



**City of Wilmington
Planning & Zoning Commission
Thursday, August 3, 2017 at 5:00 p.m.**

Location & Time

Council Chamber
Wilmington City Hall
1165 S. Water Street
5:00 p.m. 08/03/17

**Planning & Zoning
Commission Members**

Larry Clennon
Bryan Humphries
Jonathan Jones
Ken Kulpa
Chris Smith
John Tryner
Gina Wysocki

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Review and Approve the March 2, 2017 Meeting Minutes
5. Public Hearing
Variance ó 504 Van Buren Street [PIN 03-17-25-354-004-0000],
Petitioner John Szefc
6. Public Hearing
Text Amendment to the Code of Ordinances Chapter 150 Ordinance-
Article 2, 150.19, Site Plan Review for Multifamily, Residential,
Commercial and Industrial Development
7. Commissioners Review/Approval/Recommendation for Variance at 504 Van
Buren Street [PIN 03-17-25-354-004-0000]
8. Commissioners Review/Approval/Recommendation for Text Amendment to
the Code of Ordinances Chapter 150 Ordinance-Article 2, 150.19, Site Plan
Review for Multifamily, Residential, Commercial and Industrial Development
9. Citizenø Comment
10. Adjournment

Minutes to the City of Wilmington
Planning and Zoning Commission Meeting
Wilmington City Hall
1165 South Water Street
Thursday, March 2, 2017 at 5:00 PM

Call to Order

The March 2, 2017 meeting of the Wilmington Planning & Zoning Commission was called to order at 5:02 p.m. by Deputy City Clerk Joie Ziller in the Council Chambers of the Wilmington City Hall.

Roll Call

Upon Roll Call by the Clerk the following members answered "Here" or "Present":

Commissioners Clennon, Humphries, Kulpa, Jones

Commissioners Absent

Smith, Wysocki, Tryner

Quorum

There being a sufficient number of members of the corporate authorities in attendance to constitute a quorum, the meeting was declared in order.

Other Officials in Attendance

Also in attendance were the Interim City Administrator Frank Koehler, City Planning Consultant Carrie Hansen of Schoppe Design Associates, Inc., City Engineer Colby Zemaitis and Deputy City Clerk Joie Ziller

Elect Pro-Tem Chairman

Commissioner Jones made a motion and Commissioner Clennon seconded to elect Commissioner Humphries as Chairman of tonight's meeting.

Upon roll call, the vote was:

AYES: 4 Clennon, Humphries, Kulpa, Jones

NAYS: 0

The motion carried.

Approval of Minutes

Commissioner Clennon made a motion and Commissioner Kulpa seconded to approve the February 2, 2017 Planning & Zoning meeting minutes as written and have them placed on file.

Upon roll call, the vote was:

AYES: 4 Clennon, Humphries, Kulpa, Jones

NAYS: 0

The motion carried.

Review and Approve 2017 City of Wilmington Zoning Map

City Planning Consultant Carrie Hansen presented the Commission with the draft of the 2017 Official Zoning Map. The changes reflected on this year's map include:

- Ordinance No. 16-03-16-01: Approving Map Amendment at 627 S. Water Street from R2 to R3
- Ordinance No. 16-04-06-01: Annexing 10 acres in the Ridgeport Logistics Park
- Ordinance No. 16-04-03-02: Rezoning 10 acres in the Ridgeport Logistics Park
- Ordinance No. 16-11-01-02: Annexing 48 acres in the Ridgeport Logistics Park
- Ordinance No. 17-02-21-01: Rezoning 48 acres in the Ridgeport Logistics Park

Ms. Hansen also stated that the zoning map now includes the disclaimer that zoning map is only a reference and true property boundaries need to be verified with the Will County Recorder of Deeds.

Commissioner Kulpa questioned the island like appearance of the properties on Stevens Lane and how it is contiguous with the City. Ms. Hansen explained that statutorily when you annex a piece of property you annex to the far side of the road.

Commissioner Jones requested that the boundary lines for Elwood, Braidwood, Diamond & Coal City be bolded.

Commissioner Kulpa made a motion and Commissioner Clennon seconded to recommend to City Council to approve the 2017 Official Zoning Map.

Upon roll call, the vote was:

AYES: 4 Clennon, Humphries, Kulpa, Jones

NAYS: 0

The motion carried.

Citizen's Comment

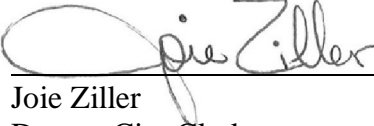
Citizen Bob Thomas informed the Commission that in 2010 he was required to obtain a business license for selling firewood for his residence a 520 E. Baltimore Street (Zoned R2), the empty lot where he stores his firewood is 514 E. Baltimore (Zoned R2). Mr. Thomas uses the firewood for his home and also sells some. In 2014 he was told he was in violation of the code and at that time City Administrator Graff had discussed and introduced the creation of a business overlay district which would include Route 53 and Route 102. Mr. Thomas stated that he just had his taxes done and he did \$1,190 worth of sales in firewood. City Attorney Urban instructed Mr. Thomas to come to a P&Z meeting to see if the overlay district was still being discussed that would allow for him to maintain his firewood business. Mr. Thomas stated that he does not want to rezone if the overlay was going to happen. Interim City Administrator Koehler stated that currently there is a CMAP downtown study. This study is to find ways that will make a more attractive entranceway into the City and what can be done for revitalization for the downtown businesses and suggests that we wait for CMAP, which will be a 12 to 18 months study, and to see what its recommendations may be for that corridor. Ms. Hansen stated that Mr. Thomas's particular business is not addressed in the overlay and stated he probably needs redirection from the City Council. Commissioner Humphries stated that the CMAP study will take a couple of years and

that the creation of the overlay district which was discussed on 2014 is most likely not happening and that if Mr. Thomas's properties need to be brought into compliance then he should obtain a packet and start the process to rezone the properties.

Adjournment

Motion to adjourn the meeting made by Commissioner Clennon and seconded by Commissioner Jones. Upon voice vote, the motion carried. The Wilmington Planning & Zoning meeting held on March 2, 2017 adjourned at 5:39 p.m.

Respectfully submitted,



Joie Ziller
Deputy City Clerk

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS } Ss.
County of Will,

I, **Janet M. Fisher** do hereby certify that **Eric D. Fisher** the publisher of the **The Free Press Advocate**, which is now and has been for more than six months prior to the first publication of this notice hereto annexed, a weekly newspaper of general circulation, printed and published in the city of **Wilmington** in said County, and that said advertisement or notice relating to the matter of:

Wilmington variance hearing set for Aug. 3

has been published in said paper every week, one time

consecutively of the issues commencing July 19 A.D. 2017

ending July 19 A.D. 2017, which are the dates of the first and last papers containing the same.

Given under my hand this 19th day of July A.D. 2017,

Printer's Fee \$ 29.70

Paid 20

By: *Eric D. Fisher*

Eric D. Fisher

Publisher

Janet M. Fisher

" OFFICIAL SEAL "
Janet M. Fisher
Notary Public, State of Illinois
My Commission Expires 12-15-20

Cop To

Wilmington variance hearing set for Aug. 3

PUBLIC NOTICE

Notice of Public Hearing
Planning and Zoning Commission
of the City of Wilmington, IL

Notice is hereby given that on Thursday, August 3, 2017 at 5:00 p.m., a Public Hearing will be held by the Planning and Zoning Commission of the City of Wilmington at the City Hall located at 1165 S. Water Street, Wilmington, IL., for the purpose of receiving and considering testimony and public comments on the request of petitioner, John Szeft in regards to a variance for fence size.

LEGAL ADDRESS OF PROPERTY
- 504 Van Buren Street
PIN NO. 03-17-25-354-004-0000

LEGAL DESCRIPTION - LOT 7, BLOCK 54, IN THE CITY OF WILMINGTON, IN PRT OF THE E1/2 SW1/4 SEC 25, T33N-R9E

All persons interested in the above-described matter are invited to attend and will be heard.

Roy Strong
Mayor
City of Wilmington

Published in the Free Press Advocate on Wednesday, July 19, 2017.



RECEIVED

Land Use Petition
City of Wilmington, Illinois

JUL 14 '17

CITY OF WILMINGTON

Petitioner: JOHN SZEFEC
Address: 504 VAN BUREN ST.
City: WILMINGTON State: 12 Zip: 60481
Phone No.: 630-675-4430 Fax No.: N/A Email: john.szefec@hussmann.com
[X] Petitioner is the owner of the subject property and is the signer of this petition
[] Petitioner is the contract purchaser of the subject property and has attached a copy of said contract to this petition
[] Petitioner is acting on behalf of the owner of the subject property and has attached a letter granting such authority signed by the owner

In the event the property is held in trust, a notarized letter from an authorized trust officer identifying the petitioner as an authorized individual acting on behalf of the beneficiaries and providing the name, address, and percentage of interest of each beneficiary is attached to this executed petition.

Subject Property

Location: 504 VAN BUREN ST. WILMINGTON, IL 60481
Size of Property: 131.72' X 65.81' Tax Parcel No.: 03-17-25-354-004-0000

The following documents have been attached:

- [] Legal Description
[X] Plat of Survey
[X] List of Adjacent Property Owners
[] Site Plan
[] Preliminary Plat
[] Final Plat
[] Preliminary Plan
[] Final Plan
[] Impact Fee Form
[] Bank Trust Letter

Type of Action Requested

- [] Annexation
[] Annexation Agreement
[] Concept Plan
[] Preliminary Plat/Plan (circle one)
[] Final Plat/Plan (circle one)
[] Map Amendment from ___ to ___
[] Conditional Use
[X] Variance
[] Site Plan Review

I have submitted the required filing fee. I understand that the fee is non-refundable. The fee is determined according to the attached schedule of fees. \$150.00 (initial here) 150.00 (fee)

Statement of Petition

Please provide a brief statement describing the proposal as it relates to the standards of petition accompanying this document (attach additional sheets if necessary).

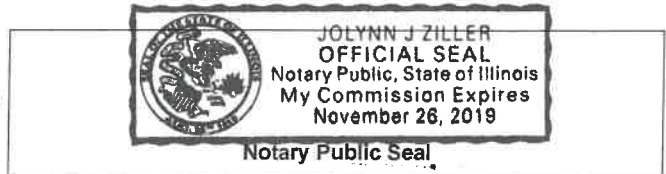
I REMOVED A 6' HIGH WOODEN PRIVACY FENCE THAT STOOD FOR 23 YEARS AND REPLACE IT WITH A ALUMINUM 6' HIGH SEE THROUGH WROUGHT IRON LIKE FENCE IN SAME SPOT.

Number of Dwelling Units: Type of Units: SINGLE FAMILY Square Footage: 2800
Proposed Time Schedule for Development:
Requested Variances:

Authorization

I hereby affirm that I have full legal capacity to authorize the filing of this petition and that all the information and exhibits herewith submitted are true and correct to the best of my knowledge. The petitioner invites city representatives to make all reasonable inspections and investigation of the subject property during the period of processing this petition.

State of Illinois, County of Will, Date 7-14-17, Signature of Petitioner: [Signature]



I, the undersigned, a notary public in and for the said county and state aforesaid, do hereby that [Signature] is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that said person signed, sealed and delivered the above petition as a free and voluntary act, for the uses and purposes set forth.

Notary Signature: [Signature] My Commission Expires: 11-26-2019

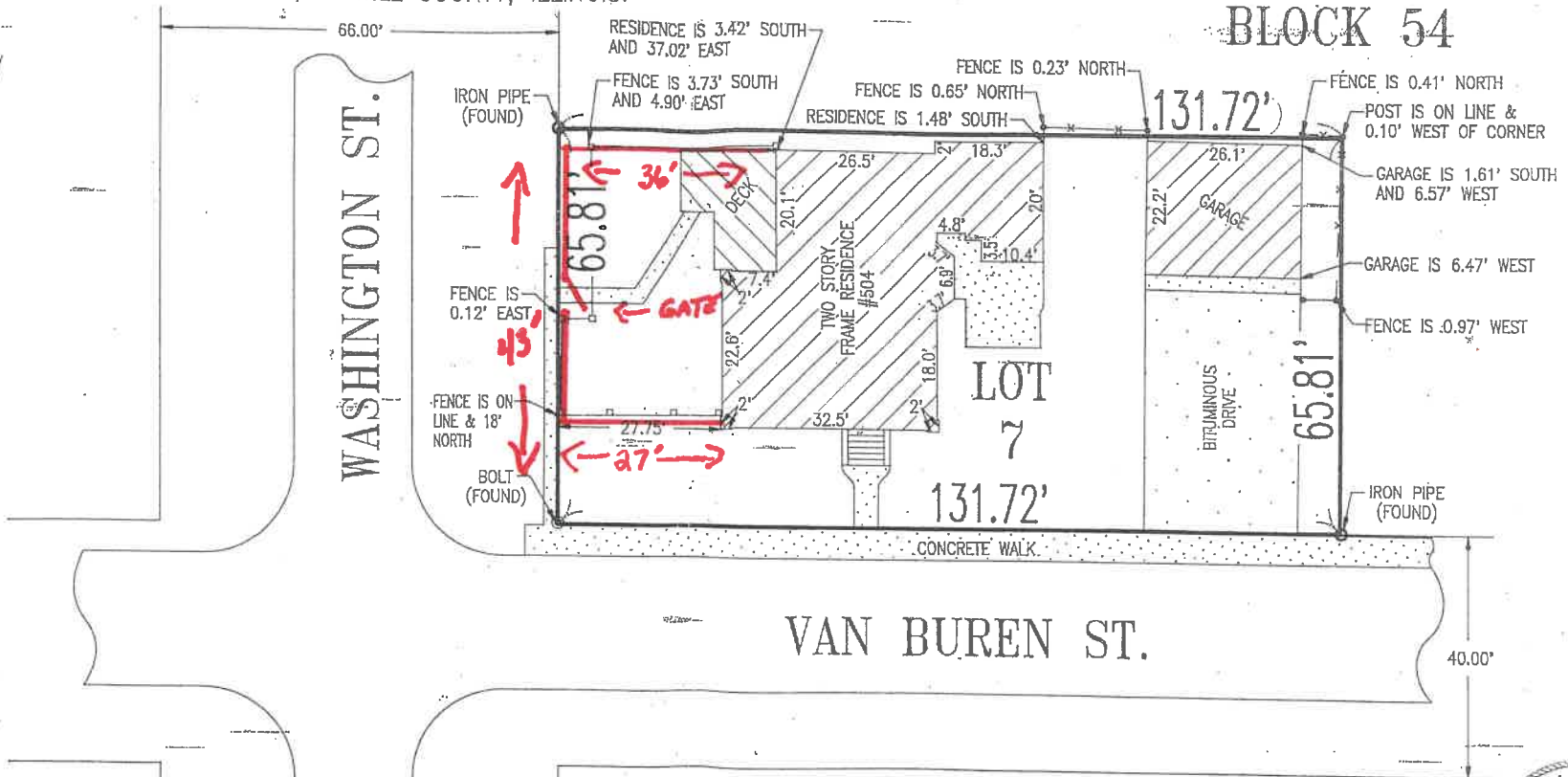
Given under my hand and notary seal this 14 day of July, A.D. 2017

*pd \$150.00 Application fee 6175
*pd \$500.00 Deposit 6176

Plat of Survey of

LOT 7, IN BLOCK 54, IN THE TOWN (NOW CITY) OF WILMINGTON, (FORMERLY WINCHESTER), IN SECTION 25, IN TOWNSHIP 35 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1836 IN BOOK A, PAGE 71, AS DOCUMENT NO. 61, IN WILL COUNTY, ILLINOIS.

BLOCK 54



STATE OF ILLINOIS
COUNTY OF LIVINGSTON SS

I, CARL J. KRAUSE, AN ILLINOIS REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

CULLOM, ILLINOIS *April 22, 1994*

Carl J. Krause
ILLINOIS REGISTERED LAND SURVEYOR #1750



DISTANCES ARE MARKED IN FEET AND DECIMALS

ORDER NO.: 9-2439
ORDERED BY: J. J. REAL ESTATE



Date: 6/24/17

Dear Property Owner,

A public hearing will be held by the Planning and Zoning Commission of the City of Wilmington at the City Hall located at 1165 S. Water Street to request a variance for the property located at 504 Van Buren Street,
PIN: 03-17-25-354-004-0000

All persons interested in attending are invited to do so and will be given an opportunity to be heard at the public hearing scheduled for August 3, 2017 at 5:00 p.m.

Respectfully submitted,

JOHN SZEFC

Applicant

*I removed a 6' high wooden privacy fence and I would like to install a 6' white aluminum see through wrought iron fence. Do you approve of me installing fence in same location?

*Signatures from Home Owners within 250' of said property (see attached)

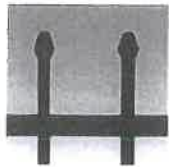
Residential • Commercial

Midwest Premium Aluminum



ORNAMENTAL
ALUMINUM FENCE
CATALOG

ACCESSORIES



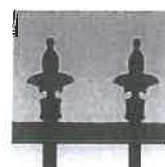
Standard Pickets



Quad-Finial



Tri-Finial



Fleur de Lis

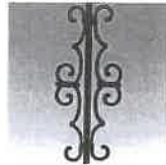


Standard Post Cap



Ball Post Cap

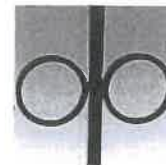
Our Accessories are cast from aluminum and powder coated, so they will not rust or corrode.



Scroll



Butterfly



Circles

COLORS



BLACK



BRONZE



WHITE



GREEN



BEIGE

(Color may vary slight to actual fence color)

SPECIFICATIONS & DIMENSIONS

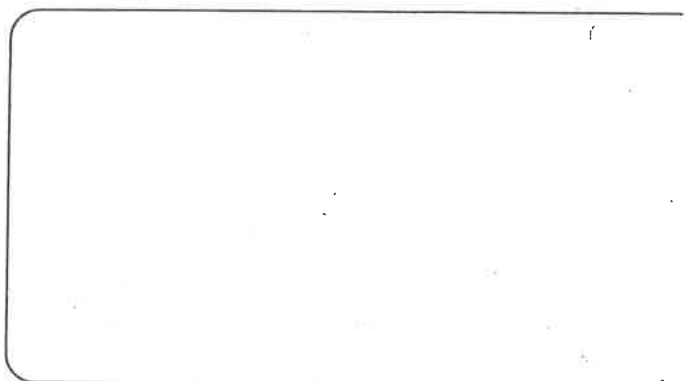
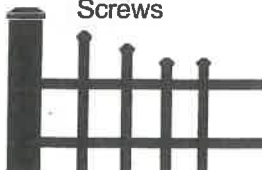
DIMENSIONS		RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Pickets		5/8" sq. X .050" Thick	3/4" sq. X .055" Thick	1"sq. X .062" Thick
Rails	Topwalls Sidewalls	1 1/8" X .062" Thick 1" X .080" Thick	1 3/8" X .065" Thick 1 1/4" X .088" Thick	1 5/8" X .070" Thick 1 5/8" X .100" Thick
Posts		2" sq. X .060" Thick 2" sq. X .080" Thick	2" sq. X .125" Thick 2" sq. X .080" Thick	2 1/2"sq. X .100" Thick 3"sq. X .125" Thick
Gate Posts		2 1/2" sq. X .100" Thick 2" sq. X .125" Thick	2 1/2" sq. X .100" Thick 3" sq. X .125" Thick 4" sq. X .125" Thick	3"sq. X .125" Thick 4"sq. X .125" Thick
Picket Spacing		3 13/16" 1 5/8" (also available)	3 5/8" 1 1/2"(also available)	4" 1 1/2" (also available)
Post Spacing		72 1/2"on center	8' on center 72 1/2"(also available)	8' on center 72 1/2"(also available)
Section Heights		36", 48", 54", 57", 60", 72"	36", 48", 54", 57", 60", 72"	36", 48", 60", 72", 84", 96"
Standard Gate		36", 48", 60", 72"	36", 48", 60", 72"	36", 48", 60", 72"
Openings	All gates welded customized sizes and colors available			

MATERIAL DESCRIPTION

Extruded Rails 6005-T5 Aluminum (35,000 psi yield strength)

Components Coating TGIC polyester powder coating technology provides twice the thickness and hardness and is fade and scratch resistant.

Screws Stainless steel, painted to match with fence color.



PROPOSAL & CONTRACT



Office: 815-255-2132
Fax: 815-255-2036

www.acostafence.com

CUSTOMER: Tania Szele
ADDRESS: 504 W. River St
CITY: Williamson STATE: IL ZIP CODE: 60481
TEL: 815-768-0238 FAX: _____

DATE: _____
CONTACT: _____
TEL: _____
JOB ADDRESS _____
CITY _____
J.U.L.I.E # _____
Crew: _____

DESCRIPTION OF MATERIALS

Type of Fence: Wood Vinyl Chain Link Ornamental
L F Gates Included: 106' Line Post: 222
Height 6'11" Rails: _____
Boards-Wire: _____ Gates: 17' 4" w Gate
Terminal Post: 222 Color: white
Barbed Wire YES NO Tension Wire YES NO
Plat of Survey Needed YES NO Underground Utilities (J.U.L.I.E) Acosta Fence Owner

Const. Permit Secured By Owner YES NO Permit # _____

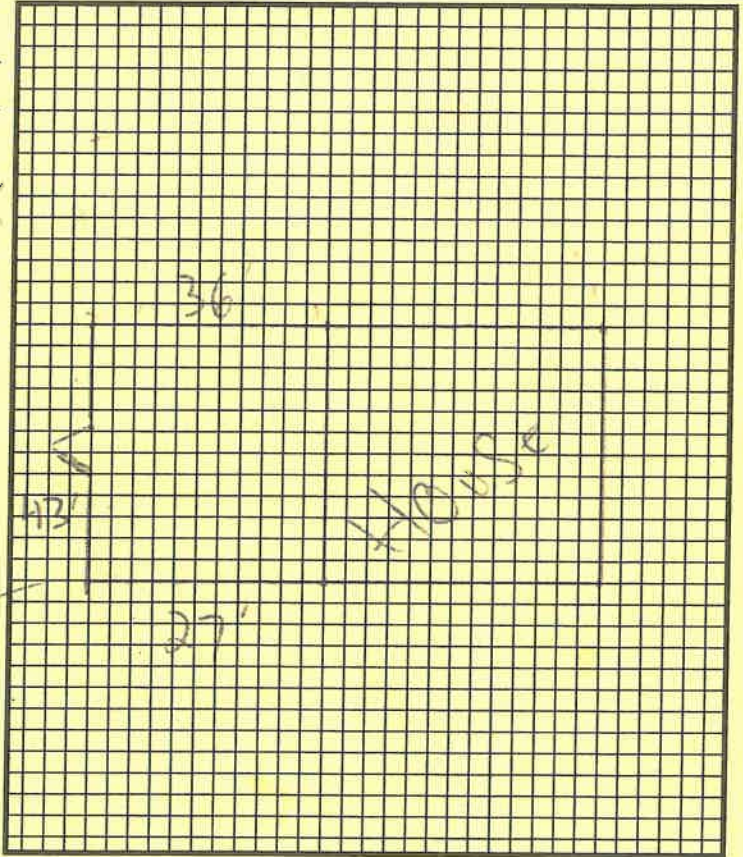
Post Set in Concrete YES NO

Top of Fence Follow Ground Straight Stepped Flat Top

Existing Fence Taken Down Haul Away 424'

Dirt Removal Optional YES NO \$ _____

Other Comments Gate Style / white



All of the above work to be completed in a substantial and workmanlike manner according to standard premises to start within _____ week(s) for the sum of \$ 3,528.00

A deposit required of \$ _____ down upon signing contract and \$ _____ the remaining balance upon completion of installation. ACOSTA FENCE COMPANY GUARANTEES ALL MATERIALS TO BE OF THE HIGHEST QUALITY BY LEADING MANUFACTURERS AND ALL WORKMANSHIP TO BE OF THE HIGHEST STANDARDS BY THOROUGHLY SKILLED MECHANICS FOR _____ YEAR(s). Contractor is responsible for calling J.U.L.I.E. Within 48 hours before installation to mark all underground utilities. Any alteration or deviation for the above specifications involving extra cost of materials or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing. ALL MATERIALS REMAIN PROPERTY OF CONTRACTOR, WHO RETAINS THE RIGHT TO REMOVE ALL MATERIAL UNLESS PAID IN FULL. ALL FENCES INSTALLED WITHIN 6" OF PROPERTY LINES - FENCES SET TO PROPERTY STAKES - NOT RESPONSIBLE FOR PROPERTY LINES. A charge of 25% of cash contract price will be made in case of cancellation of this by property owner or agent, of which he or she agrees to pay upon demand after refusing to allow the work to proceed as within agreed terms. THIS PROPOSAL IS VOID IF NOT ACCEPTED WITHIN _____ DAYS.

ACCEPTANCE OF PROPOSAL

You are hereby authorized to furnish all material & labor required to complete the work mentioned in the above proposal for which I agree to pay the amount mentioned in said proposal & in accordance with the terms thereof. I agree to pay all costs of collection including attorney fees & interest for sums which may become due under this contract. Purchaser agrees to obtain any construction permits that may be required & to supply contractor with current plat of survey.

SIGNATURE Tania Szele DATE 6-3 2017

TERMS: Net _____ days. A 1.5% interest will be added on to the monthly balance until balance in paid in full.

Respectfully Submitted by Rosalio Acosta Jr.

Building Department

July 27, 2017

Review of variance for 504 Van Buren St

The reason that a variance is required for this fence project refers to 150.87 Item 1. of the Municipal Code

On corner lots on the secondary frontage a fence 6' in height is only allowed to be placed 10' in from the property line and not project past the front of the house. This variance would allow the 6' fence to be placed on the property line on the secondary frontage, but not project past the front of the house. Due to the wide parkway on the Washington St this is a unique situation. Placing the fence on the lot line should not present a sightline issue. Also noted this is a low traffic intersection.

The building department has no objection to the requested variance.

Municipal Code - 150.87 - Fences

(A)

Residential districts. The establishment of fences in residence districts shall be regulated as follows, except as provided for in [Section 150.88](#) of this chapter:

(1)

Fences may be constructed and maintained in the front yard setbacks to a maximum height of three feet. On corner lots, fences up to six feet in height may be placed within 10 feet of the property line in the side yard (second frontage), provided they do not extend forward of the wall of the principal building facing the designated (principal) front yard.

(2)

Fences up to six feet in height shall be permitted in rear yards and side yards provided that the fence is located behind the front of the principal structure.

(3)

Fences shall be positioned so that the finished side faces away from the lot on which it is constructed.

150.88 - Visibility on corner lots.

The location of buildings, structures and landscaping on corner lots shall be regulated as follows so as not to obstruct the vision of drivers of motor vehicles. No buildings or structures shall be erected or maintained within a triangular area determined by a diagonal line connecting two points measured along the property lines of abutting streets 30 feet equidistant from the intersection of those property lines, so as to obstruct or obscure the vision of drivers of motor vehicles on either or both streets.



CITY OF WILMINGTON

1165 S. Water Street Wilmington, IL 60481 P 815.476.2175 F 815.476.2276

www.wilmington-il.com

TO: Members, Wilmington Planning and Zoning Commission
FR: Frank Koehler, Interim City Administrator
DT: Wednesday, July 26th, 2017
RE: **FENCE VARIANCE REQUEST**

Good Morning.

A question has arisen as how to address the petitioner's request for a variance to allow a six foot fence within the front yard at 504 Van Buren.

A number of ordinance sections are in play:

- 150.54 Zoning District Regulations
- 150.87 Fence Regulations
- 150.100 Non Conforming Uses
- 150.12 Variations

150.54 Zoning District

The property in question is located within an R-2 Single Family Residential District. This District provides for front yard setbacks of 20 feet from an adjoining street. In as much as the building is on a corner lot, there are in fact two front yard setbacks to be considered.

150.87 Fence Regulations

The section allows for fences in the front yard provided they are no higher than three feet in height. On a corner lot, a six foot fence can be installed in the second "front yard", provided it is at least ten feet in from the property line, and does not extend beyond the forward wall of the principal building facing the designated front yard

150.100 Non Conforming Uses

The owner of the property previously had in place a six foot fence, along the property line of the second front yard, which he removed due to obsolescence and was looking to improve on the style and appearance of the fence. I believe the old fence was along the property line in the second front yard, which, according to above, could be no closer than ten feet from the property line.

The old fence could have remained in place as a legal, non conforming use. He could have been allowed to perform routine maintenance of the fence. This could have included replacing individual boards, support board, posts, etc. However, as noted in section 150.103 (B) Non Conforming Buildings and Structures, "Should any such building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved." This would indicate that by taking down the old fence, the new fence must conform to the 10 foot setback requirements.

150.12 Variances

The City provides for two types of variances. One is a minor variance which can be approved by the City Administrator, pursuant to certain guidelines (159.12.5). The second is a variance which requires Plan Commission review, and City Council approval. In either case, there must be a determination that the plight of the owner is due to unique circumstance; that the variance, if granted, would not alter the essential character of the locality; the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations; and the strict enforcement of the code would involve practical difficulties or impose exceptional hardships.

By removing the old fence, the property owner lost his ability to replace the fence without City Approval.

I do not believe the issue at hand falls within the parameters of a minor variance, requiring consideration therefore by the Plan Commission and City Council. It is your role to determine if the proposed fence would meet, if not the letter of the law, then the intent of the variance procedures.

I trust this is of help to you.

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 150.19 OF THE ZONING ORDINANCE OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, PROVIDING FOR PLANNING COMMISSION REVIEW OF MULTIFAMILY RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS.

WHEREAS, The Zoning Code for the City of Wilmington presently provides for City Council review of multifamily, residential, commercial and industrial developments; and

WHEREAS, said code also provides for review and advisory recommendations from the City Building Official, City Engineer, and City Planner;

WHEREAS: it is in the best interest of the City of Wilmington that said review also allow for review and advisory recommendations from the City's Planning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WILMINGTON, WILL COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1:

Amend Section 150.19 of the Wilmington City Code, entitled "Site Plan for multifamily residential, commercial and industrial developments, by inserting the following new section, and renumbering each subsequent section accordingly:

"(F) Planning Commission Review. The Wilmington Planning Commission shall, within thirty days from the date of submittal by the applicant, review said plans as to their compliance with applicable sections of the zoning ordinance and development regulations of the City of Wilmington. The Planning Commission shall, within thirty days of its review, issue an advisory recommendation to the City Council as to approval or denial of said plans, and shall take into consideration the recommendation or lack thereof from the City Building Official, City Engineer and City Planner.

SECTION 2: REPEALER

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance shall be and the same are hereby repealed.

SECTION 3: SEVERABILITY

This Ordinance and every provision thereof shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, provision or section of this Ordinance is void or unconstitutional, the remaining words,

phrases, clauses, sentences, paragraphs, provisions and sections and parts of phrases, clauses, sentences, paragraph, provisions, and section not ruled void or unconstitutional shall continue in full force and effect.

SECTION 4: EFFECTIVE DATE

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

PASSED this _____ day of _____, _____, with _____ members voting aye, _____ members voting nay, the Mayor _____ voting, with _____ member(s) abstaining or passing and said vote being:

Frank Studor _____	Kevin Kirwin _____
Fran Tudor _____	Larry Hall _____
Kirby Hall _____	Lisa Butler _____
John Persic _____	Steve Evans _____

CITY CLERK

APPROVED THIS _____ DAY OF _____, _____.

ROY STRONG, CITY MAYOR

(SEAL)

ATTEST:

CITY CLERK

150.19 - Site plan for multifamily residential, commercial and industrial developments.

- (A) Compliance required. No lot, plot or parcel of land shall be improved or developed for multifamily residential, commercial, industrial or any other nonresidential purposes or uses nor shall any building permit be issued for the construction of any improvements or buildings for multifamily residential, commercial, industrial or any other nonresidential purposes and uses within the city until the provisions of this article have been complied with. Resurfacing or paving of existing parking lots, provided said lot is not being expanded, is exempt from this requirement.
- (B) Site plan submission. Any person proposing the development of any lot, plot or parcel of land or applying for a building permit for the construction of improvements or buildings for multifamily residential, commercial, industrial or any other nonresidential purposes or uses, prior to the commencement of such development or at the time of the submission of an application for such permit, shall submit 5 copies of a site plan to the city engineer. Accompanying each site plan herein required shall be copies of all of the permits from other governmental bodies or agencies required for the contemplated development, improvement or building. A site plan is not required for minor improvements or remodeling of an existing business where the total impervious area (footprint) of the building does not change. A change of zoning, parking lot expansions, minor changes to a commercial entrance or additions to water retention or detention facilities, as required by city ordinances, will require a site plan.

Exemption from the site plan submission requirement does not exempt applicants from the requirement to submit information required by the building inspector as part of the building permit process.

- (C) Information on site plan. The site plan shall designate the following:
- (1) Topography of the site and adjoining lands as the same will exist upon completion of the contemplated development or improvement at two feet elevation intervals, including groundcover, slopes, banks, ditches and other like features;
 - (2) Location, arrangement, exterior height dimensions and exterior materials of all permanent buildings and aboveground structures;
 - (3) Location, arrangement and dimensions of vehicle parking spaces, width of aisles, bays and angle of parking, together with the type of parking surface;
 - (4) Location and dimensions of vehicular entrances, exits and driveways;
 - (5) Location and dimensions of pedestrian entrances, exits, walks and walkways;
 - (6) Location and dimensions of the specific storm or surface water drainage system to serve the site, together with connections to off-site drainage facilities;
 - (7) Location, dimensions and capacities of all utilities to serve the site including natural gas, telephone, electricity, water and sanitary sewer, together with connections to connecting off-site utility lines and mains;

- (8) Location, size, height and orientation of all signs other than signs flat on building facades;
- (9) Lighting plan showing location, size, height, illumination and orientation of all lights;
- (10) Location and dimensions of all storm water retention ponds and facilities;
- (11) Location, arrangement and dimensions of vehicle loading and unloading spaces, areas and docks;
- (12) Location, dimensions and materials of walls and fences;
- (13) The date the site plan was prepared and the name, address, and phone number of the preparer.

Site plans involving any engineering are required to bear the signature and seal of an Illinois professional engineer.

- (D) Compliance with zoning and city regulations. The site plan or addendum thereto shall further contain information showing compliance with all of the requirements of the applicable zoning district regulations and all other applicable provisions of the city code.
- (E) Examination of site plan. The city engineer, city building official, and city planner shall examine and review the site plan to determine whether the same complies with this chapter and all other city ordinances, ensures adequate utility service to the development or building and provides for proper storm or surface water retention and drainage, whether the contemplated development, improvement, building or facilities will harm or damage surrounding properties or overload public and utility improvements beyond their capacity and shall submit their written recommendation of approval, denial or modification to the building inspector and zoning officer for their review and recommendation for approval or denial.
- (F) City council, final decision. In all cases the city council shall make the final decision as to the approval or denial of a site plan, and shall consider in its decision the recommendation or lack thereof from the building inspector, zoning officer, city building official, city planner, and city engineer.
- (G) Denial of site plan. In the event a site plan does not comply with all required recommendations, it shall be deemed denied until all recommendations are complied with.
- (H) Site plan review fee and professional fee agreement. The applicant shall submit a site plan fee in the amount dictated by the city council, which may be amended from time to time. In addition, the applicant shall pay all professional fees including, but not limited to, reasonable attorneys', engineers' and planners' fees associated with the site plan review. The applicant shall execute a professional agreement in an amount established by ordinance by the city council and may be amended from time to time.

(Ord. 1324, passed 1-4-00; Am. Ord. 1401, passed 1-15-02; Am. Ord. 16-02-16-04, passed 2-16-16)