Grove Unified Development Code 16.5B.B

B. Notice: The building department shall give notice of public hearings for the plan commission and zoning board of appeals in the form and manner as described below, and to the persons identified below:

1. *Content:* All notices by newspaper and mail shall include the date, time, and place of the public hearing, the purpose of the hearing, and the address or location of the property involved.

2. *Newspaper Publication:* Notice of all zoning board of appeals/plan commission cases shall be published in a newspaper with general circulation in the village at least once no less than fifteen (15) days nor more than thirty (30) days before the hearing date.

3. *Mail:* Notice by regular United States mail shall be sent to all owners of property within two hundred fifty feet (250') of the subject property (100 feet for zoning board of appeals cases involving single- or two-family residences), such notice to be postmarked not less than fifteen (15) days nor more than thirty (30) days before the hearing date.

4. *Signs:* Signs shall be erected on the property which is the subject of the public hearing, indicating that an upcoming public hearing will be held concerning the property. Such signs shall be conspicuously displayed at least ten (10) days before the public hearing and shall be removed upon the rendering of a decision by the body in question. (Sign size shall be a minimum of 18 inches by 24 inches.) (Ord. 11-29, 8-8-2011)

Glenview Zoning Code Article II Sec. 98-47 Variations

(b) Application and notice of hearing . A complete application for a variation, including all information as shall be required from time to time by the Village, shall be filed with the director of development, who shall forward a copy of the application to the zoning board or appeals. No more than 60 days after the filing of such application, a hearing shall be held on the application. Notice of such hearing shall be published at least once, not more than 30 days, nor less than 15 days before the hearing, in one or more newspapers with a general circulation within the Village. The published notice may be supplemented by such additional form of notice as the zoning board of appeals by rule may provide.

Evanston Zoning Code 3.4.6 Procedure for Review and Decision of Proposed Amendments

(A) Public Hearing : After the filing of a petition for amendment in proper form, the Zoning Administrator shall set a date for a public hearing.

(B) General Notice of Public Hearing: Notice of the public hearing required by Subsection 6-3-4-6(A) shall be given by the Plan Commission by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date.

(C) Mailed Notices Required for Redistricting or Rezoning: Notice shall also be given by first class mail to all owners of property within a five hundred (500) foot radius of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed to be rezoned or redistricted whose addresses appear on the current tax assessment list as provided by the applicant. The failure of delivery of such notice, however, shall not invalidate any such amendment. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing.

Wilmette Zoning Code Section 20-4.8.1. Notice of public hearings

(a) Published notice. For any public hearing required by this Chapter, and for any public meeting at which the Appearance Review Commission will consider granting an application for an Appearance Review Certificate, the Director of Community Development shall cause a notice of the date, time, place, and purpose of such hearing or meeting to be published in a newspaper of general circulation within the Village not less than 15 days nor more than 30 days in advance of the scheduled hearing or meeting date. Where the hearing or meeting involves an application for approval of a variation, special use, rezoning, or Appearance Review Certificate, the published notice shall identify the address of the affected property and the name of the applicant.

(b) Posted notice. For any public hearing required by this Chapter for approval of a variation, special use, or rezoning, other than a comprehensive rezoning of the entire Village, and for any public meeting at which the Appearance Review Commission will consider granting an application for an Appearance Review Certificate, the Director of Community Development shall cause a notice of the hearing or meeting to be posted on the affected property not less than 15 days nor more than 30 days in advance of the scheduled hearing or meeting date. Such notice shall show the number assigned to the application (if any), the date, time, and place of the public hearing or meeting, and the nature of the application being considered at the hearing or meeting. The notice shall be posted no more than 15 feet from the front lot line and no less than four feet nor more than six feet above grade, so as to be visible from the public way.

(c) Personal notice for variations, special uses, and rezonings. For any public hearing required by this Chapter for approval of a variation, special use, or rezoning, other than a variation from the Sign Ordinance or a comprehensive rezoning of the entire Village, the applicant shall notify by written notice of the hearing all persons to whom the current real estate tax bills are sent, as shown on the records of the County Assessor, for all lots any part of which lie within 250 feet of the boundaries of the subject property, not excluding streets and alleys, as well as all occupants of such lots. All such notices shall be provided to the applicant by the Director of Community Development and shall show the number assigned to the application (if any), the date, time, and place of the public hearing, and the nature of the application being considered at the hearing. All such notices shall be delivered not less than 15 days nor more than 30 days in advance of the scheduled hearing date. For the purposes of this Section, the term "occupant" shall include occupants of all residential, business, and institutional properties.

Park Ridge Zoning Ordinance Section 3.3 Notice

A. Published Notices

For all applications that require a public hearing, the City shall cause a notice to be published in a newspaper of general circulation within the City. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property. Such notice shall be published no less than fifteen (15) days, nor more than thirty (30) days, in advance of the scheduled hearing date.

B. Mailed Notice

1. For public hearings for major and minor zoning variances, special use, planned development applications and zoning map amendments, written notice on forms provided by the Zoning Administrator, shall be mailed by regular mail no less than fifteen (15), but nor more than thirty (30), days prior to the public hearing to the occupants of all properties located within two-hundred fifty (250) feet from the property line of the subject property. The notice shall include the date, time, place and purpose of such hearing, the name of the applicant, and the address of the subject property.

2. The applicant shall provide the stamped and addressed notices to the Zoning Administrator who shall deposit them in a U.S. postal facility for delivering. The applicant shall also provide an affidavit stating that the stamped notices include each and every property within two-hundred fifty (250) feet. The City shall provide an affidavit stating that the stamped notices were mailed. The two-hundred fifty (250) feet shall be measured from all directions along the perimeter of the subject property.

3. For administrative zoning variances, written notice on forms provided by the Zoning Administrator, shall be mailed by regular mail no less than fifteen (15), but nor more than thirty (30), days prior to the Zoning Administrator's decision to the occupants of all properties located adjacent to the subject property as well as the property located directly across the street. The applicant shall provide the stamped and addressed notices to the Zoning Administrator who shall deposit them in a U.S. postal facility for delivering. If a noticed property owner objects to the administrative variance, such variance shall then be considered a minor variance and subject to the minor variance notice requirements.

4. Giving notice pursuant to this section shall not be construed to prevent the applicant from giving such additional notice as he/she may deem appropriate.

5. The body conducting the hearing shall hear no application unless the applicant complies in all respects all notice requirements.

Des Plaines Zoning Ordinance Section 3.1-3 Notice.

A. Notice of Public Hearing in Newspaper . For any development review procedure that requires a public hearing, the City shall arrange for the publication of a public notice in a newspaper of general circulation in the Des Plaines jurisdictional area. The notice shall include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, the address or particular location of the subject property, and, in the case of a public hearing for an Amendment, a legal description of the subject property. The notice shall run at least one time, not more than thirty days nor less than fifteen days prior to the public hearing.

B. Notice of Public Hearing Through Posted Sign. In addition to the newspaper notice provision required above, not more than thirty days nor less than fifteen days prior to any public hearing on a development review procedure the Zoning Administrator shall cause to be posted on the property affected a notice sign stating that a hearing will be held and including the date, time and place of such hearing or meeting, and a description of the matter to be heard or considered.

C. Notice of owners within 300 feet. In any public hearing regarding a map amendment, conditional use, or major variation, the Petitioner shall be required to notify property owners by U.S. Mail within 300 feet of the perimeter of the subject lot of record. Petitioner shall sign an affidavit verifying said mailing occurred attaching the copy of the document.

Winnetka Zoning Ordinance Section 17.72.040 Amendments

D. Notice of Hearing.

1. Publication of Notice. Notice shall be given of the time and place of the hearing, not more than thirty (30) nor less than fifteen (15) days before the hearing, by publishing a notice at least once in one or more newspapers published in the Village, or, if no newspaper is published in the Village, then in one or more newspapers with a general circulation within the Village.
2. Notice to Affected Property Owners. In cases where the proposed amendment involves a change in zoning classification of particular property and such amendment is initiated by the Village Council, the Plan Commission, the Zoning Board of Appeals or the Village Manager, notice shall be served upon the owner or owners of property which are the subject of the proposed amendment in person or by certified mail within ten (10) days after the filing of the application.
3. Mailed Notice. In cases where the proposed amendment involves a change in zoning classification of particular property, the Zoning Administrator shall prepare a list of the names and addresses of all persons to whom the latest general real estate tax bills were sent for all property situated within two hundred fifty (250) feet of the property which is the subject of the proposed amendment. Written notice of the time and place of the public hearing shall be sent to each person whose name appears on the list prepared by the Zoning Administrator, at the address shown on such list. The Zoning Administrator shall send such written notice by first class mail, postage prepaid, not less than ten (10) days prior to the date of such public hearing. The failure of any person to receive the written notice issued pursuant to this paragraph shall not affect the jurisdiction of any body authorized to conduct a hearing or otherwise consider the application for special use. Nor shall the failure of any person to receive such written notice invalidate, impair or otherwise affect the subsequent grant or denial of any amendment granted following such public hearing.

- d. All notices required pursuant to this Section 5.20 shall identify: the location of the subject property for which relief is sought; a brief statement of the nature of the relief requested; and the date, time, and location of the public hearing.
 - e. Whenever an application pertains to a site of two acres or more, and the Zoning Officer determines that because of size, location, proximity to other Zoning Districts, existing or likely traffic pattern, nature of use, or for any other appropriate reason or combination of reasons, a larger notice area should be required in order to better inform those beyond the regular notice area who might be particularly impacted, then the Zoning Officer may require that Applicant give the notices required pursuant to this Section 5.20 to the owner of lots lying within a specified radius beyond two hundred fifty (250') feet but not exceeding five hundred (500') feet from the site which is the subject of the application. (Ordinance No. 2010-2887)
- (2) No notice required pursuant to this Section 5.20 shall be deemed insufficient because: (i) it fails to specify which section of this Zoning Ordinance is applicable; or (ii) if relief, authorization or amendment has been sought under a certain section or sections of this Zoning Ordinance, but as a result of the hearing, the relief, authorization or amendment sought is modified or otherwise granted pursuant to a different section or sections of this Zoning Ordinance.
 - (3) This Section 5.20 shall not apply to the notices required pursuant to Section 5.13 of this Zoning Ordinance for appeals of decisions by the Zoning Officer.

5.21 VIOLATION, PENALTY, ENFORCEMENT

- (5) Violation; Penalty: Any person, firm, limited liability company or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this Zoning Ordinance shall, upon conviction, be fined for each offense as required in the Village's Fee Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.
- (6) Civil and Administrative Enforcement:
 - a. General Authority: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance or other regulations made under authority conferred thereby, the Village, in addition to other remedies, may institute any appropriate action or proceedings to: (1) prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; (2) restrain, correct or abate such violation; (3) prevent the occupancy of said building, structure or land; or (4) prevent any illegal act, conduct, business or use in or about the premises.
 - b. Legal Actions: In the enforcement of this Zoning Ordinance, the Zoning Officer shall have the right to exercise all the powers authorized by the statutes of the State of Illinois, and by Village codes and ordinances, to ensure compliance with, or to prevent or abate any violation of, the provisions of this Zoning Ordinance, and in particular shall, where necessary or appropriate, institute or cause to be instituted by the Village Attorney in the name of the Village any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Zoning Ordinance.



Staff Report Plan Commission

May 1, 2013

Continued from March 6, 2013 & February 6, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to the B1, B2, B3, O-1, and M-B Districts.

Requested Action: Text Amendment to Various Sections of the Zoning Ordinance including but not limited to the Definitions Section, Land Use Table, Off-Street Parking Schedule, etc. relative to modifying the definition of Health Club or Private Recreation, Firearms Shooting Ranges.

Nature of Request: Consideration to Modify and/or add certain definitions including but not limited to Health Club or Private Recreation and Firearms Shooting Ranges; Consideration of Firearms Shooting Ranges as a Special Use in the M-B District subject to certain restrictions; and the Addition or Modification of Off-street Parking Requirements for Firearms Shooting Ranges, Commercial Recreation Facility, or Other Similar Uses

Petitioner: Village Board

Summary

Note: Below is the summary provided at the March 6, 2013 and February 6, 2013 Plan Commission meeting. This matter was continued.

On November 9, 2012, the Village Board adopted Resolution No R2012-1710, initiating a referral to the Plan Commission for text amendments to the Zoning Ordinance. These proposed text amendments concern Firearms Shooting Ranges and the existing definition found in the Zoning Ordinance for "Health Clubs and Private Recreation". The purpose of these text amendments is to:

1. Specifically exclude from the definition of "Health Clubs and Private Recreation", Firearms Shooting Ranges, and
2. Establish in the Zoning Ordinance, "Firearms Shooting Ranges" as a Special Use in the M-B Zoning District.

The adopted Village Board Resolution suggests, but does not identify, that other restrictions may be determined to be necessary and desirable in establishing Firearms Shooting Ranges as a Special Use in the M-B Zoning District.

Definitions

Currently, within the Zoning Ordinance the pertinent definition reads:

HEALTH CLUB or PRIVATE RECREATION

A building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities, or other customary or usual recreational activities, operated for profit or not-for-profit and which can be open only to members and guests of the organization or open to the public for a fee.

For public hearing consideration, staff suggests that this definition be broken down into three separate definitions as follows:

Firearms Shooting Range: A specialized indoor soundproof facility, supervised by a Range Safety Officer and designed for the safe shooting practice of firearms, such as handguns and rifles.

Health Club: A business establishment which promotes physical fitness and which contains equipment for body exercising or other facilities intended to improve physical fitness, diet, weight control and/or health and which is generally utilized by members who pay a periodic fee for facility access and use.

Commercial Recreational Facility: A privately owned for-profit commercial facility designed and equipped to provide customary leisure time or recreational activities, such as bowling, swimming, miniature golf, ice skating, tennis, racquetball and like activities.

If the Plan Commission concurs with this definitional breakdown, staff would further recommend that both “Health Club” and “Commercial Recreational Facility” be added to the Use table in the Zoning Ordinance to replace the current listing for “Health Club and Private Recreation” and that this definition be eliminated altogether from the Ordinance.

Parking Standards

With the addition of a separate listed use in the Use Table for Firearms Shooting Ranges, staff recommends the addition of a parking standard for this use. Previously, based on research, staff recommended a parking standard for shooting ranges as follows:

2 parking spaces per shooting range station plus 3 spaces per 1,000 square feet of floor space not devoted to indoor shooting range.

Should the Plan Commission concur with the separation in the Use Table for “Health Club” and “Commercial Recreation Facility”, staff would also like to review appropriate parking standards for these uses for possible amendment. Currently, the parking standard for “Health club or recreation facility, private” is 1 space per 3 persons+ 1 space per /2 full time employees. Staff notes that currently a separate parking standard already exists for bowling alleys (5 spaces per lane).

Firearms Shooting Range Use

The Village Board initiated text amendment proposes that Firearms Shooting Ranges be allowed in the M-B District as a Special Use. Last June, as part of the Shore

consideration, a proposed text amendment was presented for Firearms Dealers as a Special Use in the M-B District. This proposal also included:

- an 800 foot minimum distance requirement from any "P" Park zoned property or,
- any "R" Residentially zoned property

The effect of enacting a similar 800 foot minimum distance for Firearms Shooting Ranges from "P" or "R" zoned property would be a significant reduction in the area of the M-B zone in which a shooting range could be located (see attached map). Staff believes that this additional locational restriction within the M-B District has merit for Firearms Shooting Ranges and suggests its consideration as part of these text amendments.

Staff notes that this proposal for an 800 foot minimum distance from R or P zoned property is just that, a minimum distance from property which is *zoned* for Park or Residential use, rather than from how a property might be actually used. This distinction is made since previously some in the community mistook the minimum distance proposal from P zoned property as meaning a required minimum distance from any type of park or open space, such as the proposed bike trail (which is not zoned P). Staff recommends using Zoning Districts and the Village Zoning Map for determining any minimum distance, since this is very objective.

In addition to considering this minimum distance requirement, staff suggests that performance standards for Shooting Ranges be considered for this use. Surprisingly, while there is an estimated 16,000-18,000 indoor shooting ranges in operation in the United States; staff has found few local requirements for them. In reviewing the literature on shooting range uses, the following four areas appear to represent the areas of greatest concern with this use:

1. Customer/Employee Safety
2. Health concerns (lead exposure)
3. Property/Business Security Plan
4. Noise concerns

To respond to these areas of concern, staff recommends that the following Performance Standards for Firearms Shooting Ranges be considered for inclusion in the Zoning Ordinance:

1. Range design must conform to US Department of Energy's Range Design Criteria, dated June 4, 2012 or subsequent editions.
2. Range must conform to US Department of Labor Occupational Safety and Health Administration (OSHA) requirements
3. Range must be in conformance with an established and Police Chief approved Range Safety Plan, which shall specify range safety requirements and procedures for customers and workers.
4. Range must be in compliance with a Police Chief approved Security Plan for the business and property.

5. Range must comply with any and all applicable US or Illinois Environmental Protection Agency requirements concerning lead and noise
6. Range must comply with Village noise restrictions.

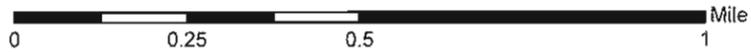
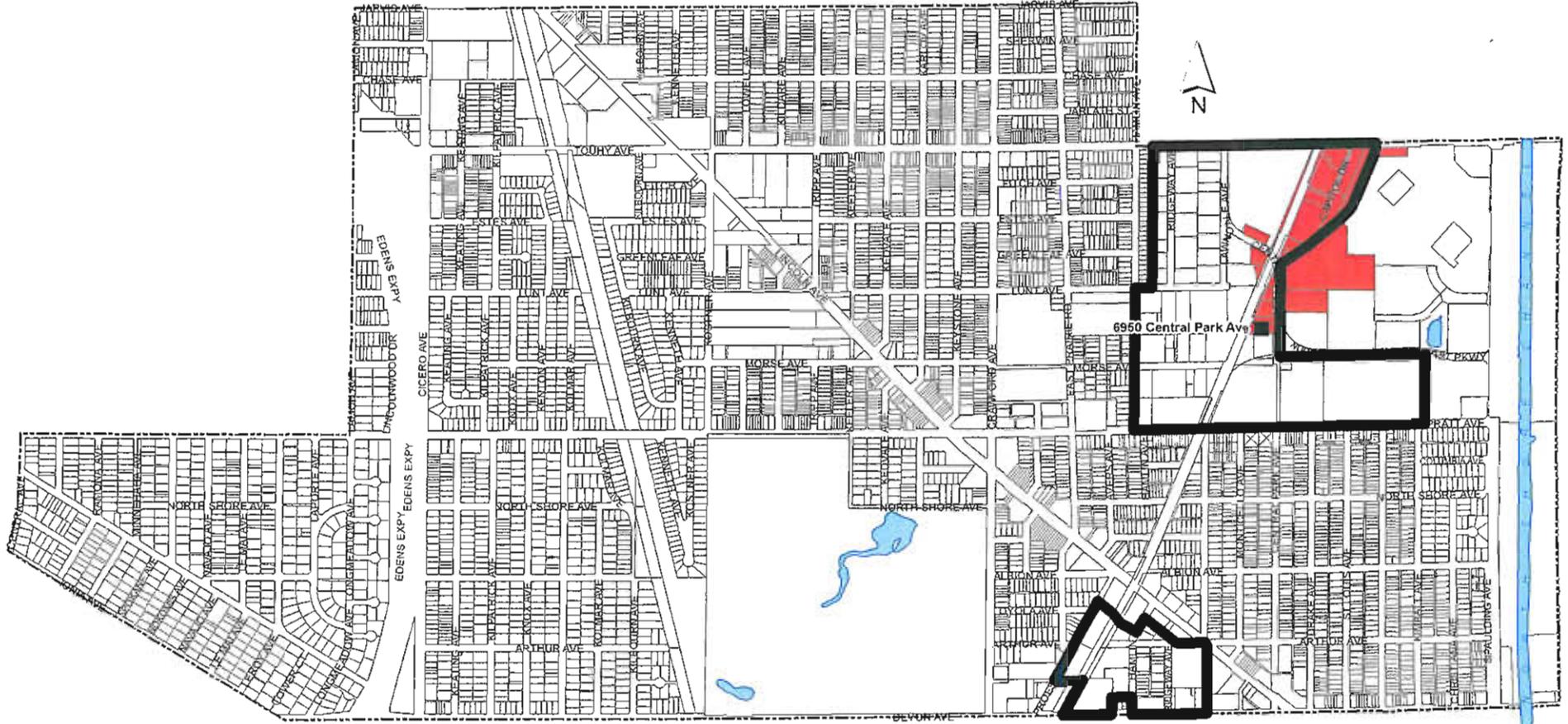
Attached is the US Department of Energy Range Design Criteria as well as a recent ordinance which regulates shooting ranges in Richland Township Pennsylvania. To provide additional background, also attached is an August 2012 memorandum prepared by the City of Urbana Illinois concerning a proposed text amendment in that city concerning firearms dealers and shooting ranges.

Attachments

1. Map- M-B Parcels not within 800 feet of P or R Zoned Property
2. Department of Energy Range Design Criteria
3. Richland Township Shooting Range Ordinance
4. City of Urbana August 2012 Text Amendment Memo

Firearms Ordinance Review

Parcels Not Within 800ft of 'R' or 'P' Zoned Properties



-  MB Zoning District
-  Parcel not within 800ft of 'R' or 'P' zoned properties
-  Parcel

RANGE DESIGN CRITERIA



**U.S. DEPARTMENT OF ENERGY
Office of Health, Safety and Security**

AVAILABLE ONLINE AT:
<http://www.hss.energy.gov>

INITIATED BY:
Office of Health, Safety and Security

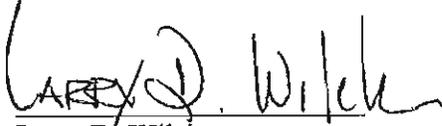
Notices

This document is intended for the exclusive use of elements of the Department of Energy (DOE), to include the National Nuclear Security Administration, their contractors, and other government agencies/individuals authorized to use DOE facilities. DOE disclaims any and all liability for personal injury or property damage due to use of this document in any context by any organization, group, or individual, other than during official government activities.

Local DOE management is responsible for the proper execution of firearms-related programs for DOE entities. Implementation of this document's provisions constitutes only one segment of a comprehensive firearms safety, training, and qualification program designed to ensure that armed DOE protective force personnel are able to discharge their duties safely, effectively, and professionally. Because firearms-related activities are inherently dangerous, proper use of any equipment, procedures, or techniques etc., identified herein can only reduce, not entirely eliminate, all risk. A complete safety analysis that accounts for all conditions associated with intended applications is required prior to the contents of this document being put into practice.

CERTIFICATION

This document contains the currently-approved firearms "Range Design Criteria" referred to in DOE O 473.3, *Protection Program Operations*.



Larry D. Wilcher
Director
Office of Security
Office of Health, Safety and Security

6/4/2012
Date

This page intentionally left blank.

TABLE OF CONTENTS

RANGE DESIGN CRITERIA.....1

- 1. Purpose.....1
- 2. Planning Factors.....1
- 3. Planning Overview.....1
 - a. General Considerations1
 - b. Type of Range.....1
 - c. Site Selection Preparation2
 - d. Considerations.....3
 - e. Preliminary Design Stage3
 - f. Final Design Stage3
- 4. Outdoor Range Design.....4
 - a. Site Selection4
 - b. Range Planning4
 - c. Surface Danger Zones.....5
 - d. Support Facilities6
 - e. Design Criteria8
- 5. Indoor Range Design15
 - a. Use of Indoor Ranges.....15
 - b. Site Selection15
 - c. Range Planning17
 - d. Design Criteria17
- 6. Live Fire Shoot House27
 - a. Introduction.....27
 - b. Site Selection27
 - c. Design and Layout28
 - d. Wall Construction28
 - e. Doors.....29
 - f. Ceiling or Roofs.....29
 - g. Floors29
 - h. Bullet Traps.....30
 - i. Elevated Observation Control Platform.....30

ATTACHMENT 1 -- RANGE DESIGN FIGURES Attachment 1-1

This page intentionally left blank.

RANGE DESIGN CRITERIA

1. PURPOSE. This document contains design criteria for U.S. Department of Energy (DOE) live-fire ranges for use in planning new facilities and major rehabilitation of existing facilities. This document will be approved and maintained by the Office of Security, Office of Health, Safety and Security (HSS) as a stand-alone document on the HSS website: <http://www.hss.doe.gov/SecPolicy/pfs.html>.
2. PLANNING FACTORS. All applicable local, State, Federal, U.S. Environmental Protection Agency, Occupational Health and Safety Administration (OSHA), and National Environmental Policy Act requirements should be addressed and be reviewed annually (at least every 12 months) by the site to incorporate any requirements and/or changes that occur.
3. PLANNING OVERVIEW.
 - a. General Considerations.
 - (1) Live-fire range design should: (a) promote safe, efficient operation; (b) include provisions for ease of maintenance; and (c) be affordable to construct and maintain.
 - (2) Live-fire ranges should be designed to prevent injury to personnel and to prevent property damage outside the range from misdirected or accidental firing and ricochets. They should also be designed to direct ricochets away from the firing line inside the range.
 - (3) An open range may be established provided that enough distance and land area available to allow for surface danger zones (SDZs) appropriate for the weapons to be used. Lack of SDZs may require baffled ranges. Extreme weather conditions may necessitate indoor ranges.
 - b. Type of Range.
 - (1) Range requirements should be considered when determining the type and size of the range and the material to be used.
 - (2) The range should be suitable for training and qualifications for all courses of fire used on the site as set forth in the HSS-approved Firearms Qualification Courses.
 - (3) The range should be designed for shooting day and reduced-lighting DOE firearms courses, moving targets, multiple targets, and advanced shooting courses/activities (e.g., shooting at steel targets) that may be required by the site.

- (4) When determining whether the facility will be an indoor, open outdoor, partially baffled, or fully baffled range, the decision-making process should include site weather conditions, available land, available funding, and environmental, safety, and health considerations. The following additional factors should be considered.
 - (a) How many shooters must be accommodated?
 - (b) Will emphasis be on training or competitive activities?
 - (c) What types of firearms and range of ammunition will be used? (See Table 1.)
 - (d) Will the facility be used exclusively by DOE or will it be open to other organizations?
 - (e) What special uses will be made of the facility; e.g., advanced training, special weapons, or explosives?
 - (f) What lighting will be required, and what lighting is desired?
 - (g) What administrative space will be needed?
 - (h) What types of target mechanisms will be used?
 - (i) Will spectator safety areas be needed?
 - (j) What types of acoustics will be needed?
 - (k) How will lead contamination be controlled?
 - (l) Where will bullet traps be needed?
 - (m) Where will firearms cleaning and maintenance be performed?
- c. Site Selection Preparation. The site selected should accommodate the required facility. It should meet acceptable standards for safety and have sufficient space, access, and acceptable zoning and construction costs. Land acquisition costs, future land values, and possible restrictions should also be examined. To ensure the project is feasible the following data should be considered.
 - (1) Documents. Copies of specific site, environmental, and construction criteria; applicable mandated regulations from Federal, State, county, and local authorities; copies of ordinances, zoning regulations, soil conservation standards, health department requirements, and any other regulations that may pertain to the project should be obtained.

- (2) Alternate Sites. Identify alternate sites, because one or more of the potential sites may be unsuitable or construction costs may be prohibitive.
 - (3) Technical Data. Gather technical data relevant to each site including zoning maps, aerial photographs, topographic maps, and onsite ground and aerial information.
- d. Considerations. The criteria to be considered in this process are:
- (1) environmental restrictions; e.g., Endangered Species Act, Wilderness Act, and air and water pollution criteria;
 - (2) access; e.g., is it adequate or should a roadway be constructed to the site;
 - (3) construction cost; e.g., berms, baffles, barriers, earth moving;
 - (4) other restrictive Federal or State statutes and local ordinances; and
 - (5) community growth, especially in areas where urban growth is rapid. Escalating property values may make it unwise to construct in a particular area.
- e. Preliminary Design Stage.
- (1) Prepare:
 - (a) a preliminary layout sketch of each site;
 - (b) a draft document, which should include specifications for applicable zoning, building codes, environmental, safety, and health considerations, and other pertinent restrictions;
 - (c) alternative preliminary site plans showing different range layouts;
 - (d) a planning cost estimate; and
 - (e) a risk analysis report.
 - (2) Submit all environmental, zoning and building permit applications for approval. Be prepared, via the draft document, to present and, if necessary, defend the proposal at public hearings before zoning boards, health officials, and other governmental bodies involved in issuing permits.
- f. Final Design Stage.
- (1) The preliminary site plans include a layout of the proposed range with its accompanying safety fan in a cross section and top view.

- (2) The range master/manager, training manager, safety manager, industrial hygienist, appropriate operating personnel and public works engineer should review and approve the design requirements during the planning phase, before the construction drawings are started, and during the construction phase.

4. OUTDOOR RANGE DESIGN.

a. Site Selection.

- (1) Outdoor range sites should be remote from other activities but accessible by road. SDZs should not extend across traveled roads, navigable waterways, railroads, or other areas.
- (2) To protect against unauthorized access, SDZs should be controlled while firearms are being discharged. To prevent future encroachment, SDZs should be recorded on site maps.
- (3) If other methods to control access to SDZs are not effective, then the zones should be fenced in. Natural barriers around the site; e.g., rivers, hills or a large drainage channel may be used to prevent encroachment and will ensure privacy. The best site is one with a natural backstop for projectiles to reduce the cost of constructing earth impact berms and to provide natural sound abatement.
- (4) Outdoor ranges should be oriented to eliminate firing into the sun. The range should be oriented to the north or slightly to the northeast. The ideal direction is between due north and 25° northeast.

b. Range Planning.

- (1) Firing into upward sloping land and land with natural backstops of hills or mountains is recommended.
- (2) Firing platforms, access roads, and targets should be elevated above the flood level.
- (3) The line of fire in rough terrain should be perpendicular to high ground. The line of fire on flat terrain should be free of knolls, ridges, and trees that reduce visibility.
- (4) Known distance ranges should be as flat or evenly graded as possible. If the grade between the firing points and target does not exceed 2 percent, then the firing points may be below the target.
- (5) Roads used for setting and servicing targets in impact areas and for maintenance of earth berm may be graded pathways. Roads in areas not subject to disturbance; e.g., vehicle parking areas, and roadways behind

firing lines or out of range of weapons, should be designed for anticipated vehicle weight and usage.

- (6) The ground between the targets and firing line should be free of any hardened surface (smooth-surfaced walkways excepted) such as rocks or other ricochet-producing material.
 - (7) The surface may be sodded or planted with low-growing ground cover.
 - (8) The surface should be smooth, firm, and graded to drain away from the targets. A slight side-to-side grade of 1 percent to 2 percent should be provided for storm water runoff. For baffled ranges, the lateral slope should not exceed 2 percent because of the geometry of the baffle system.
 - (9) The overall size will be governed by the range distance and number of firing positions.
 - (10) Range distances from the firing line to the target are determined by the approved DOE qualification courses of fire for all weapons available for use by Protective Force (PF) personnel and by site-specific training courses of fire. The distances from the firing line to the target should be accurate to ± 0.1 percent. It is important that any inaccuracy in the firing line-to-target distance is a greater, rather than lesser, distance (e.g., 101 yards for a 100-yard range instead of 99 yards).
 - (11) Shooters should have secure footing.
- c. Surface Danger Zones. SDZs should be established to contain all projectiles and debris caused by firing ammunition and explosives (see Table 1). SDZ dimensions are dictated by the types of ammunition, types of targets, and types of firing activities allowed on the range. A basic SDZ consists of three parts: impact area, ricochet area, and secondary danger area (Figure 1). Figures 2 through 6 illustrate the application of the basic parts in the design of SDZs for various kinds of range activities.
- (1) The primary danger area established for the impact of all rounds extends 5° to either side of the left and right limits of fire and downrange to the maximum range of any ammunition to be used on the range.
 - (2) The ricochet area is 5° to either side of the impact area and extends downrange to the maximum range of any ammunition to be used on the range.
 - (3) The secondary danger area is that area paralleling, and 100 yards outside of, the outermost limits of the ricochet area and extending downrange to the maximum range of any ammunition to be used on the range.

- (4) Boundaries of SDZs must be posted with permanent signs warning persons of the danger of the live-fire range and prohibiting trespassing. The signs must be posted in a way that will ensure a person cannot enter the SDZ without seeing at least one legible sign (i.e., usually 200 yards distant or less).
 - (5) Limit of fire markers, both external and internal, must be placed to denote right and left limits of fire. Where cross firing is to be conducted, internal limit markers must be emplaced to denote internal right or left limits of fire from specific firing positions.
 - (6) Ranges may be located parallel to one another if in compliance with Figure 19 for separation.
 - (7) When there is insufficient distance to lay out a new range with the required SDZ or utilize other ammunition with a maximum range that does not exceed the SDZ, engineered or administrative controls can be used to control firing on that range. Permission to deviate from established SDZ requirements must be granted by the DOE cognizant security authority and supported by a safety risk analysis.
 - (8) Administrative controls such as use of the low-ready position or engineered controls such as muzzle traverse/elevation limiters can be used to control the firearm. Natural terrain such as a mountain or a hill provides an excellent backstop for firing. The terrain should be high enough to capture rounds fired at up to a maximum 15° muzzle elevation.
 - (9) To change the size and shape of an SDZ, baffles may be installed. Partial and full baffle systems consist of the following components: overhead baffles, a canopy shield over firing points, bullet impact berm, and side berms, sidewalls, or side baffles. A fully baffled range must be constructed so all direct fire can be contained within the range (see Figures 7 and 8).
- d. Support Facilities. Range planners should consider the site-specific need for the following range support facilities.
- (1) Targets.
 - (2) Target storage.
 - (3) Bunkers, trenches, and protective barriers for personnel protection.
 - (4) Range control towers.
 - (5) Toilets.
 - (6) Range poles, banners, markers, and signs.

- (7) Communication systems.
- (8) Access and range roads.
- (9) Parking areas.
- (10) Potable water.
- (11) Target maintenance.
- (12) Ammunition storage.
- (13) Power.
- (14) Sewer.
- (15) All other necessary utilities.

Table 1. Maximum Range of Small Arms Ammunition

Maximum Range of Small Arms Ammunition	
Caliber	Maximum range of small arms ammunition (distance in meters/yards)
.22 long rifle	1400/1531
.38 revolver	
Ball, M41	1600/1749
Ball PGU-12/8	1900/2077
.40 pistol	
Ball	1783/1950
JHP	1908/2086
Frangible	1000/1093
.45 pistol	1500/1640
.45 submachine gun	1600/1749
.357 magnum	2160/2362
9mm pistol	1740/1902
9mm submachine gun	1920/2099
.44 magnum	2290/2504
.50 machine gun	
Ball, M33	6500/7108
AP, M26	6100/6671
12 gauge shotgun, riot 00 buckshot	600/656
.30 rifle and machine gun	
Ball, M23	3100/3390
AP, M2	4400/4811
.30 carbine	2300/2515
5.56mm rifle	
Ball, M193	3100/3390
7.62mm rifle and machine gun	
Ball, M80	4100/4483
Match, M118	4800/5249
40mm	
M79	400/437
Mk-19 40mm	2200/2406

e. Design Criteria.(1) Firing Line Items. Provide the following components:

(a) Floor Surface. The surface should be smooth, firm, and graded to drain away from the targets. A slight side-to-side grade of 1 percent to 2 percent should be provided for storm water runoff. Transverse firing line grading should match target line transverse grading. The distance between the firing line(s) must be sufficient to support the type of training conducted. Firing lanes must be clearly marked on the surface to match the targets. Depending on the number of personnel to be supported and the funds available, the following surfaces should be considered:

- 1 ground firmly compacted with mown grass;
- 2 sand or fine gravel;
- 3 wood decking of sufficient thickness and support to prevent movement; and
- 4 concrete topped with appropriate cushioning material.

(b) Overhead Containment. On partially and fully baffled ranges, a ballistic canopy (see Figure 9) should be provided over all locations where a weapon may be expected to be discharged (firing line, by definition). Figure 9 represents one construction approach, but the canopy must contain the direct fire effects of the most energetic round fired on the range. This canopy should begin at least 3 feet behind the firing line. General structural requirements may dictate more distance. The canopy should extend forward a minimum distance of 13 feet minimum, which will work geometrically with the first overhead baffle to prevent a weapon from firing directly out of the range (see Figures 16 and 17). The canopy should be constructed of ballistic material with sacrificial cladding as described below. Sound reduction ceiling waffles should be considered. Weather roofing is required above the ballistic material and it must slope sufficiently to drain.

(2) Firing Point. The depth of the firing point is determined by the shooting activity; e.g., rifle firing requires more depth than pistol firing.

(a) The minimum depth of the firing point is the area required for the shooter, shooter's equipment, scorers, and range officers. For example, a pistol range might have a firing line approximately 6 to 10 feet deep, while a rifle range would have a firing line up to 20 feet deep. This variation is based on available space, type of

shooting, size of target frames and carriers, and the spacing of target frames or carriers.

- (b) For rifle ranges, each firing point should be 9 feet wide (see Figure 10). Firing lanes for pistols and shotguns should be 5 feet center to center (see Figure 11).
- (3) Ballistic Material. The purpose of this material is to absorb, deflect, or fragment projectiles. Material for baffles on partially and fully baffled ranges is shown in Figures 12 and 18. Wood that is used should be of middle grade exterior timber or plywood. Timber in contact with the ground must be pressure-treated for this purpose. Avoid exposed connectors if possible. Refer to Table 2, Thickness of Material for Positive Protection Against the Caliber of Ammunition Listed, for the thickness of various materials.
- (4) Sacrificial Cladding. Provide ¾-inch thick plywood with a ¼-inch air gap on any surfaces (baffles, wing walls, metal connectors, etc.) that are within 11 yards of the firing line to prevent back splatter.
- (5) Firing Line Cover Material. The firing line should be covered to protect the shooter and allow activities to be held regardless of the weather. On ranges with several firing lines, the cover is generally installed at the longest firing distance. The firing line covers described below are for shelter only and should not be confused with the ballistic firing line canopies required on baffled ranges. Material that can be used for firing line covers includes wood, concrete, steel, and plastic. Most covers are constructed from wood products and are a shed or gable roof design. In some cases, corrugated metal or fiberglass roofing material can actually increase sound levels at the firing line and in areas around the range. Therefore, to reduce noise, corrugated metal or fiberglass roofing material should not be used unless it is acoustically treated. The structure should be designed to include the following:
 - (a) The shed roof should have a 6-inch cavity filled with fiberglass insulation (or equivalent) and be enclosed on the bottom with ¾-inch plywood or insulation board. Although this will not provide a completely effective sound barrier, sound waves will strike and penetrate the inside layer of plywood, and the sound will be reduced;
 - (b) A plywood shed roof should have a 6-inch hollow core enclosed with a small grid mesh screen and a six-mil polymer barrier to retain the insulation. The intervening space should be filled with blown-in insulation to trap sound waves and reduce the drum effect of an open roof; and

- (c) A gable roof has a large hollow area above the joists; however, additional sound damping materials should be installed to reduce the drum effect and the sound pressure level as they are reflected onto the firing line area. The underside of the roof surface will require a minimum of 4 inches of insulation to fill in between the rafters and a minimum of 3 inches of insulation above the ceiling and between the joists. This will reduce the drum effect caused when sound waves strike surface material (e.g., corrugated metal) and will absorb a portion of the reflected sound waves.
- (6) Surface Material. Positions should be hard-surfaced (e.g., concrete, gravel, wood, asphalt, or sod).
 - (a) For ranges where prone shooting is conducted, gravel or similar materials may cause difficulty for the shooter. When the surface material is concrete or asphalt, shooting mats or padding will be required when the kneeling or prone positions are used.
 - (b) For ranges with multiple firing lines, hard-surfaced firing lines located downrange of another firing line should be recessed or shielded from bullet impact to avoid ricochets off exposed edges.
- (7) Landscaping. The site should be landscaped to provide for erosion control, noise abatement, maintenance, appearance, fire protection, and safety.

NOTE: Any landscaping will complicate the removal of lead in the berms, especially on impact surfaces, and will create higher maintenance costs.

- (a) Berms should be planted with grass to prevent erosion. Ground cover is acceptable on existing berms that have been maintained and where erosion is not a problem.
- (b) When grass is selected as a ground cover, it should be appropriate for the geographic area and should readily grow and provide good coverage. The degree of shading caused by overhead baffles will determine the type of grass for the range floor. Use grasses and cover for earth berms that will not be accessed by moving equipment so that natural growth heights will be acceptable. In areas where the soil is poor or extremely sandy, plants such as Bermuda grass, ice plant, or vine root can be used to control soil erosion.
- (c) Heavy landscaping may be used to cut down on noise transmission. Plants and trees may be planted behind the firing position shelters to alleviate noise transmission problems.

Soundproofing the firing line structures should be considered in problem areas. Trees should be kept away from firing lines to allow range control officers to see all shooters.

- (d) For windbreaks, trees may be planted along the length of the range with partial side berms or wing walls where strong prevailing crosswinds are problems to shooting accuracy.
 - (e) Densely planted rows of fast-growing, compact, and thorny shrubs may be planted below the trees at ranges with partial berms or wing walls to abate noise, prevent encroachment, and alleviate crosswind problems.
- (8) Target Line and Mechanisms. Components must be as follows:
- (a) The target line should be a minimum of 30 feet from the toe of the impact berm. The distance between targets must be the same as the distance between firing positions.
 - (b) Target line bases must match grading with the firing line. Mechanical target support bases must be protected from the direct line of fire. They may be buried flush with the ground or placed behind a protective wall. Note that a small raised earth berm at this location generates significant ricochet. The complexity of the mechanism will dictate the protection requirement. See Figure 13 for wall or trench protection of high cost target line mechanisms.
 - (c) Target supports can be made of steel angles and channels, PVC pipe or wood. Do not use metal parts within 33 feet of the firing line where direct fire strikes are anticipated. Discharging weapons close to metal surfaces is extremely dangerous. Present the smallest surface area that is structurally sound to the line of fire to minimize ricochet. Design the target holders for easy and inexpensive replacement. Portable, self-supporting 2- by 4-inch wood frames or 2-inch by 2-inch wood plank placed into buried PVC pipe work well on simple ranges. The full face of the target must be visible to the shooter.
 - (d) Turning targets and the display time are at the discretion of the user. Commercially available, electrically motorized target carrier and electronic scoring systems should be considered where economically feasible.
 - (e) On open ranges, a single target line with multiple firing lines is preferred. On partially or fully baffled ranges, in most instances, a single firing line with multiple target lines will produce the most cost-effective range because of the firing line canopy. An

extremely advanced target mechanism may be significantly more expensive than multiple canopies.

- (9) Impact Structures. The structure varies depending on the type of range. Natural terrain such as a mountain, cliff, or steep hill may be incorporated into impact structures provided the completed structure complies with the minimum design requirements. Acceptable structures by range type are listed below.
- (a) For open ranges, the top elevation of the earth impact berm should be 26 feet above the range surface for ranges 100 yards long or longer and 16 feet above the range surface for ranges 50 yards long or less. The impact berm should extend 50 yards beyond where the target line ends for 100-yard-long ranges or until joining with the side containment, if provided for ranges 50 yards long or less.
 - (b) The suggested elevation may be met by designing a combination of earth berm and vertical baffle (see Figure 14). The earth berm portion should have a top elevation of 16 feet above the surface of the range. The vertical baffle should be constructed of ballistic material and designed to withstand local seismic and wind loads. This combination arrangement would reduce the footprint and the amount of material in the earth berm.
 - (c) The preferred slope of the impact berm face is 1 to 1 or steeper. The steeper the slope, the more likely the berm is to absorb projectiles. The top should be 10 feet wide. The impact slope should be constructed with a 3-foot layer of easily filtered soil (to reclaim the lead projectiles) free of boulders, trees, rocks, stones, or other material that will cause ricochet. The rear slope should be appropriate to the native soil and maintenance requirements.
 - (d) For partially and fully baffled ranges, the top elevation of the impact structure will vary depending on the overhead baffle and impact structure arrangement. The impact structure for a partially baffled range can be: standard impact berm, bullet trap, or hybrid. For fully baffled ranges, the impact structure must be a bullet trap. In all instances, the impact structure must connect to the side containment. The top of the berm should be at an elevation 5 feet above the point where the highest line of direct fire can strike the berm.
 - (e) Outdoor baffled bullet stops can be constructed by placing the last vertical overhead baffle over the last target line and placing a sloped baffle to connect from the top of the earth berm to the back of the last vertical baffle. The bottom of this lower-sloped overhead baffle should be 2 feet above the highest point on the

berm where direct fire might strike. See Figure 15 for material and construction details. Rainfall runoff from the sloped baffle onto the berm must be considered. (See "Use of Bullet Traps and Steel Targets" for Shoot House bullet trap information.)

- (10) **Side Containment.** For partially and fully baffled ranges (Figures 7 and 8), the top elevation of the side containment must geometrically mate with the overhead baffles to be high enough to prevent any direct fire from exiting the range. Full-side height containment should extend 3 feet to the rear of the firing line. Locate the side containment at least 10 feet outside of the centerline of the outermost firing lane. Construction may be in the following forms.
- (a) **Earth Berm.** Construct earth berms to an inside slope of 1 to 1.5. If native soil characteristics will not produce a stable slope at this angle, provide geotechnical fabric reinforcement in the fill. The top width of the berm should be at least 10 feet. No rocks are permitted in the top 3 feet of the inside surface. Generally, earth berms cannot be used on partially or fully baffled ranges; however, earth berms are permissible if the firing range is small and the overhead baffle and berm geometry intercept ricochets.
 - (b) **Continuous Walls.** Construct continuous walls of ballistic material to withstand local wind and seismic loads. Provide sacrificial cladding to 13 feet forward of the firing line and 3 feet behind the firing line. Continuous walls are preferred for fully baffled ranges.

Table 2. Thickness of Material for Positive Protection Against the Caliber of Ammunition Listed

Cover material	Caliber and thickness required to stop penetration		
	5.56 mm	7.62 mm and Cal. 30	Cal. 50
Concrete (5,000 lbf/in ²)	5 inches	7 inches	12 inches
Gravel-filled concrete masonry units	8 inches	12 inches	24 inches
Broken stone	14 inches	20 inches	30 inches
Dry sand	16 inches	24 inches	32 inches
Wet sand	25 inches	36 inches	48 inches
Oak logs (wired)	28 inches	40 inches	56 inches
Earth			
Packed or tamped	32 inches	48 inches	60 inches
Undisturbed compact	35 inches	52 inches	66 inches
Freshly turned	38 inches	56 inches	72 inches
Plastic clay	44 inches	65 inches	100 inches

NOTE: Figures are based on new material. Degradation may occur over time.

- (c) **Wing Walls.** Wing walls (side baffles) are discontinuous side protection set at 45° to the line of fire. Locate the wing walls so that they are overlapped by 6 inches based on any line of fire that may strike them. Construct the wing walls of ballistic material to

withstand wind and seismic loads. Additionally, provide sacrificial cladding on wing walls closer than 30 feet to the firing line.

- (d) End Walls. End walls may be constructed at the firing lane edge on the firing line in lieu of extending side containment 3 feet behind the firing line. Walls should be long enough to close off any line of sight between the end of the side containment and the rear 3 feet mark. The end walls should be constructed of ballistic material with sacrificial cladding extending from the canopy to the firing line surface.
- (11) Overhead Baffles. Overhead baffles must be located so that no direct fire can exit the range from any firing position. The first overhead baffle must be geometrically coordinated with the firing line ballistic canopy (see Figure 9). The elevation of the top of each succeeding baffle should be 6 inches higher than a line of fire that just clears beneath each preceding baffle (see Figure 16). Overhead baffles should be the same height and spaced apart down range to achieve the required geometry (see Figure 17). The last baffle should be placed so the line of fire will strike the impact structure no higher than 5 feet below the top elevation of the structure. On a fully baffled range, the last overhead baffle must be over the last target line.
- (a) On partially baffled ranges, overhead baffles must extend laterally to within 1 foot of the side containment. On fully baffled ranges, the overhead baffle must tie into the side containment.
 - (b) The vertical dimension of an overhead baffle when it is vertical varies with the number and spacing of the baffles. Normally, the height is between 5 and 8 feet when considering structural support size and costs.
 - (c) The baffles must be constructed of ballistic material. Baffles within 11 yards of the firing line should be covered with sacrificial cladding. See Figures 12 and 18 for possible configurations.
 - (d) Space the structural columns as far apart laterally as possible to open firing lanes. If possible, do not construct columns within the range. Design columns or beams to withstand local wind and seismic loads, and provide protective steel plate on the faces of the columns exposed to the firing line in accordance with Figures 12 and 18. Provide sacrificial cladding if the column is within 10 yards of the firing line. Overhead baffles may be placed on a flatter slope and overlapped to function as firing line canopies if multiple firing lines are to be used (see Figure 17). This arrangement is cost-effective for baffled combat lanes.

5. INDOOR RANGE DESIGN.

a. Use of Indoor Ranges.

- (1) Indoor ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Considerations should be made for cleaning of all surfaces and handling of hazardous wastes.
- (2) Lead exposure requirements must be reviewed for applicability.

b. Site Selection.

- (1) Walls and Partitions. Indoor ranges must incorporate walls and partitions capable of stopping all projectiles fired on the range by containing or redirecting bullets to the backstop.
- (2) Existing Buildings. If there are existing drawings of the facility, copies should be obtained from the original owner, architect, engineer, builder, or building permit. If original drawings of the building are not available, a sketch can be made of each floor of the building with a special emphasis on the load-bearing walls. The following considerations should be used when making the initial evaluation of an existing building.

(a) General Construction. Buildings constructed of wood products should be avoided. Modifications to reinforce the structure to support metal backstops or to reduce fire hazards may not be cost-effective.

(b) Exterior Walls. The type of exterior wall construction (e.g., masonry, wood, concrete, metal, combination, other) should be identified. Masonry buildings should be given primary consideration, especially those constructed on concrete slabs.

(c) Floors, Walls, and Ceilings. Floors, walls, and ceilings must be able to contain the sound in addition to the bullet fired.

1 The ideal wall is made of poured concrete a minimum of 6 inches thick.

2 To aid in range cleaning, concrete floors should be finished so they have a nonporous surface.

3 Ceilings should be 8 feet high and enclosed to reduce air turbulence created by ventilation systems.

4 Evaluate the structural support designs of older buildings for their ability to withstand new loading. Original design

considerations usually do not allow for installing heavy backstops and other range equipment.

- 5 To decide if modifications are necessary, slab buildings must be analyzed carefully to determine the capacity for floor loading. If there are no floor drains and it is economically feasible, modifications should also include adding one or more floor drains.
 - 6 Ceiling joists may require strengthening to support baffles and shielding material.
- (d) Electrical. Electrical needs may require the installation of heavy-duty wiring both internally and externally to accommodate the added power needs of range ventilation, heating, lighting, and target-carrier mechanisms.
 - (e) Plumbing. Plumbing does not usually require major modifications; however, heavy metals may be prohibited from area wastewater treatment collection systems. Therefore, an approved filtration system may be necessary for disposal of hazardous waste material; e.g., lead.
- (3) Precast Buildings.
- (a) Precast concrete companies can provide complete precast buildings (job site-delivered) if engineering specifications for steel placement are provided on a set of plans (drawings) for the proposed building.
 - (b) Precast assembly allows for installation of a roof design more suitable for an indoor range. Gabled or hip roof designs should not be used.
 - (c) Hollow, precast concrete panels provide an option to bar joists, eliminating bullet ricochet or splatter. A flat bar joist design is the recommended alternative to hollow, precast concrete panels.
 - (d) The flat roof design also provides support for heating, ventilating, and air conditioning (HVAC) equipment outside of the range, which saves space and reduces cost.
- (4) New Construction. New indoor construction projects require the same guidelines as existing buildings; however, they offer the advantage of building a structure specifically for use as an indoor shooting range.

- c. Range Planning. Design work for ventilation, wall structures, floors, ceiling, acoustics, backstops, and lighting will depend on how the range will be used.
- (1) A determination for the type of building required includes the following considerations.
 - (a) Can the range be built in an existing building or is a new one required?
 - (b) How large should it be?
 - (c) How many shooters will it be expected to serve?
 - (d) Will it be used for competition?
 - (e) Should space be allowed for classrooms?
 - (f) How much will the facility cost?
 - (2) The planning process should include:
 - (a) obtaining ordinances, zoning regulations, building codes, soil conservation regulations and other information pertaining to legal requirements;
 - (b) for evaluation, identifying a site for a new building or several existing buildings that may have the suitable design characteristics; and
 - (c) gathering other technical information relevant to the project. This information includes zoning requirements, onsite information, and range design criteria. Local zoning codes or health department regulations normally will provide answers or solutions on how the project is to be handled.
- d. Design Criteria. Based on the site selected, type of shooting, number of users, and site layout, the next step is to design the facility by preparing detailed drawings showing specifications and necessary dimensions. The four main considerations for indoor ranges are shooter needs, type of shooting activity, number of firing points, and number of users. Special consideration should be given to ventilation, lighting, safety baffles, and backstop design. The following standard and optional features for indoor ranges should be considered.
- (1) Backstops and Outdoor Baffled Bullet Stops. See "Use of Bullet Traps and Steel Targets" for Shoot House bullet trap information.

- (a) The design of a backstop or baffled bullet stop is a contributing factor to the service life of the unit. Steel should be installed according to the type of ammunition to be used and to proven angle configurations.
- (b) The design criteria should be based on the planned use of the facility. Metal plates selected for use in a backstop or baffled bullet stops must resist repeated stress according to the degree of stress applied. Necessary characteristics are resistance to abrasion, resistance to penetration, surface hardness, thickness, and alloyed strength to resist metal fatigue.
- (c) The main backstop is generally a fabricated steel plate or series of plates used to stop bullets fired on a range. Backstop configurations and plate thickness will change according to type of shooting activity.
- (d) Steel backstops with sand or water pits are common; however, a few indoor ranges use earthen or sand backstops.

CAUTION: Earthen or sand-filled backstops are not recommended because they can create health hazards for maintenance workers from silica and lead dust. They also cause excessive wear on ventilation fans.

- (e) Backstops must extend from side to side and from ceiling to floor to protect the end of the range completely from penetration by direct bullet strike and prevent ricochets, back splatter, and splatter erosion of side walls.
- (f) Four basic backstop designs are used for indoor ranges: Venetian blind, escalator, Lead-a-lator[®], and the angled backstop (45°) back plate. Other backstop designs exist and should be researched for applicable use.

1 Venetian Blind Backstop. Requires less space, but without proper installation and regular maintenance it can cause back splatter problems from exposed edges of each main segment of the backstop. Keeping the exposed edges ground to original specifications is time-consuming, difficult, and requires skilled personnel.

- a To control back splatter, a curtain should be hung in front of the backstop. Tests have been conducted on materials including canvas, burlap, cardboard, insulation board, and synthetic rubber. Properly installed, these materials effectively stop back

splatter. Walls using insulation board or a synthetic rubber curtain are best.

- b The main advantage of the venetian blind backstop is minimal space requirements. While an angled plate or an escalator will use 14 feet of space, the venetian blind uses only 5 feet.

2 Escalator Backstop. Sets up with flat steel plates laid out on a framework sloping away from the shooter. Between each series of plates, an offset allows a bullet sliding down the facing surface to drop into a hidden tray for easy cleanup. At the top or back of the backstop, a swirl chamber is provided to trap the bullets or bullet fragments as they exit the backstop surface. Once the bullet's flight ends in a spin-out chamber, the bullet or pieces fall into a cleanup tray.

3 Lead-a-lator[®]. A variation of the escalator-type backstop that uses a curved instead of flat piece of steel. The surface is concave and operates so that a bullet will follow the contour of the surface into a dry lead spinout chamber where it is trapped.

4 Angled Backstop (or 45° Inclined Plates). Uses a sand or water trap and has been the traditional alternative for indoor ranges.

- a The angle of the plate should never exceed 45° from the ground. The 45° plate and pit backstop is relatively inexpensive, but there are several disadvantages. Sand traps require frequent cleaning to remove bullet fragments. Cleaning operations require workers to wear high-efficiency particulate air (HEPA) filter masks if material is removed dry. It is best to dampen the sand trap material before and during cleaning operations to eliminate dust. To maintain a healthier internal environment, frequent removal, disposal, and replacement of lead-laden sand is required. The surface should be continually raked to keep the sand level and to guard against splatter as lead buildup occurs.

- b The cleaning operations are easier when a water trap is used. However, a water trap requires chlorine and other chemicals to retard algae growth and antifreeze in colder months to prevent freezing.

Installing a water pit requires a different approach to foundations and footings, especially in areas affected by earthquakes or freezing.

- (2) General Range Cleaning. Both dry and wet methods can be used to clean the range. The method selected depends on the frequency of use. The wet method is preferred when floor drains are available, and keeping materials wet during cleaning operations reduces or eliminates release of microscopic dust particles. When dry methods must be used, workers must use the appropriate personal protective equipment (PPE) that has been established by local industrial hygiene personnel. After cleaning operations are complete, workers must shower and have work clothing laundered.
- (3) Backstop Steel Plate Specifications.
 - (a) Steel plates supported by concrete or masonry should be anchored by expansion bolts or toggle bolts, as suitable for construction, with flush countersunk heads not more than 12 inches on center of all edges of each plate. Joints and edge lines should be backed with continuous ½-inch thick plate no less than 4 inches wide. Bolts should pierce both the facing and back plates. Expansion bolts should penetrate concrete not less than 2 inches. Steel plates must have milled edges at all joints.
 - (b) Joints must be butted flush and smooth. After the plates are erected, they must not have any buckles or waves. Exposed edges must be beveled at 42° to a fillet approximately ½-inch thick. There must be no horizontal joints in any steel plate work.
 - (c) Welding must meet the American Welding Society code for welding in building construction. Steel plates joined at, and supported on, structural steel supports must be spot-welded to steel supports not more than 6 inches on center.
- (4) Baffles, Deflectors, and Shields. Baffles on indoor ranges protect lighting fixtures, HVAC ducts, ceilings, and target carrier apparatus. Baffles are designed to protect against the occasional errant bullet but not for repeated bullet strikes.
 - (a) To cover or protect vulnerable ceiling areas or range fixtures, baffles must extend the entire width of the range and downward. Spacing of baffles on a 50 to 75 foot range depends on the ceiling design. Range distance (firing line to target line) and height are factors. Ceilings must be impenetrable.

- (b) Baffles or deflector plates must be used when modifying an existing building, especially in a building constructed of wood. This will prevent bullets from escaping or penetrating. Baffles should be a minimum of 10-gauge steel covered with a minimum of 1 inch of soft wood to prevent back splatter. The wood traps the projectile, whereas bare steel redirects it downward into the range area. A wood surface must be applied to overhead baffles, because ranges with untreated baffles usually show significant damage to concrete floors and often complete penetration through wood floors.
- (c) Baffles should be installed at a 25° angle as measured from the horizontal plane of the ceiling. The baffle size and placement depends on what surface areas require protection. For example, ceiling baffles are wider than side baffles.
- (d) Unlike baffles, deflectors are installed vertically and horizontally to redirect wide-angle shots into the backstop area. Deflector shields protect pilasters, leading edges of sand traps, bottom edges of backstops, doorways, windows, ventilation registers along the wall, etc. Deflectors are not covered with wood generally, but may be. These devices are also installed at a 25° angle either to the wall surface or floor.
- (e) To protect ceiling areas, special impenetrable shields are installed above the firing line, especially in wood frame buildings.
 - 1 Shields should extend the entire width of the range and 12 feet forward of the firing line. Floor shields may be required on wood floors.
 - 2 Shields must be constructed from metal sheets according to planned use. For example, 10-gauge steel covered with a minimum of 1 inch of soft wood is effective in stopping most pistol calibers.
- (5) Floors, Walls, and Ceilings. Indoor range facility floors, walls, and ceilings must be impenetrable; therefore, an existing building must have a structural analysis to determine loading factors that may exceed original design specifications. Wooden buildings may require modifications to support the increased weight. Specifications for new construction call for either poured-in-place concrete, pre-cast concrete, or dense masonry block. Solid cinder block should be used in place of hollow-core block. Specifications for modifying existing buildings call for adding additional materials to prevent bullet escape, which can be done with wood and steel laminated shields. Laminated shields can be constructed onsite by placing sheet-steel or steel plates between two sheets of ¾-inch plywood. While

this method is more expensive than the extended booth design, it allows for an open firing line and better visibility for the range officer. Walls should be treated beginning 3 feet to the rear of, and extending forward of, the firing line until all vulnerable surfaces are protected. Acoustical material should be applied to the surfaces to aid in sound control.

- (a) Floors. The range floor should be constructed by using a single pour and a fine, uniform-aggregate mix of concrete. Reinforcement should be No. 4 steel rods placed 12 inches on center along with 6- by 6-inch 8/8-gauge welded wire fabric. This may vary according to soil conditions. Very large floor areas may require two or more pours with expansion joints between each slab.
- 1 The floor should be designed to slope down toward the target line, beginning at the firing line, ¼-inch per foot.
 - 2 The floor should be no less than 4 inches thick.
 - 3 Floor size is governed by design. Larger size will result in higher costs for ventilation, lighting, heating, and overall building design. The decisions should be based on expected number of users versus overall cost.
- (b) Floor Guards. Floor guards are provided to protect leading edges or protrusions; e.g., drains, traps or other protrusions from the floor area. Floor guards are designed to redirect errant bullets into the backstop area, which minimizes range damage.
- 1 Floor guards are constructed from 10-gauge steel and may be covered with wood.
 - 2 Floor guards are installed horizontally along the floor surface parallel to the firing line.
 - 3 Floor guards typically slope away from the firing line at a 25° angle to the horizontal.
 - 4 Floor guards should extend only as high as necessary to protect exposed surfaces.
- (c) Floor Drains. Floor drains should be constructed of cast iron soil pipe. The drain pipe should be attached to a lateral drain located 1 foot forward of the backstop floor guard. The drain pipe must lead to a filtration system approved by the cognizant environmental, safety, and health organization on the site.

- (d) Walls. Poured concrete or masonry is preferred for wall construction, but wood may be used. Wall thickness must conform to acceptable engineering standards and comply with Federal, State, county and local zoning codes. Usually, no less than 3-inch thick, reinforced walls should be constructed to prevent the exit of any projectiles.

NOTE: This specification usually requires the use of steel or similar material where wooden walls are used. The size depends on building design, geological conditions, and climate. Size includes the height, thickness, and length of the running wall.
- (e) Ceiling. Ceiling material should reduce sound, protect lighting devices, reflect light and be impenetrable. Typically, ceilings include 10-gauge steel baffles, 2- by 4-foot white acoustic panels, and clear-light panels.
 - 1 The ceiling should be a minimum of 8 feet above the floor level and have an acoustically treated, smooth surface to allow for positive air movement downrange.
 - 2 Baffles to protect adjoining areas should be above a false ceiling or designed into the roof/ceiling structure.
- (6) Shooting Booths. Commercial or locally built shooting booths may be desirable on pistol ranges; however, they are not recommended for rifle ranges. Shooting booth panels can provide an impenetrable barrier between shooters, reduce sound levels, restrict the travel of brass, and act as a spray shield when revolvers are used.
 - (a) Shooting booths should be omitted for ranges that use only rifles.
 - (b) A shooting booth should never extend more than 18 inches behind the firing line because greater extension may obstruct the range control officer's visibility.
 - (c) Bullets fired from any firearm used on the range must not be able to penetrate booth panels. The booth panel must be able to withstand the impact of a bullet fired at any angle to the surface and at point-blank range.
 - (d) Design criteria for the construction of booth panels are as follows:
 - 1 Cover the 10-gauge steel plate with a nominal 2 inches of soft wood. In a series of tests using 10-gauge steel plate, firing all lead bullets at right angles, the plate covered with a nominal 2 inches of soft wood withstood direct hits from

- all standard pistol calibers up to, and including, .44 caliber magnum;
- 2 Use special acoustical materials to ensure that panels reduce muzzle blast effects on all shooters and range personnel;
 - 3 Ensure that panels do not restrict airflow;
 - 4 Ensure that panels do not restrict the range officer's visibility of the firing line; and
 - 5 Construct panels so they extend from the floor to a minimum height of 6 feet. Panels should be ceiling height.
- (7) Target Carriers and Turning Mechanisms. An indoor range can be operated more efficiently and safely by installing a target transport system. This system may be a simple, hand-made device or a completely automatic, electrically powered system. Either one will enhance safety by eliminating the need to walk downrange to replace targets. Target carrier systems speed up range operations. A turning target mechanism is available that faces the target parallel to the line of sight and then turns the target 90° to the line of sight to begin the stated time period. The target carriers should position the targets in the approximate center of the backstop.
- (8) Control Booth. Range control booths must allow for maximum visibility and provide for easy access into and out of the range and ready area. The control booth should provide seclusion from and immediate access to the range environment. This design protects the range officer from frequent exposure to high sound levels and lead emissions.
- (9) Communications. A communications system capable of relaying range commands distinct and separate from the sounds generated by shooting activities is required. Communications systems must account for shooters who wear two pairs of hearing protectors and persons who have substantial hearing loss.
- (10) Ventilation and Filtering Systems. This section deals with the design or redesign of ventilation systems for indoor firing ranges. Administrative or engineering controls must be instituted to prevent shooters from being exposed to airborne lead levels exceeding acceptable limits. Administrative controls are used either when engineering controls fail to reduce exposure or when range use exceeds HVAC system specifications. Administrative controls are especially applicable to reducing risks on existing ranges.

- (a) Administrative controls used to reduce exposure levels on an indoor range must be rigidly followed and enforced, and compliance must be recorded in a log book for purposes of analysis and reference.
 - (b) The following administrative controls are provided and must be used where individuals are frequently exposed to airborne lead.
 - 1 Provide range maintenance personnel with appropriate PPE; e.g., safety glasses and respirators.
 - 2 Provide proper HEPA filter cleaning equipment. The equipment must be able to remove accumulated lead dust from floors, walls, and ledges and must include attachments capable of removing lead-laden sand from the backstop area.
 - (c) A ventilation system must be installed that will provide clean air in the user's breathing zone to reduce exposure to potentially dangerous materials to safe levels.
 - (d) Adopt administrative controls that monitor and control exposure time for a given user and/or assigned range personnel.
- (11) Lighting.
- (a) A visually safe facility should be free of excessive glare and major differences in light levels. Therefore, floors and ceilings should be designed to provide light reflection. In the event of a power outage, battery-powered emergency lighting must be provided for emergency exits.
 - (b) Rheostat-controlled lighting fixtures, which can reproduce near-daylight and low-light conditions, are best suited for indoor ranges. Range lighting involves three systems: general lighting, local lighting, and semi-direct lighting.
 - 1 General lighting provides uniform light levels over the entire range area and adjoining areas and is usually installed in a symmetrical arrangement to blend with the architecture.
 - 2 Local lighting supplements general lighting along the firing line to provide better visibility for those tasks associated with the loading and firing of firearms.
 - 3 Semi-direct lighting distribution directs 60 to 90 percent of the lighting on the target with a small upward component to

reflect from the ceiling and walls to soften shadows and generally improve range brightness. When ceilings are white, lighting fixtures mounted too close together create excessive glare.

- (c) Lamp specifications for general lighting must be adjustable to provide 0.2 to 50 foot-candles of luminance measured at a point 7 yards from the target line. Local lighting should produce 0.2 to 60 foot-candles of luminance on the firing line. Semi-direct lighting on the targets should achieve 0.2 to 100 foot-candles of luminance. Glare should be reduced or eliminated by incorporating pastel colors in the interior design.
 - (d) Lighting designs should also seek to balance the color of light emissions. For example, most fluorescent fixtures produce high levels of blue, which alone are not suitable for indoor ranges. If fluorescent fixtures are used, green tubes or other light sources should be installed to balance the colors.
- (12) Plumbing. Plumbing requirements specify that there must be a fresh water supply for personal hygiene and for range cleaning chores. There also must be a waste removal system for normal waste material and material removed from the range. An approved filtration system must be provided for range cleaning waste. Floor drains should be connected to this alternate waste system. Restrooms, showers, and sinks should be connected to a regular sewer system.
- (13) Sound Control. Sound control on indoor ranges includes two distinct components: airborne and structure-borne sound. For airborne sound, all leaks into outer areas should be sealed, which includes airtight insulation around doors, windows, HVAC ducts, walls, and ceilings. Structure-borne sound reduction is necessary to protect adjoining, occupied rooms. Acoustical material should be applied to walls, HVAC ducts, floor, and ceiling areas.
- (14) Range Control. Range control provides rules and supervision that encourage safe and proper use of a range. Safety devices control the physical use of an indoor range and may include warning lights, alarm bells, switch locations, etc. For example, an indoor range with a door in the downrange area should be equipped with an alarm. The door could also be secured by a mortise lock or barred from within but must remain a fire exit. Fire codes generally prohibit bars on doors that would delay escape from a building. Emergency personnel must be able to access the doors. Any door that can be accessed from the outside must be marked with warning devices to indicate when the range is in use. When installing doors on indoor ranges, refer to Life Safety Code National Fire Protection Association (NFPA) 101.

- (15) Target Carriers. Target carriers are used for the convenience of shooters to allow them to continue shooting without delay when target changes are necessary. For health considerations, target carriers keep shooters out of the high lead concentration areas and safely behind the firing line.
- (16) Heaters. Protected heating units should be installed behind and above the firing position to provide a comfort zone for shooters.
- (17) Gun Racks. Gun racks should be mounted behind the firing positions as an additional safety feature to reduce gun handling and to keep the range areas orderly. Appropriate material should be used to construct the gun racks, and the design must correspond to the weapons being used.

6. LIVE FIRE SHOOT HOUSE.

a. Introduction.

- (1) A live fire shoot house (LFSH) is intended for use in advanced tactical training for Security Police Officers. Use of this facility includes individual tactics or Special Response Team force option training. All LFSHs must have an elevated observation control platform (EOCP). The following sections illustrate recognized construction methods for LFSHs. However, they do not eliminate the requirement for sound professional engineering design and validation.
- (2) Administrative controls not directly related to design and construction must be in place during facility use. The administrative controls and engineering design allow for a reduction in physical barriers that prevent rounds from escaping the facility. Designed barriers must prevent a round fired with a vertical upward error of 15° from escaping the facility.

b. Site Selection.

- (1) Site selection for an LFSH is similar to that for any range facility. Terrain features, noise, and availability of utilities and access roads must be considered, as already discussed in previous sections for indoor and outdoor ranges. The LFSH should be placed adjacent to other range facilities whenever possible so that it may utilize the same support facilities, access roads, etc.
- (2) Facility design, target and shooter placement, and other administrative controls minimize the possibility of rounds being fired over the top of the walls and leaving the structure and mitigate the need for an SDZ outside the confines of the LFSH proper.

c. Design and Layout.

- (1) The interior layout of the facility is based on the mission and training requirements of the site. Facility design should incorporate a wide variety of room configurations. Some of the room configurations that should be considered are: multiple floors, an L-shaped room, stairwells, rooms within a room, hallways, and closets.
- (2) The floor plan design should accommodate the movement of target systems, bullet traps, and other equipment into and out of the LFSH.
- (3) Exposure to airborne contaminants for a fully enclosed LFSH must be controlled by adequate ventilation. The lighting requirements are similar to those for indoor ranges.

d. Wall Construction.

- (1) Wall Height. Exterior walls of the LFSH must be designed to absorb the most energetic projectile identified for use within the facility. Wall height must be a minimum of 8 feet. The wall height should allow a maximum error angle of 15° from horizontal standing shooting distance from the target and still enable a projectile to be contained by the wall, which can be described by the following equation: Wall Height is equal to the muzzle height plus 0.27 (tangent 15°) times the target distance. The following table assumes a muzzle height of 5 feet.

<u>Distance from Muzzle to Ballistic Wall (Feet)</u>	<u>Wall Height (Feet)</u>
11' 1"	8' 0"
13' 3"	8' 6"
14' 10"	9' 0"
17' 0"	9' 6"
18' 6"	10' 0"
20' 9"	10' 6"
22' 2"	11' 0"
24' 5"	11' 6"
25' 11"	12' 0"

If the distance from muzzle to ballistic wall exceeds the required wall height, other administrative, engineering or natural ballistic wall controls must be administered or considered such as shooter-to-instructor ratio, canopies, baffles, natural terrain, existing SDZ, standard operating procedures, and training.

- (2) Ballistic Walls. Ballistic interior walls are the preferred method of construction. Where non-ballistic interior walls are used, additional administrative controls must be applied to target placement and team

choreography. Ballistic walls are required in all cases where containment of the round and protection of personnel is paramount.

- (a) Footings. Footings must be designed using the engineering criteria that best ensures structural integrity and stability of wall construction.
- (b) Composite Walls.
 - 1 A combination of ¼-inch exterior grade plywood and steel is effective. Minimum thickness will be ¼-inch mild steel with an exterior-grade plywood separated by a minimum of ¾ inch with a maximum of 1½ inches from the steel surface.
 - 2 Other combinations are possible. The main criterion is that the wall must stop any round fired and contain bullet fragments.
- (3) Non-Ballistic Walls. These walls are constructed of materials that offer no protection to personnel or equipment in adjoining rooms. Material used for these walls must not contribute to or enhance ricochet or splatter. Additional administrative controls must be applied such as target placement and team choreography.
- e. Doors. All doors must be constructed of wood with no glass. Additionally, at least a portion of the rooms must have working doors, some opening inward, some opening outward, and doors opening left and right.

NOTE: All devices in the LFSH, such as brackets and hangers, used to secure walls to floors or secure doors must be covered or protected to mitigate any tripping or ricochet hazards.
- f. Ceiling or Roofs. Ceilings or roofs can be of value when the shoot house is required for year-round use in areas with severe weather conditions. Exposure to airborne contaminants must be controlled by adequate ventilation. The lighting requirements for fully enclosed shoot houses are similar to those for indoor ranges. When training exercises require target placement above the wall design, the ceiling or roof must be protected unless firing into an approved SDZ.
- g. Floors.
 - (1) Floor construction must be selected for its ability to absorb direct fire, minimize ricochets, and provide a walking surface free of slipping/tripping hazards. Floors should provide the same ricochet protection as walls. Options include:

- (a) exterior-grade plywood floor constructed in accordance with American Plywood Association guidelines over smooth finished concrete;
 - (b) concrete with brushed surface that minimizes slip and tripping hazards;
 - (c) asphalt;
 - (d) exterior-grade plywood;
 - (e) shredded bias-ply tires; and
 - (f) earth, free of rocks and debris that could cause ricochet.
 - (2) Construction joints between walls and floors must be designed to contain projectiles within the LFSH.
- h. Bullet Traps.
 - (1) General Information.
 - (a) Targets used in LFSHs must be placed so that fire is directed into a bullet trap designed to capture the rounds.
 - (b) Bullet traps must be constructed to contain the most energetic projectile to be fired into them without dimpling/pitting the steel and contain splatter and fragments in all directions. The size and shape of a bullet trap may be altered, but materials may not be substituted.
 - (2) Specifications for construction. See "Use of Bullet Traps and Steel Targets" for Shoot House bullet trap information.
- i. Elevated Observation Control Platform (EOCP).
 - (1) EOCPs enhance the ability to observe and control LFSH operations. Administrative controls must be considered when constructing the EOCP. Platform construction and location is based on the training to be conducted. EOCPs must be constructed in accordance with all applicable regulations for elevated work platforms.
 - (2) EOCPs must be constructed to:
 - (a) maximize instructors' observation and control of the entry team fire and movement;

- (b) facilitate communication between instructors on the EOCP and the floor;
- (c) position the lowest point of the horizontal walking surface higher than the 15° vertical error for any target engaged;
- (d) provide ready access;
- (e) integrate instructors' movement with team flow;
- (f) maximize instructors' ability to see shooters clearly at all times; and
- (g) have supporting structures placed so that they pose no additional hazards such as tripping, ricochet, splatter, etc.

ATTACHMENT 1 -- RANGE DESIGN FIGURES

- Figure 1. Surface Danger Zone for Small Arms Firing at Fixed Ground Targets
- Figure 2. SDZ for Small Arms Weapons Firing at Moving Ground Targets
- Figure 3. SDZ for Small Arms Firing at Fixed Ground Targets with Rocky Soil or Targets Causing Ricochet
- Figure 4. SDZ for Firing M79, M203, and M19 40mm Grenade Launchers
- Figure 5. SDZ with Impact Berm for Small Arms Firing at Fixed Ground Targets
- Figure 6. Open Range with Impact Berm and Side Protection SDZ for Small Arms Firing at Fixed Ground Targets
- Figure 7. SDZ for Partially Baffled Range (Small Arms Firing at Fixed Ground Targets)
- Figure 8. SDZ for Fully Baffled Range (Small Arms Firing at Fixed Ground Targets)
- Figure 9. Ballistic Overhead Canopy
- Figure 10. Outdoor Rifle Range Layout
- Figure 11. Pistol Range Layout
- Figure 12. Ballistic Material
- Figure 13. Ballistic Protection of Target Mechanism
- Figure 14. Impact Berm for Open and Partially Baffled Ranges
- Figure 15. Outdoor Baffled Bullet Stop
- Figure 16. Baffled Range Profile
- Figure 17. Baffled System Geometry
- Figure 18. Overhead Baffle Ballistic Designs
- Figure 19. Parallel Ranges

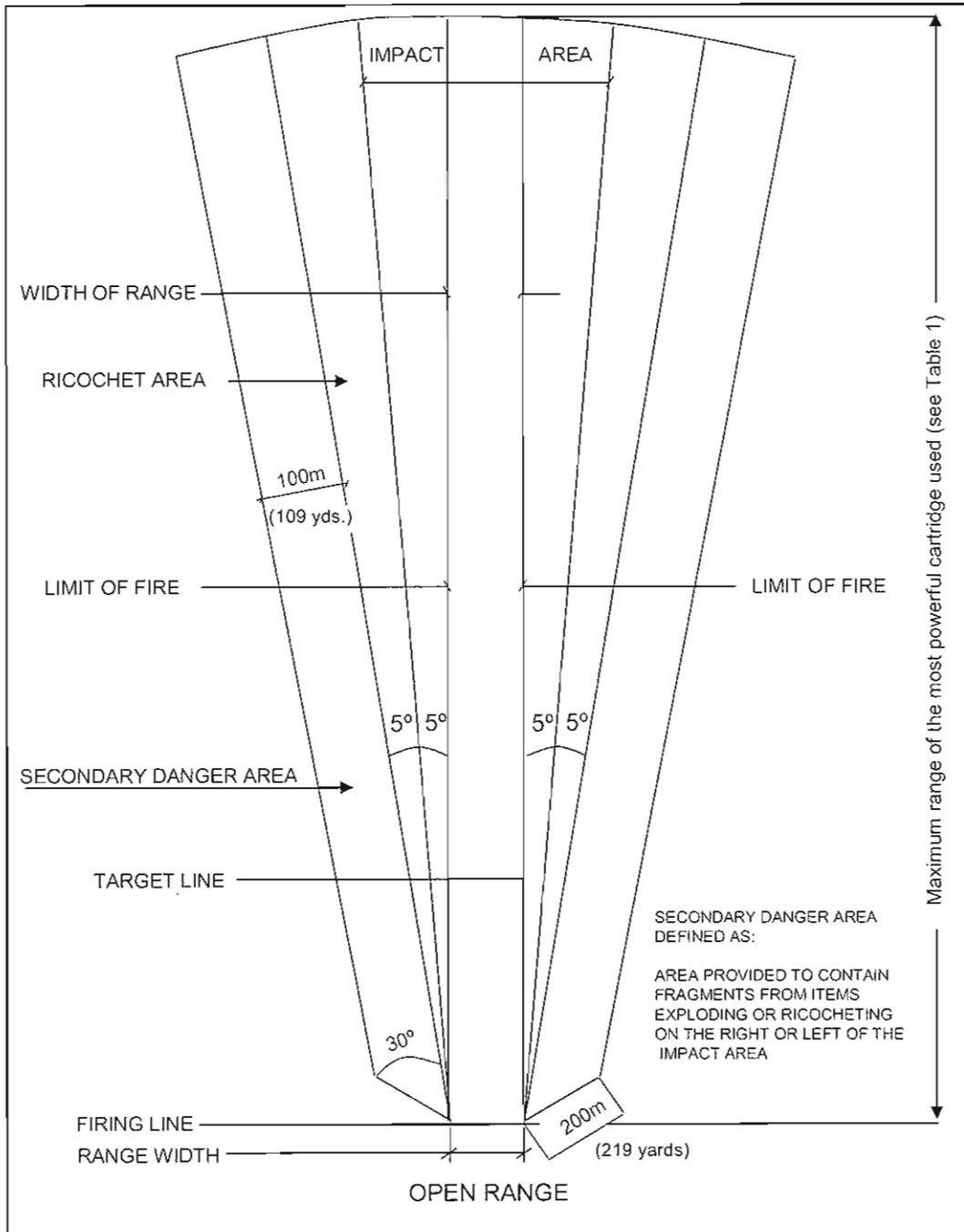


Figure 1
Surface Danger Zone for Small Arms
Firing at Fixed Ground Targets

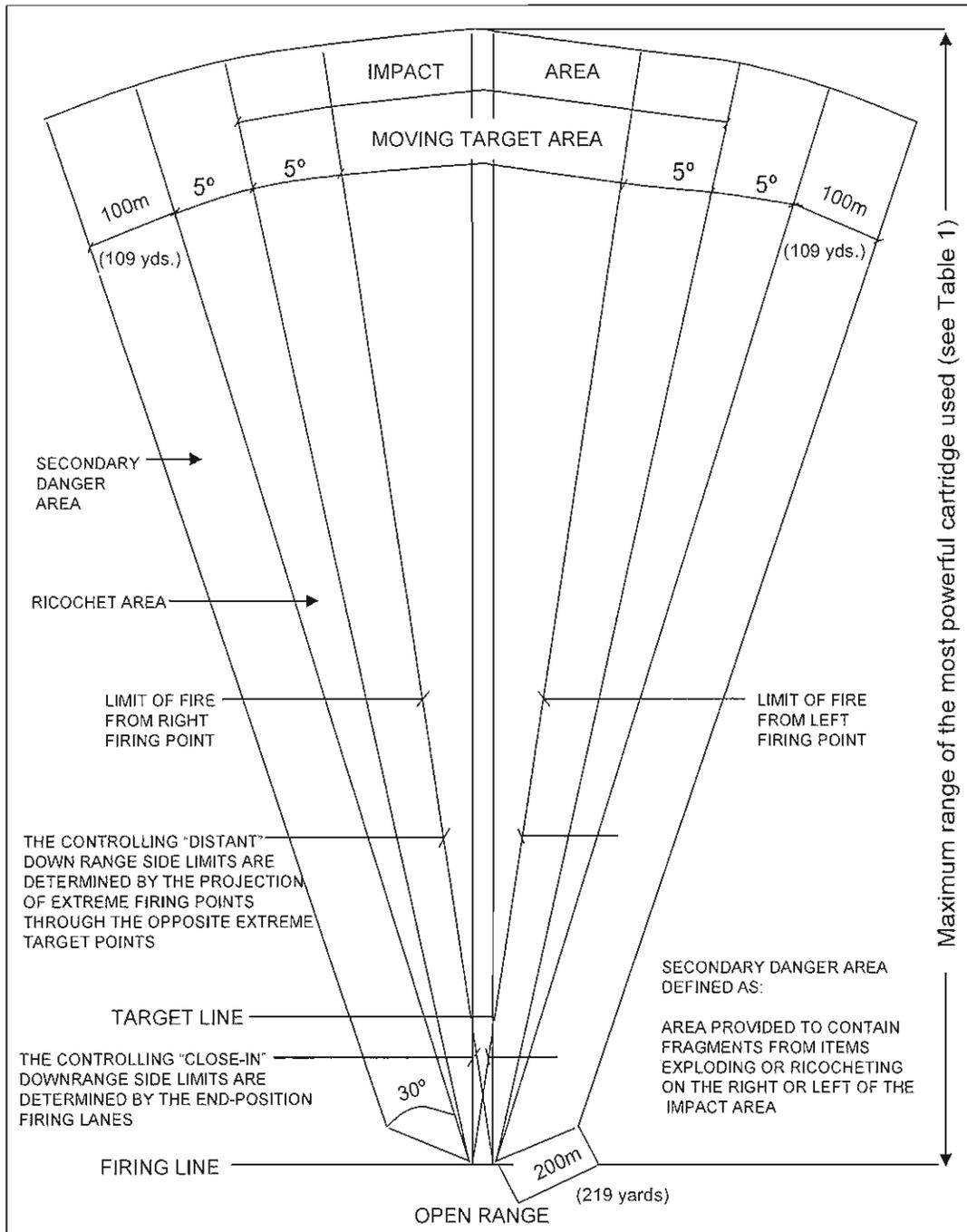


Figure 2
Surface Danger Zone for Small Arms Weapons
Firing at Moving Ground Targets

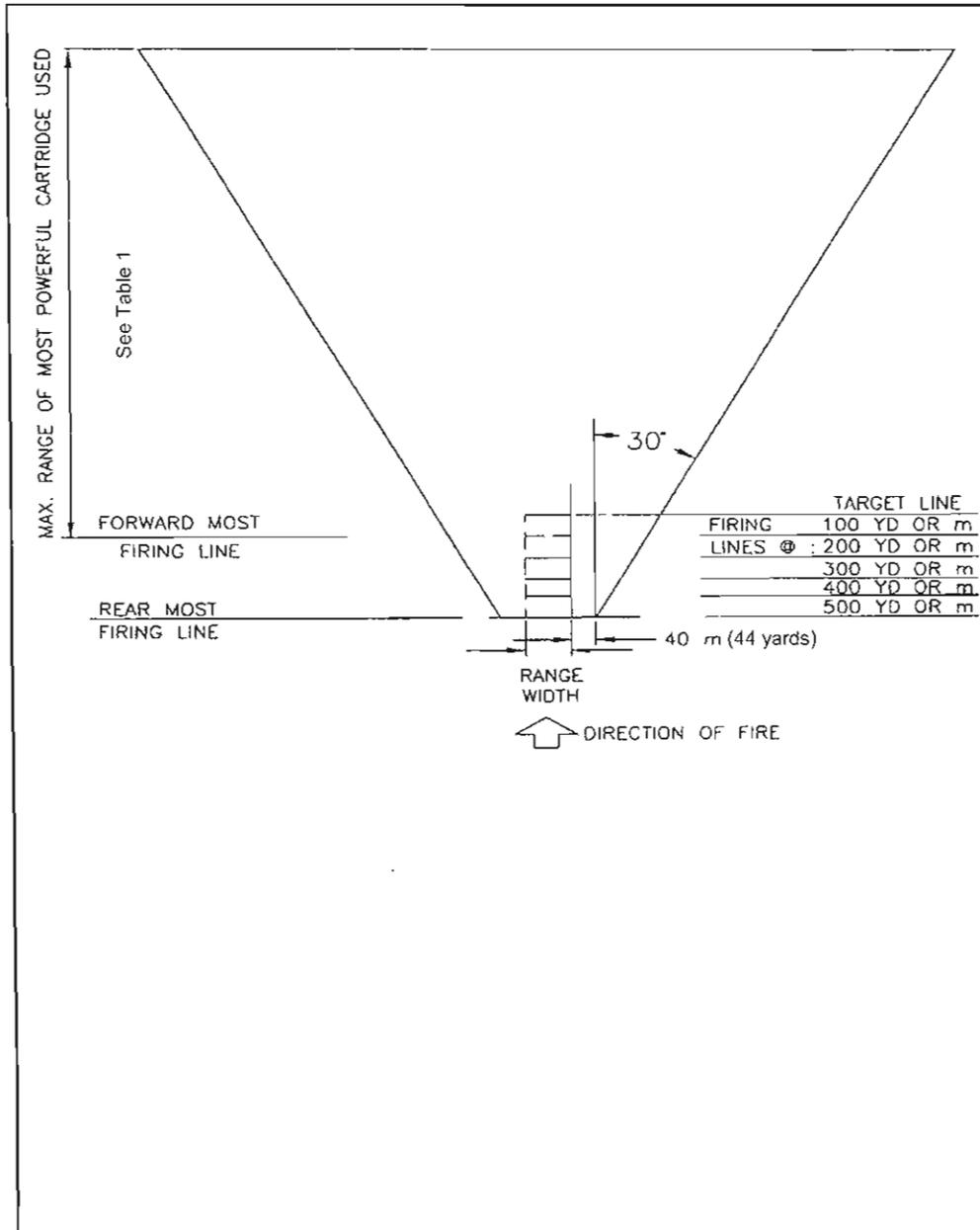


Figure 3
Surface Danger Zone for Small Arms Firing
At Fixed Ground Targets with Rocky Soil
Or Targets Causing Ricochet

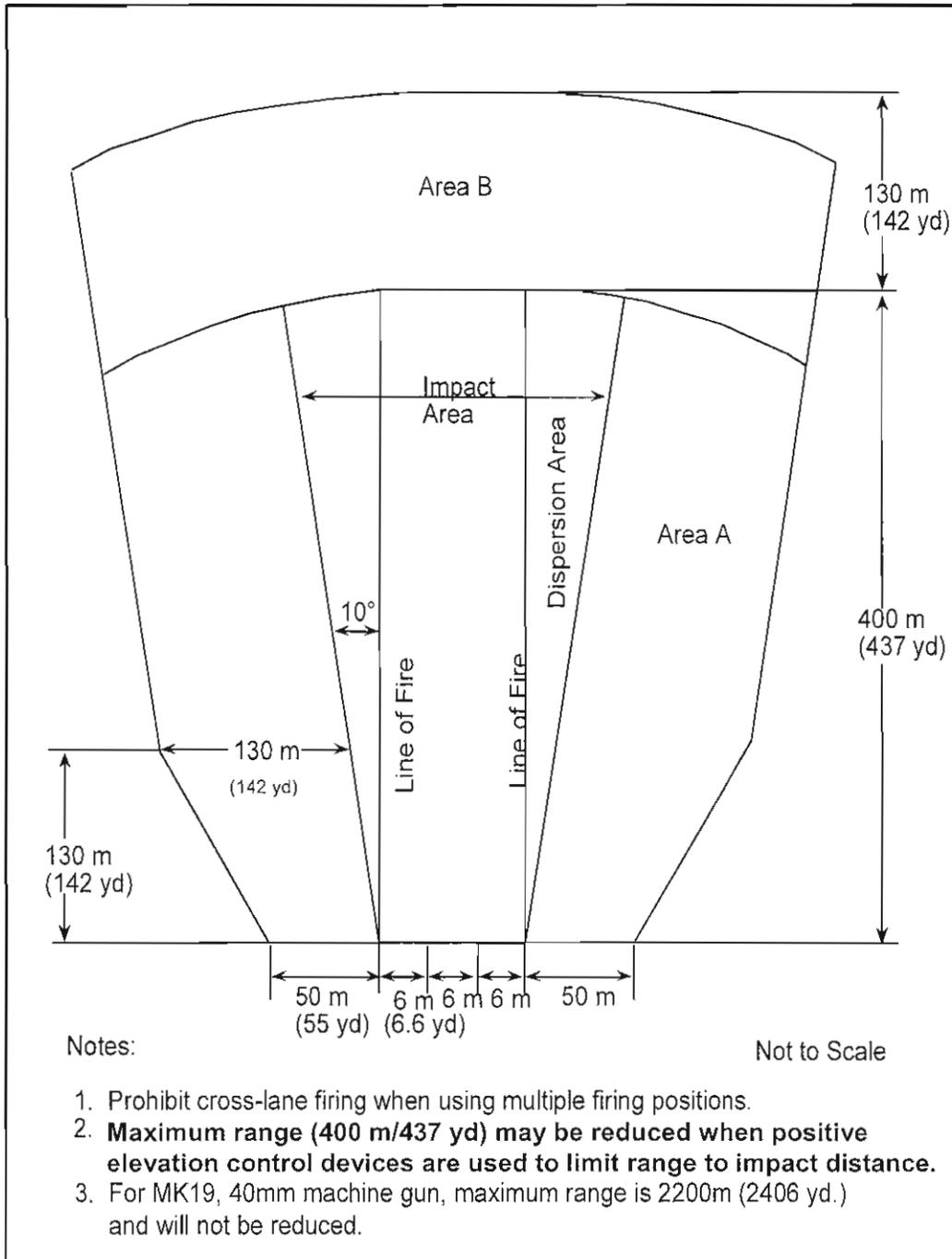


Figure 4
Surface Danger Zone for Firing
M79, M203, and M19 40mm Grenade Launchers

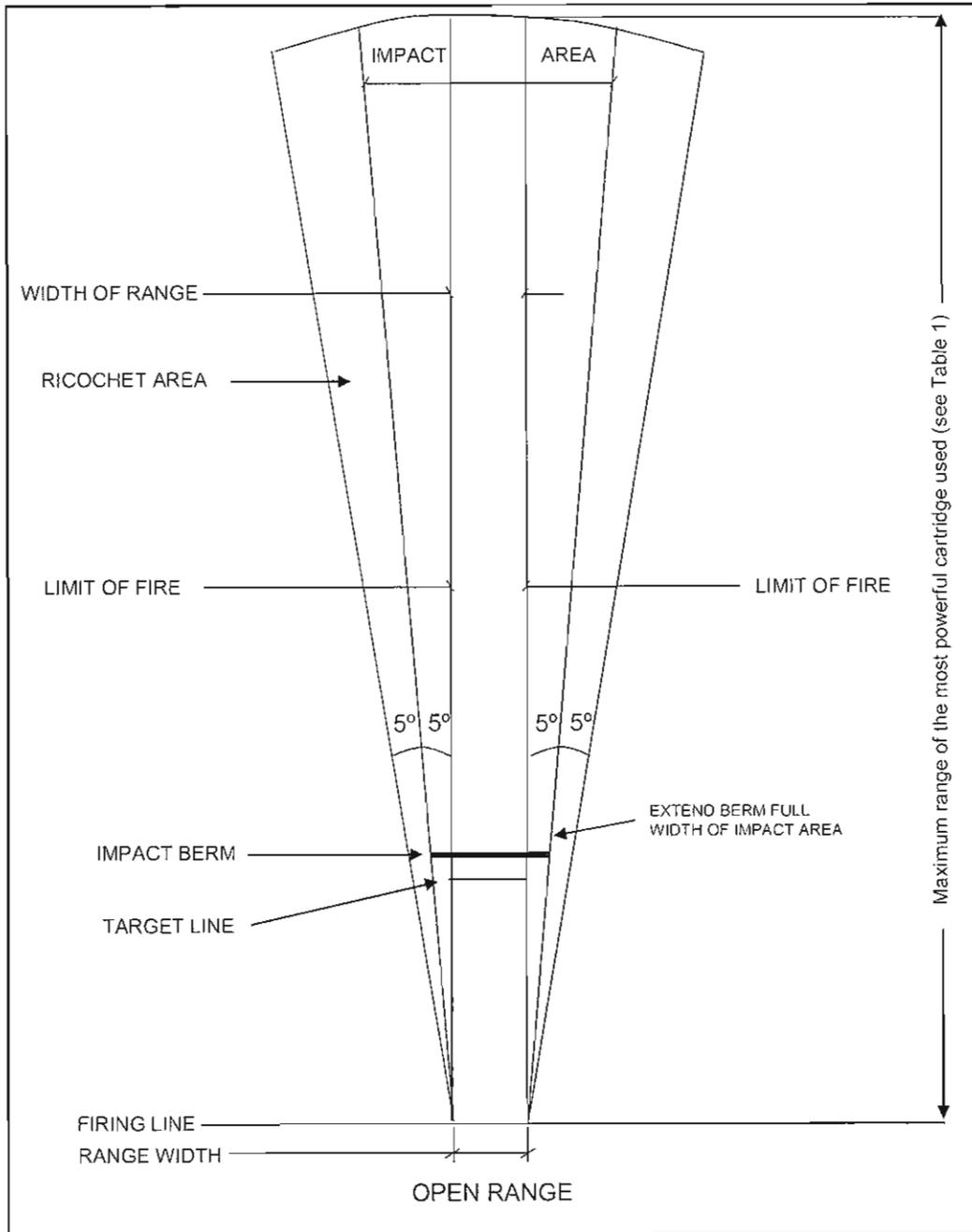


Figure 5
Surface Danger Zone with Impact Berm
for Small Arms Firing at Fixed Ground Targets

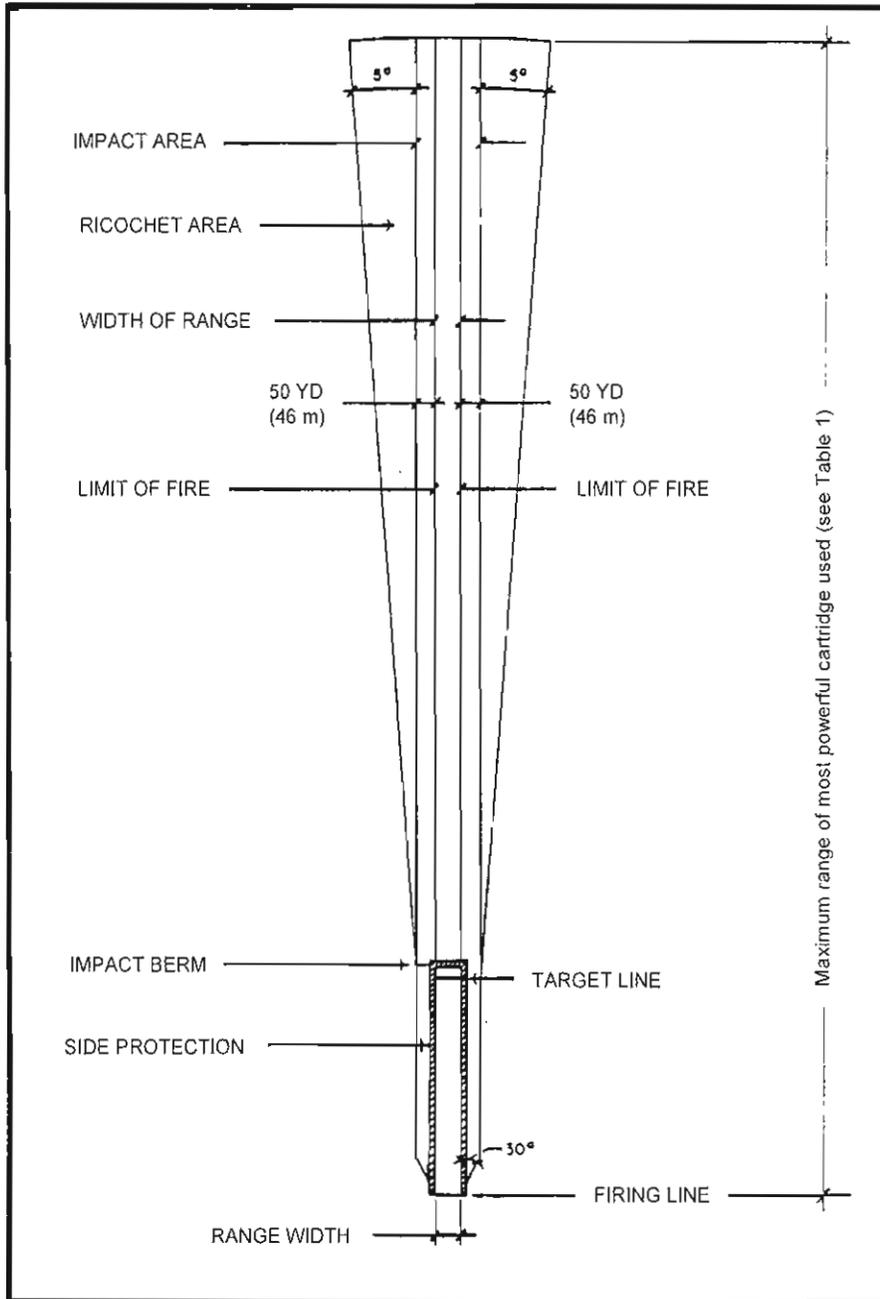


Figure 6

Open Range with Impact Berm and Side
Protection Surface Danger Zone for Small Arms
Firing at Fixed Ground Targets

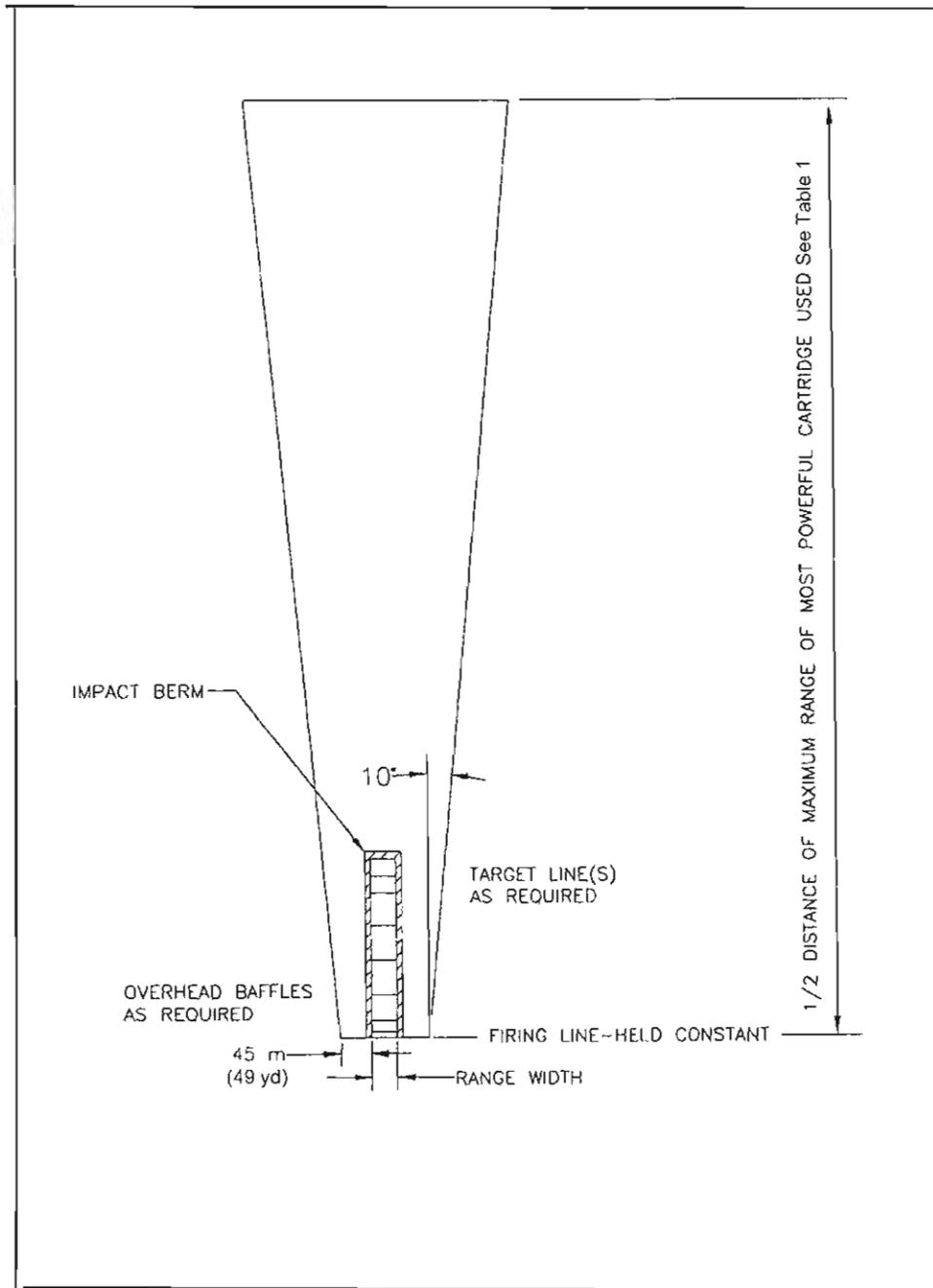


Figure 7
Surface Danger Zone for Partially Baffled Range
(Small Arms Firing at Fixed Ground Targets)

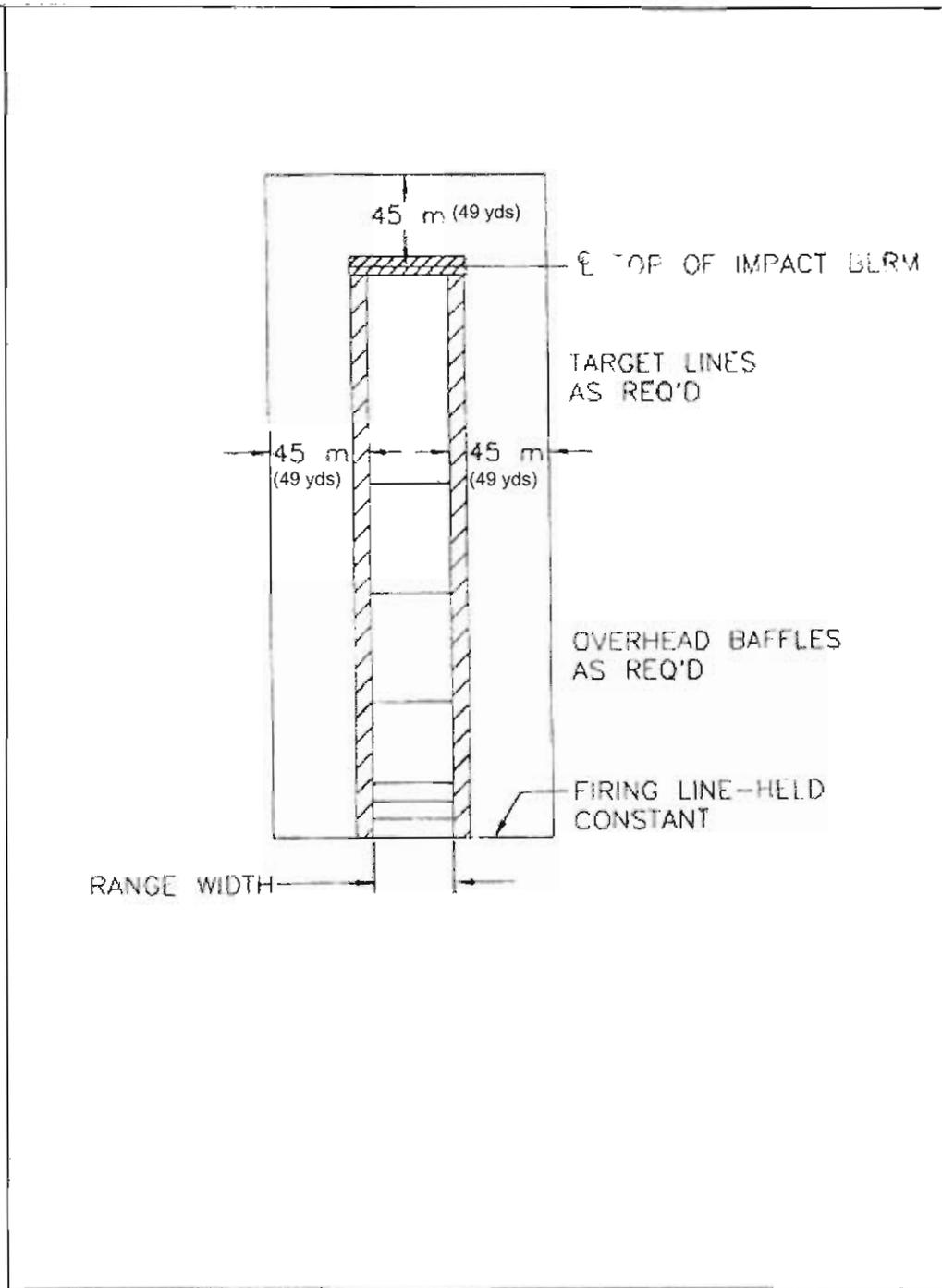


Figure 8
Surface Danger Zone for Fully Baffled Range
(Small Arms Firing at Fixed Ground Targets)

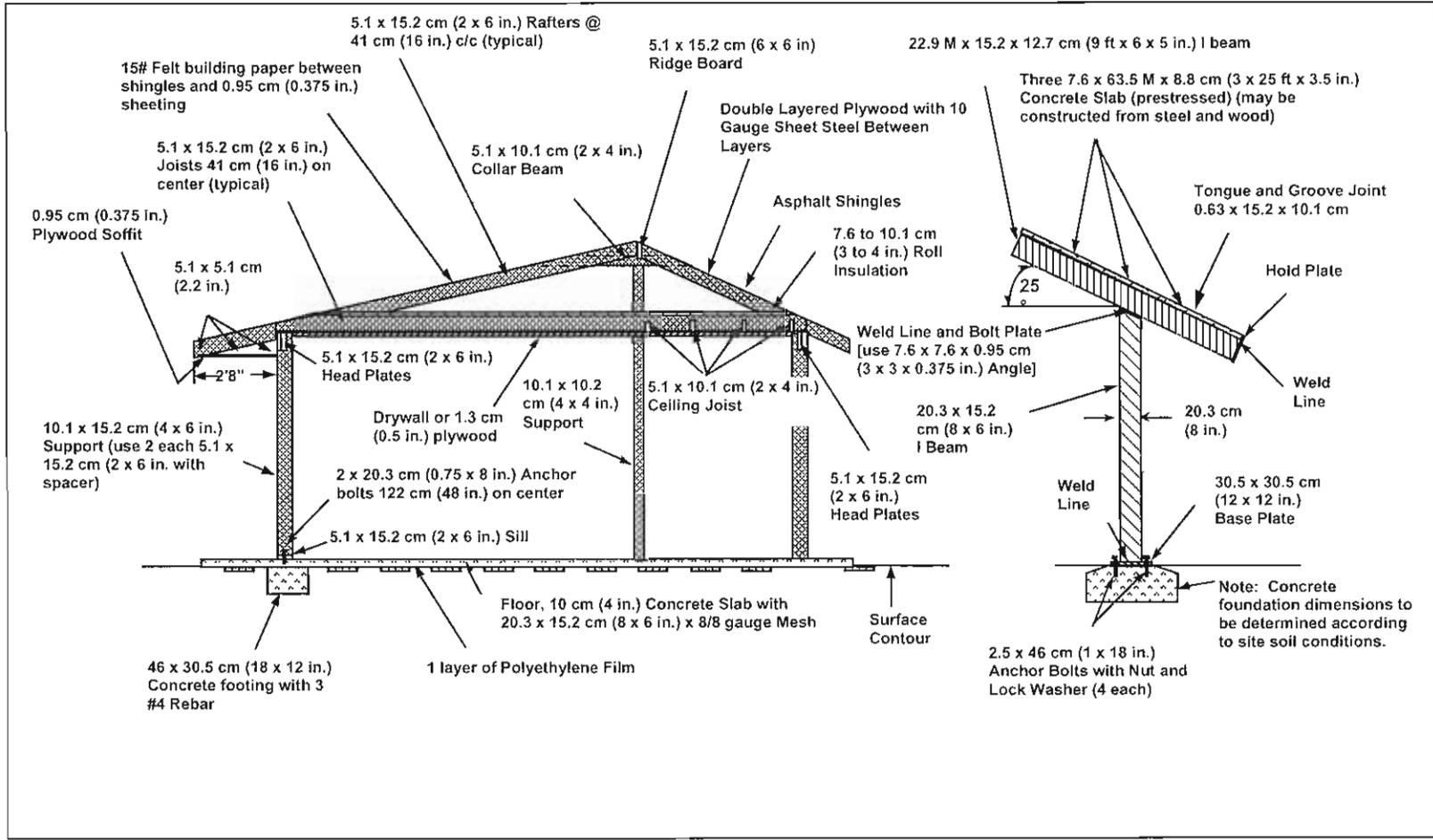


Figure 9
Ballistic Overhead Canopy

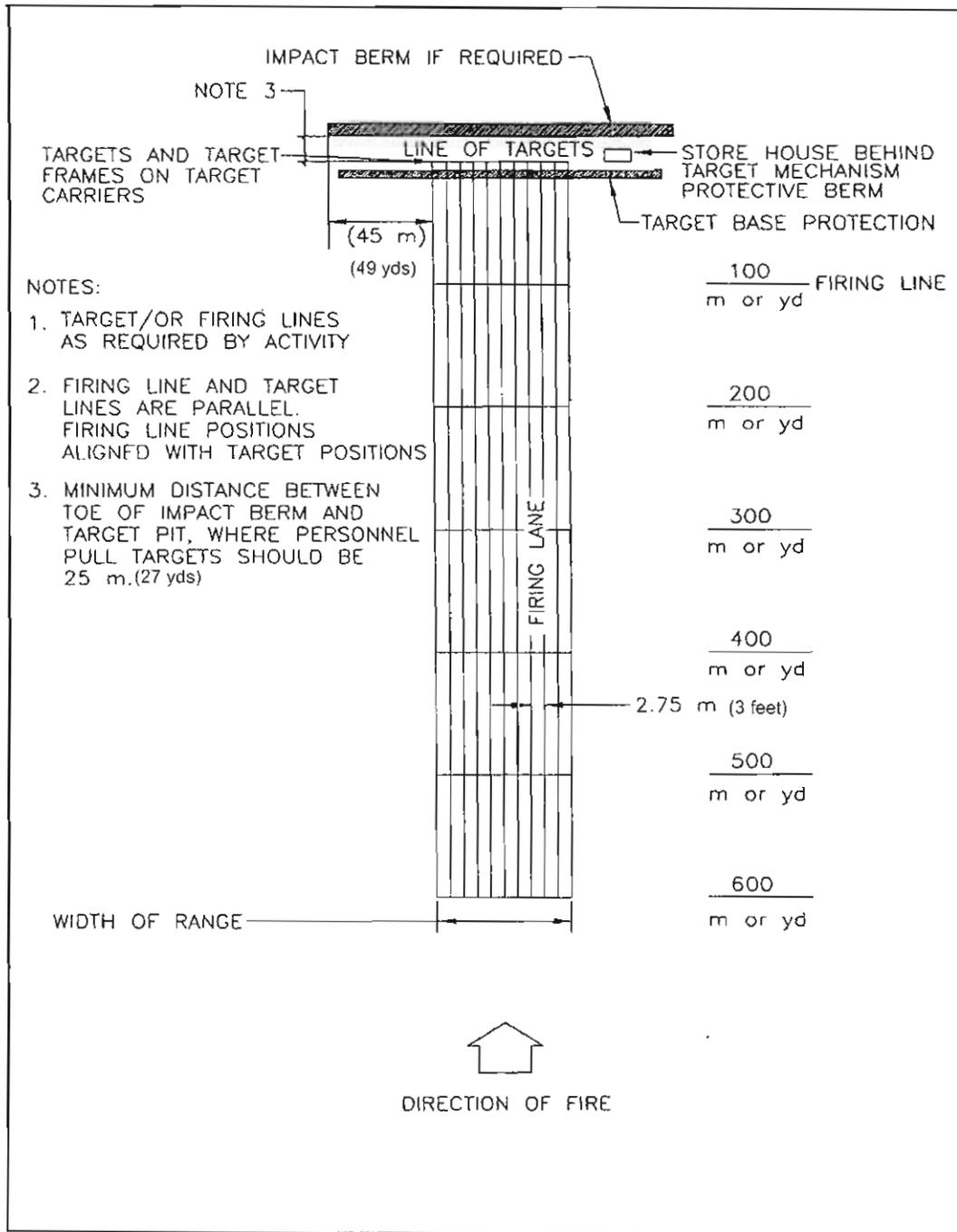


Figure 10
Outdoor Rifle Range Layout

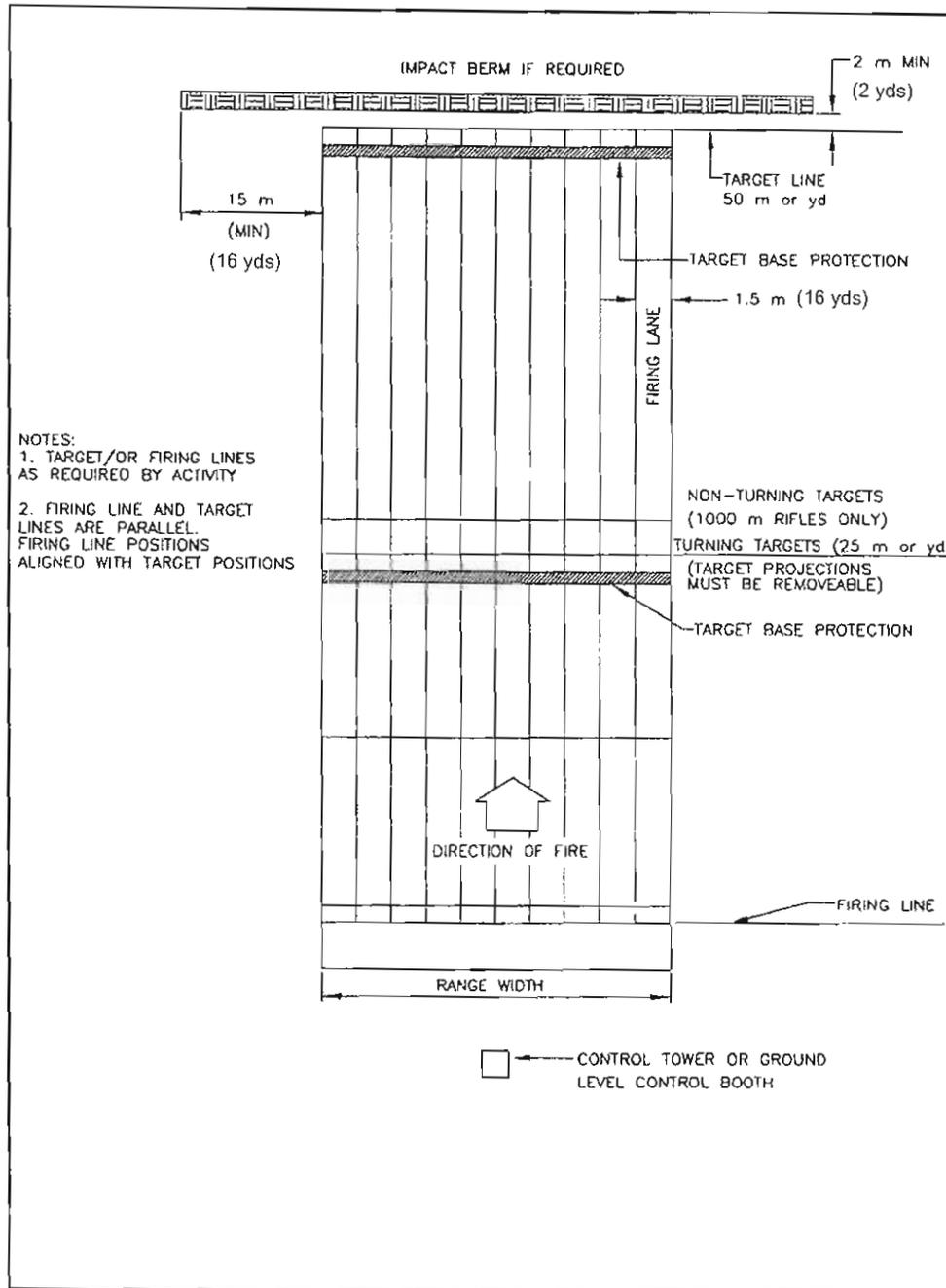


Figure 11
Pistol Range Layout

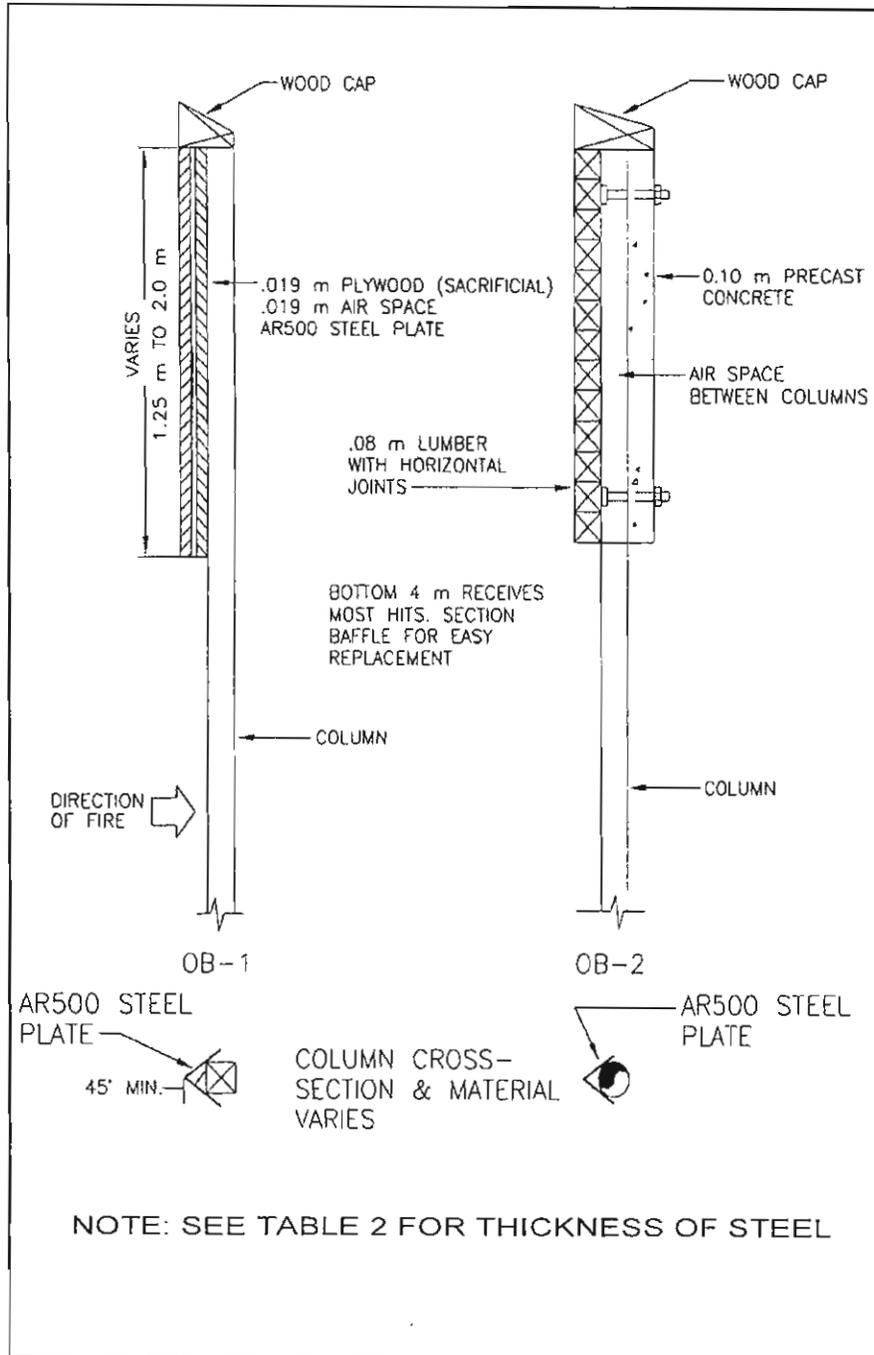


Figure 12
Ballistic Material

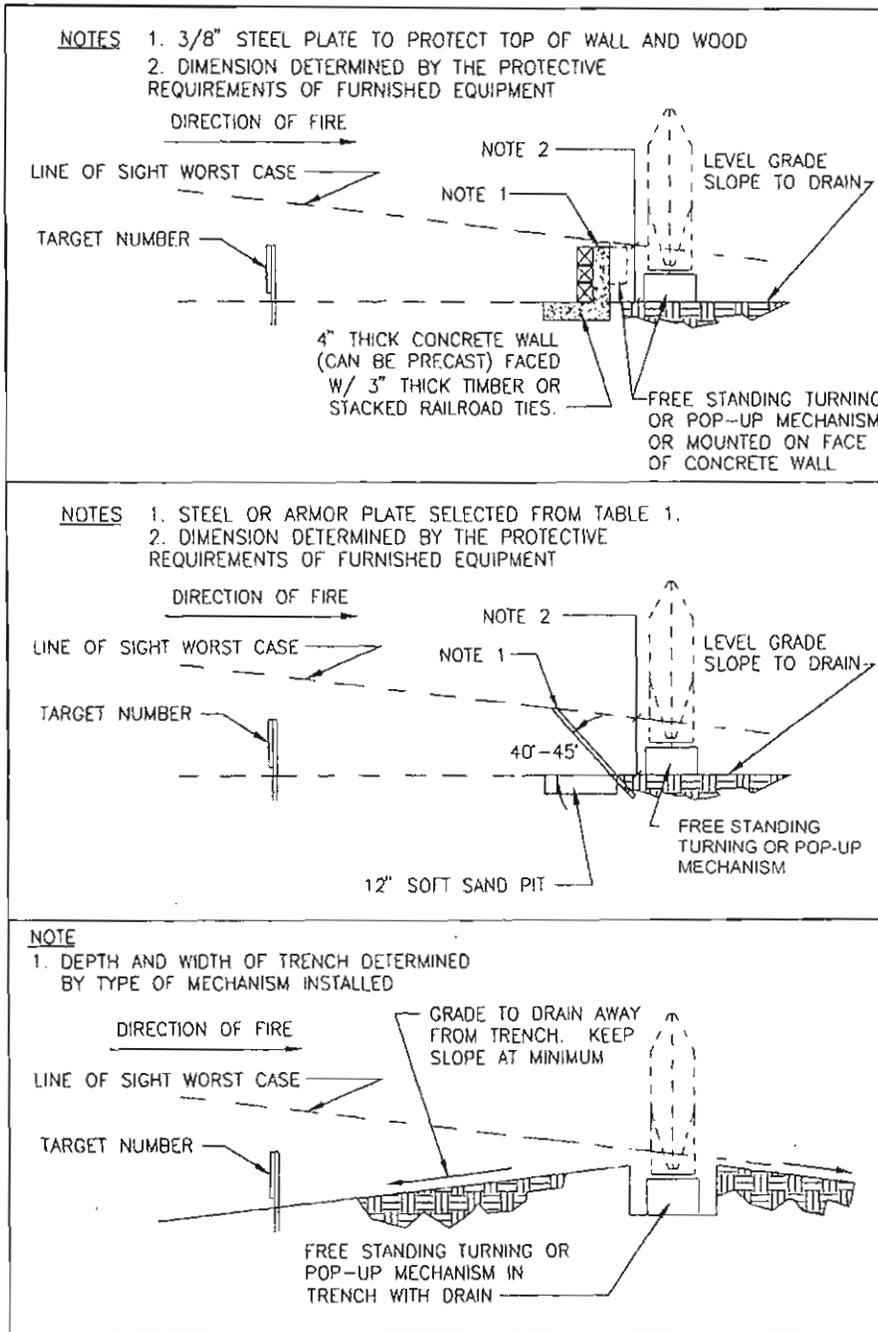


Figure 13
Ballistic Protection of Target Mechanism

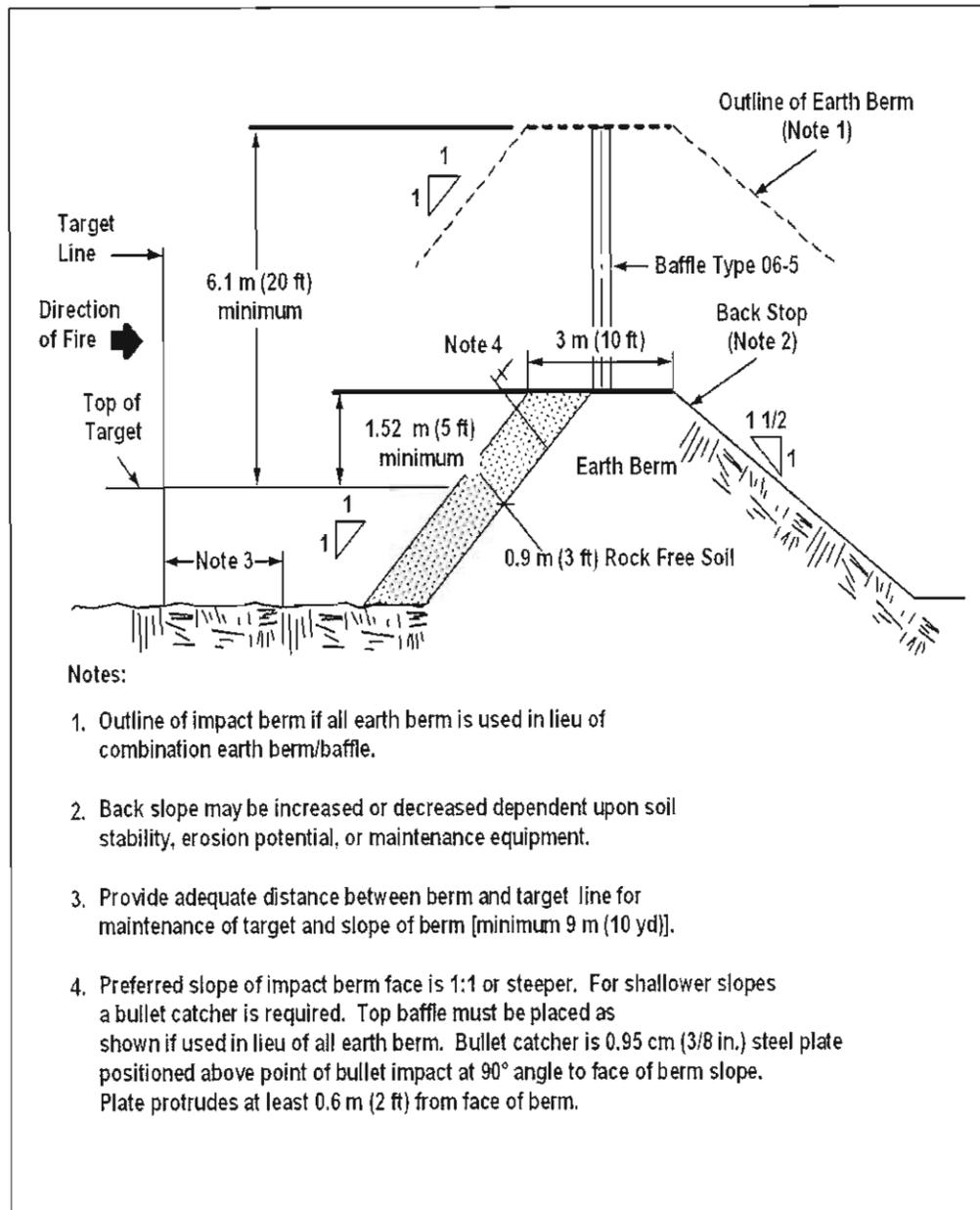


Figure 14
Impact Berm for Open and
Partially Baffled Ranges

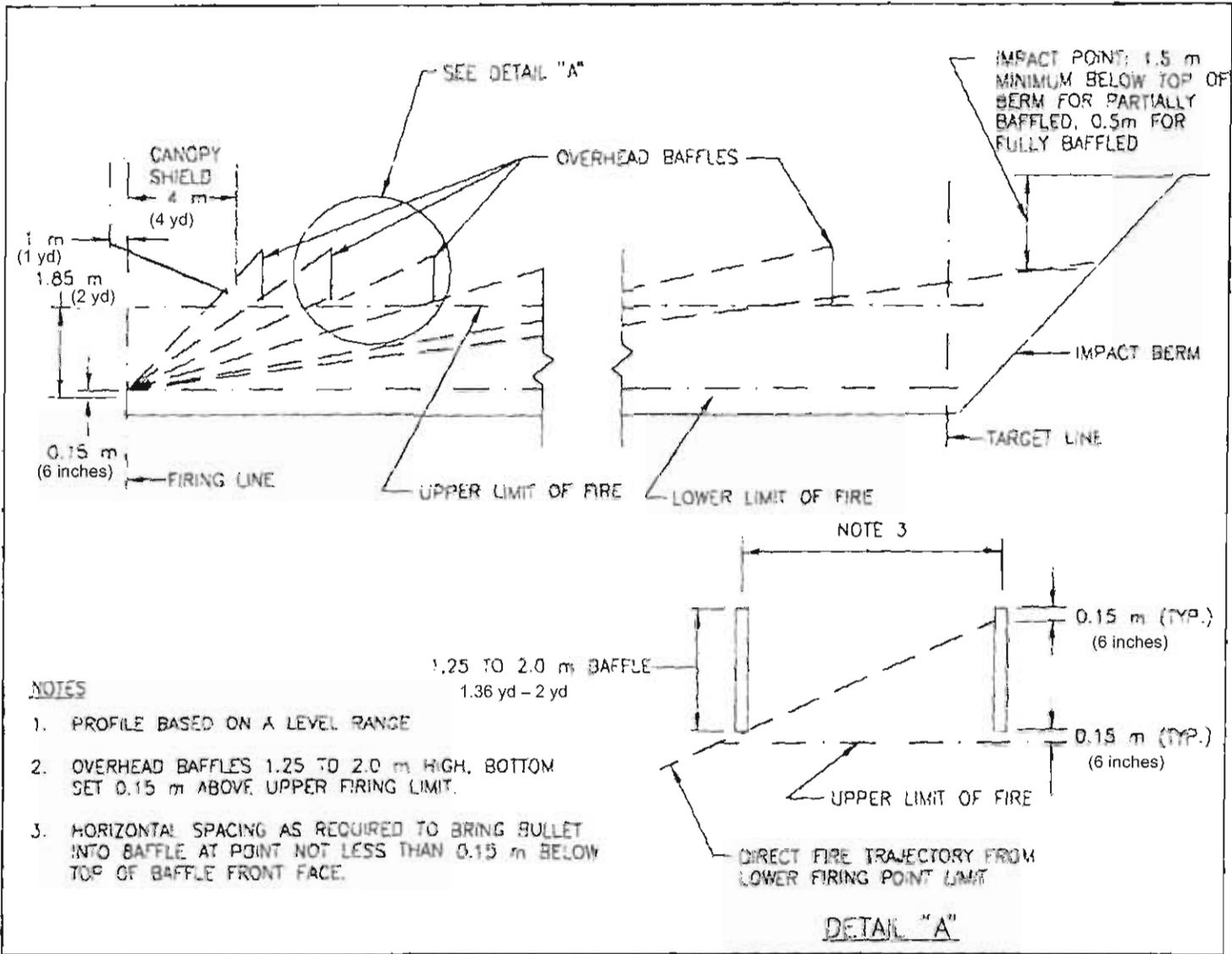


Figure 16
Baffled Range Profile

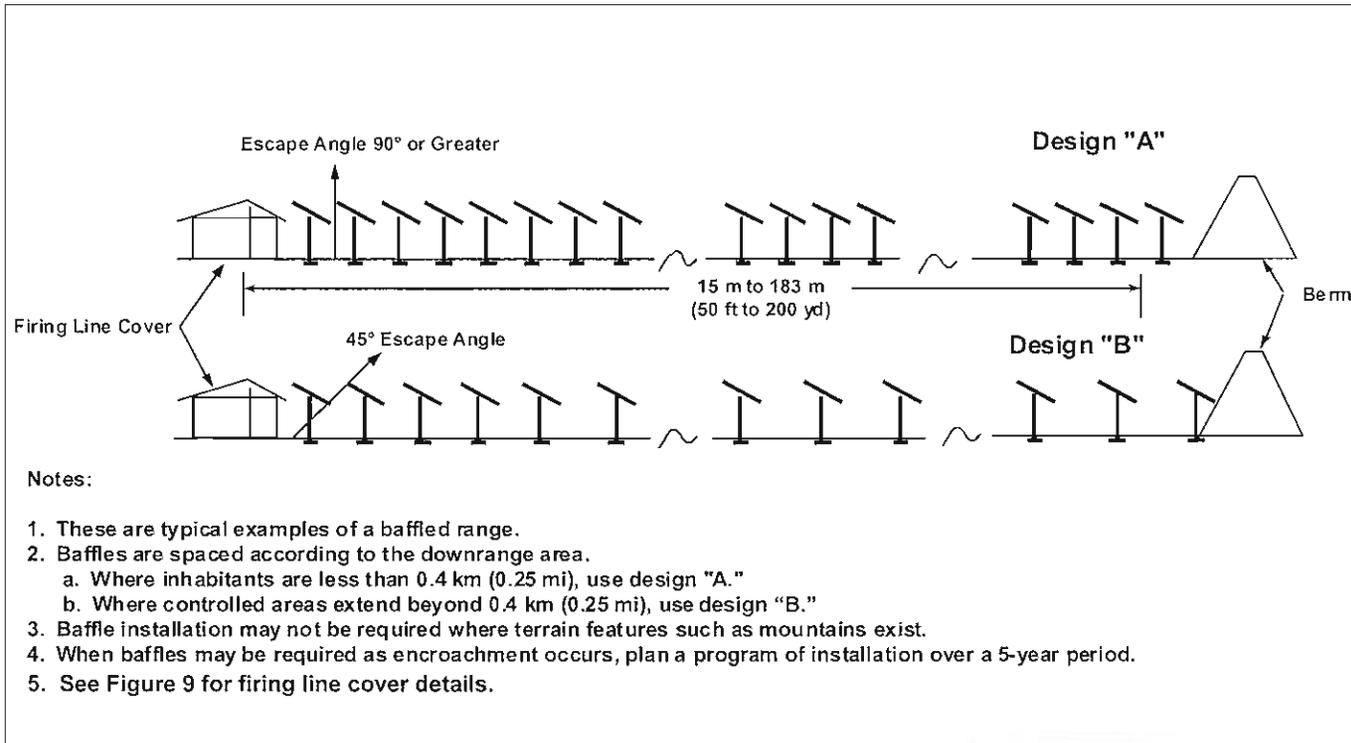


Figure 17
Baffle System Geometry

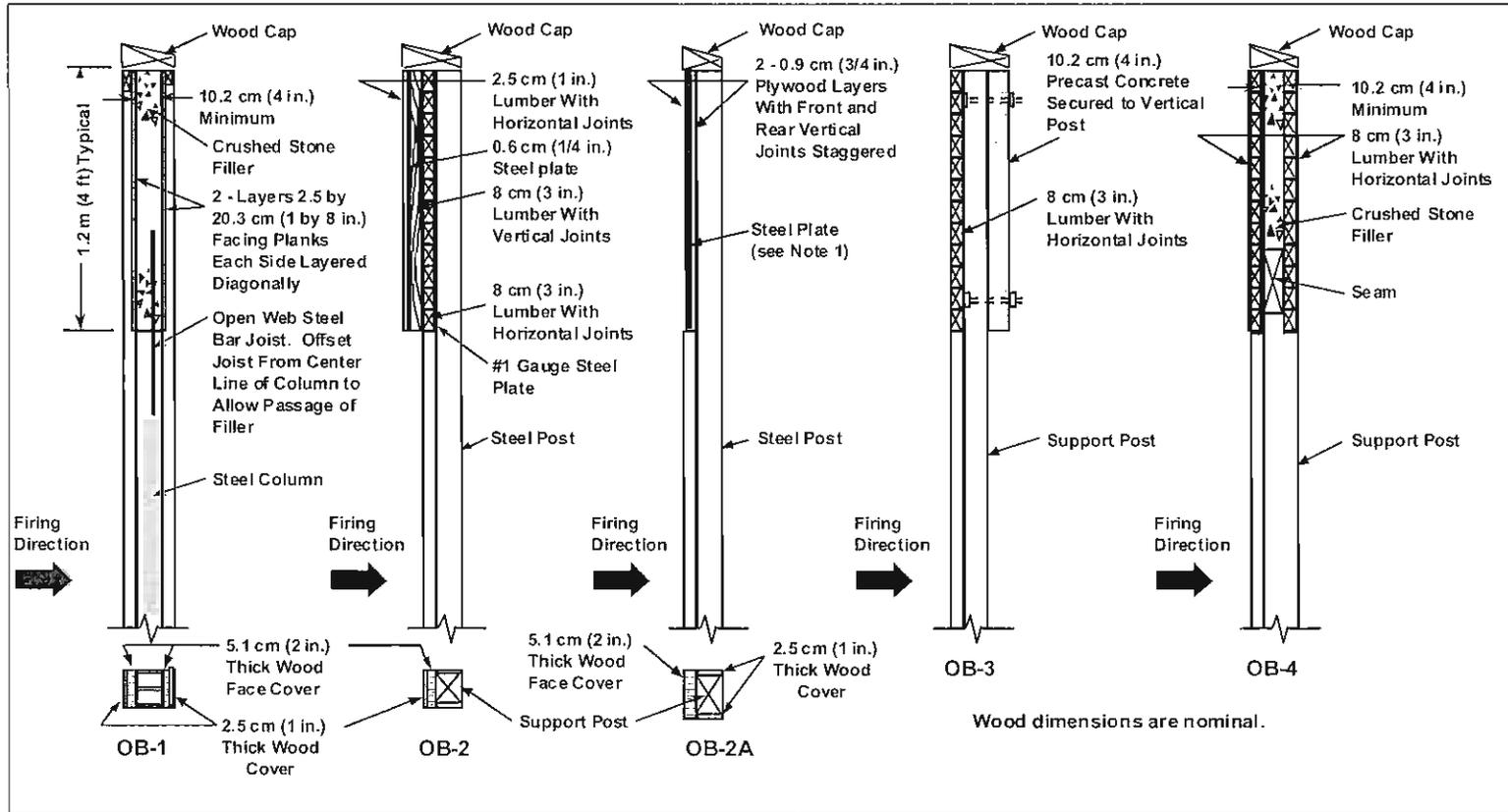


Figure 18
Overhead Baffle Ballistic Designs

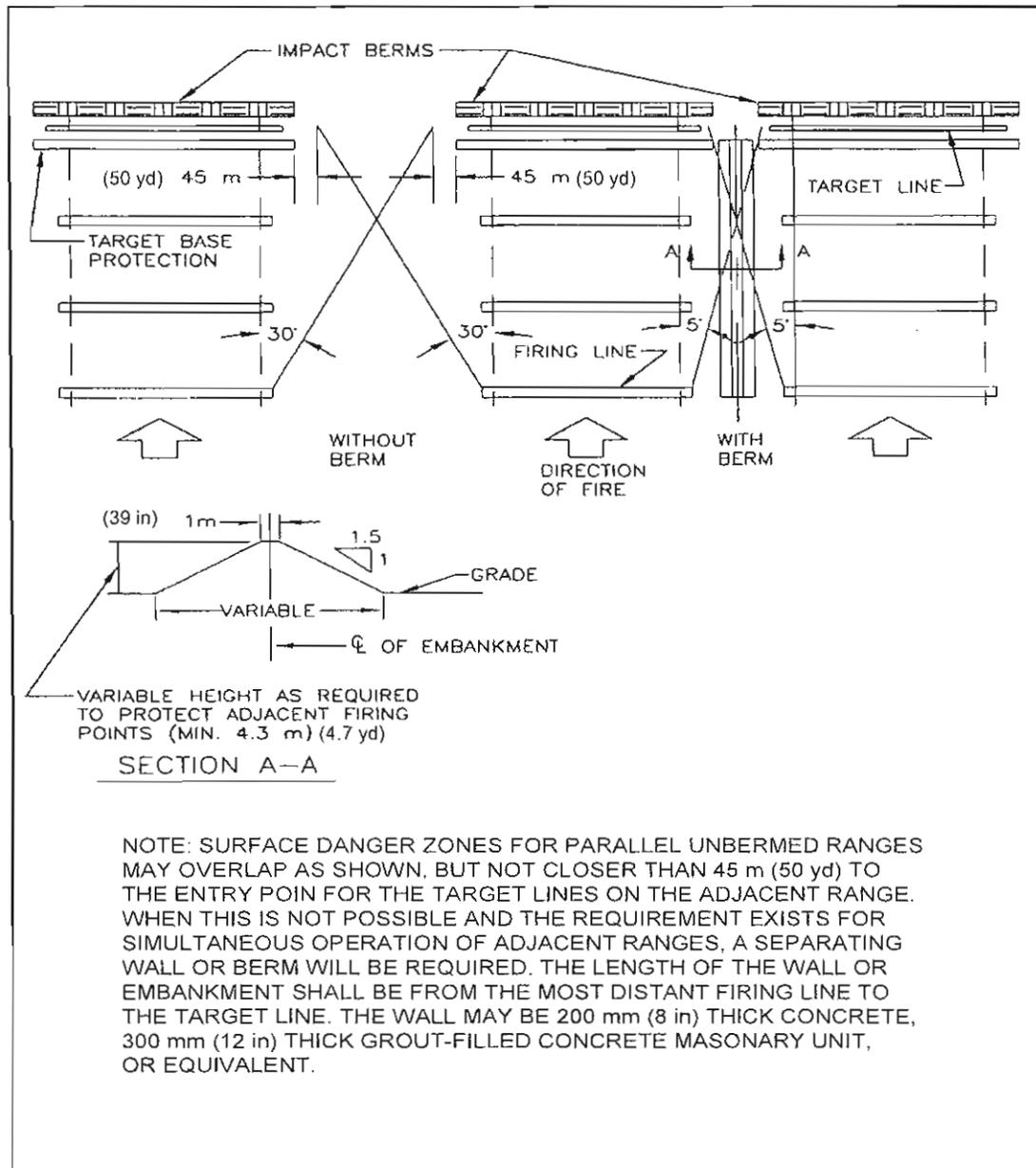


Figure 19
Parallel Ranges

TOWNSHIP OF RICHLAND

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF RICHLAND AMENDING THE TOWNSHIP ZONING ORDINANCE, CHAPTER 27, SECTIONS 303, 506 and 788 OF THE CODE OF THE TOWNSHIP OF RICHLAND, TO REVISE AND ESTABLISH REGULATIONS PERTAINING TO SHOOTING RANGE USES BY SPECIAL EXCEPTION AND, IN THE RR DISTRICT ONLY, AS AN ACCESSORY USE

I. Legislative Findings.

- A. The Board finds that certain amendments are needed to clarify the Township's zoning regulations with respect to shooting ranges.
- B. The Board has, pursuant to Section 609.2 of the Pennsylvania Municipalities Planning Code declared its ordinance provisions relating to shooting ranges to be substantively invalid and resolved to prepare a curative amendment to cure the invalidity;
- C. The Board of Supervisors has given due public notice, held the requisite hearing and duly notified the Allegheny County Department of Economic Development as pertains to the proposed rezoning and the Planning Commission has made a recommendation.

II. Amendments. The Board of Supervisors of Richland Township ordains that the Zoning Ordinance of the Township of Richland, Chapter 27 of the Code of the Township of Richland, is hereby amended, as follows:

- A. Section 27-303, Definitions, is revised to amend the definition of the term "Shooting Range, Indoor" to read, in its entirety, as follows:

"Shooting Range, Indoor", a totally enclosed building that is equipped for the practice of shooting, including archery, where no activity associated with shooting is conducted outside the building."

- B. Section 506.A, Permitted Accessory Uses & Structure in any Residential and Mixed Use Districts, is amended by adding thereto a new Section 27-506.A(11) to read:

- (11) A Shooting Range, Indoor Use, shall be available as an accessory use to a single family dwelling in the RR District only, provided that all of the following criteria are met:

- (a) The shooting range shall be located on a lot of at least 5 acres in size;
 - (b) The shooting range shall be available only for the private, recreational use of the owner or occupant of the lot and their guests;
 - (c) The applicant shall demonstrate that the use will be compatible with the adjacent residential neighborhood and will not adversely affect the residential use and enjoyment of adjoining lots.
 - (d) If located in a building separate from the principal building, the shooting range building shall be located at least 60 feet from any adjacent residentially zoned or used property and shall not be located closer to the front lot line than the principal buildings on the lot.
 - (e) The applicant shall also comply with the criteria at § 27-788 A, B, C, D and J.
- C. Section 27-788, Shooting Range, Indoor, is amended to read, in its entirety, as follows:
- A. The building and method of operation shall conform to any applicable Commonwealth of Pennsylvania, Environmental Protection Agency, and OSHA standards for indoor ventilation, emission into the atmosphere, and lead management.
 - B. The design and construction of the shooting range shall completely confine all ammunition rounds within the building and in a controlled manner.
 - C. The design and construction of the shooting range shall be certified by a registered architect or engineer in the State of Pennsylvania.
 - (1) The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls and floors.
 - (2) The certified plans shall state what type and caliber of ammunition the shooting range is designed to totally confine.
 - (3) A security plan for the building shall be submitted which secures the shooting range against unauthorized entrants.

- D. No ammunition shall be used in the shooting range that exceeds the certified design and construction specifications of the shooting range.
 - E. For shooting ranges that are other than used for private recreational purpose, firearms shall not be stored on the premises when the shooting range is closed for business, unless they are stored in an acceptable gun safe or other secure locking device.
 - F. On-site supervision shall be supplied at all times by an adult who is an experienced shooting range operator. The shooting range operator shall be responsible for the conduct of their place of business and the conditions of safety and order in the place of business and on the premises.
 - G. Each shooting range shall have a clear and concise safety plan. The plan must be reviewed annually and distributed to all shooting range users to study and use.
 - H. Minors shall not be allowed in the shooting range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.
 - I. In multi-tenant buildings, the shooting range shall be soundproofed to prevent the sound from being heard by persons in adjoining units.
 - J. The applicant shall have the burden to demonstrate that the shooting range is designed to promote the safety of all persons on the premises or on abutting property when the shooting range is being used. The applicant may meet its burden by showing compliance with applicable National Rifle Association or other generally recognized guidelines for shooting range design and safety, or by submitting evidence from persons with experience and expertise in shooting range design and safety.
- III. Severability. The provisions of this Ordinance are severable. If any provision or part thereof is held to be illegal or invalid, the remaining provisions shall remain in full force and effect.
- IV. Repeal. Any ordinance or part of any ordinance conflicting with this Ordinance is repealed to the extent of such conflict.
- V. Effective Date. This Ordinance shall be effective immediately upon adoption.

ORDAINED AND ENACTED INTO LAW by the Board of Supervisors at a public meeting this _____ day of _____, 2012.

ATTEST:

TOWNSHIP OF RICHLAND

Secretary

By: _____
Chair, Board of Supervisors

This Ordinance recorded in the Township Ordinance book on _____, 2012, by the undersigned.

Township Secretary



DEPARTMENT OF COMMUNITY DEVELOPMENT SERVICES

Planning Division

m e m o r a n d u m

TO: Laurel Lunt Prussing, Mayor

FROM: Elizabeth H. Tyler, PhD, FAICP, Community Development Director

DATE: August 16, 2012

SUBJECT: An amendment to Table V-1, Article II, Article V, and Article VII of the Urbana Zoning Ordinance to establish standards for “Firearm Store” and “Private Indoor Firing Range” (Plan Case 2181-T-12)

Introduction

The Zoning Administrator is requesting that the Zoning Ordinance be amended to add use categories and restrictions for firearm stores and firing ranges. The proposed ordinance amendment would add definitions to Article II, add these uses to Table V-1 (Table of Uses), and add standard Special Use Permit conditions to Article VII of the Urbana Zoning Ordinance. Additionally, a restriction would be added under Article V for home occupations involving firearm sales.

The purpose of the proposed amendment is to address a deficiency in the Zoning Ordinance regarding two firearms-related uses. Recently, a business owner approached the City to determine where a principal use gun shop could be operated under Urbana zoning. The business, D & R Firearms, is looking to locate on one of two properties off of South Poplar or Glover Streets, north of Washington Street. Because the Zoning Ordinance’s Table of Uses does not specify firearm stores or indoor firing ranges whatsoever, City staff has not been able to guide this potential new business in terms of procedures and standards.

For uses not listed in the Table of Uses, Section V-1.B of the Zoning Ordinance provides that “such use shall be subject to the regulations of the use (whether permitted by right, a conditional use, or special use) to which it is most related or similar, as determined by the Zoning Administrator.” For firearm sales there are compatibility and security considerations that must be taken into account that do not apply to any other use listed in the Zoning Ordinance, and therefore there are no other uses that closely match the proposed use. Similarly, indoor firing ranges are not listed in the Table of Uses. In order for the City to preserve options in reviewing such proposed uses, it is necessary to first establish specific regulations by amending the Zoning

Ordinance. The draft ordinance under consideration would establish firearm stores and indoor firing ranges as Special Uses, limited to two zoning districts, and to be reviewed by the Plan Commission and City Council on a case-by-case basis.

It is important to note that this Zoning Ordinance amendment is intended to address the process and standards for potential firearm stores and indoor firing ranges. The amendment is not intended to address firearm ownership; nor is it intended to address firearm sales generally as an activity. Based on legal research, it would be in the best interest of the City to adopt procedures and standards for potential firearm stores and indoor firing ranges, consistent with the City's comprehensive planning policies and land use restrictions.

The Urbana Plan Commission held a public hearing on this case at their July 19, 2012 and August 9, 2012 meetings. Approximately 28 members of the public attended the July 19 meeting, and three members of the public attended the August 9 meeting. Representatives of D&R Firearms attended both public hearings and answered questions from the Plan Commission about Federal and State regulations, procedures, and the local market for such uses. Following the public hearing on August 9, the Plan Commission, by a vote of 6-ayes and 1-nayes, recommended approval with five specific amendments. The attached draft ordinance incorporates these recommended amendments.

Background

Federal Regulatory Context

Firearm sales are licensed and regulated by the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF). There are several federal laws that apply to firearm sales, including the Gun Control Act (18 U.S.C. Chapter 44), the National Firearms Act (26 U.S.C. Chapter 53), and the National Instant Criminal Background Check System (24 CFR Part 25). These laws require that anyone selling firearms obtain a license from ATF and meet their requirements for record-keeping, storage, background checks, and limiting sales to adults. A comprehensive list of federal laws regarding firearms is available at <http://www.atf.gov/publications/firearms/>.

State Regulatory Context

Additionally, the State of Illinois has its own laws regarding firearms. Those wishing to purchase or sell firearms must qualify for and obtain a state-issued Firearm Owner's Identification card (FOID). For FOID card holders, state law imposes a 72-hour waiting period to purchase handguns and a 24-hour waiting period to purchase long guns. Gun dealers must comply with strict record-keeping and must have the State Police approve each firearm transaction in advance. Illinois also bans sales of firearms at schools and establishments that sell liquor. A complete compilation of State of Illinois laws and statutes regarding firearms can be found at: <http://www.atf.gov/publications/download/p/atf-p-5300-5-2011/atf-p-5300-5-illinois-2011.pdf>. This document also abstracts municipal firearm regulations reported to the ATF.

Illinois Municipal Context

Generally, the Illinois Legislature provides municipalities broad authority to regulate firearms and ammunition. Illinois' Firearms Owners Identification Card Act provides that "[t]he provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act." The attached *Zoning News Bulletin* (Exhibit A) outlines a range of issues and solutions municipalities typically have for firearm-related uses. Research of municipal ordinances regarding firearm sales shows that many communities do not regulate firearm sales but instead rely solely upon state and Federal statutes. For example, the City of Champaign classifies firearm sales as a retail use allowed anywhere retail sales are permitted. It should be noted that the City of Champaign does restrict firearms sold at pawn shops through their city code, including prohibiting window display and requiring a burglar alarm.

Zoning. For cities regulating firearm sales, a standard approach is through zoning standards. Nationally, such regulations often include minimum distances from schools, parks, places of worship, and other firearm stores. In Illinois, some municipalities, principally in Cook County, have imposed minimum distance requirements for firearm stores and indoor firing ranges from other such uses, and from schools, parks, and places of worship.

Courts have upheld municipal restrictions on the location of gun sales within a specified distance of schools, playgrounds, parks, and places of worship. And because firing ranges may create excessive noise and pollution, courts have also prohibited ranges from operating in locations that are too close to residences. But the restrictions must be reasonable. In *Illinois Sporting Goods Association v. County of Cook* (1994), the U.S. District Court for the Northern District of Illinois found that a half-mile distance requirement for firearm stores from schools and parks was a valid exercise of the County's police power because it was rationally related to the governmental interest in reducing firearm violence among youth. However, the Court issued a preliminary injunction against the County because the regulations imposed this distance requirement only to sporting goods shops and gun stores and not to other businesses selling firearms, such as "big box" retailers. Some suburban Chicago municipalities have until recently continued to require a half mile separation for gun stores. The Village of Lincolnwood is currently considering reduction reducing their minimum distance requirement from half a mile to 800 feet.

More recently in Illinois, court decisions have led two Cook County municipalities to either drop or reduce minimum distance requirements. Following a landmark U.S. Supreme Court decision in 2010 -- *McDonald et al v City of Chicago et al* -- the Village of Oak Park's Public Health Board, following an extensive review of evidence over a series of public meetings, recommended against imposing rules such as minimum distance requirements. And similarly, after the 7th Circuit Court of Appeals (*Ezell v City of Chicago*) overturned a City of Chicago ban on indoor firing ranges in July 2010, the City of Chicago first allowed indoor firing ranges no closer than 1,000 feet to any home, school, place of worship, park, retail sales of liquor, library, museum, hospital, or place of children activities. After these restrictions were challenged in court as being too harsh, the City of Chicago in 2011 reduced the distance to 500 feet. In short, municipal minimum distance requirements for businesses

involving firearms must be reasonably constructed and applied, and rationally related to serving an important public purpose.

Zoning standards for firing ranges are less common than those for firearm sales. Cities regulating firing ranges typically concentrate on outdoor ranges, requiring location on larger parcels with ample setbacks from neighboring properties. Such requirements generally keep outdoor firing ranges to the mostly rural or fringe areas around cities, reducing the chance that they will negatively impact urban neighborhoods. Where permitted, indoor firing ranges generally have fewer use restrictions. Design standards published by the federal government may be adopted to ensure safety and low noise impacts on adjacent properties.

The National Shooting Sports Foundation lists some 225 sporting ranges in Illinois, including indoor and outdoor firing ranges, skeet clubs, and archery ranges, meaning that many Illinois communities have been able to accommodate such uses.

Licensing. Nationally, some communities provide standards through licensing rather than zoning. They require city-licensing of firearm dealers in addition to Federal licensing. Licensing programs have been used by municipalities to require more detailed record-keeping or daily reporting, fingerprinting of gun purchasers, annual inspections, and collection of fees. The Village of Northbrook, Illinois, has used its licensing program to restrict sale of handguns. Some cities also limit the number of firearm dealer licenses, much like they do for liquor or taxi licenses. This approach may work well for larger cities that have a high concentration of gun shops.

City of Urbana Zoning

The City of Urbana currently has no zoning standards for principal use firearm sales (gun shops) or firing ranges. Table V-1 of the Zoning Ordinance does not list firearm sales or gun shop as a principal use. According to Section V-1.B of the Zoning Ordinance, when a principal use is proposed to be established that is not listed in Table V-1, the Zoning Administrator shall determine what is the most related or similar use. The proposed use would then be allowed under the same regulations as the most similar use. In the case of firearm sales, there is no similar use provided in the Table of Uses, due to the special considerations unique to this use.

“Sporting goods store” is a related use, but it is not generally similar. A sporting goods store sells a variety of merchandise, including clothing, fitness equipment, and sport-specific equipment. Sporting goods stores sometimes sell firearms for hunting or target shooting, but is only a component of a larger retail business. Similarly, a general merchandise store such as Walmart may sell firearms in their sports or outdoor department. Firearm sales would generally be allowed as an accessory use for these stores if it is a small part of their business. These businesses must have a federal license to sell firearms. Staff is not aware of any sporting goods stores or general merchandise stores that sell firearms within the City of Urbana. Pawn shops are locations in the City where firearms are known to be sold. As with sporting goods and general merchandise stores, firearm sales are a small part of the business and considered an accessory to the principal use.

Site Security Plan

To better understand the aspects of site security planning for home-based firearms dealers, City staff on August 3, 2012 met on site with the owners of D&R Firearms which operates under a City home occupation permit. Site security features of note include secure storage of firearms in construction-type storage boxes bolted to concrete floors; window bars; alarm activated by motion sensors, contacts, and push button; barred windows; barred and reinforced exterior doors; security signs; and preset procedures in case of emergency. Urbana Police and Fire and METCAD all have a copy of the security plan so that they can respond accordingly in case of emergency.

Discussion

Firearm sales are proposed to be added to the Table of Uses as Special Use Permit, along with standard conditions designed to promote the safety and general welfare of the public. Firearm sales would only be allowed in Urbana's IN-1 (Light Industrial/Office) and B-3 (General Business) zoning districts and only as Special Uses. The B-3 district is intended for general commercial activity for uses that are more intense than those allowed in neighborhood business districts. While a gun shop is not a high-impact use in terms of generating vehicle trips, excessive noise, or other potential nuisances, it may not be compatible with residential and institutional uses. The IN-1 district is designed to provide for limited retail commercial uses, in addition to office and light industry. Properties zoned IN-1 are generally located in areas that are not next to residences.

Requiring a Special Use Permit will give Plan Commission and City Council a chance to review each proposed gun shop application. Per Section VII-V of the Zoning Ordinance, Special Use Permits are evaluated on the following factors:

- Is the proposed use conducive to the public convenience at the proposed location?
- Is the proposed use designed, located, operated so that it will not be unreasonably injurious or detrimental to the district it is in or to the public welfare?
- Does the proposed use conform to the applicable regulations and standards of, and does it preserve the essential character of the district?

City Council may require additional conditions for individual Special Use Permits as deemed necessary for the public health, safety, and welfare. In addition to these criteria, City staff and the Plan Commission are recommending standard conditions that all principal use firearm sales businesses meet. Rather than minimum distance requirements, the Plan Commission is recommending an increased public notice requirement to notify property owners within 500 feet rather than the normal 250 feet from the proposed Special Use. Additionally, conditions would include limited hours of operation, prohibition of unaccompanied minors in gun stores, prohibition of display of guns and ammunition in windows, and a security plan approved by the Chief of Police.

The Urbana Plan Commission discussed whether to impose standard minimum distance requirements for firearm stores and firing ranges from potentially sensitive land uses nearby. The Urbana Zoning Ordinance now has minimum distance requirements for other uses, including: Outdoor Commercial Recreational Enterprises, Riding Stables, Kennels, Veterinary Hospitals, Truck Terminals, Billboards, Adult Entertainment Uses, Telecommunication Towers, and Wind Turbines.

Additionally the State of Illinois requires a minimum 100 feet between any retail sales of liquor and any “church, school other than an institution of higher learning, hospital, home for aged or indigent persons or for veterans, their spouses or children or any military or naval station, provided that this prohibition shall not apply to hotels offering restaurant service, regularly organized clubs, or to restaurants, food shops or other places where sale of alcoholic liquors is not the principal business carried on . . .” Urbana City Codes generally require public hearings for issuance of new liquor licenses.

Given the intent of this amendment to address firearm stores and indoor firing ranges and not firearm sales generally, and in light of recent court decisions, the Plan Commission is not recommending distance restrictions. Rather, the Plan Commission recommends that public hearing noticing for these uses be expanded, and that potentially sensitive adjacent land uses be handled on a case-by-case basis through the public hearing process.

Two related text amendments have been included with this plan case: requiring an approved security for home occupations involving firearms, and permitting private firing ranges as a special use in certain districts. Currently the Zoning Ordinance does not address home occupations that deal with firearms. The home occupation ordinance does not distinguish different types of businesses; instead it regulates businesses based on how they impact their surrounding neighborhood. Home offices and mail-order/internet businesses are generally approved, but retail uses that depend on walk-in customers are not allowed.

For firearm sales as a home business, one major concern is securing weapons kept in the home. All businesses must advertise in some fashion to potential clients, but advertising that one’s home contains a number of firearms poses a security risk, even if those weapons are secured in a gun safe. For home businesses involving firearms, allowing limited clientele through special orders would require very limited stock. This combined with a required site security plan will address many concerns.

Firing ranges are another use involving firearms that is not addressed in the Zoning Ordinance. Staff has received inquiries about potential firing range businesses in the past. These uses are generally recreational, but could have impacts on surrounding properties if not properly designed and constructed. Primary concerns include safety for users of the range and adjacent properties, and noise for surrounding properties. These concerns are addressed in federal guidelines for Range Design Criteria (www.hss.doe.gov/SecPolicy/pfs/Range_Design_Criteria.pdf). Staff is

proposing to define an indoor firing range as a use that meets the federal range design criteria. The criteria include specifications for baffles, backstops, HVAC systems, sound-proofing, and other requirements to ensure that ricochets do not escape the building or harm users, and that sound from discharging weapons will not affect neighbors. Any potential indoor firing range would also have to ensure noise levels do not exceed the City's noise standards. Outdoor firing ranges are not being addressed as part of this Zoning Ordinance amendment as more study is needed to draft proper standards.

Comprehensive Plan

The following goals and objectives of the 2005 Urbana Comprehensive Plan relate to this case:

Goal 17.0 Minimize incompatible land uses.

Objectives

- 17.1 Establish logical locations for land use types and mixes, minimizing potentially incompatible interfaces, such as industrial uses near residential areas.
- 17.2 Where land use incompatibilities exist, promote development and design controls to minimize concerns.

The proposed text amendment would accomplish these goals by establishing logical locations for potentially incompatible firearm-related uses, separate from residential and institutional uses. It would also add design controls to minimize incompatibilities between uses.

Proposed Text Amendment

Based on the comments provide at the public hearing held by the Urbana Plan Commission on July 19 and August 9, 2012, as well as specific amendments recommended by the Plan Commission, the following revised Zoning Ordinance text amendment is proposed. Underlined words indicate proposed text to be added to the Zoning Ordinance.

Section II-3. Definitions

Section II-3, Definitions, of the Urbana Zoning Ordinance, would be amended by adding the following new definitions.

Firearm: Any device from which a projectile is discharged by gunpowder through a barrel.

Firearm Store: A retail store that derives its principal income from buying and selling firearms, with or without sale of ammunition and/or firearms accessories.

Firing Range, Private Indoor: A building inside of which club members, or the public at large, discharge firearms for target practice.

Section V-13, Regulation of Home Occupations

Section V-13, Regulation of Home Occupations, of the Urbana Zoning Ordinance would be amended by adding the following condition for administrative approval of any home occupation permit involving sale of firearms.

H: The sale of firearms as a home occupation shall require approval of a site security plan by the Urbana Police Chief, or designee, with renewal every three years.

Table V-1. Table of Uses

Table V-1, Table of Uses, of the Urbana Zoning Ordinance would be amended by adding the following new principal uses and footnotes.

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
Firearm Store†												S							S	
Private Indoor Firing Range††									S								S		S	

† See Section VII-5.D for Standards for Firearm Stores

†† See Section VII-5.E Standards for Private Indoor Firing Ranges

Section VII-5. Special Use Terms and Conditions

The following standard conditions would be required of any firearm store or private indoor firing range issued a Special Use Permit as authorized by the Urbana City Council.

D. The following conditions shall apply to any Firearm Store:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.
2. Approval of a site security plan by the Urbana Chief of Police, or designee, shall be a condition for approval of a Special Use Permit. Updated site security plans shall be submitted to the Police Chief at least every three years.
3. Firearms and ammunition shall not be displayed in windows.
4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.
5. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.

E. The following conditions shall apply to any Indoor Firing Range:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.

2. Private Indoor Firing Ranges shall conform to U.S. Department of Energy's Range Design Criteria or subsequent criteria.
3. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.
4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.

Summary of Findings

1. The Zoning Administrator is proposing to amend the Urbana Zoning Ordinance in order to establish regulations for firearms-related uses, which are currently not addressed in the Table of Uses.
2. Firearms sales are regulated by federal and state laws, and are licensed through the Bureau of Alcohol, Tobacco, and Firearms.
3. The proposed amendment will modify Articles II, V, and VII of the Urbana Zoning Ordinance to allow firearm stores and indoor firing ranges in limited districts under specific conditions.
4. The proposed amendment would require a security plan; limit hours of operation; and bar entry of Firearm Stores by unaccompanied minors.
5. The proposed amendment will require firearm stores and indoor firing ranges to be approved by City Council as a Special Use and with expanded notification requirements.
6. The proposed amendment will provide standards to ensure firearm sales and firing ranges do not have a negative impact on surrounding properties.
7. The proposed amendment is consistent with the goals and objectives of the 2005 Urbana Comprehensive Plan to minimize potentially incompatible land uses and to promote design controls to minimize concerns.
8. The proposed amendment conforms to notification and other requirements for the Zoning Ordinances as required by the State Zoning Act (65 ILCS 5/11-13-14).

Options

The Urbana City Council has the following options regarding Plan Case 2181-T-12:

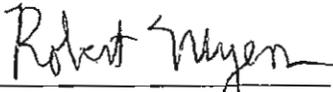
- a. Approve the proposed Zoning Ordinance amendment;
- b. Approve the proposed Zoning Ordinance amendment with specific suggested changes; or
- c. Deny the proposed Zoning Ordinance amendment.

Recommendation

The Urbana Plan Commission on August 9, 2012, by a vote of 6-ayes and 1-nay, recommended **APPROVAL** of proposed Zoning Ordinance amendment as attached. City staff likewise recommends approval.

Under Illinois State law, the City of Urbana would need to report any municipal regulations of firearms to the State Police within 30 days of passage.

Prepared by:



Robert Myers, AICP
Planning Manager

Attachments:

Draft ordinance
Plan Commission minutes, July 19, 2012; August 9, 2012
Exhibit A: "On the Firing Line", *Zoning News Bulletin*, February 2000

cc: Patrick Connolly, Urbana Police Chief
Curt Borman, City Attorney
Dean Hazen
Roger Tillman
Marcus Harris

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS
(Revising Table V-1, Article II, Article V, and Article VII to establish
standards for "Firearm Store" and "Private Indoor Firing Range" - Plan Case
No. 2181-T-12)

WHEREAS, the City Council of the City of Urbana, Illinois adopted Ordinance #9293-124 on June 21, 1993 which adopted the 1993 Comprehensive Amendment to replace the 1979 Comprehensive Amendment to the 1950 Zoning Ordinance of the City of Urbana which is also known as the Urbana Zoning Ordinance; and,

WHEREAS, the Zoning Administrator is proposing to amend the Urbana Zoning Ordinance in order to establish procedures and standards for firearm stores, firing ranges, and home occupations involving firearm sales; and

WHEREAS, the proposed amendment will require firearm stores and indoor firing ranges to be reviewed by the Urbana Plan Commission and City Council on a case-by-case basis as part of the Special Use Permit process; and

WHEREAS, said text amendment is consistent with the goals and objectives of the Urbana Comprehensive Plan; and

WHEREAS, after due publication in accordance with Section XI-7 of the Urbana Zoning Ordinance and with Chapter 24, Section 11-13-14 of the Illinois Revised Statutes, the Urbana Plan Commission held a public hearing on this application at their July 19, 2012 and August 9, 2012 meetings; and

WHEREAS, the Urbana Plan Commission on August 9, 2012 voted 6 ayes to 1 nay to recommend approval with specific changes based on public comments;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, that the Urbana Zoning Ordinance shall be amended as follows:

Section 1. That Section II-3, Definitions, of Urbana Zoning Ordinance is hereby amended to add the following new definitions:

Firearm: Any device from which a projectile is discharged by gunpowder through a barrel.

Firearm Store: A retail store that derives its principal income from buying and selling firearms, with or without sale of ammunition and/or firearms accessories.

Firing Range, Private Indoor: A building inside of which club members, or the public at large, discharge firearms for target practice.

Section 2. That Section V-13, Regulation of Home Occupations, of the Urbana Zoning Ordinance is hereby amended to add the following new requirement:

H: The sale of firearms as a home occupation shall require approval of a site security plan by the Urbana Police Chief, or designee, with renewal every three years.

Section 3. That Table V-1, Table of Uses, of Urbana Zoning Ordinance is hereby amended by adding the following new uses and footnotes:

Table V-1. Table of Uses

Principal Uses	R-1	R-2	R-3	R-4	R-5	R-6	R-6B	R-7	AG	B-1	B-2	B-3	B-3U	B-4	B-4E	CCD	CRE	MOR	IN-1	IN-2
Firearm Store†												S							S	
Private Indoor Firing Range††									S								S		S	

† See Section VII-5.D for Standards for Firearm Stores

†† See Section VII-5.E Standards for Private Indoor Firing Ranges

Section 4. That Section VII-5, Special Use Terms and Conditions, of the Urbana Zoning Ordinance is hereby amended by adding the following new conditions:

D. The following conditions shall apply to any Firearm Store:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.

2. Approval of a site security plan by the Urbana Chief of Police, or designee, shall be a condition for approval of a Special Use Permit. Updated site security plans shall be submitted to the Police Chief at least every three years.
3. Firearms and ammunition shall not be displayed in windows.
4. Hours of service shall be limited to 9:00 a.m. to 9:00 p.m.
5. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.

E. The following conditions shall apply to any Indoor Firing Range:

1. Public hearing notification requirements of Section XI-10.B of the Urbana Zoning Ordinance shall be increased from 250 feet to 500 feet.
2. Private Indoor Firing Ranges shall conform to U.S. Department of Energy's Range Design Criteria or subsequent federal criteria.
3. No individual under the minimum age to purchase a firearm in the State of Illinois shall be allowed on the premises unless accompanied by a parent or legal guardian.
4. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m.

Section 5. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities. This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Chapter 65, Section 1-2-4 of the Illinois Compiled Statutes (65 ILCS 5/1-2-4).

Section 6. The City Clerk is directed, within 30 days passage of this ordinance, to submit a copy to the Illinois Department of State Police, in conformance with Section 65/13.3 of the Firearm Owners Identification Card Act (430 ILCS 65).

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of the City of Urbana, Illinois, at a regular meeting of said Council on the _____ day of _____, 2012.

PASSED by the City Council this _____ day of _____, 2012.

AYES:

NAYS:

ABSTAINED:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, 2012.

Laurel Lunt Prussing, Mayor

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, Phyllis D. Clark, certify that I am the duly elected and acting Municipal Clerk of the City of Urbana, Champaign County, Illinois. I certify that on the ____ day of _____, 2012, the corporate authorities of the City of Urbana passed and approved Ordinance No. _____, entitled "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF URBANA, ILLINOIS (Revising Table V-1, Article II, Article V, and Article VII to establish standards for "Firearm Store" and "Private Indoor Firing Range" - Plan Case No. 2181-T-12)" which provided by its terms that it should be published in pamphlet form. The pamphlet form of Ordinance No. _____, including all of its attachments, was prepared, and a copy of such Ordinance was posted in the Urbana City Building commencing on the ____ day of _____, 2012, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request at the Office of the City Clerk.

DATED at Urbana, Illinois, this ____ day of _____, 2012.

On the Firing Line: Zoning for Gun-Related Uses

By Michael Davidson

Few issues have received more attention in recent decades than the implications of firearms. Gang-related warfare, school rampages, and post office shootings spurred a passionate debate between those defending the right to bear arms and those concerned about the violence in society. *Zoning News* will not delve into moral issues or the state of American culture. Rather, this issue will address the land-use requirements of gun-related enterprises, including firearms dealers and shooting ranges.

Is Nothing Untouched by Sprawl?

Outdoor shooting ranges have fallen victim to incompatible zoning. As the countryside succumbs to urbanization and farms are sold to developers, range operators find themselves uncomfortably close to the residents of new subdivisions. Annoyed and concerned homeowners, neighborhood associations, and town zoning boards complain about noise and related nuisances coming from the nearby shooting range.

Most outdoor shooting ranges are classified as agricultural, industrial, or recreational uses, and therefore are zoned appropriately where few residential uses are present. Even then, a jurisdiction may take extra measures to minimize the impact of the land use. For example, Durham, North Carolina, gives outdoor shooting ranges a "buffer intensity" classification in the city's rural zoning district.

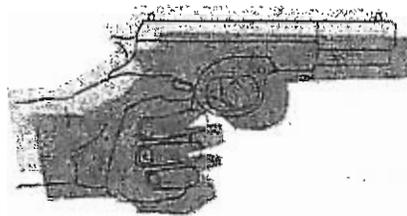
Ohio enacted legislation in 1998 to protect owners, operators, and users of existing shooting ranges from the ramifications of sprawl. Ranges that were established in isolated areas years ago came under fire when encroaching residential development led to legal action over noise. Supporters of the legislation argued for protection similar to that given farmers under Ohio's Right-to-Farm Law. The law provides limited immunity from civil and criminal liability to persons who own, operate, and use shooting ranges that are in "substantial compliance" with standards established by the Division of Wildlife in Ohio's Department of Natural Resources. The law prohibits courts from issuing injunctions against shooting ranges for nuisances if they find that a range is in substantial compliance with state standards. The law also affects the manner in which local governments can regulate ranges with measures such as zoning.

The law's greatest effect is on the "reconstruction, enlargement, remodeling, or repair" of structures or facilities that are part of an existing shooting range. However, it offers minimal protection from local regulations addressing the establishment of new shooting ranges, which must comply with all existing local ordinances. Under the new law, all shooting ranges will abide by the general development standards that apply to all structures in a county or township. The rules adopted by the Division of Wildlife for the reconstruction, enlargement, remodeling, or repair of a shooting range and its related facilities do not preempt

local laws. However, locally adopted standards may no longer be authorized if they specifically target facilities or structures that are part of a shooting range.

No Guns in My Back Yard

Zoning ordinances ensure that compatible land uses are placed in zoning districts that will minimize or prevent land-use conflicts. Concerns over gun-related enterprises include the buffering and screening of shooting ranges for aesthetic reasons and to prevent bullets and projectiles from leaving the premises. Other concerns focus on firearm noise, devaluation of property near gun dealers and ranges, the perpetuation of crime, illegal firearms sales, and gun accessibility to minors and persons without licenses.



Outdoor shooting ranges have fallen victim to incompatible zoning. As the countryside succumbs to urbanization and farms are sold to developers, range operators find themselves uncomfortably close to the residents of new residential subdivisions.

Many ordinances eliminate gun dealing in residential areas altogether. Opponents of the dealers argue that "kitchen-table" operations pose a potential threat to nearby residents. The homes of such enterprises may not be equipped with the state-of-the-art security systems often found in commercial buildings. Storefront gun shops are typically required by ordinance to place bars on the windows and doors, employ security personnel, and install bulletproof glass. Gun inventories in stores are kept in locked cases, accessible to customers only when a trained professional is present. There is also the risk associated with residential gun dealers who do not keep sufficient records or conduct background checks on customers. Both offenses violate many state and federal laws.

Municipal ordinances can effectively deter kitchen-table operations by requiring a local dealer's license. For example, the dealer may be required to present proof that the operation exists outside a residential neighborhood and away from schools, day care centers, parks, liquor stores, bars, and other firearms dealers. All these areas are frequently deemed sensitive by local officials.

Zoning provisions can restrict firearm dealers to commercial areas. Lafayette, California, requires that dealers first obtain a land-use permit before opening shop. Applicants must also go

Permitted and Conditional Uses for Commercial Districts, Pleasanton, California*

Use	CR	CR	CN	CC	CS	CF	CA
	(m)	(p)					
Antique stores, no firearm sales				P			
Antique stores with sales of antique firearms				C			
Catalog stores, no firearm sales	P	P		P			
Catalog stores with firearm sales	C	C		C	C		
Firearm sales	C	C		C			
Firearm sales in which no more than 10 firearms are stored on site at any one time and the majority of firearms are sold through catalogs, mail order, or at trade shows	C	C		C	C		
Gunsmiths	P	P		P	P		
Shooting Galleries, indoors with firearm sales	C			C	C		
Sporting goods stores, no firearm sales	P	P	P	P			
Sporting goods stores, with firearm sales	C	C		C			

*P = Permitted Use, C = Conditional Use, CR (m) = Regional Commercial (metropolitan), CR (p) = Regional Commercial (nonmetropolitan), CN = Neighboring Commercial, CC = Central Commercial, CS = Service Commercial, CF = Financial Commercial, CA = Automobile Commercial

through a public hearing process before the local plan commission to allow for public input. Still, the land-use permit is not lawful until the applicant secures a local police permit and meets federal and state licensing requirements. Such measures have reduced dramatically the number of residential gun dealers throughout the country. Oakland, California, passed its own comprehensive gun dealer ordinance in 1992, reducing the number of local dealers from 115 to six.

The owners of some storefront gun shops in Illinois actually lobbied against residential dealers by supporting President Clinton's 1994 crime bill, which gave local governments more regulatory power over gun dealers. Until then, dealers in some of Chicago's southern suburbs could hold a permit to sell firearms even if the business was violating a state law or a local ordinance. Shop owners say their support for the bill arose from concerns about image rather than profits.

Banning guns in residential zones was not the only important objective of an ordinance passed in Los Angeles County, California. Requiring gun dealers to have a "fixed place of business where all licensed activities will be conducted" helps to eliminate illegal gun sales conducted out of the trunks of cars. The ordinance requires the dealer to be the legal occupant of the place of business, which cannot be a United States post office box address or a private commercial mailbox. The dealer also must prove that he is the owner, lessee, or other legal occupant of the fixed place of business. Any subsequent license will specify the post office address of the dealer's business.

Commercial districts are certainly not immune to the banishment of gun-related enterprises. Culver City, California, circulated a petition to adopt a zoning measure entitled "The Safe School Zones Ordinance of 1999," which would restrict certain uses, including gun shops, within 500 feet of public and private schools, regardless of the location. The petition states: "Not all commercial development is incompatible with school zones. A proper balance can be reached that enhances our business districts, but without sacrificing the health, safety, and well-being of our children in the process."

Permitted or Not?

When gun-related enterprises are not listed as a use by right (permitted use) in a zoning district, owners are required to traverse through a lengthy administrative process to determine whether the operation is permissible through an alternate measure. Lafayette's gun-related enterprises are not allowed in commercial districts as a permitted use. A firearms dealer must

apply for and obtain a land-use permit before conducting business in a commercial area. Conversely, indoor ranges are listed as permitted uses in the planned industrial districts and the light and heavy industrial districts of Mankato, Minnesota, which requires applicants to embark on the somewhat less difficult process of acquiring a business license, building permit, certificate of occupancy, etc., and complying with any performance standards established by the federal, state, and local governments. Such a process is certainly less burdensome for the planning staff, as the land-use implications of a permitted use are relatively marginal and the paperwork minimal.

Nonconforming use. The preexisting nonconforming use, one which may be referred to as having "grandfather" status, is unavoidable for zoning administrators as cultural interests and living styles change and cities continue to grow. Despite such conflicts, some of the now "nonconforming" uses will be allowed to stay, albeit with restrictions. Even a minor structural modification of a gun facility could result in the termination of its nonconforming status, as stated in the Ohio law. The owner of a Michigan gun club wanted to expand his building to include a new range. The request was denied because of the club's status as a preexisting nonconforming use, and to change or alter the use would violate the law, rendering the facility "different" and making it a potential threat to the area with which it was once thought compatible.

Conditional or special use. Subject to the high standards of planning and design, as well as the general standards established in the ordinance, conditional or special uses are allowed in districts that do not have them as a permitted use. These add flexibility to the ordinance by allowing a previously unwanted land use to be developed with minimal negative consequences to neighboring properties. Zoning boards typically approve a conditional or special use when that use is compatible with the surrounding area. Present and future compatibility with the surrounding area is an extremely important consideration that zoning administrators, who may have the prerogative of designating the restrictions, should take seriously. Violation of any of the conditions could result in a loss of the permit or some other penalty. Any changes, however minor, to grandfathered outdoor ranges in Cowlitz County, Washington, require the issuance of a special use permit, rendering the entire facility subject to the standards of a new ordinance.

In Santa Monica, California, conditional uses (which include any "business or use which sells, transfers, leases, offers or advertises for sale, transfer or lease any firearm or munitions in any location where such business is permitted") may be granted if the following criteria are met:

- The proposed use will not adversely affect the welfare of neighborhood residents in a significant manner;
- The proposed use will not contribute to an undue concentration of similar uses in the area.
- The proposed use will not detrimentally affect nearby neighborhoods, considering the distance of the use to residential buildings, churches, schools, hospitals, playgrounds, parks, and other existing similar uses.
- The proposed use is compatible with existing and potential uses within the general area.
- The public health, safety, and general welfare are protected.
- No harm to adjacent properties will result.

- The proposed use is not within 1,500 feet of any other similar use, any day care facility, or any elementary, middle, junior, or high school.

Special use provisions for outdoor shooting ranges in New Hanover County, North Carolina, require that:

- all shooting areas shall be set back a minimum distance of 100 feet from any street right-of-way,
- the firing range shall have a natural earth embankment at least 10 feet high placed behind all targets within the shooting area,
- the firing range shall be posted "No Trespassing—Danger—Shooting Range," at 100-foot intervals around the perimeter,
- at least one qualified individual in the sponsoring club or organization shall be certified for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization,
- the firing range shall be covered by a minimum of \$300,000 accident and liability insurance.

Legal vs. Lethal

Because zoning ordinances originate from a local government's police power, which is used to ensure public welfare, legal challenges to municipal gun regulations may be unsuccessful, according to the Legal Community Against Violence, a San Francisco-based organization. (More information is available at the group's web site, www.lcav.org.) Municipalities can regulate or prohibit uses that jeopardize the character or safety of a residential neighborhood, which may motivate opponents to challenge the municipality under various legal arguments.

Preemption. A preemption challenge by residential gun dealers may face rejection in a court of law. In California, the legislature authorizes cities and counties to regulate the sale of firearms within community boundaries, including decisions about licenses and local fees. State regulations exist as well, including those that require gun dealers to perform background checks. Preemption over local authority would not occur simply because a local ordinance prohibiting residential gun dealers "does not involve firearm registration or licensing."

Additionally, the ordinance would not contradict the state's penal code requiring background checks because it does not impose any permit or licensing requirements on people who want to purchase firearms for their homes or places of business.

Equal protection. An ordinance challenged as violating equal protection will be upheld if the court finds that it does not specifically target a particular class or compromise a person's basic rights, and as long as there is a logical relationship between the ordinance and a valid governmental objective. If an ordinance that bans residential gun dealers has followed its intended purpose of maintaining the residential character of a neighborhood, then those arguing that it violates their equal protection rights will probably not have a solid legal argument.

A California Superior Court rejected a 1995 equal protection challenge to an ordinance banning residential gun dealers, stating in its order, "The sale of firearms is not a fundamental right. There is a rational basis for a ban on gun dealers in residential areas and, accordingly, there is a justifiable exercise of police power."

Inverse condemnation. Existing residential gun dealers may challenge an ordinance if they think that such regulation will negatively affect their business. They might argue that this would constitute a "taking without just compensation" in violation of the state and federal constitutions. Still, a cause for action under inverse condemnation should fail. A taking would

occur only if the ordinance imposed substantial constraints on the use of the property as a residence. Prohibiting kitchen-table gun operations does not severely limit a property owner in enjoying the benefits of selling or renting the home, or otherwise living in the home as she wishes.

Legislation regulating gun-related enterprises has increased substantially in recent years. Whatever the type of gun-related use, it is clear that zoning laws and other forms of municipal regulation are essential in achieving peaceful solutions.

OUTDOOR RANGE STANDARDS

Shooting ranges have safety as the prime zoning purpose for regulation. Most codes require a minimum site size of 10-20 acres, with 20 acres most common. Setbacks of 50-200 feet are common for zone yards and behind back stops in the line of fire. Buildings located ahead of the firing line are allowed to be located to the normal zone yard setback. The site plan must show the location of the firing line or shooting stakes, targets, and backstops and indicate how the backstops are constructed. The backstop must be an earth mound or slough of sufficient dimension to stop projectiles. The range must be screened and fenced with no gates or outlets except as approved on the site plan, to avoid the possibility of unauthorized persons entering the shooting area and to intercept and stop projectiles from leaving the site. The passageway between the firing point and targets must be enclosed or be in a trench to protect users from projectiles.

An ancillary retail store and snack shop is allowed, selling convenience items and prepared snacks and sandwiches to patrons of the shooting range, but no drinks or beer, and short-term rental of firearms and equipment for use only on the premises. Buildings can have rooms for training in the use of firearms but not as an indoor shooting range unless approved with the permit.

—Charles Reed, *The Zoning Report*, "Definitions and Standards for Campgrounds, Shooting Ranges, Golf Courses, and Other Outdoor Recreation Uses," Vol. 11, No. 16, December 17, 1993. Reprinted with permission from Charles Reed.

Big Box Big Issue in California

California is starting out the new year with a new approach to local competition for big box retail stores, courtesy of A.B. 178, which passed the General Assembly last year. Last September, Gov. Gray Davis vetoed a second law passed by the General Assembly that targeted big box retailing. It would have prohibited municipalities from approving retail projects larger than 100,000 square feet if more than 15,000 square feet of the store were used to sell nontaxable merchandise, such as produce.

A.B. 178 prohibits local governments from offering development incentives to retail stores or auto dealers over 75,000 square feet that move from one jurisdiction to another in the same market region. The new law requires that the receiving local government share 50 percent of the sales tax revenue if the relocation results in a loss to the city where the business was originally located. The resulting tax sharing between municipalities would be continued for 10 years. According to Davis, the new law offers a fair approach to dealing with the loss of a large retail store.

State Assemblyman Tom Torlakson, a supporter of the new law, says state and local budget crises have forced governments to compete over business developments that generate sales tax. Threatened cities must then scramble to come up with an investment package or face the relocation of a business to a nearby city. Torlakson previously had tackled this issue unsuccessfully with

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

APPROVED

DATE: July 19, 2012

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Lew Hopkins, Dannie Otto, Michael Pollock, Mary Tompkins

MEMBERS EXCUSED: Bernadine Stake, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Jeff Engstrom, Planner II

OTHERS PRESENT: Robin Arbiter, Camden Baxer, Ronald Berkman, John Boch, Matt Boynton, Jessica Dewitt, Brendon Ellis, Chris Fortier, Will Gillespie, Marcus Harris, Dean Hazen, Mike Holden, Pat Holden, Christina Kniskern, David Martin, Ryan Meekma, Kenneth Selby, Steve Stanley, Susan Taylor, Clyde Walker

COMMUNICATIONS

The following written communications were distributed to Plan Commissioners at the beginning of the meeting:

- Updated recommendation for proposed Zoning Ordinance text for Plan Case No. 2181-T-12 provided by City staff.

NEW PUBLIC HEARINGS

Plan Case No. 2181-T-12: A request by the Zoning Administrator to amend Table V-1, Article II, Article V, and Article VII of the Urbana Zoning Ordinance to establish standards for “Firearm Sales” and “Firing Range (Private Indoor)”

Jeff Engstrom, Planner II, presented this case to the Plan Commission. The proposed text amendment originated when a property owner contacted the Zoning Administrator to determine where the Urbana Zoning Ordinance would allow opening a new gun store and firing range in Urbana. Mr. Engstrom noted that the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) enforces federal laws such as the Gun Control Act, the National Firearms Act, and the National

Instant Criminal Background Check System. Additionally, the State of Illinois has adopted firearms laws concerning rules for sale and purchase of firearms. Cities have the ability to regulate firearm sales through zoning or licensing. Zoning regulations may include minimum distances from schools, parks, churches or other gun shops or restricting firearm sales to specific zoning districts.

Mr. Engstrom stated that requirements for shooting ranges were less common than those for firearm sales. For indoor shooting ranges, design standards have been adopted by the federal government to ensure safety and low noise impacts on adjacent properties.

He discussed possible zoning districts in the City of Urbana where firearm sales might be allowed with a Special Use Permit. City staff is proposing firearm sales would only be allowed in the IN-1 (Light Industrial/Office) and B-3 (General Business) Zoning Districts. In addition, City staff is recommending the following three standard conditions for all principal use firearm sales businesses to meet: 1) Require a minimum distance from schools and places of worship; 2) Require a security plan approved by the City of Urbana's Police Department and 3) Restrict firearms and ammunition from being displayed in windows.

He also spoke about limiting retail sales of firearms as a home occupation and permitting private firing ranges as a conditional or special use in certain districts. The amendment would also limit gun sales out of homes. Upon researching firing ranges, City staff found all of their concerns addressed in the federal guidelines for range design criteria. Staff is proposing to adopt these design guidelines as a requirement for any indoor firing range.

Mr. Engstrom explained how the 2005 Urbana Comprehensive Plan relates to the proposed text amendment. He read the options of the Plan Commission and presented City staff's recommendation.

Chair Pollock asked staff to explain the processes for acquiring a special use permit and a conditional use permit. Mr. Engstrom then explained the process for each.

Mr. Hopkins asked if there is a particular reason why the special use permits being proposed in the text amendment only apply to IN-1 (Light Industrial/Office). Mr. Engstrom replied that when the City recently created the IN-1 (Light Industrial/Office) and IN-2 (Heavy Industrial) Districts, the intent of the IN-1 District includes limited retail uses, but IN-2 Districts are intended to be limited to heavy industrial uses.

Mr. Hopkins asked how indoor firing ranges related to the CRE (Conservation-Recreation-Education) Zoning District which is primarily public owned land. Mr. Engstrom answered that although CRE zoning is mostly publically owned, it could also include privately owned property.

Mr. Hopkins asked what constitutes a private firing range as opposed to a public firing range. Mr. Engstrom responded that a new definition would define a "private" firing range as essentially private owned. The proposed text amendment distributed tonight would apply to private firing ranges and not publically owned ranges such as the law enforcement-only range at the closed City landfill.

Mr. Hopkins wondered if the Urbana Park District wanted to open a public firing range, then the proposed regulations would not apply. Mr. Engstrom said that is correct.

Mr. Otto noticed the wide range of minimum distance requirements on Page 3 of the written staff report range from 500 to 2,000 feet. Why is City staff proposing 500 feet distance? Mr. Engstrom explained that the table shows a sample of local standards. Most all of the cities require from 500 to 1000 feet, so City staff decided to go with the lower distance. The Plan Commission can recommend a different distance if they wish to do so.

Mr. Otto asked why there are different laws based upon business volume. He feels that there should be one set of regulations. Mr. Engstrom replied that when we generally look at principal uses for different businesses, there are different concerns that would affect them. Larger businesses have larger volumes of traffic. Mr. Myers added that it is the intent of this amendment to deal with land use categories rather than gun sales specifically. This amendment concerns principal use gun stores rather than pawn shops and sporting goods stores which may include gun sales as a smaller component of a broader range of retail sales.

Chair Pollock inquired as to whether the proposed regulations, if approved by the City Council, would be applied to stores that currently sell firearms or would these stores be grandfathered in without the regulations. Mr. Myers responded that because it is a zoning regulation, any firearms stores, private firing ranges, or approved home-based gun sales would be grandfathered as legally non-conforming uses. When the City staff drafted the proposed text amendment, they had firearm stores in mind rather than general retail stores.

Mr. Otto commented that his concern is not so much over the character of the use but more for the security of the inventory. A larger business, such as Walmart, could have a firearm section that while it may only be considered a small portion of their overall inventory could be five times larger than a firearm store. The City needs to have the same laws for any business who would sell firearms.

Mr. Otto noted that on Page 7 of the memo, under Section V-13. H. (home occupations) it states that, "...*No firearms inventory shall be regularly kept in the home.*" He felt this language should be removed for the simple reason that a firearm dealer with a home occupation permit will probably have a stock of guns for their own personal possession kept at home. How would one determine whether this would be part of the inventory or part of the dealer's personal collection? Mr. Myers stated that the City is not intending to limit gun ownership through this Zoning Ordinance amendment. The home occupation ordinance is vague in several major respects, including that it doesn't prohibit retail sales from the home. Allowing outright retail sales from a home flies in the face of residential zoning. Prohibiting stock in trade at home is intended to insure that a gun dealer operating from the home with internet sales does not become a gun store operated in a residential zoning district.

Mr. Fell asked if a firearm store owner wanted to provide a place for a potential buyer to fire a gun prior to purchasing it, would it be considered a firing range? Mr. Engstrom stated that this would be considered a private firing range. Chair Pollock pointed out that this could only happen in certain districts with the approval of a special use permit.

With no further questions for City staff, Chair Pollock opened the hearing for public input.

Marcus Harris and Dean Hazen approached the Plan Commission. Mr. Harris explained that he owns rental property and Mr. Hazen approached him about relocating his home firearm business. After researching firearm sales and firing ranges and reviewing the properties that he owns, he found two locations that would be suitable for these uses. The property at 705 South Glover Avenue might be a gun store, and 801 South Poplar might be suitable for an indoor firing range. Mr. Harris said he approached City staff about the process of opening each business.

Mr. Myers asked Mr. Harris to talk about the design of indoor firing ranges. Mr. Harris noted that the National Rifle Association (NRA) offers range conferences, and professional firing range outfitters can be hired to construct firing ranges to meet the federal, state and local regulations. Building or retrofitting a building to meet these standards requires a considerable investment.

Mr. Fitch questioned whether Mr. Hazen had any concern about possibly opening a firearm store close to an establishment where alcohol is served and consumed on premises. Mr. Hazen did not have any concern with this because most alcohol would be served in the evening during the hours when his business would be closed.

Mr. Fitch asked if Mr. Hazen felt confident that a security plan would cover any problems that might be unique to a similar location. Mr. Hazen recognized that the Plan Commission did not want to get specific details about his plans to open a firearm store and firing range, but he currently has an extensive security plan for his home business in which he has invested a lot of money.

Mr. Hazen spoke about larger chain stores selling firearms. Walmart used to sell guns at one time. However, he is not aware of any chain store in the area currently selling firearms. One reason why is because the stores would have to invest more training and money in employees authorized to handle firearm sales. The employees would have to pass written tests and background checks, obtain FOID cards and undergo extensive training. In addition, there are strict regulations on selling firearms and a large amount of paperwork to file when a firearm is sold. Larger chain stores realized it was not worth the extra cost, so they discontinued selling firearms in their businesses.

Mr. Hazen asked if there is a fee to apply for a special use or conditional use permit. Mr. Engstrom said yes. The fee is \$150.00 for a conditional use permit and \$175.00 for a special use permit. This is a one-time fee rather than annual.

Ron Berkman, of 1003 Philo Road, stated that shooting is a sport for him and his wife. They support the idea of allowing firearm sales and firing ranges in the City of Urbana. The nearest indoor firing ranges are in Bloomington, Rochester, and Pocahontas. They belong to the local clubs that provide outdoor shooting ranges in St. Joseph, Sadorus, and Foosland. They would like a local place to go when it gets cold outside. The use of firearms has to do with training and knowledge. There should be more information disseminated throughout the population. The City already supports bicycles and art, and there is no reason for the City not to support the sport

July 19, 2012

of shooting firearms. Firearms are simply machines, just like cars, motorcycles, boats, and aircrafts. Any of these could be used as weapons.

Robin Arbiter, President of the Lierman Neighborhood Action Committee (LNAC), and Jessica Dewitt, resident of the City of Urbana, came before the Plan Commission to speak. They handed out copies of a letter to the Plan Commission regarding the concerns of the Lierman Neighborhood Action Committee, and Ms. Arbiter read the letter aloud. The Lierman Neighborhood Action Committee does not want gun stores to be allowed by right but instead considered on a case-by-case basis. They want businesses and services which will serve and support the community. They need a store where they can buy fresh food. They already have liquor sales and adult entertainment. A gun store would not benefit the neighborhood.

Chair Pollock pointed out that many of the standards that LNAC recommends are included in the proposed text amendment. Ms. Arbiter replied that they do support the proposed text amendment and feel that it addresses many of the neighborhood's concerns. The one area where the proposed text amendment had less emphasis is in spelling out the community impact. Chair Pollock assured them that every time the Plan Commission meets to review a case, they consider the impact that their decision would have on the community.

Ms. Dewitt wondered if a gun shop being located in a neighborhood would lower the property value of the homes in that neighborhood. Mr. Engstrom said he could research this issue.

Ms. Dewitt mentioned that there could be a potential for a secondary market of firearms even though this would be illegal. A firearms store locating in a neighborhood such as the Lierman Neighborhood would not present a good image for the neighborhood.

John Boch, President of Guns Save Life, approached the Plan Commission to speak. He encouraged the City of Urbana to adopt regulations that are more permissive than restrictive to avoid the potential for legal expenditures down the road. If the City adopts rules that are highly restrictive, it could lose in court like the City of Chicago and have to pay big money. He did not see a need for any setback requirements from other uses. The Constitution's Second Amendment, the right to keep and bear firearms, is right on par with the right to free speech, freedom of religion, etc. Firearms used properly are very safe and beneficial. If they are used for criminal acts, then let the justice system take care of the offenders.

Chair Pollock asked if Mr. Boch had read the proposed text amendment and would he term it as being "highly restrictive". Mr. Boch responded that based on his reading he believes that there is some wiggle room in the language and that it is not terribly objectionable. He hoped that it would not be amended to become more restrictive than what it appears in its current state.

Steven Stanley, resident of Liberty Commons, stated that he is a gun owner. He pointed out that purchasing firearms is already very restrictive with the federal and state regulations. He hoped that the City of Urbana would not create an ordinance that would infringe upon gun owners. Allowing indoor and outdoor shooting ranges would be beneficial to gun owners as well as to the City. Gun owners would have a local place to go, and the City would benefit from the revenue that shooting ranges would generate.

Kenneth Selby, a federally licensed firearms dealer, talked about his life experience with regards to firearms. He feels that the proposed text amendment is overly restrictive with regards to distance from schools. He owned a firearm store in Jacksonville that was within 300 feet from a public school and across the street from the athletic field for the high school. The only issue he had would be when there was a football game on Friday night with parents and fans parking in his parking lot. He never had an issue with kids coming into his shop because they were not old enough to purchase firearms. Another issue he has with the proposed text amendment is with regards to inventory. The ATF will not allow a person to open a firearms store out of their home unless they have specific hours of operation. "By appointment only" will not be approved by the ATF. In his current firearm business, which is located in Rantoul, he does mostly internet sales. Firearms are delivered to his house by regular carriers, and he ships firearms to his clients through the United States Post Office. He has about 30 guns in his inventory that he advertises on the internet.

The ATF allows for individuals to open firearm businesses in their homes, grow their business, and once the business has outgrown the home, the individual can move their business into a shop elsewhere in the City. However, the proposed text amendment as worded would not allow this to happen in the City of Urbana.

David Martin, resident of rural Urbana, noted that with regards to indoor shooting ranges, the City of Bloomington is 55 miles away, the range in the Danville area is north of Oakwood about five miles, and the Village of Foosland is approximately 7 to 8 miles north of Mahomet. To have an indoor shooting range close by for the citizens of Urbana and for residents of the surrounding areas would be a great benefit to the area. If ever the State of Illinois adopts a conceal/carry law, then there would be a big business in firearms training. People would need a place to practice.

Mr. Hazen re-approached the Plan Commission to address comments that were mentioned by other speakers. He verified Mr. Selby's comments about the ATF requiring specific hours of operation for home based firearms businesses. In his current home business, he has one day a week with limited hours of operation to meet ATF's regulations and restricts other business to no more than five visits per day to meet local regulations.

Regarding inventory, Mr. Hazen has about 65 to 70 guns in his business inventory. He has construction toolboxes bolted to the floor, alarms in the house, motion sensors, and barbed windows in the garage. He has customers who have four to five times the number of guns in their personal collections than he has in inventory, and his customers do not have nearly as much security as he does. He wanted to discuss what the City's concerns are regarding security in terms of inventory.

With regards to his business and the proposed text amendment, Mr. Hazen understood that his home business would be grandfathered in. While the proposed text amendment would prevent any future competition, he believes in the American dream and that others should have the same opportunity that he has had. He mentioned that he has not made any money in the year and a half that he has been in business. It is a labor of love. Most of the firearm dealers that work out of their homes have this type of business because of fond memories from hunting with their fathers or learning how to shoot guns in school.

July 19, 2012

He talked about the Police Training Institute located on the University of Illinois' campus. He noted that this is not a public range. It is a shooting range for people who belong to the faculty and staff shooting club. The Urbana Police Department has their own range on the north side of town.

He stated that he is a police officer and a resident of southeast Urbana. He is very concerned about the development of southeast Urbana in terms of home values, crime rate and safety. When good businesses pull out of a neighborhood then it leaves more room for the crime rate to increase. Gun owners and firearm store owners are some of the most civic minded, methodical, and responsible people. This is the type of people who will be frequenting a firearm store; not people under the influence of alcohol or felons. He would like to see the neighborhood get built up with good business no matter what the business may be.

Mr. Myers explained that the intent of only allowing business "by appointments" is to prohibit retail trade from occurring in a home. Mr. Hazen asked that now City staff knows that the ATF require at least one day with limited hours if they could include that in the language of the proposed text amendment so that it would be possible for an individual to open a home-based firearm business. Mr. Myers said yes.

Mr. Harris mentioned that he owns about 50 residential properties in the neighborhood. He would not do anything to impact the value of those properties. Therefore, he would not rent to Mr. Hazen if a firearms store would lower home values.

Mr. Hopkins wondered if there is alternative language that would be more directly useful than not allowing any inventory be kept in a home based business. Mr. Hazen stated his security plan for his home based firearm business is on file with the Urbana Police Department as well as with METCAD. Mr. Hopkins proposed that the City change the language in the proposed text amendment to make it a requirement for any home based firearm business to submit a security plan to the Urbana Police Department and to METCAD in lieu of any other regulations.

Mr. Ash wondered if Mr. Harris or Mr. Hazen, upon getting approval in the future to open a firearm store and/or indoor shooting range, would provide educational training for people who are interested in learning about firearm safety. Mr. Harris remarked that if people are interested in the educational or training component, then he would be willing to have open doors to offer it and possibly even have some competitor events. Mr. Ash felt that by offering education and working together with people to obtain their FOID cards, that it could help bridge the gap between them and the community.

Mr. Berkman re-approached the Plan Commission. He mentioned that he has a home-based business and deals with people as clientele. He communicates with them through email and periodically someone will come by to pick up their product. He also has mail order customers. A gun shop and a shooting range could serve as a focal point for the individuals who are capable of sharing information with those who are interested in becoming involved. The more communication they have and the more interchange they have between the groups, then the better the end product will be.

July 19, 2012

Michael Holden, of 1209 East Michigan, welcomes an indoor shooting range. He, especially, likes the idea of a range being located close to his home so he could walk there. He asked why the Pledge of Allegiance was not said at the start of the meeting. Chair Pollock stated that it is said at City Council meetings in conjunction with holidays. Mr. Holden commented that he wished it would be said at the start of all government meetings.

Steven Stanley re-approached the Plan Commission. He talked about education and how it increases safety and it teaches people not to be as scared of firearms.

Ryan Meekma, resident of the City of Urbana, talked about how when he first moved here he was unable to meet new people who enjoyed the same hobbies as him, especially when it came to shooting as a sport. It took him two years to find shooting clubs in other communities. He advised people to be careful when talking about guns or firearms and not call them weapons. It offends those who like shooting as a sport or for hunting. We need to educate people correctly so that they do not consider guns as weapons.

Clyde Walker, of 901 South Lierman Avenue, senses an irony in the idea of locating a firearm store in an area where so much gun violence has occurred over the last several years. To him it is a matter of semantics of whether they are called firearms or weapons because the potential physical and psychological results are still the same.

With no further input from the audience, Chair Pollock closed the public input portion of the meeting and opened it up for further questions for City staff from the Plan Commission.

Mr. Ash questioned whether the two existing home-based firearm store permits would expire and have to be renewed. If so, would they be renewed under the amended ordinance? Mr. Engstrom said no, home occupation permits, once granted, are perpetual as long as the home owners abide by the conditions in their applications.

Chair Pollock then opened the meeting up for Plan Commission discussion. Mr. Hopkins felt that the Plan Commission needed to make some revisions to the proposed text amendment prior to making a motion.

One revision would be to Section V-13, Paragraph H. Mr. Hopkins believed that they should require approval of a site security plan by the Urbana Police Department. This should be the only requirement listed in this paragraph. The current proposed language is over written in trying to solve concerns of the City staff. The Urbana Police Department should be able to figure out whether a size of inventory requires some kind of alarm system or not.

Mr. Otto felt that anything they come up with should be in accordance with the ATF. He felt that Mr. Hopkins' suggestion to require approval of a site security plan by the Urbana Police Department is too broad or general, and he is worried that the responsibility of making the decision might fall on someone with less experience with the ATF's regulations. He would like for City staff to find the specific regulations that the ATF requires. It was the consensus of the Plan Commission to have City staff look at what types of issues we should have the Urbana Police Department look at, what the ATF regulations are and some options for how to reword the language so that it fits with the ATF criteria as well as safety concerns for the City's neighborhoods.

Mr. Otto inquired about current regulations for existing home-based businesses with regards to hours of operation. Mr. Myers replied that there are many issues with the home occupation ordinance. It does not actually say that retail is not allowed; however, it has been a long-standing interpretation that it does not include retail sales. It does not generally prohibit having business hours open to the public because some home occupation uses that are permitted may need to have hours of operation, such as a hair salon/parlor. Chair Pollock suggested that given the vagueness of the ordinance in general and its various different applications depending on types of businesses that when the Plan Commission looks at gun sales in particular they hone in specifically on this use. The Plan Commission should leave the recrafting of the home occupation ordinance in general to a later date.

Mr. Hopkins felt that the notion of distance from other uses needs some justification. Chair Pollock voiced his idea that maybe discussion on this should take place during the special use permit process depending on the property, adjacent properties and the zoning of the properties. Mr. Fitch stated that he would like to see a justification of why 500 feet would be appropriate instead of 200 or 300 feet and why does it only apply to churches, schools and mosques. Why does it not apply to businesses that sell alcohol? He believes it warrants more discussion and research by City staff.

Mr. Hopkins understood Section VII-5. Paragraph D to be specific conditions to be added to the special use criteria for firearms in addition to general criteria for special uses. It seems to him that Item 4 is so vague that it is covered under the general criteria for special uses, and therefore invites misinterpretation. Chair Pollock added that special use permit process provides great flexibility for the Plan Commission and the City Council to make those determinations on a case-by-case basis, so there is really no reason to have Item 4 in the ordinance. It was the consensus of the Plan Commission to remove Item 4.

Mr. Otto pointed out that there had been no discussion on hours of service for a firearm sale use. The Plan Commission agreed that City staff should research this more and find if other areas have hours of operation for firearm sale use as home occupations.

Mr. Otto stated that he would prefer to include the outdoor shooting range use with the proposed text amendment rather than to wait until someone expresses an interest. Chair Pollock mentioned that he had previous conversations with City staff prior to the meeting about how to handle this. City staff is not ready to present a text amendment to the Zoning Ordinance on outdoor shooting ranges. However, it is on the list of what City staff is planning to propose changes to or create in the form of future text amendments.

Mr. Ash asked Mr. Harris and Mr. Hazen whether they would offer firearm educational services to which they assented.

Chair Pollock announced that this case will be continued at the next regular meeting of the Plan Commission.

MINUTES OF A REGULAR MEETING

URBANA PLAN COMMISSION

DRAFT

DATE: August 9, 2012

TIME: 7:30 P.M.

PLACE: Urbana City Building – City Council Chambers
400 South Vine Street
Urbana, IL 61801

MEMBERS PRESENT: Carey Hawkins-Ash, Andrew Fell, Tyler Fitch, Dannie Otto, Michael Pollock, Bernadine Stake, Mary Tompkins

MEMBERS EXCUSED: Lew Hopkins, Marilyn Upah-Bant

STAFF PRESENT: Robert Myers, Planning Manager; Teri Andel, Planning Secretary

OTHERS PRESENT: Marcus Harris, Dean Hazen, Susan Taylor

CONTINUED PUBLIC HEARINGS

Plan Case No. 2181-T-12: A request by the Zoning Administrator to amend Table V-1, Article II, Article V, and Article VII of the Urbana Zoning Ordinance to establish standards for “Firearm Sales” and “Firing Range (Private Indoor)”

Robert Myers, Planning Manager, presented an update of the proposed text amendment to the Plan Commission. City staff intends for the proposed text amendment to establish standards for firearm sales as a land use category rather than as an activity. Based on this, City staff modified the proposed term “firearm sales” to “firearm store” in Table V-1, Table of Uses.

At the request of the Plan Commission, Mr. Myers has further researched minimum distance requirements for firearm stores and firing ranges. He pointed out that there are minimal distance requirements for other uses in the City of Urbana are common, such as billboards and adult entertainment uses. He talked about minimum distance requirements for firearm sales and the results of the court case *Illinois Sporting Goods Association versus County of Cook* (1994). Establish minimum distance standards can be a reasonable zoning requirement, but City staff recommends that the standard minimum distance requirement be removed from the proposed ordinance since it is limited to two specific uses: firearm stores and firing ranges. The Plan Commission could choose to recommend minimum distance requirements, but City staff would need to do further legal research to determine whether these standards would need to be applied across the board to all firearm sales. The proposal in writing before the Plan Commission is to

August 9, 2012

deal with potentially sensitive nearby land uses such as churches and schools on a case-by-case basis through the special use permit process.

To address Plan Commission questions about what elements might be included in site security plan, Mr. Myers met with Dean Hazen and Roger Tillman of D & R Firearms to review the security used for their home-based business. Mr. Myers discussed these elements and suggested that the Plan Commission could make approval of a security plan a standard condition.

Chair Pollock opened the hearing up for Plan Commission questions to City staff. The questions and answers were as follows:

If a minimum distance regulation was supported and added to the proposed text amendment, how would it affect a home-based firearm dealer use? Mr. Myers replied that minimum distance requirements would not apply to a home based business because the use is accessory to the principal use as a home.

If the proposed text amendment is approved, would it prohibit home-based firearm business? Mr. Myers responded that such uses would still be permitted as long as it meets all of the City's home occupation standards and complies with approved permits.

Does the City's existing Home Occupation Ordinance require a security plan? Mr. Myers responded that it does not.

What about firing ranges? Mr. Myers responded that the current Zoning Ordinance does not have indoor firing ranges in the Table of Uses. As being proposed, the City would review requests for firing ranges on a case-by-case basis to ensure compatibility with neighboring properties.

There was a concern about who would approve a site security plan given that the proposed wording would be approval by the Police Department. Mr. Otto would be more comfortable identifying the Chief of Police as the person who reviews site security plans rather than just naming the Police Department. Mr. Myers said this could be changed.

There was also concern that there are no restrictions on the hours of operation. It is conceivable to have hours of operation as long as it relates to a public purpose.

Should there be a specific list of security measures that a future owner would be required to complete? Mr. Myers recommended that this be left to the Chief of Police to determine what type of security would be needed for each business. The City could also address this when reviewing and deciding upon the special use permit request that is required to open a firearm store.

Are firearm dealers required to renew their site security plans every so often? It would be reasonable to require periodic review of security plans.

August 9, 2012

Are regulations in a special use permit process allowed to be determined based on the specific needs of that particular request without regard to other special use permit approvals that have come before? Mr. Myers responded “yes”.

Could an age limit be placed on entry into the store as a condition on approval of a special use permit request? How old must a person be to obtain a FOID card? Mr. Myers believed an age limit could be a condition if the City finds a reasonable relationship between the age limit and protecting the public.

Does the City of Urbana impose hours of operation for alcohol sales? Mr. Myers responded that City staff could find out and get back to the Plan Commission.

Why would private indoor firing ranges require a conditional use permit rather than a special use permit in the AG, Agricultural, and CRE, Conservation-Recreation-Education, Zoning Districts? Wouldn't the City Council want to review all of these uses? Mr. Myers explained that because AG and CRE Zoning Districts usually have large lots, firing ranges established there are less likely to impact neighbors and so a conditional use seems reasonable. But there is some logic to having all of these uses approved by the Plan Commission and City Council as Special Use Permits. Mr. Myers would support this change.

In researching the distance from specific uses, did City staff find any communities that regulate distance between a firearm store and a business that sells alcohol? Yes, occasionally. The most common distance regulations applied to schools, residences, places of worship and parks. Distance requirements to liquor stores is probably the fifth most common.

With no further questions for City staff, Chair Pollock reopened the public hearing and asked for any comments from the public.

Dean Hazen and Marcus Harris came before the Plan Commission to speak.

Following up on Plan Commission questions, Mr. Hazen explained that a person must be at least 18 years old to obtain FOID card and 21 years old to purchase. An 18-year-old can purchase shotgun and 22-rifle ammunition only.

A firearm business is required by the Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) to have a block of hours that the business is open, even if it's just a couple of hours a week. The reason is because the ATF can only inspect the business during business hours. For this reason a home occupation firearms dealer needs to be able to have some limited hours open to the public.

With regards to restricting the age limit for people who can enter a firearm business, he stated that some of his customers bring their children with them when coming to his business. They are out running errands and stop by his business to see what he has for sale. Owners of this type of business and the children's parents are not going to allow the children to handle guns. It is actually educational for children as part of firearms safety. It would not be onerous for the City to place an age restriction for entrance as long as they include that minors can be accompanied by their parent or legal guardians. It is a state law that a person must have a FOID card to even

August 9, 2012

look at or touch a firearm. He believes that the reason an 18-year-old can purchase a FOID card is for hunting purposes. Even then, the 18-year-old has to be sponsored by a parent.

He confirmed that there is a 72 hour waiting period to purchase a hand gun and 24 hour waiting period to purchase a long gun (shotgun or rifle). He explained the process for completing a background check. In the case where the waiting period has expired and he has not heard back from the Illinois State Police, there are specific steps to follow. After the initial 72 hour waiting period, he calls the State Police's FOID Division to inform them that he has not heard anything about the customer. They have an additional 2 days to respond. After 5 days with no response, the customer is legally able to purchase a firearm. But the firearm dealer is not obligated to sell a gun. He has turned down a few people even though they had a FOID card.

There was a concern expressed about the potential noise produced from an indoor firing range. Mr. Hazen said that any indoor shooting range he has visited he has not heard any noise outside whatsoever except in a few cases when someone is shooting something enormously loud. Chair Pollock pointed out that as mentioned earlier, an indoor shooting range is only allowed in the AG and CRE Zoning Districts, which are usually fairly large sized parcels. However, if an indoor shooting range is proposed to be located within the City on a smaller size lot, then the noise level is something that could be addressed during the special use permit process.

Mr. Hazen noted that easily 90% of his customers have inquired about places to practice shooting and receive training and education on firearms. There is no place locally for the public to go. Some people set up cans along the roadside to practice shooting, which is extremely dangerous because bullets can travel a long distance.

With regards to restricting hours of operation for a firearm store, Mr. Hazen thought that a closing time of 7:00 p.m. or 8:00 p.m. would not interfere with business. Most customers visit his business either before work, after work or on the weekends. Mr. Harris recommended for a shooting range, extending the hours of operation from 9:00 a.m. until 9:00 p.m. Weekends are very popular.

As for firearms, Mr. Hazen explained that most people bring their own firearms to a shooting range. However, most shooting ranges will have firearms that people can rent while at there. This gives people an opportunity to fire a gun that they may not own or have wanted to try.

Customers must have FOID cards. There are certain regulations people must follow to transport their firearms to a shooting range. Once a customer arrives, a range officer would then inspect the firearm to ensure that it is safe and would also inspect the customer's ammunition because there are regulations on what type of ammunition can be used at a range.

Mr. Harris stated that firing ranges are often conjoined with gun stores, or they sell their own ammunition and firearms. Sometimes the gun store and the shooting range are owned by separate people.

With no further input from the public, Chair Pollock closed the public hearing and opened it up for further questions for City staff from the Plan Commission.

The Plan Commission asked how a “school” was defined. Mr. Myers explained that staff uses the definitions in the Zoning Ordinance as land use categories to find principal uses of properties. The Zoning Administrator would interpret what the principal use of a property is based on the definitions in the Zoning Ordinance prior to a special use permit request coming before the Plan Commission or City Council.

With no further questions, Chair Pollock entertained Plan Commission discussion and/or motion(s).

Mr. Fell wondered if the minimum distance requirement should also apply to home occupation permits. It seems that every other instance where we have a minimum distance requirement, it is something that would never be a home occupation use, such as radio tower, wind turbine, etc. If we apply a minimum distance requirement to a firearm store, then we also need to apply it to a home-based firearm business. Mr. Myers replied that this opens up the issue of whether a minimum distance should be required for any business that sells guns. This would include a pawn shop or a sporting goods store, which are both permitted by right in certain zoning districts. As such, gun sales would only be a small portion of the overall business either in square footage or in their level of income. The City could never allow outright retail sales in any home occupation business because it flies in the face of residential zoning. Mr. Fell pointed out that home firearm businesses are required to be a retail shop for a certain period of time each week by having set hours of operation. Mr. Myers replied that City staff does not consider it to be a retail shop just because they have a few hours of operation. They have prior arrangement for visits on a clientele basis. The hours of operation could be time when pre-arranged clients could come to fill out paperwork, finalize a sale that started on the internet, pick up a product, etc. The proposed text amendment as written does not include minimum distance requirements. Each request would be considered on a case-by-case basis. Mr. Otto stated that it would be a good idea for the City to require a rationale for placing a minimum distance requirement on a specific request. Mr. Myers agreed.

Mr. Ash wondered if there should be any distinction for combination firearm stores/firearm ranges guns. Mr. Ash said that the two uses could cohabitate in one building with a wall separating them. Chair Pollock believes that they could impose a minimum distance requirement on the gun range from schools, churches, etc. in this instance.

Mr. Myers stated that there are two ways to deal with adjacent uses. One is through the approval process and the other is through standard conditions. The City could say that any specific use (such as billboard, firearm store, indoor shooting range, etc.) has to be a specified distance from another type of use (such as residential, church, etc.). Another way to deal with the use is to require a special or conditional use permit where it would be reviewed on a case-by-case basis. A third option would be to require both a minimum distance and a special or conditional use permit. Chair Pollock added that this part of the process is simply what zoning districts a firearm store or indoor shooting range would be allowed in and what type of process would an owner go through to locate there.

Ms. Stake talked about the danger of having a firearm store located near schools. There have been 100 school shootings since the deadly 1999 Columbine High School shooting. It is not reasonable to locate a firearm store or indoor shooting range in an area where there is already a high crime rate. She is opposed to people owning guns.

Could a firearm store currently be established in a commercial district? Mr. Myers responded that it could not now be established as a primary use. It could be part of a larger retail use such as a sporting goods store or pawn shop. The Zoning Administrator would need to make this interpretation.

There was discussion about the noticing requirements for special and conditional use permit hearings. City staff is required to notice public hearings within 250 feet, excluding City right-of-ways. If the Plan Commission desired to increase this distance, then they could add that to the recommendation that they forward to City Council for the proposed text amendment.

Mr. Fitch moved that the Plan Commission forward Plan Case No. 2181-T-12 to the Urbana City Council with a recommendation for approval as indicated in the revised written staff report dated August 3, 2012. Mr. Fell seconded the motion.

Mr. Ash moved a friendly amendment to amend Section V-13.H to read as such: *The sale of firearms as a home occupation shall require approval of a site security plan by the Chief of Urbana Police Department or his designee for renewal every three years.* Mr. Otto seconded the motion.

Mr. Ash stated that this will incorporate what the Plan Commission had already discussed in specifying the officer responsible for approval. If the Chief of Police is too busy, then he can designate one of his responsible deputies. It also incorporates Mr. Fell's comments as to the renewal period in the event that there is growth and expansion for the business owner.

Mr. Otto called the question on the amendment. Mr. Fitch seconded. A hand vote was taken and the question on the amendment passed.

Roll call on the motion to amend was as follows:

Mr. Ash	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	No	Ms. Stake	-	Yes
Ms. Tompkins	-	Yes			

The motion to amend was approved by a vote of 6-1.

Mr. Ash moved a friendly amendment to amend Section VII-5. Special Use Terms and Conditions Subsection D, Number 1 to read as such, "*Urbana Police Department approval of a site security plan shall be submitted to the Urbana Chief of Police or his designee for his approval every three years as a condition for approval of a Special Use Permit.*" Ms. Stake seconded the motion.

Mr. Fell understood the motion to mean that a firearm store owner would have to get approval of a new Special Use Permit every three years. Mr. Ash stated that his intent is to require a firearm store owner to resubmit a security plan every three years as a condition of the approval of the permit.

Chair Pollock presented a scenario where a store owner gets approval of a special use permit to locate a firearm store, submits a site security plan and it is approved, then three years later resubmits a site security plan as required that is not approved by the Chief of Police or his designee, what happens then with the special use permit? Mr. Ash replied that the Chief of Police would give notice of the denial of the site plan, and the special use permit would come back to the Plan Commission in terms of the validity of the permit. It would actually trigger a review of the special use permit.

Mr. Otto likes this idea, because many times a special use permit is granted and there is no way to enforce that the owner is complying with the conditions of the permit. For example, when an owner agrees to contract for additional required parking. They let the parking contract lapse after getting approval of the special use permit, and the City has no way of enforcing that a new contract be arranged.

There was discussion by the Plan Commission about whether the owner should be notified every three years when the time comes to resubmit a site security plan or whether the owner should be held responsible to resubmit on their own similar to a driver's license. It was pointed out that there is an expiration date on a driver's license alerting the individual when his/her license would expire. The Plan Commission decided it should be an administrative decision.

Chair Pollock asked for the motion to amend to be read back to them.

Roll call on the motion to amend was as follows:

Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Otto	-	Yes	Mr. Pollock	-	No
Ms. Stake	-	Yes	Ms. Tompkins	-	No
Mr. Ash	-	Yes			

The motion to amend was approved by a vote of 5-2.

Mr. Otto moved a friendly amendment to Table V-1. Table of Uses to change the level of review for *Private Indoor Firing Range* in the AG and CRE Zoning Districts from C (Conditional Use Permit) to S (Special Use Permit). Mr. Fitch seconded the motion.

Mr. Otto stated that an indoor firing range use has the potential to generate a lot of public interest and controversy. Therefore, he believes that it should require review and action by the Urbana City Council. Chair Pollock agreed.

Roll call on the motion to amend was as follows:

Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Tompkins	-	Yes	Mr. Ash	-	Yes
Mr. Fell	-	Yes			

The motion to amend was approved by unanimous vote.

Mr. Otto moved a friendly amendment to Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 3 and Subsection E to add Number 2 to read as such, “Hours of Service shall be limited to 9 a.m. to 9:00 p.m.” Mr. Fitch seconded the motion.

Mr. Otto felt that the earlier discussion explained the intent of this friendly amendment.

Roll call on the motion to amend was as follows:

Mr. Otto	-	Yes	Mr. Pollock	-	No
Ms. Stake	-	Yes	Ms. Tompkins	-	No
Mr. Ash	-	Yes	Mr. Fell	-	No
Mr. Fitch	-	Yes			

The motion to amend passed by a vote of 4-3.

Chair Pollock moved a friendly amendment to Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 4 and Subsection E to add Number 3 to read as such, “No individual under the age of 21 unless accompanied by a parent or guardian will be allowed on the premises.”

Mr. Ash requested that they add “...legal guardian...”

There was discussion about 18-, 19- and 20-year olds being able to enter purchase some types of ammunition. The Plan Commission decided that these individuals are exempt from the regulation because they are not old enough to purchase firearms anyway.

There was discussion about if the government lowers the age restriction to purchase firearms. The Plan Commission decided to change the language in the amendment to read “...under the legal age of 21 to purchase a firearm...”

Chair Pollock restated the amendment to read as follows, “No one under the legal age to purchase a firearm in the State of Illinois will be allowed on the premises without a parent or legal guardian.” Mr. Otto seconded the motion.

Roll call on the motion to amend was as follows:

Mr. Pollock	-	Yes	Ms. Stake	-	Yes
Ms. Tompkins	-	Yes	Mr. Ash	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Otto	-	Yes			

The motion to amend passed by unanimous vote.

Mr. Fitch moved a friendly amendment to Section VII-5. Special Use Terms and Conditions to add Subsection F to read as such, *“Require notification for Special Use Permit to property owners within 500 feet of the subject property”*. Ms. Stake seconded the motion.

Mr. Fitch felt this amendment is preferable for setbacks. Rather than setting a minimum distance requirement between uses, he believes that notifying a larger area of pending public hearings will generate more input for the Plan Commission and the City Council to use in making decisions. There was discussion about whether or not 500 feet would be enough. Mr. Myers clarified that 500 feet would be from the outer property line of the parcel on which the use is located, not from the building in which it would be located.

Roll call on the motion to amend was as follows:

Ms. Stake	-	Yes	Ms. Tompkins	-	Yes
Mr. Ash	-	Yes	Mr. Fell	-	Yes
Mr. Fitch	-	Yes	Mr. Otto	-	Yes
Mr. Pollock	-	Yes			

The motion was passed by unanimous vote.

With no additional amendments, the main motion read as follows:

The Plan Commission forward Plan Case No. 2181-T-12 to the Urbana City Council with a recommendation for approval as amended in the revised written staff report dated August 3, 2012 along with the following amendments:

- 1. Amend Section V-13.H to read as such: **The sale of firearms as a home occupation shall require approval of a site security plan by the Chief of Urbana Police or his designee for renewal every three years.***
- 2. Amend Section VII-5. Special Use Terms and Conditions Subsection D, Number 1 to read as such: **A site security plan shall be submitted to the Urbana Chief of Police or his designee for his approval every three years as a condition for approval of a Special Use Permit.***
- 3. Amend Table V-1. Table of Uses - Change the level of review for Private Indoor Firing Range in the AG and CRE Zoning Districts from C (Conditional Use Permit) to S (Special Use Permit).*

4. *Amend Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 3 and Subsection E to add Number 2 to read as such, “Hours of Service shall be limited to 9 a.m. to 9:00 p.m.”*
5. *Amend Section VII-5. Special Use Terms and Conditions – Subsection D to add Number 4 and Subsection E to add Number 3 to read as such, “No one under the legal age to purchase a firearm in the State of Illinois will be allowed on the premises without a parent or legal guardian.”*
6. *Amend Section VII-5. Special Use Terms and Conditions to add Subsection F to read as such, “Require notification for Special Use Permit to property owners within 500 feet of the subject property.”*

Roll call on the main motion and amendments was as follows:

Ms. Tompkins	-	Yes	Mr. Ash	-	Yes
Mr. Fell	-	Yes	Mr. Fitch	-	Yes
Mr. Otto	-	Yes	Mr. Pollock	-	Yes
Ms. Stake	-	No			

The motion was approved by a vote of 6-1.

Mr. Myers noted that Plan Case No. 2181-T-12 will be forwarded to City Council on Monday, August 20, 2012.



Staff Report Plan Commission

May 1, 2013

Continued from March 6, 2013 & February 6, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Subject text amendment is applicable to all zoning districts

Requested Action: Text amendment to the Definitions Section Article II, Part A, 2.02, relative to Fence, Semi-Private, or Semi-Private Fence; Banquet Facility, Façade, and Restaurant/Restaurant, Fast-Food or Carryout

Nature of Request: Certain text amendments are proposed to eliminate unnecessary/confusing references and to clarify certain definitions.

Petitioner: Village Board

Summary

Banquet Facility, Banquet Hall: Initially staff sought consideration of a potential issue of the Zoning Ordinance defining Banquet Facility, Banquet Hall which is not listed in the Land Use Table. Staff recommended clarifying that such uses are not permitted by eliminating the definition from the Zoning Ordinance. In further reviewing the matter staff recommends no action on this item. As a result, staff withdraws consideration of this matter.

Note: Below is the summary provided at the March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

Fence, Semi-Private, Or Semi-Private Fence: Section 2.02 of the Zoning Ordinance defines semi-private fence as:

“FENCE, SEMI-PRIVATE, OR SEMI-PRIVATE FENCE: A Fence which is not a Solid Fence nor an Open Fence. These types of fences are restricted to board-on-board and shadow box types. The open space between vertical fence boards shall not exceed 85% of the width of the boards on the same side of the Fence.”

This definition refers to both board-on-board and shadow box as fence types. However, board-on-board and shadow box are the same type of fence. To clarify the definition the Plan Commission may consider removing one of the references.

Façade

The generally accepted definition of façade is, “Any side of a building facing a public way or space and finished accordingly.” For purposes of applying certain Zoning regulations, communities often narrow the definition to state that facades are any side of the building facing a street and/or public right-of-way. This definition is important because there are greater design standards that apply to facades than other building elevations. As a result, it is clear that the intent is to require higher quality design and materials on those portions of a building that will be most likely visible to the general public. Conversely, there is an acknowledgement that not all elevations are required to have the same high quality finishes.

Staff believes the definition adopted and found in the Zoning Ordinance can be unclear. It reads:

FAÇADE: The exterior wall of a building that is exposed to public view.

The challenge with this definition is that all exterior walls of a building can be exposed to public view. Is it the intent of the Zoning Ordinance to require high quality materials on all building elevations or is it the intent to require high quality materials on those building elevations facing a street. By defining façade as the Zoning Ordinance currently does there is very little differentiation between building elevation and façade. As such,

Staff recommends the definition be clarified to read that a façade is that portion of a building that faces a public street. This would align with the more commonly used definition of façade as well as staff’s interpretation on the intent.

Restaurants & Restaurants, Fast-Food or Carryout

The definitions section of the Zoning Ordinance defines “Restaurant” and “Restaurant, Fast-Food or Carryout” separately. The reference and consideration that these are different types of uses are repeated in Section VII Table 7.01.1 the Off-Street Parking Schedule. However, the Permitted and Special Uses Table 4.01.1 lists only “Restaurant” with no reference to “Restaurant Fast-Food or Carryout”. It has been staff’s interpretation that the Permitted and Special Uses Table considers “Restaurant” and “Restaurant Fast-Food or Carryout” to be the same use only differentiated by floor area. Recently, staff was questioned on this interpretation. In order to remedy any confusion or mis-interpretation staff believes that the definition of “Restaurant” and “Restaurant, Fast-Food or Carryout” can be modified.

RESTAURANT: A place of business in which food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises, and for which carryout services and facilities are clearly subordinate to the principal use of providing prepared foods for consumption on the premises. The term “restaurant” in the Permitted and Special Uses Table includes, without limitation, establishments such as cafes, lunch counters, cafeterias, carryout or other similar businesses, ~~but does not include fastfood restaurants.~~

RESTAURANT, FAST-FOOD or CARRYOUT: Any business in which the principal part of the business is providing food or meals for compensation in disposable wrappers or containers for consumption within the principal building or off the premises at which it is prepared. **This definition shall be used for purposes of determining the required off-street parking for this sub-type of Restaurant Use.**

Attachments

1. Zoning Code Excerpt: Definitions, Semi-Private Fence, Façade, Restaurants/Restaurants, Fast-Food or Carryout

FENCE PANEL: That portion of a Fence that is between the Fence posts.

FENCE, REAR or BACK FACE: The face side of a Fence which shows the most amount of structural supports.

FENCE REPAIR: Any action in which a person fixes, mends, restores, or removes that portion of a Fence which provides its opacity (e.g., vertical boards, individual post replacement, slats, pickets, chain link) and/or associated horizontal supports. Repair shall include any action to an existing Fence within a calendar year not specifically included within the definition of "Fence Replacement" or "Fence Maintenance".

FENCE REPLACEMENT: Any action in which a person removes and replaces more than twenty-five percent (25%) of the number of posts or horizontal or vertical members in a Fence within a calendar year.

FENCE, SEMI-PRIVATE, OR SEMI-PRIVATE FENCE: A Fence which is not a Solid Fence nor an Open Fence. These types of fences are restricted to board-on-board and shadow box types. The open space between vertical fence boards shall not exceed 85% of the width of the boards on the same side of the Fence.

FENCE, SOLID, OR SOLID FENCE: A Fence which is not open over fifty percent (50%) of the surface area. Examples include, but are not limited to: stockade, board and batten, basket weave, chain link with woven slat inserts, and brick, except as otherwise provided.

FENCE MATERIAL, UNACCEPTABLE: Materials such as concrete block, cinder block, plank lumber over six inches (6") in width, scrap lumber, scrap materials, barbed wire (except at the top of a Fence in an "M" District where not abutting a residential Lot or in any zoning district where used to enclose utility or telecommunications facilities), pallet lumber, plastic pipe, plastic or synthetic materials, exterior insulation finish systems, combinations of materials, "chicken wire mesh" (except as allowed immediately around compactly planted vegetable gardens, as seasonally needed in Rear and Side Yards only, square wire farm fence, in residential zones welded wire fence with members less than ½" in diameter, fabric, burlap, plastic sheets (except approved synthetic composite materials), wood and plastic snow fence, rubble and debris and Open Fences with obstructions.

FINISHED FIRST FLOOR: The finished surface of the floor level above the basement or cellar of a structure or building, or the upper surface of the floor of the first story of a structure or building.

FINISHED FIRST FLOOR HEIGHT: The vertical distance from the grade elevation at the top of the curb to the top of the finished first floor.

FLAG: A construction of fabric, plastic, paper or other synthetic or natural material depicting through symbols, characters, design or letters, a nation, political subdivision, institution or business.

FLASHING SIGNS: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source.

ENTERTAINMENT VENUE: An outdoor or indoor area, building, or part of a building, devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

ESTABLISHMENT, BUSINESS: A place of business, the ownership or management of which is separate and distinct from those of any other place of business located on the same or other lot.

FAA: The Federal Communications Aviation Administration.

FAÇADE: The exterior wall of a building that is exposed to public view.

FACILITY WITH DRIVE-THROUGH: (see DRIVE-THROUGH ESTABLISHMENT)

FALLOUT SHELTER: An accessory building and use which incorporates the fundamentals for fallout protection-shielding mass, ventilation and space to live-and which is constructed of such materials, in such a manner, as to afford to the occupants substantial protection from radioactive fallout.

FAMILY: An individual, or two or more persons related by blood, marriage or adoption, living together in a dwelling unit, or a group of not more than five persons who need not be related by blood or marriage or adoption, living as a single housekeeping unit in a dwelling unit, and sharing common facilities as considered reasonably appropriate for a family related by blood, marriage, or adoption, in either case exclusive of servants.

FCC: The Federal Communications Commission.

FENCE: An accessory structure, assembled using cut or formed natural materials or artificial materials, which is used as a barrier, boundary, decorative accessory, means of protection or confinement enclosing or dividing a piece of land, and which is over twelve inches (12") in height above the ground level. Examples include, but are not limited to, Open Fences, Solid Fences, masonry and stone walls. For the purposes of this Chapter, a Fence shall not include naturally growing shrubs, bushes and other foliage.

FENCE HEIGHT: All sections of fence (excluding the post) in any Lot may have a total height that shall not exceed the prescribed maximum Fence Height; provided that the space between the bottom of a section of Fence and the ground beneath it shall not exceed three (3) inches. A Fence post may extend no more than a maximum of three (3) inches above the section of Fence.

FENCE, LEGAL NONCONFORMING, OR LEGAL NONCONFORMING FENCE: Any Fence which was erected pursuant to a permit and is maintained in good condition and existing prior to the passage of the regulation, but which does not conform to the regulations set forth in this Zoning Ordinance.

FENCE MAINTENANCE: The painting, staining, sand scraping, nailing, screwing, riveting, welding, tie-wiring, or clamping so as to restore the like new appearance, restore the safe condition, or maintain the condition of what would generally be considered a good functioning Fence.

FENCE, OPEN, OR OPEN FENCE: A Fence including gates, which has, over its entirety, no less than fifty percent (50%) of the surface area in open space as viewed from an angle of ninety degrees (90°), from the Fence line. Examples include, but are not limited to: chain link; wrought iron; picket; Kentucky rail; split rail.

Conversion Vans are not Recreational Vehicles for purposes of this Zoning Ordinance.

RECREATIONAL VEHICLE TRAILER: Any Trailer as defined herein and shall also include any vehicle on wheels, skids, rollers or blocks, either self propelled or propelled by any other means, which is used or designed to be used primarily for residential, living, sleeping purposes or for the transportation of boats or any other recreational equipment, or for other similar purposes.

RELIGIOUS INSTITUTION: A place of worship or religious assembly with related facilities such as: rectory; private school; meeting hall; offices for administration of the institution; licensed child or adult care, playground, cemetery.

RESEARCH LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESTAURANT: A place of business in which food, drinks or refreshments are prepared and sold to customers primarily for consumption on the premises, and for which carryout services and facilities are clearly subordinate to the principal use of providing prepared foods for consumption on the premises. The term "restaurant" includes, without limitation, establishments such as cafes, lunch counters, cafeterias, or other similar businesses, but does not include fast-food restaurants.

RESTAURANT, FAST-FOOD or CARRYOUT: Any business in which the principal part of the business is providing food or meals for compensation in disposable wrappers or containers for consumption within the principal building or off the premises at which it is prepared.

RETAIL SALES AND SERVICES: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street or related facilities, public path or trail, railroad, electric line, oil or gas pipeline, water main, sanitary or storm sewer, communication line, or for other special uses.

ROADWAY: That portion of a street which is used or intended to be used for the travel of motor vehicles.

ROOF SIGN: A sign erected, constructed and maintained on or above the roof of any building.

ROOFLINE: The top of the parapet of a building with a flat roof, the deck line of a building with a mansard roof, or the eaves line of a building with a gable, gambrel or hip roof.

ROOFTOP FLAGPOLE: Structures which are used for displaying flags which are affixed to the rooftop of any building or structure.

SCHOOL, PUBLIC: A building operated and maintained for educational purposes and such other community uses as deemed necessary and desirable.



Staff Report Plan Commission

May 1, 2013

Continued from March 6, 2013 & February 6, 2013

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to consider requirements for Balconies, Porches, and Open Patios or Terraces as Found in the Permitted Obstructions in Yards Table 3.10.01 of the Zoning Ordinance.

Nature of Request: A text amendment is proposed to consider modifying or additional bulk requirements for Open Balconies in the Front Yard, Open Patios, and Attached and Covered Porches.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

Open Balconies – Table 3.10.01 of the Zoning Ordinance identifies the permitted obstructions in yards, i.e. where items such as electrical generators, detached buildings, decks, and other accessory structures are permitted. Open Balconies are permitted not to exceed 4 feet from the building as per Table 3.10.01 of Zoning Ordinance. Staff notes however, that Open Balconies in the front yard are the only accessory structure which requires a Special Use. Staff seeks guidance on the intent of the bulk regulations for Open Balconies. More specifically:

1. Do all balconies on the front elevation require Special Use approval?
2. Are all balconies permitted as long as they do not exceed 4 feet from the building? In the event a balcony on the front elevation exceeds 4 feet, is a Special Use required to permit such a balcony?
3. If the Principal Structure is located at the minimum front setback line and a balcony is on the front elevation does this balcony at any distance from the building require a Special Use?

Staff's recommendation is to identify the permitted dimension of a balcony (currently extending 4 feet from the building) and identifying which elevations such a balcony complying with the dimension is permitted. Once this is determined it is staff's recommendation that all other balconies be subject to approval by the variation process and hardship standards.

Open Patios – The Zoning Ordinance contains unclear language as it pertains to the “size” of patios. Open Patios are permitted as follows:

Open patios or terraces in a residential district, provided that they are at least four feet from all side and rear property lines, not over four feet (4') above the average level of the adjoining ground and do not project over ten feet (10') (excludes covered porches)

The portion of the regulation that staff seeks consideration by the Plan Commission is the underlined portion which states, “...do not project over ten feet (10')...” The standard does not make reference to what or where the limitation to not project over ten feet is taken from. Is a patio not permitted to project more than ten feet from the house? Is it to not project more than ten feet into the required rear yard?

It is staff's belief that the requirement is intended to limit patios to not extend more than ten feet into the required rear yard. It would be very restrictive to limit patios to not extend more than ten feet from the principal structure. Additionally, staff notes that there are numerous patios in the community which would not comply with the most restrictive of interpretations. Staff seeks an amendment to provide clarification to this section.

Porches – Attached and covered porches are permitted in all yards provided they are at least four feet from all side and rear property lines. This regulation appears to leave it open for a property owner to construct a nearly unlimited covered porch in their front and rear yards. Staff does not believe that this is the intention of the standard so at the February 6th meeting staff seeks discussion on what the reasonable limitation should be for covered porches. It is likely that staff will then need to draft language for review at a future meeting.

Attachments:

1. Zoning Ordinance Excerpt: Article III Table 3.10.01

PART C: YARDS, ALLOWABLE OBSTRUCTIONS

3.09 YARDS, GENERAL

- (1) The minimum yard space required under the terms of this Zoning Ordinance for one structure shall not again be considered as yard space for another adjoining structure.
- (2) No lot shall be reduced in area so that the yards or other open space and lot area become less than required by this Zoning Ordinance.
- (3) On streets where a front yard setback of more or less depth than required by Article IV has been maintained for buildings existing on lots or tracts having a frontage of forty percent (40%) or more of the total frontage on one side of a block, the front yard setback line for each remaining vacant interior lot along the block shall be the average distance of the existing front yard setbacks on that side of the block.
- (4) On a vacant through lot, both lot lines adjacent to a street shall be established as the front line, except that where two (2) or more through lots are contiguous and a front line has been established by an existing principal building on the contiguous through lot, the same street line shall thereafter be deemed to be the front lot line.

3.10 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

Table 3.10.01 below (Permitted Obstructions in Yards) list items which are permitted in yards and the location (e.g. front yard) where they are permitted. A "P" denotes that an obstruction is permitted; an "S" denotes that an obstruction is considered a special use and may be permitted in the subject district only after review and approval in accordance with Article V of this Ordinance; a "-" denotes that the obstruction is prohibited. (Ordinance No 2012-2987)

Table 3.10.01 Permitted Obstructions in Yards	Yard			
	Front	Rear	Side	Corner Side
Air conditioning window units, provided they do not extend more than two feet from window	P	P	P	P
Air conditioning condensers and equipment, other than window units, provided they are at least ten feet from side property lines and at least twenty feet from an adjoining residential property owner's window	-	P	-	P
Arbors and trellises, not in excess of 8 feet in height	-	P	P	P
Architectural projections of sills, belt courses, cornices and ornamental features projecting nor more than eighteen (18) inches into a yard	P	P	P	P
Awnings and canopies, projecting into a yard not more than 10% of the depth of front or rear yard or 25% of the width of side yard	P	P	P	P
Backup electrical generator, provided they are at least ten feet from all property lines.	-	P	-	-
Balconies, open, not to exceed 4 feet from building	S	P	-	-

Table 3.10.01 Permitted Obstructions in Yards	Yard			
	Front	Rear	Side	Corner Side
Basketball hoop on non-recreation land use, limited to one pole- or garage-mounted goal and shall be at least five feet from all property lines	P	P	-	P
Bay windows, one-story and projecting three (3) feet or less in the yard	P	P	P (Note 1)	P
Chimneys projecting twenty-four (24) inches or less into the yard	P	P	P	P
Covered entry structure, located as part of a primary or secondary entrance, open on 3 sides, not to exceed 3 feet from building	P	P	P	P
Decks, in a residential district, provided that they do not exceed required building setbacks	-	P	-	-
Detached garages, provided that such accessory building shall not cover more than 30% of the required area of a rear yard	-	P	-	-
Dish antennas – greater than 30" diameter	-	P	-	-
less than 30" diameter	-	P	P	-
Fallout shelters, attached or detached	-	P	-	-
Fences (pursuant to Section 3.13 of this Article)	-	P	P	P
Flagpoles	P	P	P	P
Open patios or terraces in a residential district, provided that they are at least four feet from all side and rear property lines, not over four feet (4') above the average level of the adjoining ground and do not project over ten feet (10') (excludes covered porches)	P	P	P	P
Overhanging eaves and gutters projecting 36 inches or less into the yard and are not less than two (2) feet from any lot line	P	P	P	P
Playground equipment	-	P	-	-
Porches, attached and covered and provided they are at least four feet from all side and rear property lines	P	P	P	P
Ramps for use by disabled persons	P	P	P	P
Sheds, storage buildings, gazebos, etc.	-	P	P	-
Solar Panels	-	P	P	P
Steps, open without roof	P	P	P	P
Swimming pools, private, located not less than five (5) feet from a lot line and ten (10) feet from the nearest overhead utility; swimming pools must be completely enclosed by fencing	-	P	-	-
Television, radio towers or antennas, provided that they are at least five feet from all property lines as permitted in Section 3.12 of this Article.	-	P	P	-

Agenda Item #10



**Staff Report
Plan Commission**

May 1, 2013

Continued from March 6, 2013 & February 6, 2013

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to consider modifying Notice of Violation; Time of Compliance, Complaint Section of the Zoning Ordinance; Section 3.13 (26).

Nature of Request: A text amendment is consideration of modifying the compliance deadline for fence violations.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

The Zoning Ordinance includes for fence violations only a specific outline of the Notice of Violation requirements, Compliance Deadlines, and Filing Complaints with the Circuit Court of Cook County.

Staff seeks discussion on this section with consideration of the following:

1. Aside from the Sign Chapter, the Zoning Ordinance does not contain any other process on how staff is to proceed with enforcement of violations of any other section/requirement of the Zoning Ordinance.
2. With the Village now handling Zoning Ordinance violations through the Administrative Hearing Officer process any reference to filing directly with Circuit Court of Cook County should be eliminated.
3. Staff prefers to not have compliance deadlines dictated by code as situations differ. There is a protocol in place for all Village employees on how to handle violations. Section 3.13(26) is more lenient than staff protocol in the initial deadline given as well as allowances for a violation to remain during winter months.

Recommendation

Staff recommends consideration of eliminating Section 3.13(26). By doing so violation of the Zoning Ordinance relative to fences will be handled the same as other violations of the Zoning Ordinance.

Attachments:

1. Zoning Code Excerpt: Article IV Table 4.01.1 and 4.07(12)

(26) Notice of Violation; Time of Compliance; Complaint:

- a. The Village shall serve or cause to be served, by hand delivery, or by certified mail, a copy of the notice of violation on the person or persons who own or occupy the Lot that is the subject of the violation.
- b. Compliance with the regulations set forth in this Section 3.13 shall take place within thirty (30) days after the notice pursuant to subsection a. immediately above, or the property in question may be subject to a re-inspection by the Zoning Officer or his designee and be subject to a re-inspection fee as required in the Village's Fee Ordinance. Further re-inspection fees may apply for each thirty (30) day period that the violation of the regulation remains in effect. If the work required to achieve compliance with these regulations is difficult to perform due to weather conditions during the winter months (November 15th through March 15th), full compliance with these regulations may be temporarily suspended by the Zoning Officer until after March 15th.
- c. If, in the determination of the Zoning Officer, any time after ninety (90) days from the date the notice of violation was issued, there has been no satisfactory response to the notice of violation, or variation sought, or the denial of a sought variation for an illegal nonconforming Fence, the Zoning Officer may file a complaint with the appropriate division of the Circuit Court of Cook County, or before the appropriate administrative body, in the manner provided for the filing of ordinance violation complaints in the name of the Village. If, during the course of the proceeding, compliance with this Article is obtained the Village Attorney may non-suit or otherwise dismiss the complaint.

(27) Emergency Procedures; Nuisance Abatement: In the event that a violation of this Section is creating an imminent threat of serious injury to persons or serious damage to persons or real property and the continuation of the violation poses a substantial threat of injury to persons or property or a substantial interference with the quiet enjoyment of life normally present in the community, an officer of the Village possessing police powers may abate the nuisance creating the violation. Provided further that whenever the owner, occupant, agent or person in possession, charge or control of the Lot upon which the violation is occurring is unknown or cannot readily be found, a Village officer possessing police power may proceed to abate such nuisance without notice. Where the abatement of the nuisance requires continuing acts by the corporate authorities beyond the initial summary abatement and any other additional emergency abatements, it shall seek abatement of such nuisance on a permanent basis through judicial process as soon as reasonably possible. Any costs incurred by the Village in performing emergency work under this Section shall be a lien upon the real estate so affected after the Village files a notice of said lien in the office of the Cook County Recorder of Deeds.



**Staff Report
Plan Commission
May 1, 2013**

Continued from March 6, 2013 & February 6, 2013

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to Section 5.13 of the Zoning Ordinance to an amendment regarding final decisions of appeals.

Nature of Request: A text amendment to consider the Village Board to make final decisions on all appeals rather than the Zoning Board of Appeals.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

Section 5.13 of the Zoning Ordinance identifies the process in which an applicant may file an appeal of an administrative order, requirement, decision or determination made by the Zoning Officer with respect to the provisions of the Zoning Ordinance. Recently, the Village received what is believed to be the first request for an appeal of the Zoning Officers interpretation. As part of this process, the Village Board recommended the review of the procedure to consider the Village Board as the final administrative authority. Currently, as per Section 5.13(4) the Zoning Board of Appeals is the Village's final administration authority and any appeal of the ZBA decision shall be subject to judicial review only.

Staff researched nearby communities for how appeals are handled and seven of the eight surveyed review appeals the same as Lincolnwood. The only community that does not is Skokie. Final determinations on appeals are made by the Village Board and Mayor.

Attachments:

1. Zoning Code Excerpt: Article V Sections 5.13(4)

the Plan Commission or the ZBA, as the case may be, to approve the requested relief. (Ordinance No. 2011-2936)

5.13 APPEALS

- (1) Authority: The ZBA shall hear and decide appeals from an administrative order, requirement or determination made by the Zoning Officer with respect to the provisions of this Zoning Ordinance.
- (2) Initiation: An appeal may be taken to the ZBA by any person, firm or corporation, or by any office, department, board, bureau or commission, aggrieved by an administrative order, requirement, decision or determination made by the Zoning Officer with respect to the provisions of this Zoning Ordinance.
- (3) Processing: An appeal shall be filed in writing with the Village Clerk within 45 days after the date of the action complained of. The Village Clerk shall then forward the appeal to the ZBA, which shall hold a public hearing of the appeal within 90 days after receipt of the written appeal. The Zoning Officer shall give notice of the date of the hearing on the appeal to all interested parties.
- (4) Decisions: Within 90 days after receipt of the written appeal, or such further time to which the appellant may agree, the ZBA shall reverse, affirm, or modify, in whole or in part, the order, requirement, decision or determination. The decision of the ZBA shall be in writing. All decisions of the ZBA on appeals filed pursuant to this Section 5.13 shall, in all instances, be final administrative determinations and shall be subject to judicial review only, in accordance with the Illinois Administrative Review Law, 735 ILCS 5/3-101 et seq., as may be amended.

5.14 MINOR VARIATIONS

- (1) Purpose: A variation is a grant of relief to a property owner from the exact standards of this Zoning Ordinance, issued when undue hardship would be caused by the literal enforcement of this Zoning Ordinance. Additionally, a variation is intended to provide relief where the requirements of this Zoning Ordinance render the land difficult or impossible to use because of some unique or special characteristic of the property itself. The intent is not to simply remove an inconvenience or financial burden that the requirements of this Zoning Ordinance may impose on a property owner. Conditions existing prior to adoption of this zoning ordinance shall not require a variation.
- (2) Definition: Only those variations specifically listed in Section 5.14(3) shall be classified as minor variations, and may be approved in accordance with this Section 5.14 only for single- or multiple-family residential uses.
- (3) Authorized Minor Variations: The Zoning Officer shall have the authority to grant the following "minor variations" for single- or multiple-family residential uses:
 - a. A reduction of up to fifteen (15) percent of the minimum required lot area;
 - b. A reduction of up to ten (10) percent of the minimum required side or rear yard setback;



Staff Report Plan Commission

May 1, 2013

Continued from March 6, 2013 & February 6, 2013

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to Section 5.12, 5.14, 5.15, 5.16, and 5.17 of the Zoning Ordinance to amend the voting requirement deadlines.

Nature of Request: A text amendment to consider modifying or eliminating voting/recommendation deadlines on the Plan Commission and/or Zoning Board of Appeals for Public Hearings and Appeals.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

In administering the Zoning Ordinance staff has concerns with the voting/recommendation deadlines placed on the Plan Commission and Zoning Board of Appeals. The purpose of this consideration is to discuss the self-imposed deadlines relative to the Plan Commission and Zoning Board of Appeals voting. An example of the deadline is found below:

Section 5.15(5)d

The ZBA shall conduct a public hearing to review the proposed variation in accordance with the notices mailed and published pursuant to Section 5.20 of this Zoning Ordinance. Within 90 days after the completion of the application for the proposed variation, the ZBA shall make findings and recommend whether the variation should be approved, and shall transmit such recommendation in writing to the Board of Trustees.

Also included in this consideration is how failure to act is treated. Currently, if the Plan Commission or Zoning Board of Appeals fails to act within the identified deadline, the Zoning Ordinance states that such failure to act constitutes a recommendation to approve the application.

Section 5.12(2)

(2) Failure to Act: The failure of the Plan Commission or the ZBA, as the case may be, to act within the relevant time period set forth in this Zoning Ordinance for the relief requested, or such further time to which the Applicant may agree, shall be deemed to be a recommendation of the Plan Commission or the ZBA, as the case may be, to approve the requested relief.

Staff seeks discussion from the Plan Commission on whether these deadlines are a concern or if modifications should be considered. The deadlines are also vague as to when the "clock" starts. Additionally, should the Village modify the Failure to Act condition?



Staff Report Plan Commission

May 1, 2013

Continued from March 6, 2013 & February 6, 2013

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to Section 6.03(2)b and Table 6.03.01 of the Zoning Ordinance to incorporate driveway requirements found in the Municipal Code into the Zoning Ordinance.

Nature of Request: A text amendment to consider incorporating the driveway requirements found only in the Municipal Code into the Zoning Ordinance.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the May 1, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

Currently, the driveway requirements for the Village are partially located in the Municipal Code as well as the Zoning Ordinance. Staff recommends that the standards currently only found in the Municipal Code also be incorporated into the Zoning Ordinance. Staff believes that this action will result in better customer service for those seeking information on driveway standards.

This action will also benefit the community by formalizing the process in which people seek a waiver or relief from these standards. All driveway relief will be subject to the review and recommendation of the Zoning Board of Appeals upon completion of a public hearing with the Village Board making the final vote.

Attached is the Zoning Ordinance Section pertaining to driveways as well as the Municipal Code sections pertaining to driveways.

Attachments:

1. Zoning Ordinance Section 6.03(2)b and Table 6.03.01
2. Municipal Code Section 6-5-1

PART B: NON-RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

6.03 GENERAL DEVELOPMENT STANDARDS

(1) Traffic, Off-Street Parking, and Pedestrian Circulation

- a. Site plans shall minimize dangerous traffic movements and congestion, while achieving efficient traffic flow and providing the minimum number of off-street parking spaces required by Article VII (Off-street Parking and Loading).
- b. Off-street parking shall not be permitted to dominate the visual image of any development site. Where practical, parking shall be located in side and rear yards. Parking located in any yard shall be screened with landscaping as required in Part D of this Article (Landscape Standards).
- c. Sidewalks. Pedestrian sidewalks, not less than five feet in width, shall be incorporated into the site plan and are required: 1) along all sides of a lot that abut a public street and 2) along all sides of a building visible from a public right-of-way or accessible from an off-street parking area. The Zoning Officer may otherwise determine that additional landscaping is preferred in lieu of a sidewalk not abutting a public street.
- d. Crosswalks, designated by striping or alternate paving material, are required across vehicular driveways to connect off-street parking with building entrances, where practical. To enhance pedestrian safety and comfort, and increase the attractiveness of the walkway, pedestrian paths shall be clearly distinguished from vehicular drives with landscaping, paving materials, or architectural elements.
- e. Traffic studies may be required by the Village Zoning Officer or Village Engineer. Such studies may include: a projection of the number of motor vehicles to enter or leave the site, estimated daily and peak hour traffic levels based on the Institute of Transportation Engineers' Trip Generation, 3rd Edition (as may be updated from year to year), projected traffic flow patterns, impact of development on vehicular movement at major intersections and upon abutting roads capacities, combined traffic impact of approved, but not yet fully developed projects within the Village, safety and appropriateness of site design and circulation, and any foreseen traffic hazards or circulation conflicts.

A traffic study shall be required when the development site is:

- i. Within five hundred (500') feet from the nearest point of an elementary, junior or senior high school, playground or park, or
- ii. Within one-quarter mile (¼) mile of an elementary, junior or senior high school, playground or park, when the proposed use is located along the same street right-of-way as the school.

- (2) Access Points, Driveways and Parking. Points of vehicular ingress and egress from any site shall be limited to the adjacent major and/or secondary thoroughfares only and

shall be reviewed by the Zoning Officer and Village Engineer for location and design of curb cuts and driveways and for layout of parking and loading areas.

- a. Where practical, cross-access between sites is encouraged and shall be granted through cross-access easement agreements.
- b. Minimum widths and distances of driveways shall be provided as follows:

Table 6.03.01 - Minimum Driveway and Access Standards	
Driveway Width (One-Way, Min.)	12-16'
Drive Width (Two-Way, Min.)	24'
Number of Driveways for each property:	Not more than 2 in the first 100 ft of frontage and one per additional 100 ft of frontage.
Distance between Driveways (measured from the two closest driveway curb cuts, Min.)	30'
Distance of a Driveway from a Street Intersection (measured from the intersection of the street ROW to the nearest end of the curb radius, Min.)	30'
Distance from the end of the driveway curb cut to the nearest crosswalk (Min)	10'
Curb radius of all Driveways	5'-15'
Angle between the Curb Line of a Street and the Center Line of a Driveway (Min.)	60 Degrees

- c. Vehicles used in conjunction with any permitted business may be parked only on the building owner's property.
- (3) Site Improvements – Service/Utility Areas. All service and utility areas – including but not limited to – loading docks, exterior storage areas, trash enclosures, dumpsters, HVAC and mechanical equipment shall be screened from view. Service/utility areas shall meet the following standards:
- a. All service or utility areas shall not be located near public right-of-ways, building entrances, and pedestrian areas.
 - b. All utility meters shall be located either inside the building or in a recessed area within the rear or interior side yard façade of the building. Utility metering and exterior mounted telecommunication junction boxes shall be screened from view along a public right-of-way by walls, fences, landscaping or other such elements in accordance with applicable building codes and other agencies having jurisdiction.
 - c. Trash, Refuse, and Recycling Areas: Suitable areas for the storage of trash, refuse and recyclables shall be provided and designed to: 1) be fully screened from view; 2) prevent waste from blowing around the site or onto adjacent properties or public rights-of-way; and 3) permit safe, easy removal of trash,

Close

Print

Text Size:



Village of Lincolnwood, IL
Friday, February 1, 2013

6-1-5. Driveways and driveway approaches.

- (A) Definitions. The following definitions shall apply in the interpretation and enforcement of this Section 6-1-5:

DRIVEWAY

A place on private property for the operation of automobiles and other vehicles.

DRIVEWAY APPROACH

That portion of a right-of-way that provides vehicular access from the roadway to an adjoining lot.

ROADWAY

That portion of a right-of-way improved, designed or ordinarily used for vehicular travel; provided, however, that the term "roadway" shall not include the berm, shoulder, or parkway, if any. In the event that a right-of-way includes two or more separate roadways, the term "roadway" shall refer only to each separate roadway, and not to all roadways collectively.

- (B) Permit fee. No permit authorizing a driveway approach shall be issued until the fee therefor has been paid to the Village pursuant to Article 2 of this Chapter **6**.

- (C) Construction regulations.

- (1) It shall be unlawful to construct any curb or driveway approach or break out or remove any curb without first securing a permit as required pursuant to Article 2 of this Chapter **6**.
- (2) No driveway approach shall be constructed or used so as to impede the flow of surface water in the street gutter or a drainage ditch.
- (3) No driveway approach to residential properties shall be constructed or used for the sole purpose as a parking space.
- (4) A minimum lot frontage of 60 feet is required for any circular driveway.
- (5) A maximum driveway width of 12 feet and a maximum driveway approach width of 14 feet shall be allowed for circular driveways.

- (D) Approaches; location. No driveway approach shall be located so as to interfere with municipal or public utility facilities such as poles, traffic signals, signposts, catch basins, fire hydrants, crosswalks, or other street structures. Driveway approaches shall be located so as to avoid parkway trees. Removal of any parkway trees shall be subject to the Village Parkway Landscaping Ordinance set forth in Article 5 of this Chapter **6**.

- (E) Construction standards. Driveway approaches shall be constructed to the following standards:

- (1) Surface. All driveway approaches which give access to an improved street with curb and gutters shall be surfaced with a permanent dustproof surface: either concrete (six inches over five inches CA-6, crushed stone aggregate, bituminous surface (eight inches CA-6, crushed stone aggregate, and three-inch asphalt), brick (over six inches of concrete) or other material approved by the Village.
 - (2) Widths. The total width of driveways measured at the property line on a parcel of property used for residential purposes shall not exceed 1/3 the lot frontage, and no single driveway shall exceed 20 feet measured at the property line. The total width of driveways measured at the property line on a parcel of property used for nonresidential purposes shall not exceed 1/2 the lot frontage, and no single driveway approach shall exceed 30 feet measured at the property line. The width of the driveway approach measured at the curb shall in no case be greater than five feet more than the width measured at the property line.
 - (3) Location of drives. On a parcel of property used for residential purposes, a driveway shall not be located closer than one foot from the property line, and no driveway approach or driveway flare shall extend over the property line extended to the curb; provided, however, where the Board of Trustees finds that there is a particular hardship to the owner, a driveway that has been in existence in excess of 25 years may be reconstructed in its present location even if the driveway is closer than one foot from the property line or if the driveway approach or driveway flare extends over the property line extended to the curb. On a parcel of property used for nonresidential purposes, no driveway approach shall be located within five feet of the property line, or within 10 feet of any other driveway approach as measured at the property line.
- (F) Restoration by Village. In the event that the Village removes any portion of a driveway approach constructed pursuant to this Section 6-1-5 in connection with any maintenance, construction, or repair activities within the right-of-way, the Village shall only be required to replace the driveway approach with one or more materials approved pursuant to Section 6-1-5(E)(1) of this Code.



Staff Report Plan Commission

May 1, 2013

Continued from March 6, 2013 & February 6, 2013

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to Section 8.05 of the Zoning Ordinance pertaining to procedure for approval of a Planned Unit Development.

Nature of Request: A text amendment to consider requiring applications for Final Planned Unit Development to be heard by the Plan Commission at a public hearing.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

Section 8.05 of the Zoning Ordinance outlines the full procedure for review of Planned Unit Development applications. The current process is as follows:

1. Step 1: Pre-Application Procedure – A mandatory process that include a Pre-Application Conference with the Board of Trustees. This is to take place at a public meeting however it is not a fully noticed public hearing.
2. Step 2: Conceptual Plan Procedure – An optional process in which the Plan Commission conducts an informal review at a regularly scheduled public meeting. Public meetings are not a fully noticed public hearing.
3. Step 3: Preliminary Approval Procedure – A mandatory process which is the public hearing held by the Plan Commission to consider the Preliminary PUD application. This meeting is held in accordance with all the requirements of notification for a public hearing.
4. Step 4: Final Approval Procedure – A required process to consider the Final PUD application to ensure consistency with the Preliminary PUD approval. Consideration of the Final PUD application is made by the Plan Commission at a regularly scheduled public meeting. Public meetings are not fully noticed public hearings.

Staff seeks consideration of a text amendment to modify the Final PUD approval process to require a fully noticed public hearing. Final PUD review is not necessarily routine in nature and as a result staff seeks the Plan Commission's input on requiring Final PUD approval to be a public hearing. If requested, staff will conduct research of nearby communities to determine best practice.



**Staff Report
Plan Commission
May 1, 2013**

Continued from March 6, 2013 & February 6, 2013

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to the Article XI of the Zoning Ordinance pertaining to Glare Reduction for Signs.

Nature of Request: A text amendment to consider re-organizing the Glare Reduction requirements pertaining to all signs in the Village into one Section of the Sign Chapter of the Zoning Ordinance for easier use and understanding of the requirements relative to Sign Glare.

Petitioner: Village Board

Summary

Note: Below is the summary provided at the March 6, 2013 & February 6, 2013 Plan Commission meeting. This matter was continued.

Recently the Village amended the sign regulations to incorporate glare reduction requirements. The regulations were added to various section of Section XI of the Zoning Ordinance. Staff has found in using the Sign Chapter that the various references along with pre-existing references to glare are cumbersome to reference. These different references may also be difficult for an independent user of the Zoning Ordinance to decipher.

Staff recommends re-organizing the glare standards into one section. Staff has not prepared at this time the recommended language or section reference. However, at the March 6th Plan Commission meeting staff seeks concurrence with the re-organizing approach briefly outlined. If there is general agreement, staff recommends this matter be continued to a future Plan Commission meeting at which time staff will be prepared to present a specific recommendation.