

**Minutes of the
Building, Planning and Zoning Committee
Of
February 12, 2014**

Attendees:

Committee: Chairman, Trustee Larry Wells, Trustee Richard Gust, Trustee Linda Sittig
Village Staff: Jeramiah Yeksavich – Village Planning and Zoning Administrator, Sandi Pastell –
Administrative Assistant – Jon Kindseth, Administrative Service Director – John Hucker – Mayor

Chairman Wells opened the meeting, roll call was taken, and the meeting was brought to order at 5:05 p.m.

Chairman Wells asked for a motion to approve the minutes from the October 15, 2013 meeting if there are no corrections or additions. Trustee Sittig stated that on page one, paragraph three, change “raise chickens” to “house”. Trustee Gust made a motion to approve as amended. Trustee Sittig 2nd the motion. By voice vote, motion passes, minutes approved.

Chairman Wells stated that the first issues that are being discussed at this evenings meeting are items that have been on previous agendas. Chairman Wells then turned the meeting over to Mr. Yeksavich.

Old Business

Item 1 – Allowance of Chickens:

Mr. Yeksavich stated that based on the discussion at previous meetings, the Committee recommended changes to the draft ordinance be prepared for discussion at this meeting. Mr. Yeksavich explained to the Committee that the ordinance addresses all residential districts except AG, E, SE and SR as they are permitted use within those districts. Mr. Yeksavich stated that the setbacks do limit some of the areas in town. Chairman Wells stated that he does have an issue with allowing chickens on lots around 6,000 square foot area. Chairman Wells stated that he wants to start with the larger lots as he is concerned about the code enforcement issues that he knows allowing chickens will bring.

Trustee Sittig asked if staff knew how many residences are below 10,000 square feet and Mr. Yeksavich stated that most homes are on lots of 7,500 to 8,000 square feet. Trustee Sittig asked Chairman Wells if he would be willing to discuss allowing chickens on residential lots of 7,500 square feet minimum. Chairman Wells stated that with the Village discussing Rental Inspections, etc., that there is too much of a code enforcement issue to allow that. Trustee Sittig asked if we could add to the Ordinance that renters would not be allowed to “house” chickens. Mr. Yeksavich stated that that could be an issue; however, Mr. Kindseth stated we may be able to put that into the Rental Inspection Ordinance.

Mr. Yeksavich stated that a minimum lot area other than 6,000 square feet lots could be used, and then limit the number of hens for the remaining properties. Mr. Kindseth stated that the Committee has to consider the setback as well when limiting all of this. Chairman Wells stated that the Committee has to consider that while most residents will comply, we are going to have issues with others that will ignore the Ordinance; hence causing more code enforcement issues. Chairman Wells stated to start at the higher end and if it goes well, the Committee can revisit it at that time.

Mr. Yeksavich asked the Committee what square footage they would consider. Chairman Wells stated he wants it at 40,000 square feet, Trustee Sittig stated that a lot area of 20,000 square feet, and Trustee Gust concurred with Trustee Sittig. Mr. Yeksavich asked Chairman Wells if he was willing to compromise and go 20,000 to 25,000 square feet. The Committee compromised at a lot area of 20,000 square feet for the allowance of hens.

Chairman Wells stated that he wants a 20 foot setback from the property line, 20 feet from the principal residence and 30 feet from surrounding residences. Chairman Wells asked about guineas' and Mr. Yeksavich stated that they are prohibited and that if an animal is not listed in the Ordinance, it means they are automatically prohibited. Chairman Wells then asked about slaughtering, and Mr. Yeksavich read to the Committee what is in the draft Ordinance. Chairman Wells wanted to clarify that "public view" means no one can slaughter a hen in public view of a street and as much as possible be obscured from all views.

Chairman Wells then stated he feels that the fee of \$20.00 is too low and will not cover the Villages' costs of staff time, and would like it raised to \$30.00. Trustees Sittig and Gust are in agreement and that maybe that will deter the individuals who could cause code enforcement issues. Chairman Wells then discussed the issue of complaints. He wants it brought to 2 complaints per 6 months, 3 per year, then the resident must come in to discuss with the possibility of revocation of their license to "house" hens. Chairman Wells would also like staff to add an email address on the application.

Mr. Yeksavich proceeded to summarize the changes that the Committee would like to see in the Ordinance; however, Chairman Wells stated that he wants to see "runs" more defined as he feels we are going to have issues with adjacent property owners. Mr. Yeksavich summarized the changes, with additions and asked the Committee when those changes are made, do they want it to come back to Committee or move forward to the Planning and Zoning Board of Appeals. The Committee agreed that it should move forward with a Text Amendment to the Planning and Zoning Board of Appeals.

Direction: Staff will make requested revisions to the Ordinance and move forward with a Text Amendment to the Planning and Zoning Board of Appeals.

Chairman Wells asked if there were any more questions or comments concerning this matter. Hearing none, Chairman Wells moved the discussion to Amateur (Ham) Radio Tower Facilities.

Item 2 – Amateur (HAM) Radio Tower Facilities

Mr. Yeksavich explained that staff made the changes to the Ordinance as requested by the Committee. Mr. Yeksavich stated that he feels this is as strict as we can get in order to be "reasonable" as stipulated under the State Statute. Chairman Wells asked about the side yard setbacks and Mr. Yeksavich stated they are the same as the building setbacks. Chairman Wells asked if the mounting will require engineering and Mr. Yeksavich directed him to see 7.2 as it is included in there. Trustee Sittig asked if we can require them to be collapsible. Mr. Yeksavich stated the present ordinance provides that antennas must be proven to be structurally sound which is possibly as reasonable as the Village can dictate. Mr. Kindseth asked the Committee if they would recommend this to move to the Planning and Zoning Board of Appeals. The Committee was in agreement to forward to the PB & Z.

Direction: Staff to review finalizing the Ordinance and forward it to the Planning and Zoning Board of Appeals for their review and recommendation.

Item 3 – Inspections of Rental Properties

Mr. Yeksavich stated that this is just an initial draft of the Ordinance. Mr. Yeksavich stated he looked at several different communities models and the one that is included in their packets is based on an ordinance from Wauconda, which Rudy Magna assisted on. Mr. Yeksavich stated he did make some adjustments to it to conform more to the Village. A range of fee examples from other Lake County Municipalities was also provided to the Committee. Mr. Yeksavich explained to the Committee how the procedure will work. Chairman Wells expressed his concern on having enough staff to be able to do this. Mayor Hucker stated that if the Board decides to pursue this, they will have to fund it, which could meaning more staff or staff time, and that the fees must cover the costs. Mayor Hucker stated that it must be remembered that the Village does not levy a real estate property tax these rental businesses and residents. Chairman Wells feels that this ordinance could help the quality and character of neighborhoods. Trustee Sittig asked if the inspections are going to be size specific in regards to apartment complexes, and it was explained that as currently defined all rental properties will be inspected.

Mr. Yeksavich also stated that Mr. Kindseth would like to add to the Ordinance that at the time of the inspection, if the property does not have the new water meter, that must be installed as well. The Committee is in agreement. Mr. Kindseth would also like to see all rental properties in the Multi-Family Districts pave their parking lots. Mr. Kindseth asked the Committee if they want to exempt owner occupied premises. In other words, if the owner of a duplex lives in one half and rents out the other, the rental unit would be exempt. The Committee and the Mayor discussed that matter and want to treat all the rental units equal.

Mr. Yeksavich asked the Committee to look through the draft of the Ordinance and to please supply staff with any suggestions they have. Mr. Kindseth stated he would like to have this program implemented over a calendar year with ample notification to the community. Mr. Kindseth would like to start as soon as possible, and advise the community that for the next 10 months. This would give staff a chance to review and identify all of the rental properties. Chairman Wells stated he feels that the Village should have an open forum with the residents to get their feedback. The Committee agrees. Mayor Hucker asked if they would want to review more with the Board before proposing an Ordinance at the Board level. Chairman Wells agreed that this would be the best process.

Mayor Hucker stated that this is going to have to happen quickly and staff will have to put a fee schedule in place before the public meeting. The Committee stated they will look closely at the draft ordinance and get their feedback to staff within the next couple of days. Mr. Kindseth stated he would like to have an initial review by the Board, bring it back to the Committee in March and then take it to the Board.

Direction: Staff to make any changes the Committee may submit and present again at the next Committee meeting.

Item 4 – Registration of Vacant Sites and Buildings

Mr. Yeksavich then discussed with the Committee the Registration of Vacant Sites and Buildings. Mr. Yeksavich stated that he reviewed a number of example ordinances and the current draft ordinance is primarily based on Zion's, and proceeded to explain the procedure to the Committee. Mr. Yeksavich stated that staff will want to hammer out the timing and the overall policy. A range of fee examples from other Lake County Municipalities was also provided to the Committee.

Mayor Hucker stated that the changing to the new meter system should be included in this one as well. Mr. Kindseth asked the Committee if they had any changes or suggestions to the ordinance. Chairman Wells stated he wants to hold it over until the next Committee meeting so the Committee has time to review and think about any additions or changes they may want added/deleted. Chairman Wells stated he would like to be able to track the collections of fines that are imposed. Chairman Wells then thanked Mr. Kindseth and Mr. Yeksavich for their time in drafting both of these and feels it is a great move forward for the Village.

Direction: Staff to make any changes the Committee may submit and present again at the next Committee meeting.

Item 5 – Temporary Automobile Sales in All Zoning Districts

Mr. Yeksavich stated that at the direction of the Committee, he drafted a proposed Text Amendment, and discussed each item with the Committee. Mr. Yeksavich explained that it requires that the vehicle must be registered within the Village limits, and that the permit fee is \$25.00. Chairman Wells stated that he has issues with revolving car sales in residential yards/neighborhoods. Mayor Hucker stated his concern about the vehicle only being registered in Beach Park, and feels it should be registered to the address in which it is sitting for sale. Mr. Kindseth stated that staff can make this more restrictive.

Chairman Wells stated he feels that the Village must be careful with this matter. Mayor Hucker stated he has an issue with the verbiage on "a" number 2 and he wants it to read "non-commercial." Mr. Kindseth asked the Committee how many vehicles would be allowed per year, and Chairman Wells stated he does not see that to be an issue; however, if it becomes one the Committee can address it at that time.

The Committee would like to see it limited to residential districts only, one vehicle at a time and that the vehicle that is being sold must be registered to the address that it is being sold on. Mayor Hucker asked if the fee is too much. Mr. Kindseth stated that we could change it that they would not have to pay the fee again if the permit needs to be extended. Chairman Wells was concerned about staff time and Mr. Kindseth stated that this matter will be fairly routine as a Temporary Use Permit.

Mr. Yeksavich asked the Committee that, after the suggested changes are made, would they like it to come back to Committee or move forward to the Planning and Zoning Board of Appeals. The Committee recommends that it move forward to the PB&Z.

Direction: Staff to make the suggested changes and forward a Text Amendment to the PB & Z.

Item 6 – Sign Ordinance Update

Mr. Yeksavich stated to the Committee that he has refined the costs of the update and explained the review process to update the entire Sign Ordinance. Mr. Yeksavich stated that the cost has been reduced by \$1,000.00. Mr. Yeksavich stated to the Committee that at the last meeting they wanted him to take a look at what, in the Sign Ordinance is critical to address. Mr. Yeksavich reviewed the critical elements, and stated that they would best be addressed with a comprehensive update of the entire ordinance. Mr. Kindseth stated that it would not be cost effective to “piece meal” the process. Chairman Wells asked if the money has been budgeted and Mr. Kindseth stated it had for this fiscal year. Mr. Yeksavich stated the process will be intricate and sensitive to some parties.

Mr. Kindseth asked for a recommendation from the Committee to move to the Board for their approval/denial. The Committee is in agreement that this should move forward to the Board.

Direction: Staff will forward the proposal to the Board for approval/denial.

Item 7 – Medical Marijuana

Mr. Yeksavich advised the Committee of the information he has received from the Lake County Task Force meetings he has attended since the last Committee meeting, and the State process as it presently stands. Mr. Yeksavich reviewed the draft standards presented based on the Lake County Task Force’s suggestions. Mr. Yeksavich provided the Committee with 3 maps of the Beach Park area showing setbacks in relation to various uses for potential medical marijuana facilities. Mr. Yeksavich stated that the State has approved for Lake County to have 3 locations for medical marijuana dispensaries. Mr. Yeksavich asked the Committee if he could get a recommendation to move forward to the Planning and Zoning Board of Appeals for an initial presentation based on the State moving forward with its process to beginning licensing facilities starting potential in April. The Committee agreed. Chairman Wells made the recommendation and Trustee Sittig 2nd.

Direction: Mr. Yeksavich make an initial presentation to the Planning and Zoning Board of Appeals.

Item 8 – Lot Coverage/Impervious Surface

Mr. Yeksavich stated to the Committee that staff is reviewing a budget and to come up with a program that addresses their concerns.

Direction: Staff to continue to review and bring back to the Committee at a future meeting.

Item 9 – Portable Storage Units

Mr. Kindseth explained to the Committee that staff has a better understanding of the enforcement for these units. Mr. Kindseth explained that they are allowed if being used for a construction project. Mr. Kindseth stated enforcement has proceeded with identified areas both being used as both temporary and permanent structures. Staff is running into some resistance as residents have had them for such a long period of time.

Direction: Staff will continue with its enforcement and will keep the Committee informed.

New Business

Item 1 – 2013 Overview Building, Planning, Zoning, Code Enforcement Accomplishments

Mr. Yeksavich gave a description of the items that were accomplished in 2013 for the department and they are as follows:

- a. Issued and administered 474 building permits for a total of approximately \$53,720 in fees;
- b. Provided 501 work order tasks (e.g. inspections, etc.) for a total of approximately \$36,041;
- c. Issued and administered 79 Business Certificates;
- d. Oversaw and administered the issuing of 4 Conditional Use Permits, 3 Variances, 1 Map Amendment, 1 Text Amendment, and 3 Plats of Consolidation;
- e. Identified and terminated approximately 10 illegal non-conforming drop off bins;
- f. Issued and administered 20 Liquor License Renewals;
- g. Finalized the Settlement Order direction for discontinuing a long stand illegal, non-conforming business use on Bayonne Avenue and continued enforcement action on numerous other such uses;
- h. Began pursuing compliance with the Villages' requirements for screening of refuse enclosures.

Mr. Yeksavich stated he wanted the Committee to know the hard work that has been done and asked Chairman Wells to provide the Village Board with an update as he may wish.

Chairman Wells thanked staff for a job well done.

Other Items:

Mr. Kindseth discussed the adoption of the 2012 International Energy Code that the Village has been using for a year now. Mr. Kindseth asked for a recommendation to go to the Board for approval. Chairman Wells made the recommendation and Trustee Gust 2nd.

Mr. Kindseth then discussed the 2000 Life Safety Code and gave a brief description of its contents. Mr. Kindseth stated that this is not mandatory like the 2012 International Energy Code; however, he feels that this should be recommended to go to the Board for adoption. Mr. Kindseth then asked the Committee for a recommendation. Chairman Wells made the recommendation and Trustee Gust 2nd.

Trustee Gust departed at 7:30 p.m.

Mr. Kindseth stated this will go to the Board on February 27, 2014.

Mr. Kindseth then turned the discussion to the American Inn Hotel and other hotel/motel uses in the Village. Mr. Kindseth reviewed the conditions for permanent and non-permanent residence hotel/motel under the Zoning Ordinance, and the lack of clarity between the two presently Mr. Yeksavich stated that if a guest stays 30 days or less, they are subject to the Village's Hotel/Motel Tax. If a guest stays more than 30 days, they are not subject to the tax.

Trustee Sittig asked for more information concerning the tax level process and the amounts collected. Mr. Kindseth reviewed the matter and as well as some of the arrangements made with non-profits for utilization of rooms for certain circumstances.

Mr. Yeksavich reviewed various ordinance revision options to the Committee. Mayor Hucker asked if the Village can address certain conditions in our Ordinance. Mr. Yeksavich stated that staff could make modifications and that if the Village wants to make the hotel a non-residential hotel/motel, we would be required to give any owner an amortization period, which is usually five (5) years, if it substantially changed the use .

Chairman Wells asked that staff do a history on these business uses, and Mr. Yeksavich stated that staff had done an initial investigation with a file started at the staff level.

Trustee Sittig asked if the hotel/motel uses would be subject to the rental inspections, which staff would look into that to see if they can be included. Mayor Hucker asked the Committee for a recommendation for staff to review updating the ordinance and enhance the standards to bring back to the Committee. Chairman Wells made the recommendation and Trustee Sittig 2nd.

Mr. Yeksavich then advised the Committee that staff is currently dealing with Conditional Use Permit Applications where staff is requesting that parking areas be brought up to code standards for surfacing. Mr. Yeksavich stated he wanted the Committee to be aware of this when it gets to them for recommendation of approval/denial.

Chairman Wells asked if there were any more questions or comments. Hearing none, Chairman Wells asked for a motion to adjourn. Trustee Sittig motioned to adjourn the meeting. Chairman Wells 2nd the motion. Motion approved and the meeting was adjourned at 7:45 p.m.

Next Meeting: To be determined.