

**VILLAGE BOARD
COMMITTEE OF THE WHOLE MEETING**

**JANUARY 13, 2014
IMMEDIATELY FOLLOWING THE VILLAGE BOARD MEETING
(APPROXIMATELY 7:30 PM)**

**LEMONT VILLAGE HALL
418 MAIN ST.
LEMONT, IL 60439**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. UNFINISHED BUSINESS**
- IV. DISCUSSION ITEMS**
 - A. DISCUSSION OF 604-606 STATE STREET UPDATE
(PLANNING &CD)(STAPLETON)(JONES/GLAS)**
 - B. DISCUSSION OF UDO AMENDMENTS
(PLANNING &CD)(STAPLETON)(JONES)**
- V. NEW BUSINESS**
- VI. AUDIENCE PARTICIPATION**
- VII. MOTION TO ENTER EXECUTIVE SESSION**
- VIII. ADJOURN**



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Committee of the Whole
FROM: Martha M. Glas, Village Planner
THRU: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Case 13-09 – 604-06 State Street Update
DATE: January 8, 2014

John Ross, authorized agent of State Bank of Countryside Land Trust 04-2647 and owner of the 604-06 State Street property, has requested a Planned Unit Development (PUD) at 604-606 State Street. The original request was for rezoning from R-4A, Single Family Preservation and Infill to B-1, Office/Retail Transitional District. The public hearing for the rezoning took place December 18, 2013. Residents expressed concerns over future commercial uses and potential impacts and expressed interest in limiting the uses. A PUD, although typically a tool used for new development, is being requested to allow for the operation of restricted B-1 commercial uses, and to continue the existing residential use on the property. Staff is recommending approval of the requested PUD with conditions. The public hearing before the Planning and Zoning Commission will be January 15, 2014.



Village of Lemont
Planning & Economic Development Department

418 Main Street · Lemont, Illinois 60439
phone 630-257-1595 · fax 630-257-1598

TO: Committee of the Whole
FROM: Charity Jones, AICP, Planning & Economic Development Director
SUBJECT: Case 13-12 UDO Amendments
DATE: January 8, 2014

SUMMARY

Attached is a table detailing proposed amendments to the UDO to address a variety of issues. Words underlined in table are proposed additions to the text of the UDO and words ~~stricken~~ are proposed deletions. The amendments are organized by topic, rather than by chapter, to facilitate discussion. For each UDO revision, staff's rationale for amendment is provided, along with a synopsis of the Planning & Zoning Commission's input. Also attached are the full Planning & Zoning Commission minutes.

ATTACHMENTS

1. Draft UDO Revisions for COW Discussion
2. DRAFT PZC minutes – 12/18/13

<p>TOPIC: MEDICAL MARIJUANA</p>	<p>Reason for Change & PZC Input</p>
<p><i>17.11.02 DEFINITIONS, amend as follows:</i></p> <p><u>CULTIVATION CENTER.</u> A facility operated by an organization or business that is registered by the Department of Agriculture to perform necessary activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis.</p> <p><u>MEDICAL CANNABIS DISPENSING ORGANIZATION.</u> A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualifying patients. Also referred to as a "dispensing organization," or "dispensary organization".</p> <p><u>MEDICAL CANNABIS ORGANIZATION.</u> A Medical Cannabis Dispensing Organization or Cultivation Center.</p> <p><i>TABLE 17-06-01, amend as follows:</i> Add cultivation center and medical cannabis dispensing organization as special uses in the M-3 and M-4 zoning district.</p> <p><i>Add NEW SECTION, 17.06.180, as follows:</i></p> <p><u>17.06.170. - Medical Cannabis Organizations.</u></p> <p><u>Cultivation centers and registered medical cannabis dispensing organizations, together known as "Medical Cannabis Organizations" for purposes of this section, shall be regulated as follows:</u></p> <p>A. <u>Location Restrictions.</u> Medical Cannabis Organizations may only be considered as a special use within the M-4 district provided that:</p> <p><u>1. A cultivation center shall not be located within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care</u></p>	<p>Reason for change: Adding regulations for medical cannabis, consistent with new statutory requirements. The Village should accommodate the medical cannabis use in some zoning district to remain in compliance with statutory requirements. The State has not yet established administrative rules for the operation of medical cannabis organizations. Additional amendments to the UDO may be necessary once those details are known.</p> <p>PZC input: Staff presented a draft to the PZC with an option to allow the uses as special uses in the M-3 and M-4 zoning districts, or just the M-4 zoning district. Currently the zoning map does not include any M-4 zoning. After significant discussion, the PZC voted to allow the uses as</p>

<p><u>home, part day child care facility, or an area zoned for residential use;</u></p> <p><u>2. A dispensing organization shall not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility, and may not be located in a house, apartment, condominium, or an area zoned for residential use;</u></p> <p><u>3. Medical Cannabis Organizations shall not be located within 1,000 feet of a property boundary of any cemetery, public park, forest preserve, public housing, or place of public worship; and</u></p> <p><u>4. Medical Cannabis Organizations shall not be located within 500 feet of the boundary of any parcel in the DD district.</u></p> <p>B. <u>Method of Measurement.</u> <u>Measurement of the location restrictions described in paragraph A of this section shall be made in a straight line, without regard to intervening structures or objects, from the nearest lot line of the lot where the medical cannabis organization is to be located, to the nearest lot line of the other specified use.</u></p> <p>C. <u>Compliance with State Requirements.</u> <u>In addition to the regulations set forth in the Lemont, Illinois Municipal Code, all Medical Cannabis Organizations shall comply with all regulations provided in the Compassionate Use of Medical Cannabis Pilot Program Act, as enacted by the State of Illinois, effective January 1, 2014, as may be amended from time to time (hereinafter referred to as the "Act") and any administrative rules promulgated and duly adopted by the various State of Illinois departments authorized to enforce the Act.</u></p>	<p>special uses in both the M-3 and M-4.</p>
---	--

TOPIC: CONSTRUCTION CONTRACTOR OFFICE/YARD	Reason for Change & PZC input																																																																				
<p>17.11.02 DEFINITIONS, amend as follows:</p> <p>CONSTRUCTION CONTRACTOR OFFICE/YARD Any land or buildings used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, lumber, or electrical components used by the owner or occupant of the premises <u>An individual or business engaged in the conduct of any building trades, building craft, or road construction.</u></p> <p><u>CONSTRUCTION CONTRACTOR YARD Any land used primarily for the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, lumber, or electrical components used by the owner or occupant of the premises in the conduct of any building trades, building craft, or road construction.</u></p> <p>TABLE 17-06-01, amend as follows:</p> <table border="1" data-bbox="191 836 1522 1112"> <thead> <tr> <th>COMMERCIAL</th> <th>B-1</th> <th>B-3</th> <th>B-4</th> <th>DD</th> <th>INT</th> <th>M-1</th> <th>M-2</th> <th>M-3</th> <th>M-4</th> <th>R-1</th> <th>R-2</th> <th>R-3</th> <th>R-4</th> <th>R-4A</th> <th>R-5</th> <th>R-6</th> </tr> </thead> <tbody> <tr> <td>Construction Contractor Office/Yard</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Adjacent to R district <u>Construction Contractor Office, consistent with the requirements of §17.06.180 of this ordinance.</u></td> <td>- P</td> <td>S P</td> <td>-</td> <td>- P</td> <td>-</td> <td>S P</td> <td>P -</td> <td>P -</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td>Not adjacent to R district <u>Construction Contractor Office with Yard</u></td> <td>-</td> <td>S P</td> <td>-</td> <td>-</td> <td>-</td> <td>P</td> <td>P</td> <td>P</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> </tbody> </table> <p>Add NEW SECTION 17.06.180</p> <p><u>17.06.180 CONSTRUCTION CONTRACTOR OFFICE</u></p> <p>A. <u>Offices in the DD and B-1 Districts.</u> <u>Construction Contractor Offices in the DD and B-1 zoning districts shall comply with the following requirements:</u></p>	COMMERCIAL	B-1	B-3	B-4	DD	INT	M-1	M-2	M-3	M-4	R-1	R-2	R-3	R-4	R-4A	R-5	R-6	Construction Contractor Office/Yard																	Adjacent to R district <u>Construction Contractor Office, consistent with the requirements of §17.06.180 of this ordinance.</u>	- P	S P	-	- P	-	S P	P -	P -	-	-	-	-	-	-	-	-	Not adjacent to R district <u>Construction Contractor Office with Yard</u>	-	S P	-	-	-	P	P	P	-	-	-	-	-	-	-	-	<p>Reason for change: The UDO currently does not differentiate between construction contractor offices that are primarily office use and those that are primarily warehousing and fabrication, potentially with outdoor storage. Administratively, staff has approved contractor offices in B-1 and DD where the use is primarily office.</p> <p>The proposed amendment would allow contractor offices as a permitted use in the B-1 and DD but would not allow outdoor storage. For comparison, Hardware/home improvement stores and garden centers are allowed in these districts with outdoor storage.</p> <p>Contractor offices with outdoor storage would be allowed in B-3, much like auto, RV, and heavy equipment sales and</p>
COMMERCIAL	B-1	B-3	B-4	DD	INT	M-1	M-2	M-3	M-4	R-1	R-2	R-3	R-4	R-4A	R-5	R-6																																																					
Construction Contractor Office/Yard																																																																					
Adjacent to R district <u>Construction Contractor Office, consistent with the requirements of §17.06.180 of this ordinance.</u>	- P	S P	-	- P	-	S P	P -	P -	-	-	-	-	-	-	-	-																																																					
Not adjacent to R district <u>Construction Contractor Office with Yard</u>	-	S P	-	-	-	P	P	P	-	-	-	-	-	-	-	-																																																					

<ol style="list-style-type: none">1. <u>The building is primarily used for office and/or retail showroom space; warehousing or other storage is limited to less than 50% of the gross floor area. However, area inside the principal structure that is used for the parking of company vehicles with a "B" license plate shall not be considered warehousing/storage space for the purpose of this calculation.</u>2. <u>No outdoor storage is permitted.</u>3. <u>Trucks and other commercial vehicles with "C" through "Z" license plates, construction equipment, tractors, trailers, and boats may not be parked on the property unless within a fully enclosed structure that substantially conceals them from view.</u>4. <u>No fabrication is allowed on the property.</u> <p>B. <u>Offices in Other Districts.</u></p> <ol style="list-style-type: none">1. <u>No outdoor storage is permitted.</u>2. <u>Fabrication is only permitted in manufacturing zoning districts.</u>	<p>service are permitted to have outdoor storage.</p> <p>PZC input: The PZC felt it was important to encourage contractor offices to park vehicles inside and therefore wanted to exclude indoor vehicle parking from the 50% limit on warehouse space.</p> <p>Staff had proposed a limit of no more than 3 company vehicles parked outdoors in DD and B-1 Districts. The PZC changed this to limit the vehicle type rather than the number of vehicles which may be parked outside on the property.</p>
--	---

<p>TOPIC: DECK SETBACKS IN R-4</p>	<p>Reason for Change & PZC Input</p>
<p><i>Table 17-06-02, amend as follows:</i></p> <p>Decks and terraces in a residential district, DD, or INT district, provided they are: at least 15 ft from all lot lines in districts R-1, R-2, <u>and R-3,</u> and R-4; and in districts DD, INT, <u>R-4,</u> R-4A, R-5, and R-6 at least 10 ft from all lot lines or equal to the setback of a conforming principal structure, whichever is less.</p>	<p>Reason for change: R-4 allows for less than 15 side setbacks for principal structures, depending on lot width. Not allowing decks to align with the setback of a conforming principal structure in R-4 creates unnecessary demand for variations.</p> <p>PZC input: PZC concurred.</p>
<p>TOPIC: PORTABLE STORAGE CONTAINERS / PODS</p>	<p>Reason for Change & PZC Input</p>
<p><i>17.11.02 DEFINITIONS, amend as follows:</i></p> <p>CONTAINER, STORAGE CARGO An industrial, standardized reusable vessel that:</p> <ol style="list-style-type: none"> 1. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or 2. Was designed for or is capable of being mounted or moved on a rail car; and/or, 3. Was designed for or is capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship; and/or 4. Is typically delivered or removed from site by truck, truck trailer, rail, or ship. <p>CONTAINER, SELF-STORAGE <u>A portable storage unit designed and used exclusively for the storage of personal property which is designed to be delivered to a customer's house for on location packing and</u></p>	<p>Reason for change: Amend to allow for PODS and other similar storage containers for residential use (moving) and temporary, occasional use.</p> <p>PZC input: PZC concurred.</p>

subsequent pick-up and delivery to a storage facility.

Section 17.06.150, amend as follows:

17.06.150 TEMPORARY BUILDINGS, STRUCTURES, AND USES

A. Authorization. Except where stated otherwise in this section, temporary uses, buildings and structures may be placed on a lot or parcel only when:

1. In compliance with the provisions of this section; and
2. The Village has issued a permit or license, or with the express written consent of the Community Development Director.

B. Permitted Temporary Uses, Buildings, or Structures. Only the following temporary uses, buildings or structures are permitted:

1. A temporary building or structure for use as temporary housing in accordance with the provisions of 17.06.060.
2. Temporary buildings and structures incidental to construction work, except those related to construction of single-family dwellings, provided they are placed on the developing tract or parcel. No cooking accommodations shall be maintained and the temporary building or structure shall not be used for dwelling purposes. The temporary building or structure shall be removed within 15 days after construction is complete.
3. Temporary classrooms for public or private schools with expansion needs. Such temporary classrooms shall be placed a minimum of 250 feet from any adjacent R-zoned property. Temporary classrooms shall not be allowed more than 18 months; the 18-month period shall commence with zoning approval by the Zoning Administrator. At the applicant's request, the Community Development Director may, at his/her discretion, extend the 18-month period for a

maximum of six months.

4. Tents or membrane structures 150 square feet or less for periods of less than 120 days in all zoning districts.

5. Tents or membrane structures in excess of 150 square feet in the B-4, M-1, M-2, and M-3 zoning districts.

6. Tents or membrane structures in excess of 150 square feet as a special use in the B-3 zoning district.

7. Temporary real estate offices in accordance with the provisions of 17.06.070.

8. Temporary uses and structures, associated with bona fide special events, as approved through the Village's special events approval procedure, for the tenure of the special event only.

9. Temporary buildings or structures which are part of a movie production project per agreement between the Village and the production company.

10. Temporary buildings or structures and tents or membrane structures in any B or M zoning district associated with seasonal outdoor storage, as defined by this ordinance. The temporary building, structure, tent, or membrane structure shall only be allowed for the duration of the seasonal outdoor sales operations.

11. Self-storage containers in any residential zoning district, for periods of less than 15 days. The self-storage container must be placed on the property's driveway, if a driveway is available. If a driveway is not available, the container must be placed at least five feet from the property line.

TOPIC: SCRIVNERS ERROR CORRECTIONS		Reason for Change & PZC Input																	
<p><i>Table 17-07-01, amend as follows:</i></p> <p>Note 2: Setback shall be 25 ft, unless subject lot is part of a block face where at least 50% of the lots are improved with principal buildings having a front yard depth of less than 25 ft, the minimum setback shall be the average of principal buildings on adjacent lots. The burden of proof for determining the 50% requirement and providing information for the average shall be on the applicant. See Figure 17-01-01 for an example.</p> <p><i>Table 17-20-01, amend as follows:</i></p> <table border="1"> <thead> <tr> <th rowspan="2">ZONING</th> <th colspan="2">STREET TYPE</th> </tr> <tr> <th>Local</th> <th>Arterial and Collector</th> </tr> </thead> <tbody> <tr> <td>R Districts</td> <td>One canopy tree per 40 ft of street frontage</td> <td>Three plant units per 100 ft of street frontage</td> </tr> <tr> <td>B Districts</td> <td>One plant unit per 100 ft of street frontage</td> <td>One and a half plant units per 100 ft of street frontage (O-65-11)</td> </tr> <tr> <td>M Districts</td> <td>One plant unit per 100 ft of street frontage see Section 17.20.061.B</td> <td>One plant unit per 100 ft of street frontage see Section 17.20.061.B</td> </tr> <tr> <td>INT District</td> <td>One plant unit per 100 ft of street frontage</td> <td>One plant unit per 100 ft of street frontage</td> </tr> </tbody> </table>		ZONING	STREET TYPE		Local	Arterial and Collector	R Districts	One canopy tree per 40 ft of street frontage	Three plant units per 100 ft of street frontage	B Districts	One plant unit per 100 ft of street frontage	One and a half plant units per 100 ft of street frontage (O-65-11)	M Districts	One plant unit per 100 ft of street frontage see Section 17.20.061.B	One plant unit per 100 ft of street frontage see Section 17.20.061.B	INT District	One plant unit per 100 ft of street frontage	One plant unit per 100 ft of street frontage	<p>Reason for change: Removing reference to Fig. 17-01-01, which does not exist. Eliminating conflicting provisions between Table 17-20-01 and Section 17.20.061.B.</p> <p>PZC input: PZC concurred.</p>
ZONING	STREET TYPE																		
	Local	Arterial and Collector																	
R Districts	One canopy tree per 40 ft of street frontage	Three plant units per 100 ft of street frontage																	
B Districts	One plant unit per 100 ft of street frontage	One and a half plant units per 100 ft of street frontage (O-65-11)																	
M Districts	One plant unit per 100 ft of street frontage see Section 17.20.061.B	One plant unit per 100 ft of street frontage see Section 17.20.061.B																	
INT District	One plant unit per 100 ft of street frontage	One plant unit per 100 ft of street frontage																	
TOPIC: FENCES IN R DISTRICTS		Reason for Change & PZC Input																	
<p><i>17.12.030 FENCES in R DISTRICTS, amend as follows:</i></p> <p>C. Decorative fences and walls. Decorative fences and walls are permitted in the front yard in an R district providing that:</p> <ol style="list-style-type: none"> 1. Fence or wall height does not exceed three <u>four</u> feet; and 2. The fence is at least 20 feet from the edge of any public street; and 		<p>Reason for change: The 708 Hickory variation was approved, and Trustee Sniegowski requested staff revisit the residential fence requirements to allow fence arrangements similar to 708 Hickory.</p>																	

UDO Amendments

<p>3. The fence is open in design and has opacity of at least 50%.</p>	<p>PZC input: Staff presented a draft that would have allowed fences in front yards for homes with similar facades as 708 Hickory. But upon seeing visualizations of the impact of this change, the PZC decided instead to just allow front yard fences to be 4 ft in height.</p>
<p>TOPIC: Appendices and Engineering Details</p>	<p>Reason for Change & PZC Input</p>
<p><i>Delete Appendices A, B, and C and remove references to those appendices throughout the UDO.</i></p> <p><i>Update Appendices F & G, to update street tree planting Engineering Details and update the list of trees approved for parkway planting.</i></p>	<p>Reason for change: Fees (Appendix A) are now included in the Village’s annual fee schedule ordinance. Appendices B & C are our application requirements; removing them from the UDO will ease the administrative burden when periodic updates are made.</p> <p>Our tree planting detail was woefully outdated and, will be updated to reflect proper tree planting procedure.</p>

<p>TOPIC: HPC PROCEDURES / CERTIFICATES OF APPROPRIATENESS</p>	<p>Reason for Change & PZC Input</p>
<p><i>17.16.030 CERTIFICATE OF APPROPRIATENESS, amend as follows:</i></p> <p>17.16.030 CERTIFICATE OF APPROPRIATENESS – <u>MINOR ALTERATIONS</u></p> <p>A. When Required. A Certificate of Appropriateness shall be required prior to the issuance of building permits for restoration or preservation work, new construction, alteration, or and <u>demolition of structures properties and any work impacting the exterior appearance of existing structures</u> within a historic district or for any designated national, state, or Village landmarks, or for any structure on the National Register of Historic Places.</p> <p>B. Minor Alterations. Minor alterations to the exterior of a structure subject to the provisions of this article shall be reviewed by the Planning and Economic Development Director. If the minor alteration meets the design guidelines established in this article, the Planning and Economic Development Director shall issue a Certificate of Appropriateness. For the purposes of this article, a “minor alteration” is:</p> <ol style="list-style-type: none"> 1. A non structural alteration to a building or structure <u>Construction, demolition, and alterations of accessory structures, except those otherwise defined as major alterations;</u> or 2. Addition or removal of paint, re- shingling, <u>and</u> installation or removal of gutters and downspouts <u>of principal or accessory structures;</u> or 3. Any interior remodeling that does not affect the exterior of the building or structure. <p>C. Major Alterations. Major alterations are all other changes to a structure that are not minor alterations as described in paragraph B of this section. Work that requires a Certificate of Appropriateness includes, but is not limited to, the following:</p> <ol style="list-style-type: none"> 1. A change in the height of a structure; or 2. A change in the footprint of a structure; or 3. An addition to a structure; or 	<p>Reason for change: Staff felt that we needed to clarify the definitions of major vs. minor alterations. Additionally, changes were needed to the public notice requirements to clarify how applicants are notified of pending reviews for Certificates of Appropriateness and ensure compliance with statutory requirements. Finally, appeal procedures needed to be added for decisions regarding minor alterations. These changes necessitated some restructuring of many components of Chapter 17.16.</p> <p>PZC input: PZC concurred.</p>

- ~~4. A change in the exterior materials on a structure, including siding and a change in the roofing materials (e.g. slate roof replaced by asphalt singles); or~~
- ~~5. A change in the fenestration of a structure; or~~
- ~~6. Replacement of windows, awnings, or exterior details on a structure; or~~
- ~~7. Installation or alteration to a fence on the lot; or~~
- ~~8. Construction of a new structure on a lot; or~~
- ~~9. Demolition of a structure~~

DC. Approval Process. The approval process for a Certificate of Appropriateness for a minor alteration is:

1. Property owner concurrently submits application and fees for a building permit and Certificate of Appropriateness to the Building Department.

2. The applications are forwarded to the ~~Community Planning & Economic Development~~ Department for review of completeness and compliance with the provisions of this Article, Article II (Zoning) and Article IV (Site Development) of this ordinance. If one or both of the applications are either incomplete or not in compliance, the applicant is notified about and is required to correct the deficiencies. The Planning & Economic Development Director will then approve the application; approve the application with modification; or deny the application.

~~a. If the Certificate of Appropriateness application is for minor alteration as described in paragraph B of this section, the Planning and Economic Development Director, shall approve the application and return it to the Building Department.~~

~~b. If the Certificate of Appropriateness application is for a major alteration as described in paragraph C of this section, the Planning and Economic Development Director shall forward the application to the Historic Preservation Commission for review.~~

~~3. Within 15 days of receiving the application for a major alteration, the Historic Preservation Commission shall:~~

- ~~a. Schedule a public hearing on the application; and~~
- ~~b. Notify the applicant of the time, date, and venue of the hearing; and~~
- ~~c. Publish notice of the hearing in compliance with paragraph E of this section.~~

~~4. The Historic Preservation Commission shall conduct the public hearing, and shall use the standards and guidelines of Chapter 17.17 of this ordinance when evaluating the application. The HPC may decide to:~~

- ~~a. Approve the application; or~~
- ~~b. Approve the application with modification; or~~
- ~~c. Deny the application; or~~
- ~~d. Continue the hearing because of lack of information or upon agreement with the applicant.~~

~~5. The HPC shall notify the applicant of a decision within 15 days after the close of the hearing. The decision shall include findings of fact. Additionally, the Historic Preservation Commission shall notify the Community Development Department of its decision.~~

~~63. If the application is approved, the Community Planning & Economic Development Department issues ~~both~~ the Certificate of Appropriateness. Approval of a Certificate of Appropriateness does not constitute approval of a building permit; applicants must seek approval of all applicable building permits prior to commencing with the changes approved by the Certificate of Appropriateness.~~

~~74. If the application is approved with modification, the Community Planning & Economic Development Department will determine if the modifications require submission of new plans or additional materials ~~for building code compliance~~ and inform the applicant. If no new plans or materials are required, the Community Development Department will annotate the previously submitted plans to indicate the conditions of approval.~~

~~85. If the application is denied, the applicant may apply for a Certificate of Economic Hardship in~~

accordance with the provisions of §17.16.040 or appeal the decision in accordance with §17.16.060030.D of this ordinance.

D. Appeal Process. When a Certificate of Appropriateness is denied, approved with conditions, or approved by the Planning & Economic Development Department, the applicant or any interested party may, within 60 days of the decision, appeal such decision to the Village Board. The Village Board shall conduct a public hearing in accordance with the requirements of §17.16.035.D of this ordinance and shall use the standards and guidelines of Chapter 17.17 of this ordinance when evaluating the application. The Village Board may affirm, reverse or modify the Planning & Economic Development Department's decision by a majority vote of the Village Board. The decision of the Village Board shall be final, subject only to judicial review as provided by law.

E. Public Notice Requirements

- ~~1. Not less than seven days and not more than 15 days prior to the scheduled public hearing, the Historic Preservation Commission shall cause to be published in a local newspaper a notice announcing the public hearing. Such notice shall contain:
 - a. The common street address of the subject property; and
 - b. The scheduled time, date, and venue of the public hearing; and
 - c. A description of the nature, scope, and purpose of the application or proposal; and
 - d. The name and address of the applicant; and
 - e. A statement that additional information concerning the hearing or application can be obtained from the Community Development Department or other appropriate Village staff, and the address and contact information for the department or staff.~~

- ~~2. The Historic Preservation Commission shall ensure inclusion of the scheduled public hearing on its meeting agenda, and ensure the agenda is posted in the Village Hall and on the Village's website in accordance with Illinois state statute.~~

- ~~3. The Historic Preservation Commission shall notify the applicant, in writing, of any denial of an application for Certificate of Appropriateness within 15 days of the decision.~~

~~**F. Validity.** Certificates of Appropriateness are valid for one year from the date of issuance.~~

Add new section 17.16.035

17.16.035 CERTIFICATE OF APPROPRIATENESS – MAJOR ALTERATIONS

A. When Required. A Certificate of Appropriateness shall be required prior to the issuance of building permits for new construction and demolition of structures and any work impacting the exterior appearance of existing structures within a historic district or for any designated national, state, or Village landmarks, or for any structure on the National Register of Historic Places.

B. Major Alterations. Major alterations are all other changes to the exterior of a structure that are not minor alterations as described in §17.16.030 of this chapter. For the purposes of this article, a “major alteration” is:

1. Construction, demolition and alterations of principal structures; or
2. Construction and alterations of detached garages, decks, awnings, and signs; or
3. Demolition of detached garages and removal of awnings.

C. Approval Process. The approval process for a Certificate of Appropriateness is:

1. Property owner concurrently submits application and fees for a building permit and Certificate of Appropriateness to the Building Department.
2. The applications are forwarded to the Planning & Economic Development Department for review of completeness and compliance with the provisions of Article II (Zoning) and Article IV (Site Development) of this ordinance. If one or both of the applications are either incomplete or not in compliance, the applicant is notified about the deficiencies and must correct the deficiencies prior to review by the Historic Preservation Commission. Once the application is complete, the Planning and Economic Development Director shall forward the application to the

Historic Preservation Commission for review.

3. Within 15 days of receiving the application for a major alteration, the Historic Preservation Commission shall:

- a. Schedule a public hearing on the application; and
- b. Notify the applicant of the time, date, and venue of the hearing; and

4. The Historic Preservation Commission shall conduct the public hearing, and shall use the standards and guidelines of Chapter 17.17 of this ordinance when evaluating the application. The HPC may decide to:

- a. Approve the application; or
- b. Approve the application with modification; or
- c. Deny the application; or
- d. Continue the hearing because of lack of information or upon agreement with the applicant.

5. The HPC shall notify the applicant of a decision within 15 days after the close of the hearing. The decision shall include findings of fact. Additionally, the Historic Preservation Commission shall notify the Planning & Economic Development Department of its decision.

6. If the application is approved, the Planning & Economic Development Department issues the Certificate of Appropriateness. Approval of a Certificate of Appropriateness does not constitute approval of a building permit; applicants must seek approval of all applicable building permits prior to commencing with the changes approved by the Certificate of Appropriateness.

7. If the application is approved with modification, the Planning & Economic Development Department will determine if the modifications require submission of new plans or additional materials and inform the applicant. If no new plans or materials are required, the Planning & Economic Development Department will annotate the previously submitted plans to indicate the conditions of approval.

8. If the application is denied, the applicant may apply for a Certificate of Economic Hardship in

accordance with the provisions of §17.16.040 or appeal the decision in accordance with §17.16.035.E of this ordinance.

D. Public Notice Requirements

1. Not less than seven days and not more than 15 days prior to the scheduled public hearing, the Historic Preservation Commission shall notify the applicant by certified mail of the scheduled public hearing.

2. The Historic Preservation Commission shall ensure inclusion of the scheduled public hearing on its meeting agenda, and ensure the agenda is posted in the Village Hall and on the Village's website in accordance with Illinois state statute.

3. The Historic Preservation Commission shall notify the applicant, by regular mail, of any denial of an application for Certificate of Appropriateness within 15 days of the decision.

E. Appeal Process

When a Certificate of Appropriateness is denied, approved with conditions, or approved by the Historic Preservation Commission, the applicant or any interested party may, within 60 days of the decision, appeal such decision to the Village Board. The Village Board may affirm, reverse or modify the HPC's decision by a majority vote of the Village Board. The decision of the Village Board shall be final, subject only to judicial review as provided by law.

F. Validity. Certificates of Appropriateness are valid for one year from the date of issuance.

Section 17.16.040.G.3, delete:

~~3. If the application is denied, the applicant may appeal the decision in accordance with §17.16.060 of this chapter.~~

Add Section 17.16.040.H

H. Appeal Process. When a Certificate of Economic Hardship is denied, approved with conditions, or approved by the Historic Preservation Commission, the applicant or any interested party may, within 60 days of the decision, appeal such decision to the Village Board. The Village Board may affirm, reverse or modify the HPC's decision by a majority vote of the Village Board. The decision of the Village Board shall be final, subject only to judicial review as provided by law.

Section 17.16.050.C, amend as follows:

D. Approval Process. See §17.16.0305.C of this ordinance for approval procedures.

Section 17.16.050.(Demolitions) D & E amend as follows and add section F:

D. Public Notice Requirements

1. Not less than seven days and not more than 15 days prior to the scheduled public hearing, the Historic Preservation Commission shall cause to be published in a local newspaper a notice announcing the public hearing. Such notice shall contain:
 - a. The common street address of the subject property; and
 - b. The scheduled time, date, and venue of the public hearing; and
 - c. A description of the nature, scope, and purpose of the application or proposal; and
 - d. The name and address of the applicant; and
 - e. A statement that additional information concerning the hearing or application can be obtained from the Planning & Economic Development Department and the address and contact information for the department.

2. Not less than seven days and not more than 15 days prior to the scheduled public hearing, the Historic Preservation Commission shall notify the applicant by certified mail of the scheduled public hearing.

3. The Historic Preservation Commission shall ensure inclusion of the scheduled public hearing on its meeting agenda, and ensure the agenda is posted in the Village Hall and on the Village's website in accordance with Illinois state statute.

4. The Historic Preservation Commission shall notify the applicant, by regular mail, of any denial of an application for Certificate of Appropriateness within 15 days of the decision.

DE. Criteria to be Considered

When determining whether to approve a Certificate of Appropriateness for demolition, the HPC shall consider and may give decisive weight to any one or all of the standards of this paragraph. In addition to the criteria, demolition should not be permitted unless the building is beyond all economically feasible repair as determined by the HPC. The criteria are:

1. Whether the structure has significant value as part of the historic or cultural heritage of Lemont, Cook County, the State of Illinois, or the United States.
2. Whether the structure is identified with a person or persons who significantly contributed to the development of Lemont, Cook County, the State of Illinois, or the United States.
3. Whether the structure is representative of the distinguishing characteristics of architecture inherently valuable for the study of a period, type, method of construction, or use of indigenous materials, especially the use of stone known as "Lemont limestone" or "Athens marble."
4. Whether the structure is a notable work of a master builder, designer, architect or artist.
5. Whether the structure has a unique location or singular physical characteristic that makes it an established or familiar visual feature, including presence in the Lemont skyline.
6. Whether the building is a particularly fine or unique example of a utilitarian structure, including but not limited to utilitarian, residential or commercial structures with a high level of integrity or architectural significance.
7. Whether the building, although it may or may not be designated as a landmark, is considered to be a contributing historic structure and whether it contributes to the overall character of the historic district.

8. Whether the demolition of the structure would create a breach in the visual streetscape of the historic district, or be detrimental to public interest and contrary to the general welfare of the historic district.

9. Whether any new structure proposed to be constructed upon demolition of a non-contributing structure is compatible with the buildings and environment of the historic district and would qualify for a Certificate of Appropriateness.

10. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, or whether there is a compelling health or safety reason to demolish the building or structure. Any hardship or difficulty claimed by the owner which is self-created or which is the result of failure to secure or maintain the property in good repair cannot qualify as a basis for a Certificate of Appropriateness.

11. Whether the building is 50 years or older unless it has no historic or architectural merit.

12. Whether the building or structure is within a grouping of similar buildings or structures that creates a distinctive pattern or historic rhythm of masses and spaces that would be significantly altered by the removal of one or more of its parts.

13. Whether the building has architectural characteristics associated with hand-built buildings, such as hand-hewn timbers, scroll saw cut architectural trim, finished stone trim, or any other stone features.

EE. Possible Repair of Building. In addition to the criteria in paragraph ~~D~~E of this section, demolition of building that contributes to the district's historic appearance should not be permitted unless the HPC determines that it is not economically feasible to repair the building. An evaluation may be required by the HPC, performed by an analyst experienced in historic restoration, at the expense of the applicant for demolition.

Delete Section 17.16.060

~~17.16.060 APPEAL OF HPC DECISIONS~~

~~When a Certificate of Appropriateness or a Certificate of Economic Hardship is denied or approved by the Historic Preservation Commission, the applicant or any interested party may, within 60 days of the decision, appeal such decision to the Village Board. The Village Board may affirm, reverse or modify the HPC's decision by a majority vote of a quorum of the Village Board. The decision of the Village Board shall be final, subject only to judicial review as provided by law.~~

Village of Lemont
Planning and Zoning Commission
Regular Meeting of December 18, 2013

A meeting of the Planning and Zoning Commission of the Village of Lemont was held at 6:30 p.m. on Wednesday, December 18, 2013 in the second floor Board Room of the Village Hall, 418 Main Street, Lemont, Illinois.

I. CALL TO ORDER

A. Pledge of Allegiance

Chairman Spinelli called the meeting to order at 6:30 p.m. He then led the Pledge of Allegiance.

B. Verify Quorum

Upon roll call the following were:

Present: Kwasneski, Maher, McGleam, Messer, Sanderson, Sullivan, Spinelli

Absent: None

Planning and Economic Development Director Charity Jones, Planner Martha Glas, and Village Trustee Ron Stapleton were also present

C. Approval of Minutes: November 20, 2013 Meeting

Commissioner Sullivan made a motion, seconded by Commissioner Kwasneski to approve the minutes from the November 20, 2013 meeting with no changes. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

II. CHAIRMAN'S COMMENTS

None

III. PUBLIC HEARINGS

A. Case 13-12 – UDO Text Amendments.

A public hearing for changes to the text of the Unified Development Ordinance.

Chairman Spinelli called for a motion to open the public hearing.

Commissioner Sanderson made a motion, seconded by Commissioner McGleam to open the public hearing for Case 13-12. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Mrs. Jones stated each of the Commissioners should have received a sheet in regards to the tree planting specifications.

Chairman Spinelli stated there are 30 foot clear zones on corners.

Mrs. Jones said that none of that is changing, only how you plant the tree and how far down the root ball is.

Chairman Spinelli stated as these trees start to mature Public Works needs to make sure that they are trimming them back so street signs can be seen. He said there are a lot of trees that are obscured due to trees.

Commissioner Messer said in his subdivision what someone did was unscrewed the stop sign and lowered it below the tree branches.

Mrs. Jones asked for the location and wrote it down. She stated she would let Public Works know.

Chairman Spinelli stated there seems to be a discrepancy with the dimensions in the drawing. He said it shows a 30 foot radius, but the text states a 25 foot clear area. He stated Mr. Cainkar needs to look at this and change one of the two. Chairman Spinelli said he thinks the 25 in the text needs to be changed to a 30.

Mrs. Jones said one other thing she forgot to put in the draft amendment that was attached to the staff report was they are proposing to delete appendices A, B, and C and all references throughout the UDO (Unified Development Ordinance). She said appendix A is the fee schedule for all the different applications. Mrs. Jones stated the Village annually adopts a fee schedule so it does not need to be in the UDO. Appendices B and C are application packets which do not need to be in the UDO.

Mrs. Jones stated they will now cover medical marijuana. She said the State has passed legislation allowing the use of medical marijuana. She stated the definitions and regulations that they are proposing are consistent with the State requirements. Mrs. Jones said the State has passed the legislation but they are also going to be coming out with some administration rules regarding these licenses. She stated because of this we may need to revisit some of these regulations in a few months to make changes or revisions. Mrs. Jones said she spoke with the Village Attorney and he advised to go ahead and adopt something now. She stated it would be better to have something in place before someone gets a license and comes here and there is nothing place. She said then they can say that the Village does not allow it so they can put it anywhere. Mrs. Jones stated it is the same issue you run into with adult uses as well. She said if you don't prohibit adult uses within the community, then you run the risk of someone

putting it anywhere. She stated they can say it is unconstitutional for the Village to prohibit the use if nothing is in place to say where it can and cannot go.

Mrs. Jones said what they are proposing is very similar to how they treat the adult uses. She stated adult uses are allowed as a special use in the M-4 zoning district. She said if you look at the zoning map there is no M-4 zoning in the Village. Mrs. Jones stated it is the mineral extraction zoning district. She said with the medical marijuana it could be a special use in just the M-4 or a special use in the M-3 and the M-4. She stated someone could argue that the Village doesn't even have an M-4 district. However, someone can come in and rezone to M-4 and then apply for a special use. She said it could also just be a special use in the M-3.

Chairman Spinelli asked where all the current M-3 zoning districts are.

Mrs. Jones stated along the Sanitary and Ship Canal and Route 83 and Main Street.

Chairman Spinelli asked if they should treat it the same as adult uses and put it in the M-4.

Mrs. Jones said it can be treated just like the adult uses and she feels a lot of the other communities will be doing that.

Chairman Spinelli stated he does not see a problem with it as long as it does not put the Village in a bad place.

Mrs. Jones said the Village Attorney is comfortable defending that position. She stated the cultivation centers will never go in Lemont. She said they will need much more space than the Village can provide. Mrs. Jones stated the only thing they could possibly get is a dispensary and there will be 60 of them licensed throughout the State of Illinois. She said cultivation centers have to be 2,500 feet away from daycare centers, schools, and any area zoned as a residential use. Due to those requirements it basically zones them out of Lemont. Mrs. Jones stated the dispensaries have to be 1,000 feet from a school or daycare. However, it does not have to be 1,000 feet away from an area zoned for residential use. She said it just can not be in residential zoning.

Commissioner Sullivan asked if staff had heard how other communities from other States were dealing with this issue. He asked if there are any negatives or positives.

Mrs. Jones stated every State does it differently. She said in Iowa for example you go to your local Walgreens for dispensing. She stated in California they have separate dispensaries.

Commissioner Sullivan stated it seems it is being presented to them in a negative way. He said he wanted to know if there was a reason why.

Mrs. Jones said she does mean to be presenting it that way. She stated the reason why she presented it as an M-3 or M-4 with a special use, is because you would want to have a discretionary review process just like any other sensitive use. She said if the Commission does want to potentially allow it in the community; the M-3 is probably the most reasonable zoning district for it giving the statutory requirements for separation from parks and schools. Mrs. Jones stated also you would not want to put it in your commercial zoning districts, because it would not generate the same kind of sales tax revenue or volume as a regular retail use would.

Commissioner Kwasneski asked with the 1,000 square feet restriction does it fit anywhere in the M-3 zoning district.

Mrs. Jones stated it could go anywhere in the Maley Industrial complex where Maley Road is located or in the new industrial park on New Avenue.

Commissioner Sullivan said the reason why this was brought forward is so they can assign a zoning district and so there is not a loophole where one can be put anywhere. He asked why they would then go and expose themselves by putting it in a zoning district that doesn't exist. He said the reason for the special use is so they have to come before the Boards. He stated there are some Villages were almost everything is a special use. Commissioner Sullivan said he feels they should put it in a district in which they have that fits within the Village and make it a special use. He stated he feels that this would be much more in compliance with the State recommendations.

Commissioner Maher stated this is a hot topic and he does not want to spend a ton of time with their Commission if the Village Board is in favor of it a certain way. He said he feels it is not right putting it in a Manufacturing District. He stated he does not have an issue with having a dispensary in town unless they see there is some type of violence associated with having a dispensary. Commissioner Maher said he feels it is not right to not have the Village Board's position when trying to set up this ordinance. He stated the Board's opinion is really what matters. He said it is a hot topic and they should be coming together on a position that makes sense rather than trying to hash it out. Commissioner Maher stated he does not want to see someone having to drive through all the trucks in an industrial parkway or down by the canal. He said if they are all in agreement on this then it should be in a position where it makes sense.

Commissioner Sanderson said if they put in an M-3 which is allowed then they meet the State's requirements. He stated someone can come in apply for a text amendment and request to be in a different zoning district. He said right now he would want it as far away as possible because they do not know anything about it or what it looks like.

Mrs. Jones stated they can always amend the code later and they probably will have to after the administrative rules are all written. She said for now this is the minimum that needs to be done to be in compliance with the State requirements.

Discussion continued in regards to whether it should be in an M-3 district.

Chairman Spinelli said he has no issue with allowing it in the M-3 and M-4 districts as a special use. He stated he agreed with Commissioner Maher that if it is legally controlled and done legally then they could consider maybe a text amendment for another zoning district.

Commissioner Maher stated he feels they should vote on this separately. He said he feels dispensaries should be in the commercial zoning district and not the manufacturing district, unless they get other information from their attorney in regards to whether this will increase crime.

Commissioner Kwasneski asked because this is such a hot topic if they should have a joint meeting with the Village Board to get their opinion.

Mrs. Jones said they are getting a good discussion here and this will go before the Committee of the Whole next month. She stated the Village Board will take a look at it and they will get an idea whether they have some of the same thoughts or if they are viewing it like some of the other communities and be more restrictive.

Chairman Spinelli stated he agreed with Commissioner Maher in regards to the distribution. However, he does not like the idea of possibly having a distribution center next to a Nancy's pizzeria. He said he agrees with it being at a pharmacy location.

Mrs. Jones said she agrees, but the State is giving out 60 licenses and the way she understands it is that those facilities will be limited to just dispensing medical marijuana. She stated all the rules have not been written just yet so they have limited knowledge.

Chairman Spinelli stated if the rules have not been finalized then he would find it hard to allow it in a business district.

Commissioner McGleam asked if they could vote on the cultivation centers and table the dispensaries.

Mrs. Jones stated that is fine and they could table it till the January or February meeting.

Commissioner Messer asked if the State had a timeline.

Mrs. Jones said per the Village Attorney the rules are supposed to come out in April, but they don't know how fast they will move after that.

Discussion continued in regards to tabling the dispensary or voting right away.

Commissioner Sanderson said he would want to vote on the cultivation center and the dispensaries separately and he would like to vote tonight.

Chairman Spinelli then called for a motion on the cultivation center.

Commissioner Maher made a motion, seconded by Commissioner Kwasneski to recommend to the Mayor and Village Board approval for a cultivation center for medical marijuana as a special use in the M-3 or M-4 zoning district according to the guidelines written in the staff report dated December 13, 2013. A roll call vote was taken:

Ayes: McGleam, Kwasneski, Sanderson, Maher, Messer, Sullivan, Spinelli

Nays: None

Motion passed

Commissioner Sanderson made a motion, seconded by Commissioner Messer to recommend to the Mayor and Village Board approval for a dispensary center for medical marijuana as a special use in the M-3 or M-4 zoning district according to the guidelines written in the staff report dated December 13, 2013. A roll call vote was taken:

Ayes: McGleam, Kwasneski, Sanderson, Messer, Spinelli

Nays: Maher, Sullivan

Motion passed

Mrs. Jones stated the next topic is construction contractor office/yard. She said this issue has come up several times including just recently at last month meeting. She stated the UDO does not differentiate between construction offices, which are primarily office space and those where fabrication is happening or storage. Mrs. Jones said they are hoping to separate those two and have a definition for construction contractor office and another for construction contractor yard. She then read each of the definitions.

Mrs. Jones said they would amend the table to allow construction contractor office in the B-1, B-3, DD and M-1 zoning districts. Then construction contractor office with yard, presuming there is an outdoor component to it, would be allowed in B-3, M-1, M-2, and M-3 zoning districts. She stated there would be a new section within the use chapter of the UDO that would talk about construction contractor office and office requirements in the DD and the B-1. Mrs. Jones then read those requirements.

Mrs. Jones stated what they are trying to do is strike a balance between what has been allowed at the staff level and ensuring there are no significant impacts. She said this is a starting point for open discussion and she welcomes any comments from the Commissioners.

Commissioner Maher said he would like to get rid of the three car limit. He stated he feels it should be based on the number of parking spaces.

Mrs. Jones stated it is more of the B-1 and DD district they are concerned about, so maybe it should not be an issue with the B-3 and the M zoning districts.

Commissioner Sanderson said you would not want a fleet of trucks or cars next to a residential area. He stated this was one of the concerns from residents at last month's meeting.

Commissioner Maher stated there are homeowners that have six cars parked in their driveway. He asked what the difference was. He said if their property has the space for it then they should be allowed to park there. Commissioner Maher stated he could see limiting the type of vehicle that could park there.

Chairman Spinelli said he agreed that if they have the parking stalls then they should be able to park there.

Commissioner Sanderson stated he liked the idea of restricting the type of vehicle.

Mrs. Jones said they would be able to that and most construction businesses usually have a van or truck, which have B plates.

Chairman Spinelli asked if the no fabrication allowed on the property included inside the building and if so what was the intended purpose.

Mrs. Jones stated it is not a manufacturing district. She said it is a light commercial business district so it is intended for office and limited storage.

Commissioner Sullivan said he agreed that the outdoor parking of vehicles should be limited. He stated if you have a plumbing contractor and they put an elbow on a piece of pipe in the shop so they don't have to do it on the job that is considered fabrication. He said also his building has a beautiful showroom and bathrooms, however his might possibly be 60% indoor parking and storage and 40% showroom. Commissioner Sullivan stated he feels you have to tread a little bit lightly with this.

Mrs. Jones stated you want to ensure that there is an office or retail storefront especially in the downtown district.

Chairman Spinelli said you can do that at 30%. He stated you can have the storefront be the majority of the showroom but have it partitioned to have vehicles parked inside or materials. He said as long as you keep the front presentable.

Commissioner Sullivan stated he knew he was going in a downtown district that he hoped was going to get more developed. He said he wanted his vehicles on-site and wanted it to be where they can be pulled into the building and looks nice. He stated he thinks there is a way they can do this without making a blanket statement.

Commissioner Sanderson said he would love to see the cars tucked away especially in the downtown district, however he would not like to see someone having 70% warehouse down there. He stated the downtown area is not a warehouse district.

Discussion continued in regards to the percentage of warehousing or storage that can be allowed in the downtown district and B-1 district.

Mrs. Jones stated they can have warehouse or storage be limited to 50%, but indoor vehicle parking does not count toward the 50% for warehousing.

All Commissioners agreed.

Mrs. Jones then asked if they agreed with the fabrication.

All Commissioners agreed to leave as is.

Mrs. Jones asked the Commissioners for clarification if they wanted to restrict the number of vehicles in the B-3 and M zoning districts.

Chairman Spinelli stated in Section A – Offices in the DD and B-1 district, they were restricting it to no larger than a “B” plate vehicle and as long as there is sufficient parking they are not restricting the quantity. He said also they agreed with no fabrication in those districts. He stated in Section B – Offices in Other Districts, they are striking the number of vehicles as long as they have enough legal vehicle parking stalls, but they are not restricting the vehicle size because it would negatively impact the M district. Chairman Spinelli said if they already have parking restrictions that protect shopping center parking lots then there is no need to duplicate that text.

Mrs. Jones said the next amendment would be to deck setbacks in R-4. She stated currently the R-4 allows for side setbacks for buildings that are less than 15 feet if the width of the lot is less than 90 feet. She said it is based on a percentage of the lot width, but the deck setbacks do not accommodate this. Mrs. Jones stated the deck setbacks are set at 15 feet. She said they are proposing to make R-4 just like R-4A, R-5 and R-6, to make it 10 feet from lot lines or equal to the setback of a conforming principal structure, whichever is less.

Chairman Spinelli asked if they are defining it as side-lot lines. He said the way it reads is all lot lines. He asked could someone then put a deck in the front yard.

Mrs. Jones stated they do not allow decks in front yards at all. She said a porch is defined differently. She stated a porch has to have a roof and a deck does not have a roof.

Chairman Spinelli asked if they looked at rear or side yard utilities.

Mrs. Jones said there is a blanket prohibition on putting any structure in an easement unless otherwise approved by the Village Grading Technician.

Chairman Spinelli asked if that would trump this 10 foot dimension.

Mrs. Jones stated if the Village Grading Technician felt that it would be problematic or negatively impact the easement. She said next would be portable storage containers/pods. She stated this would address products that people would use when they are moving. Mrs. Jones said it changes their definition from storage container to cargo container. She stated then they created a definition for self-storage container, which would be exclusively for the storage of personal property designed to be delivered to a customer's house and subsequent pick-up and delivery to a storage facility.

Chairman Spinelli asked if there was any time limit on these.

Mrs. Jones said what they are proposing is to allow self storage containers in any residential zoning district for periods of less than 15 days.

Commissioner Sullivan stated more and more people are using these pods during a remodeling to put their furniture in while the work is being done. He said sometimes this work can last more than two weeks.

Mrs. Jones said there is nothing stopping them from having it hauled off and then brought back.

All Commissioners agreed with the two week or 15 day limit.

Commissioner Messer asked what about the pod used for the football practice for the Celtics Football League on 127th and Covington Drive.

Mrs. Jones stated they should either be transporting their gear or building a permanent structure on the Park District lot across the street.

Mrs. Jones said the next section is a simple scrivener's error that references a section that just does not exist. She said next is the section covering fences. She provided a diagram on the overhead showing the current diagrams of where fences are allowed. She stated just recently they had a variation at 706 Hickory in regards to fencing where the house had a simple jut out. Mrs. Jones showed a picture of the fence at 706 Hickory as what it looks like today and what it could have looked like with a six foot privacy fence. She then provided more visuals of other homes with jut outs showing the different types of fencing.

Chairman Spinelli stated there has to be a way they could write the text in a manner to restrict the height if the fence was attached to the front façade facing the street. He said the four foot high fence across the front of the house does not look bad, however when you showed the six foot high fence on the same house it does. He stated if they moved the six foot high fence back from the front of the house it would not be so bad.

Mrs. Jones said she suggest that if they wanted that then they should just change the current regulations that allow three foot decorative fences in the front yard to allow four foot open style fences in front yards.

All Commissioners agreed.

Discussion continued in regards to corner lots.

Mrs. Jones stated the next changes would be to HPC Procedure/Certificate of Appropriateness procedures. She said currently the public notice requirement says they have to do a newspaper notice seven days in advance of the meeting and give notice to the applicant. She stated it does not say how the notice is provided to the applicant. She said they are going to change this to no newspaper notice except for demolitions. Mrs. Jones stated this is because of how often our newspaper publishes and how often the HPC meets. She said this will also match past practices. She said notice to the applicant would be by certified and registered mail within seven days.

Mrs. Jones said in regards to appeal process, minor Certificate of Appropriateness are reviewed by staff as part of the building permit process but there was no appeal process. She stated there has to be an appeal process and the appeal would be to the Village Board. She said since there is no public hearing for the minor Certificate of Appropriateness, the Village Board appeal would be the public hearing. Mrs. Jones stated the HPC conducts a public hearing for the major Certificate of Appropriateness.

Mrs. Jones stated minor Certificate of Appropriateness is currently defined as nonstructural alteration to a building or structure, addition or removal of paint, gutters downspouts, or re-shingling, and any interior remodeling that does not affect the exterior of building. She said major would be everything else and there is a list provided in the staff report. Mrs. Jones stated they are expanding what they think is minor. She said what they are proposing as minor would be the construction, demolition, and alterations of accessory structures, except those otherwise defined as major alterations. Second the addition or removal of paint, re-shingling, and installation or removal of gutters and downspouts. Mrs. Jones stated major would be defined as everything else including construction, demolition and alterations of principal structures; or construction and alterations to detached garages, decks, awnings, and signs; or demolition of detached garages and removal of awnings.

Mrs. Jones said Mrs. Glas and her would be able to review fences, sheds, removal of decks, patios, or accessory structure.

Commissioner McGleam asked if there were minor alterations for the primary structure.

Mrs. Jones stated it does include addition or removal of paint, re-shingling, and installation or removal of gutters and downspouts.

Commissioner McGleam said you need to add “of any structure, principal or accessory” to number two, under section B for minor alterations.

Mrs. Jones stated they did bring this to the HPC last month to review. She said this would conclude all the changes.

Chairman Spinelli called for a motion to close the public hearing.

Commissioner Kwasneski made a motion, seconded by Commissioner Sanderson to close the public hearing for Case 13-12. A voice vote was taken:

Ayes: All

Nays: None

Motion passed

Chairman Spinelli then called for a motion to recommend approval of the UDO text amendments.

Commissioner Maher made a motion, seconded by Commissioner McGleam to recommend to the Mayor and Village Board approval of Case13-12, UDO text amendments, as discussed, excluding the medical marijuana cultivation centers and dispensaries, which were already voted on. A roll call vote was taken:

Ayes: McGleam, Kwasneski, Sanderson, Maher, Messer, Sullivan, Spinelli

Nays: None

Motion passed

IV. ACTION ITEMS

None

V. GENERAL DISCUSSION

A. Comprehensive Plan Update Workshop Dates

Mrs. Jones stated they are going to be doing some public workshops for the Future Land Use Map. She said they will be held on Tuesday, January 28, 2014, at 6 p.m. and also on Monday, February 3, 2014 at 7 p.m. She said they are nearing the end of the Comprehensive Plan Update. She stated their goal is to have everything done by the spring. Mrs. Jones said the workshops will be identical and would like the Commissioners to attend at least one of the workshops.

Commissioner Messer asked if the workshops would be held at the Village Hall.

Mrs. Jones stated yes they would.

B. Ethics training (time permitting)

Mrs. Glas said they have the presentation printed if they want to take it home with them or she can email it to them. She stated there are some additional resources that printed on the last slide.

All Commissioners agreed to have it emailed to them.

Chairman Spinelli asked if there were any more questions for staff. None responded. He then asked if staff had made any progress in regards to public notice signs that have been left up. He said there is one at Parker and 131st. He stated they need to finalize some type of method so that the Village can get paid and these signs can be taken down.

Mrs. Jones said to let her know of any other public notice signs that he sees still up in the Village.

VI. ADJOURNMENT

Chairman Spinelli called for a motion to adjourn the meeting.

Commissioner Messer made a motion, seconded by Commissioner McGleam to adjourn the meeting. A roll call vote was taken:

Ayes: All

Nays: None

Motion passed

Minutes prepared by Peggy Halper