



Village of Lincolnwood Plan Commission

Meeting
Wednesday June 5, 2013
7:00 P.M.

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

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
May 1, 2013 Meeting Minutes
4. **Public Hearing: Illumination/Glare Requirements for Signs - Zoning Code Text Amendment**
(Continued from May 1, 2013, March 6, 2013 and February 6, 2013)
Request: Text Amendment to Organize or Modify References to Glare Reduction Regulations for Signs
5. **Public Hearing: Sign Requirements - Zoning Code Text Amendment**
(Continued from May 1, 2013, 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 May 1, 2013, March 6, 2013, February 6, 2013 and January 9, 2013)
Request: Text Amendment to Review Notice Requirements for Public Hearings
7. **Public Hearing: Definitions - Zoning Code Text Amendment**
(Continued from May 1, 2013, 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

8. **Public Hearing: Accessory Structures - Zoning Code Text Amendment**
(Continued from May 1, 2013, 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

9. **Public Hearing: Voting Requirements - Zoning Code Text Amendment**
(Continued from May 1, 2013, 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

10. **Public Hearing: Driveway Requirements - Zoning Code Text Amendment**
(Continued from May 1, 2013, March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Residential Driveway Requirements

11. **Public Hearing: Final Approval Procedure of Planned Unit Development - Zoning Code Text Amendment**
(Continued from May 1, 2013, March 6, 2013 and February 6, 2013)
Request: Text Amendment to Consider Requiring Public Hearing for Final Approval of Planned Unit Developments

12. **Other Business: Public Hearing Procedures**

13. **Next Meeting**

14. **Public Comment**

15. **Adjournment**

**MEETING MINUTES OF THE
PLAN COMMISSION**

DRAFT

**May 1, 2013
7:00 P.M.**

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

MEMBERS PRESENT:

Chairman Paul Eisterhold
Patricia Goldfein
Sue Auerbach
Don Sampen

MEMBERS ABSENT:

George Touras
Mark Yohanna
Steve Jakubowski

STAFF PRESENT:

Community Development Manager Aaron N. Cook, AICP
Community Development Coordinator Lauren Wolf

VILLAGE COUNSEL

None.

I. CALL TO ORDER

Chairman Eisterhold noted a quorum of four members present and called the meeting to order at 7:10 p.m. Chairman Eisterhold notified public that Commissioners' Touras, Yohanna and Jakubowski would not be in attendance.

II. APPROVAL OF MINUTES

Motion to approve the April 3, 2013 Plan Commission minutes was made by Commissioner Sampen and Seconded by Commissioner Auerbach. Motion approved 3-0 with Chairman Eisterhold's abstention.

Chairman Eisterhold notified the public and Commission that agenda items #7 and #11 regarding Firearms Shooting Ranges and Appeals of Administrative Hearing Officer will take more deliberation and would like the Village Attorney present and will continue these two items to a date certain of July 10, 2013. Motion to continue made by Commissioner Auerbach and Seconded by Commissioner Sampen. 4-0 Approved.

III. 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

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Chairman Eisterhold noted to the public and petitioners that his daughter used to babysit for the owner of Trim-Tex and purchased girl scout cookies from the family. If anyone had an issue with this please come forward. No one in audience indicated any issue.

Chairman Eisterhold indicated two petitioners are present and swore them in. Mr. Leo Burzik with Trim-Tex and Mr. Marek Krzyzanowski with Double "M" Chamberlin Masse, Engineer for property.

Development Manager Cook indicated that this request is for parcel consolidation and if it could be done in one meeting, rather than two public hearings. Lincolnwood Properties Trust seeks under Section 16-4-3 of the Subdivision Code for the elimination of preliminary review of a Major Subdivision. 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 in accordance with all notice requirements. There are eleven underlying parcels which the property owner seeks to consolidate into one lot of record. No improvements are proposed with this consolidation request.

Commissioner Auerbach and Goldfein both indicated that this makes sense to approve and to consolidate.

Chairman Eisterhold asked if anyone in the audience wanted to speak on the matter. There was none.

Petitioner Mr. Burzik thanked the Commission for time and consideration on the matter. We are bombarded with a lot of paper work because of all the parcels, but this was an existing problem and want to clean it up.

Commissioner Auerbach made a motion to allow the petitioner to proceed with Final Plat of Consolidation and combine Final Plat of Subdivision. Seconded by Commissioner Goldfein. Motion carried 4-0.

IV. PUBLIC HEARING: Sign Requirements – Zoning Code Text Amendment
(Continued from March 6, 2013, February 6, 2013 & January 9, 2013)

Request: Text Amendment to Review Requirements for A-Frame, Sandwich Board, and Similar Signs

Development Manager Cook stated at the March 6, 2013 meeting the Commission indicated to Staff that they liked the Morton Grove Sign Ordinance, and wanted to mirror that. Staff needs clarification on how to regulate these signs. Staff took photos of signs that are in existence, and explained that none of them would be in compliance with the Morton Grove Ordinance.

Commissioner Auerbach stated that it seems these examples are in line with pedestrians. However, signs should not be in the public right-of-way.

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Commissioner Goldfein indicated that all signs should be professionally done, and six square feet should be a good standard. Lincolnwood does not have enough pedestrian traffic for these signs, most are for vehicle traffic. Mr. Cook agreed, it is appropriate to make a standard.

Commissioner Sampen disagreed. Want to permit these signs on private property and at the discretion of the property owner. Do not see an issue with also having these signs on public property, and allowed at any time.

Commissioner Goldfein stated that if allowed in public right-of-way would cause too much clutter, and could be a safety concern. Commissioner Auerbach agreed, having these signs on private property only, would do a world of good.

Roll call was taken for signage allowed on Public Property. 4-0 Aye. Strictly on Private Property Only.

Commissioner Auerbach indicated that sandwich board and a-frame signs should be treated the same, and have one set of regulations for both types. Commission was in agreement. The signs should have a maximum of four feet high for overall sign height, from the grade to the top of the sign. The signs should not be greater than six square feet in sign area.

Commissioner Goldfein would like for Staff to measure examples and give specific dimensions to the Commission at next meeting.

Chairman Eisterhold opened the public hearing for comment. Craig Klatzko – Lincolnwood resident and business owner indicated to the Commission that the standard sandwich board size is typically 22 x 28 or 24 x 36, both of which would comply with the new standard.

Chairman Eisterhold also wanted the Sign Ordinance to indicate all signs must be well maintained and cannot be weathered. Commissioner Goldfein added that these signs should be brought in when the business is closed. Commissioner Sampen stated that if this is a public safety issue, the signs should be brought in.

Development Manager Cook explained that Article XI Section 11.06(1) would be eliminated completely from the sign code. Provided clarification in Staff Summary 11.04.(8) on private property. If the Village adopts the Morton Grove example 11.04 and 11.05 increase sign types and exempt signage.

Commissioner Auerbach indicated that one sign per street face would be an sufficient number of signs. Commissioner Goldfein added that white board signs are not allowed, must be printed. Changeable copy boards are also allowed. The Commission can recommend this change for all new signs and recommend to not enforce new regulations to a date certain.

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Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to June 5, 2013 made by Commissioner Sampen and Seconded by Commissioner Auerbach. Motion approved 4-0 Aye.

**V. PUBLIC HEARING: Notice Requirements – Zoning Code Text Amendment
(Continued from March 6, 2013, February 6, 2013 & January 9, 2013)
Request: Text Amendment to Review Notice Requirements for Public Hearings**

Development Manager Cook explained to the Commission that Staff had checked with surrounding communities and most are in line with our standard of 250 feet. Staff also consulted with Village Attorney's regarding any legal concerns or liability issues with the existing notification requirements. Village Attorney indicated there will be no liability for the Village from applicants or from neighbors in the event greater notification is required for various zoning application. Staff continues to have concerns with the discretionary nature of the notice requirements and recommends an amendment to either eliminate the discretionary notice or, clarify when additional notice is required.

Commissioner Goldfein stated that Commissioner s Yohanna and Jakubowski did not see an issue with this notice requirement for public hearings.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to keep the language the way it is in the Ordinance made by Commissioner Sampen and Seconded by Commissioner Goldfein. Vote 2-2 - Commissioners Sampen and Goldfein Yes, Commissioners Auerbach and Eisterhold Nay. Plan Commission rescinded Motion 4-0, and Motion to Continue to June 5, 2013 4-0.

VI. PUBLIC HEARING: Health Club or Private Recreation and Firearms Shooting Ranges – Zoning Code Text Amendment

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 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 (Continued from March 6, 2013 & February 6, 2013)

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to July 10, 2013 made by Commissioner Sampen and Seconded by Commissioner Auerbach. Motion approved 4-0 Aye.

VII. PUBLIC HEARING: Definitions – Zoning Code Text Amendment

Request: Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Not limited to Banquet Facility, Banquet Hall, Façade, Fence or Semi Private Fence, Restaurant and Restaurants, Fast-Food or Carryout (Continued from March 6, 2013 & February 6, 2013)

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Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to June 5, 2013 made by Commissioner Sampen and Seconded by Commissioner Auerbach. Motion approved 4-0 Aye.

**VIII. PUBLIC HEARING: Accessory Structures – Zoning Code Text Amendment
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 (Continued from March 6, 2013 & February 6, 2013)**

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to June 5, 2013 made by Commissioner Sampen and Seconded by Commissioner Auerbach. Motion approved 4-0 Aye.

**IX. PUBLIC HEARING: Compliance Deadlines for Fences – Zoning Code Text Amendment
Request: Text Amendment to Consider Modifying or Eliminating Compliance Deadlines Associated with Fence Violations (Continued from March 6, 2013 & February 6, 2013)**

Development Manager Cook explained that under no other Zoning Code section is there a stipulation as to how Staff should move forward to take corrective or enforcement action to handle a violation. That is handled at an internal Staff protocol. Typically, warnings are given with a time frame for compliance. Fences are the only section where there is a specific step by step code required compliance. Staff notes this is an oddity and this is not how violations should be handled. Staff recommends elimination in code form of the specific steps in fence violations.

Commissioner Sampen indicated that he would like this section to stay. The notice period and compliance period should be kept as a guideline.

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to eliminate compliance deadlines for fence violations made by Commissioner Auerbach and Seconded by Commissioner Goldfein. Motion 3-1, Commissioner Sampen Nay.

**X. PUBLIC HEARING: Appeals of Administrative Order or Zoning Officer – Zoning Code Text Amendment
Request: Text Amendment to Consider Modification Concerning the Zoning Board of Appeals as the Final Administrative Determination Body for the Village of Lincolnwood (Continued from March 6, 2013 & February 6, 2013)**

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to July 10, 2013 made by Commissioner Auerbach and Seconded by Commissioner Goldfein. Motion approved 4-0 Aye.

May 1, 2013

**XI. PUBLIC HEARING: Voting Requirements – Zoning Code Text Amendment
Request: Text Amendment to Consider Modifying or Eliminating Voting Deadlines
for Plan Commission and Zoning Board of Appeals (*Continued from March 6, 2013
& February 6, 2013*)**

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to June 5, 2013 made by Commissioner Auerbach and Seconded by Commissioner Goldfein. Motion approved 4-0 Aye.

**XII. PUBLIC HEARING: Driveway Requirements – Zoning Code Text Amendment
Request: Text Amendment to Consider Residential Driveway Requirements
(*Continued from March 6, 2013 & February 6, 2013*)**

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to June 5, 2013 made by Commissioner Auerbach and Seconded by Commissioner Goldfein. Motion approved 4-0 Aye.

**XIII. PUBLIC HEARING: Final Approval Procedure of Planned Unit Development
– Zoning Code Text Amendment**

**Request: Text Amendment to Consider Requiring Public Hearing for Final
Approval of Planned Unit Development (*Continued from March 6, 2013 & February
6, 2013*)**

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to June 5, 2013 made by Commissioner Auerbach and Seconded by Commissioner Goldfein. Motion approved 4-0 Aye.

**XIV. PUBLIC HEARING: Illumination/Glare Requirements for Signs – Zoning
Code Text Amendment**

**Request: Text Amendment to Organize or Modify References to Glare Reduction
Regulations for Signs (*Continued to March 6, 2013 & February 6, 2013*)**

Chairman Eisterhold asked if there was anyone in the audience who wanted to comment. There was none. Motion to continue to June 5, 2013 made by Commissioner Auerbach and Seconded by Commissioner Goldfein. Motion approved 4-0 Aye.

XV. OTHER BUSINESS:

Commissioner Touras informed Mayor Turry and Chairman Eisterhold that he would be retiring from the Commission. The Commission thanked Commissioner Touras for his service, and sorry to see him leave.

Public Hearing Procedures will discuss at a future meeting.

XVI. PUBLIC COMMENT: None.

XVII. ADJOURNMENT:

The next Plan Commission public hearing will be held on May 22, 2013. Hearing no further business, Motion to adjourn made by Commissioner Auerbach. Seconded by Commissioner Sampen. Motion approved unanimously 4-0. Meeting adjourned at 9:14 PM.

May 1, 2013

Respectfully submitted,

Lauren Wolf
Community Development Department Coordinator

Agenda Item #4



**Staff Report
Plan Commission**

June 5, 2013

Continued from May 1, 2013, 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 May 1, 2013, 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.



Staff Report Plan Commission

June 5, 2013

*Continued from May 1, 2013, 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 May 1, 2013 meeting, the Plan Commission provided direction to staff on the desired regulations for Portable/A-frame/Sandwich Board signs. Staff has prepared text amendments based on the direction provided. Generally, the Plan Commission concurred with Morton Grove's regulations and accordingly, the proposed amendments are developed based on those standards.

Attached are proposed amendments to three sections of the Zoning Code that staff recommends based on the Plan Commission direction.

- **Amendment to Section 11.04(8) regarding Special Event/Grand Opening Signs:** Section has been modified to clarify that such signs are permitted on private property only. This section has also been amended to eliminate references to portable signs and A-frame signs as a new section will be added that will regulate these types of signs.
- **New Section 11.04(9) Portable/A-frame/Sandwich Board Signs:** This is the new section containing the regulations that are proposed passed on the Morton Grove model. This new section has been added to the "Permitted on premises signs" section. All signs within this section require sign permits.
- **Deleted Section 11.06(1):** Eliminated reference within "Prohibited Signs" section as A-frame/sandwich board signs are not prohibited. Staff believes that this section can be eliminated as A-frame/sandwich board signs located within the public right-of-way are prohibited the same as most all signs. The highlighted section (Section 11.06(13)vii) identifies that signs located within the public right-of-way are prohibited. This is the section that staff would use to regulate the improper placement of a portable/A-frame/sandwich board within the right-of-way.

Conclusion

Staff is seeking review of the proposed text amendments for purposes of making a recommendation to the Village Board. The text amendment consideration is intended to clarify the Village's regulation of portable signs.

Attachments:

1. Sandwich Board/A-Frame Sign Regulations of Nearby Communities
2. Proposed Text Amendment to Section 11.04(8)
3. Proposed Text Amendment, New Section 11.04(9)
4. Proposed Text Amendment to 11.06(1)

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

in Subsection 11.04(2) of this Article. Signable wall area for canopy signs shall not extend beyond the canopy face on which the sign is located. A canopy sign mounted on a canopy face shall not extend above or below the canopy face.

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 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.

(9) Portable/A-frame/Sandwich Board Signs: Defined as any movable sign, such as a sandwich board, not permanently attached to the ground or a building and easily removable using ordinary hand tools. Such signs are permitted on private property only subject to the following:

- i. Limited to one (1) for each frontage of a tenant space;
- ii. Maximum four feet (4') in height;
- iii. Limited to six (6) square feet per sign face;
- iv. Not allowed in sight-triangle.
- v. Signs must be professionally printed or changeable copy board. Hand-written signs are prohibited;
- vi. Signs shall be free of dents and other damage, shall be maintained in like new appearance;
- vii. Signs shall only be displayed during the hours that the tenant space is open for business;
- viii. Signs shall be weighted or anchored to not tip over.

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 building permit has been issued, shall be confined to the site of construction, and shall be removed not more than five (5) days after completion of construction or issuance of a certificate of occupancy, whichever occurs first.
- (2) Directional or Instructional Signs:** Signs required to provide direction or instruction located entirely on the property to which they pertain and not exceeding five and a half (5.5) square feet. Examples include signs identifying restrooms, public telephones, walkways and those areas of similar nature.
- (3) Flags:** Flags may be displayed without a sign permit, in accordance with the following:
 - i. Flags are located in such a manner that:
 1. In residential districts. no flag shall be located closer than five feet (5') to any property line;
 2. In business and manufacturing districts, flags shall not be closer than ten feet (10') to any property line; and
 3. In no event shall a flag be placed so as to obstruct pedestrian or vehicular traffic or visibility or otherwise endanger the public safety.

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 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;
 - iii. Have visible moving parts, or give the illusion of motion, except for those electronic message signs;
 - iv. Emit audible sound, odor or visible matter;
 - v. Purport to be, or resemble an official traffic sign or signal, or which bear the words "stop", "go slow", "caution", "danger", "warning" or similar words;
 - vi. By reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control sign, signal or device, or the light

of any emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device; or

- vii. Are located within the public right-of-way, except (a) governmental signs; (b) transit shelter signs installed pursuant to Section 11.05(23) of this Article; and (c) those signs conforming to the requirements of Chapter 9, Article 13 of the Village Code.

(Ordinance No.2011-2937 and 2011-2979)

- (14) Signs consisting of a string, cluster or series of lights, with the exception of "holiday decorations".
- (15) Signs on exterior doors, except: (a) signs displaying door operating instructions; (b) government required signs; and (c) signs displaying hours of operation.
- (16) Roof signs.
- (17) Inflatable signs.
- (18) Electronic message signs.
- (19) Any other sign that is not expressly permitted by this Article.

11.07: GENERAL REGULATIONS

All signs and sign structures shall comply with the following regulations:

- (1) **Compliance with General Regulations:** No sign shall be erected or maintained in violation of any applicable ordinance of the Village, including, without limitation: the structural load and wind load standards set forth in the Building Code.
- (2) **Obstruction of Access/Egress:** No sign shall be erected or maintained so as to prevent free ingress or egress from any door, window, or fire escape. No sign shall be attached to a standpipe or fire escape.
- (3) **Restriction to Premises:** No signs, posts, bases or supporting structure of any kind for a sign shall be located beyond the property line of the premises on which the sign is erected.
- (4) **Obstruction of Traffic Signs/Signals:** No sign shall be erected at or in the vicinity of the intersection of streets or driveways so as to obstruct free and clear vision of traffic, or of traffic signs and signals.
- (5) **Illumination onto Residential Districts:** No illuminated freestanding sign may be located within seventy five feet (75') of any residential zoning district. The illumination of any sign shall be diffused or indirect and nonflashing. Internally lit signs shall be designed with light

Agenda Item #6



**Staff Report
Plan Commission**

June 5, 2013

*Continued from May 1, 2013, 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 V Section 5.20(1)e.

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

Petitioner: Village Board

Summary

This matter was continued at the May 1, 2013 Plan Commission meeting. The Plan Commission took a vote on the matter which resulted in a divided vote 2-2. Rather than send a divided vote to the Village Board, the four members of the Plan Commission voted to continue the matter to the June 5, 2013. The four members present at the May 1st meeting wanted to allow the missing Plan Commission members an opportunity to be present to vote on the matter in hopes of avoiding a divided vote.

Prior to the May 1, 2013 meeting, 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 V Section 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.

Agenda Item #7



**Staff Report
Plan Commission
June 5, 2013**

Continued from May 1, 2013, 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.

Note: Below is the summary provided at the May 1, 2013, 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

June 5, 2013

Continued from May 1, 2013, 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 May 1, 2013, 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	-



Staff Report Plan Commission

June 5, 2013

Continued from May 1, 2013, 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 May 1, 2013, 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, staff seeks consideration on modifying Section 5.12(2), "Failure to Act"?

Agenda Item #10



**Staff Report
Plan Commission**

June 5, 2013

Continued from May 1, 2013, 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, March 6, 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 6-1-5

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,



Text Size:



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.

Agenda Item #11



**Staff Report
Plan Commission**

June 5, 2013

Continued from May 1, 2013, 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 May 1, 2013, 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.