



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION

AGENDA • MAY 1, 2018

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Feb 6, 2018 7:00 PM

III. PUBLIC HEARING

1. 111 E. Palatine Road

Special Use to permit a non-conforming multi-family dwelling for which legal documentation indicating that the dwelling conforms to the Zoning Ordinance cannot be provided pursuant to Section 10.06 (c) (16) of the Palatine Zoning Ordinance.

Variation to permit a non-conforming multi-family dwelling that has not been in operation since January 1, 1987 pursuant to Section 10.06 (c) (16) of the Palatine Zoning Ordinance.

2. Text Amendments Appendix B - Village of Palatine Subdivision, Site Development, and Floodplain Regulations; Section 2.01 (Definitions), Section 6.08 (Floodplain Regulations), and Section 8.08 (Stormwater drainage and management)

IV. COMMUNICATIONS

V. ADJOURNMENT



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
PALATINE, IL 60067-5339 – (847) 359-9050
<http://www.palatine.il.us>

PLAN COMMISSION MINUTES • FEBRUARY 6, 2018

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Conrad Hansen	Plan Commissioner	Present	
Dennis Dwyer	Chairman	Present	
Jane Robins	Plan Commissioner	Present	
Patrick Noonan	Plan Commissioner	Absent	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Present	
Rodney Bettenhausen	Plan Commissioner	Present	
Robert Kolososki	Plan Commissioner	Absent	
Stephen Fedota	Plan Commissioner	Absent	

Staff present: Ms. Katie Romack and Ben Vyverberg.

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Dec 19, 2017 7:00 PM - **Accepted**

Chairman Dwyer asked if there were any corrections or additions to the December 19, 2017 Plan Commission minutes. Hearing none, Jane Robbins made a motion to approve the minutes, seconded by Eric Friedman.

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Hansen, Dwyer, Robins, Williams, Friedman, Bettenhausen
ABSENT:	Noonan, Kolososki, Fedota

Minutes Acceptance: Minutes of Feb 6, 2018 7:00 PM (Approval of Minutes)

III. PUBLIC HEARING

Chairman Dwyer swore in the Petitioner and their representatives:

Adam Firsel - Core Equities (Petitioner), Jim Lennon (Attorney), Jared Placek - Manhard Consulting (Project Engineer), Luay Aboona KLOA (Traffic Engineer), Charles Riesterer - Grund and Riesterer (Architect), and Jon Stickney - Barrington Bank and Trust (Palatine Bank and Trust).

Village Staff (Romack and Vyverberg) were also sworn in at this time.

1. 1000-1002 E. Dundee Road -

Chairman Dwyer read the notice of public hearing.

The following petitioner's exhibits were introduced:

1. Public Notice
2. Petitions for Hearing
3. Proof of Ownership
4. Plat of Subdivision
5. Engineering Plans
6. Building A & B Elevations
7. Building A & B Floor Plans
8. Building A & B Monument Sign Elevations
9. Palatine Bank and Trust Elevations and Floor Plans
10. Palatine Bank and Trust Signage Plans
11. Palatine Bank and Trust Stacking Exhibit
12. Palatine Bank and Trust Business Plan
13. Landscape Plan
14. Truck Turn Exhibit
15. Response Letter from Manhard Consulting 1-18-18
16. Traffic Study

Sworn in: James Lennon 345 N. Quentin Road Suite 201 Palatine, IL, Adam Firsel KC 1000, LLC, purchaser, developer and petitioner, Jared Placek Engineer, Luay Aboona Traffic Engineer, Jon Stickney and Charles Rister Palatine Bank and Trust

Mr. Lennon gave a brief background of the property:

- 1.9 acres located just east of Rand Road on Dundee Road
- Currently 2 lots with 1 lot being normal size lot and the other being a double lot
- Seeking approval to develop as a PUD to divide into 3 lots
- Previously a gas station back in the 80's
- 2009 gas station was torn down and the tanks were removed
- Subject property has been vacant for approximately 10 years

Mr. Lennon gave a brief summary of the proposal:

- Construct 3 commercial buildings
- Property is zoned B-2 and the uses that are being proposed are B-2 uses
- Property will be PUD because the properties are being developed together
- Consistent with the comprehensive plan
- Continues the recent development in the area with the new buildings to the west

Mr. Firsel stated he is a Managing Principal of KC 1000. He spoke to his familiarity with the community since he grew up in Arlington Heights and his father was one of the founding partners of Shane Firsel and Bernie, which was the Village Attorney when he grew up. Mr. Firsel stated they also bought Quentin Corners on a foreclosure at 30% occupancy in 2014 and worked hard to bring it up to 90% occupancy making it a vibrant center again and sold it last year. He stated they are thrilled to build a really nice development in a long time dormant vacant parcel. Mr. Firsel spoke to the retail industries being tough with the internet commerce affect. He stated they have worked hard over the last 9 months to market the property and to get users that want to be there. He spoke to the important aspects of a parcel like this being visibility, access, traffic, and good community. Mr. Firsel spoke to the many different iterations of site planning. He explained his job as a developer is to coordinate and appease zoning code with what the community wants and what the users want, along with parking requirements and drive-through. He stated they are working with a tight site and explained they could have planned it for more square footage but feel they have a healthy mix of parking, building, and landscaping to make it a vibrant development.

He referred to the slides to show the site plan. He stated because of the storm water ordinances they are forced to provide on-site storm water detention. He pointed out they are not shown on the site plan and explained this is because they are burying them to make an underground storm water system. He referred to the Plat of Subdivision slide explaining it is two parcels that they want to consolidate and then subdivide into three lots so each building has its own lot. Mr. Firsel stated the anchor tenant is Palatine Bank and Trust who has one other branch in the area, similar ownership as Barrington Bank and Trust. He explained KC 1000 is only responsible for the site work and Palatine Bank and Trust will be designing and building their own building with their own consultants. Mr. Firsel stated the other two buildings will be retail in nature, single story with an alley way to separate the buildings. He explained the reason for this separation to break up the building and allow end caps because retailers really want signage on two facades. He further explained by breaking up the building it will allow a total of 4 tenants with everyone getting an end cap. Mr. Firsel stated the tenants have not been set in stone but the intent is to do the site work and build out the building at the same time. He spoke to the elevations and how they take guidance from what has already been approved from the community and how it will be harmonious with the new United Growth property to the West. He spoke to the materials and colors being used. He spoke to the driveway access and how IDOT has talked about doing a major intersection improvement for many years. Mr. Firsel stated it has now been approved and funded and have

lined up their driveway accordingly. He referred to the site plan slide and explained they will be eliminating one of the two current driveways and using the eastern most driveways that exist which will line up perfectly where the median for Dundee Road will end. He explained the median is to eliminate all the curb cuts and consolidate the ins and outs the best they can. Mr. Firsel stressed the importance of having full access for this site which is why they brought the site plan to IDOT who was happy with the consolidation of the drives but also asked consolidate the Car-X access and re-route their traffic through this full access cut. He stated this has not been easy since they do not own the property. He stated the deal is not done but essentially they have agreed to close off their drive which will consolidate three full access cuts down to one.

Mr. Hansen asked if the Eastern most driveway will be larger in the future. Mr. Firsel stated they think it will be wider and explained IDOT's comments was to make sure the radius works so it will need to be expanded just a bit.

Mr. Hansen asked if their customers will be able to make left turns out of the lot. Mr. Firsel answered yes.

Mr. Hansen pointed out some of the parking spots are shorter than the Village would like and asked if they are all the width the Village would like. Mr. Firsel answered yes.

Mr. Dwyer asked about the square box with the "T" on it in the Utility slide. Mr. Placek stated that is a transformer for the bank.

Mr. Placek explained the challenges from an engineering perspective is one the site planning, which Mr. Firsel outlined and the ability to line this development with the surrounding developments. He explained as a result they established putting a drive aisle in which allowed for the cross access that everyone is looking for when seeing developments developed next to each other. Mr. Placek stated from an engineering perspective this drove the mentality to have some of the parking stalls shorter to allow for more landscaping. He further explained part of the challenge is giving enough space for any kind of a retail tenant to come in and give their typical depth four box for marketability and maintain clear drive aisles. He spoke most spaces are the required width with just a few north south spots needing relief. He stated the 2-foot request still allows for a bumper overhang which is consistent with neighboring municipalities. He pointed out this deviation is driven to make it more marketable for tenants with a 70-foot depth while still allowing for a sidewalk around them. He spoke to previous site plan iterations and how working with staff they were able to increase the rear setback almost to the 15 foot that is required. He stated based on the site constraints it is not possible to get more without sacrificing the marketable ability of the site with allowed parking and the flexibility of future users. He spoke to the storm water management plans and how it is required by MWRD ordinances for a site this size. He stated it will provide volume control and meet all MWRD and Village requirements.

Mr. Dwyer asked where the storm water drains from the underground vault. Mr. Placek explained it drains into the IDOT right-of-way on Rand Road and connects to an existing sewer in that location which is typical in the existing conditions only difference is instead of an overland flow route it's underground.

Mr. Hansen asked for clarification on what buildings the bank would be responsible for.

Mr. Firsel explained the bank is using their own contractors and consultants to build their own building to their specifications and the two other buildings KC 1000 will be responsible for.

Mr. Hansen asked if it would be typical for consumers to enter through the buildings through the rear.

Mr. Firsel answered no except for the bank drive-through.

Mr. Hansen asked if it is the parking to the north of the site would be utilized for employee parking.

Mr. Firsel stated that is mostly who will park back there. He further explained the customers would park in the front along Dundee Road.

Mr. Aboona stated Mr. Firsel did a great job describing the access and process they are going through with IDOT. He stated they will continue to work with IDOT to get this access approved which is an improvement over the existing conditions.

Mr. Friedman asked if this design allows for the property to the west to maintain their full access drive on Dundee Road.

Mr. Aboona explained they will keep their driveway but it will become right-in and right-out once the barrier median is put in. He stated this development with the cross access helps their traffic with the ability to turn in and out of Dundee Road.

Mr. Firsel pointed out it was smart of the Village when the project was zoned to require the internal cross access between the two parcels because without that this site would be hard to be developed. He stated the internal cross access between sites will be better for everyone keeping the traffic off the road as well as allowing for the cross shop ability making it more of a shopping center.

Ms. Robins asked about the statistics on the bank hours and customer peak times.

Mr. Stickney stated this location will have the same hours as their existing bank at Palatine Road and Brockway Street, which has been open since 2003. He explained the reason for wanting this location is because people who live on that side of town do not want to go downtown to do their banking.

Ms. Robins asked what the bank hours are.

Mr. Stickney explained they are Monday - Friday 8:30 - 5:00 PM and Saturday 8:30 - 1:00 PM.

Ms. Robins asked how many customers do they anticipate and what the speed of

the drive-through process is.

Mr. Stickney explained the drive-through is located on the west side of the property which would allow for more than a dozen cars before stacking would occur. He referred to the stacking exhibit slide showing the designated drive through lanes that will have two teller lanes. He stated he can't imagine any time of day where vehicles would be stacked.

Sworn in staff: Ms. Katie Romack and Mr. Ben Vyverberg.

Ms. Romack stated it is required for them to have at least 8 stacking parking spaces as required per code and they have 9.

Mr. Stickney pointed out they can bypass by going around to the back of the building.

Mr. Hansen asked about ATM access.

Mr. Stickney explained the ATM will be located in the second lane of the drive-through.

Mr. Hansen clarified the second lane is the one furthest west.

Mr. Stickney answered that is correct. He stated on the stacking slide it will be approximately where the #3 is.

Ms. Robins asked if it will be one way on the east side of the building.

Mr. Stickney answered no it is two-way.

Mr. Friedman asked if the glass tower on the bank building will be illuminated and if so for how long and will there be signage in it. He expressed his concern because it will be visible from the residential area behind the property.

Mr. Rister explained they wanted it to be a beacon for the bank but it will not have any signage. He explained there will be a sign on the building facing south and east. He stated they could have a solid back facing the residential area if it is a concern. He stated the purpose is to add verticality to the building and to call attention to their bank and will be illuminated.

Mr. Friedman asked what the hours of the illumination are.

Mr. Rister stated the hours have not been discussed.

Mr. Stickney stated they have a similar feature in a bank they built in Hanover Park and it is very attractive.

Mr. Hansen agreed with Mr. Friedman on the need to protect the residential areas from the tower lights.

Discussion on adding a condition to make it a solid back facing the residential area.

Mr. Stickney agreed they could work with that.

Mr. Vyverberg pointed out Village code requires a final photometric plan to be submitted that relates to that as well as internal light levels that are required for

commercial properties adjacent to a residential property. He stated the Plan Commission can propose an architectural condition for the northern side but pointed out staff will be looking at this as the process moves forward.

Mr. Friedman stated there is a difference between levels in a photometric plan and glare that can be obtrusive.

Mr. Dwyer agreed pointing out it may not be more than 1/10th of a foot-candle but it is still visible from the residential area.

Mr. Bettenhausen asked for clarification on the stacking exhibit slide and where the teller windows are versus where the cars are lined up.

Mr. Rister stated they may have to be moved back. He pointed out the teller machine and the window is setback 5 feet so that may be where these plans were drawn.

Discussion on the stacking slide.

Mr. Bettenhausen asked about the location of the EMB sign.

Mr. Rister explained the sign will be on the Dundee Road side.

Mr. Bettenhausen asked if the EPA had issued a no further remediation notice since it was previously a gas station.

Mr. Firsel answered yes the tanks have been removed and the site has been completely remediated.

Mr. Friedman asked about the safety of the “alleyway” they are creating between the buildings with it having low visibility around the corners. He asked if it would be lit up and if people would be using it.

Mr. Firsel stated they built the same kind of development in Lake Zurich at Rand Road and Route 22. He stated the con is there is not a lot of sunlight which required specific plants. The benefit is for cars that cannot find parking in the front or for employees the sidewalk in between creates a shortcut to get to the front but they can always use the sidewalk on the east or west side of the two buildings. He stated even though the 15 feet doesn't look like a lot on paper it creates enough signage on those eastern and western facades for the drive by cars to get the benefit. Mr. Firsel stated they are open to suggestions.

Mr. Hansen asked who is expected to read the signage on the east and west side of the two buildings.

Mr. Firsel referred to the elevation slide showing where the signage would go.

Mr. Hansen pointed out the Village requires 42 parking spaces for this size development and there are 87 parking spaces in the plans.

Mr. Firsel explained if they end up with a tenant wanting to open a restaurant the parking counts are higher.

Mr. Hansen clarified this leaves the landlord open to the possibility.

Mr. Firsel stated that is correct explaining he has had issues in the past zoning a site for all retail and then a restaurant comes in and you run the risk of not getting the required variance for parking. He explained he wants to open this space up to

as many users as possible pointing out restaurants are the most active user in the retail category. He stated maybe the users are optimistic but most retail requires more spaces than the village code requires.

Mr. Hansen expressed the concern with the alleyway is safety giving an area for bad people to hang out.

Mr. Firsel stated they have not had any problems in Lake Zurich. He stated it will be lit and if there is a problem with security they can install cameras and monitor the area

Ms. Romack gave a brief summary of the request. She referred to the site plan slide and spoke to the parking requirements.

- The parking stalls along Dundee Road and the ones in the rear do not meet the width that Village code requires.
- The drive aisles all meet Code.
- There is a 14-foot landscaping buffer in the rear and 15 feet is what is required by Code.
- They have a cross access agreement with the UG Subdivisions to the West and to the property to the East which continues the development line from UG subdivision over.

Ms. Romack spoke to the engineering:

- Storm water would be collected throughout the site and directed into an existing storm sewer southeast of the site. Storm water detention is not required per MWRD; however, an existing detention volume will remain on-site.
- A new water main would be extended throughout the site and would connect with the existing water main that currently exists along the frontage of this property. Services for the buildings would be provided by tapping into this new main extension.
- Sanitary sewer would be provided by connecting to an existing sanitary system that runs along the northern portion of the property.
- The Village Engineer has reviewed and approved the engineering plans. Sidewalks currently exist along the frontage of this property.

Ms. Romack spoke to the building elevations and explained they meet the monotony code being a mixture of brick and concrete block.

Ms. Romack spoke to the stacking exhibits:

- 8 parking spaces are required per Coe
- Drive aisle width for both lanes meet Code
- There is also an exit for vehicles

Ms. Romack spoke to signage:

- Proposing two monument signs on the 2 lots with Building A and Building B
- 2 monument signs and an EMB sign
- Signs will be reduced to 100 square feet to meet Code.
- Both monument signs will have 2 tenant panels. The Zoning Ordinance requires

that freestanding sign in unified centers less than 2 acres display only the name and location of the unified center so they are seeking a variation to allow the tenant panels.

- Palatine Bank and Trust proposed signage plans include a sign in the front, on the side and on the door as well as the EMB sign at the front of the property.
- EMB sign does require a special use permit per Code
- Meets height and size requirements
- Variation is needed for lot width since the lot is 142 feet and 300 feet is required for an EMB.

Ms. Romack spoke to the landscaping plans referring to the slide:

- Proposing parkway trees throughout the site as well as trees along the frontage of the property
- Additional condition in staff statement for additional landscaping to be added in the rear
- Required to replace the fence along the rear of the property with a recommended 6 foot board-on-board wood fence

Ms. Romack stated the Fire Marshal has reviewed the fire turn plans and has approved them.

Mr. Vyverberg pointed out the signage with the tenant panels is a continuation of the development to the West whose signs also have tenant panels. He stated the board on board fence condition was also taken from the UG Subdivision which requires the replacement to be similarly modeled. Mr. Vyverberg spoke to the cross access easement and how from a staff's perspective it is within the development's best interest to maintain the cross access and have the ability to traverse utilizing the cross access and make it all the way to Rand Road particularly with IDOT's intended improvements.

Mr. Dwyer asked if there is an existing cross access easement agreement between this development and Car-X property.

Mr. Vyverberg stated there is not but explained there is a proposed condition by staff which is comparable to the UG Subdivision that there plat will have to be recorded with a cross access easement which is the same configuration with the UG Subdivision.

Ms. Robins asked if the shorter parking stalls will affect delivery truck maneuverability.

Mr. Vyverberg referred to the site plan and pointed out the loading areas are in the rear of the building which meets Code from a size perspective.

Mr. Dwyer clarified the Village Code does not take into account the overhang.

Mr. Vyverberg stated that is correct.

Mr. Dwyer pointed out there is a 2 foot overhang in the front so it is not as short as it appears.

STAFF RECOMMENDATIONS:

The proposal conforms to the recommendations of the comprehensive plan and generally complies with the requirements of the Zoning Ordinance and redevelopment goals within the Comprehensive Plan and Dundee Road corridor. The proposed redevelopment continues the land use and development pattern starting at the intersection of Rand and Dundee Roads, both with Dundee Point and UG Subdivision. Therefore, Staff recommends approval of the proposal subject to the following conditions:

1. The development shall substantially conform to the Engineering plans prepared by Manhard Consulting dated 10/20/2017 last revised 12/20/2017, the architectural plans prepared by PFDA Architects, Inc. last revised 12/18/2017, and to the architectural plans prepared by Grund & Riesterer Architects last revised 10/19/2017, except as such plans may be revised to conform to Village Codes and Ordinances.
2. Uses shall be governed by the B-2 district use lists in the Palatine Zoning Ordinance.
3. A Plat of Easement Dedication, shall extend to the western and eastern lot lines (as proposed) of the subject property and shall be submitted on Mylar in a manner acceptable to the Director of Planning and Zoning and Village Attorney.
6. A Public Improvement letter of credit for 115% of the full amount of the engineer's estimate of probable cost of such public improvements shall be submitted to ensure the completion of the required public improvements in a manner acceptable to the Village Engineer.
7. Review fees in the amount of 1.5% of total project improvement costs shall be submitted in a manner acceptable to the Village Engineer.
8. A Planned Development letter of credit in the amount \$100,000 shall be submitted to ensure the completion of the Planned Development.
9. Recording fees in the amount of \$600 shall be submitted.
10. The sign plans shall be amended in a manner acceptable to the Director of Planning and Zoning.
11. The fence along the north lot line shall be replaced every 12 years or as directed by the Village of Palatine.
12. The final landscaping plan shall be submitted in a manner acceptable to the Director of Planning and Zoning.
13. The final photometric plan shall be submitted in a manner acceptable to the Village of Palatine.
14. Future restaurant uses that meet the parking requirements may be reviewed directly by Village Council.
15. Fire Hydrant HYD-2 shall be relocated in a manner acceptable to the Village Engineer.
16. Any building not constructed by the Petitioner shall receive approval from Village Council prior to the issuance of a building permit.
17. The Petitioner shall submit a Subdivision Improvement Agreement in a manner acceptable to the Village Attorney.
18. MWRD and IDOT permits shall be submitted in a manner acceptable to the Village Engineer. With regard to the IDOT permit and the final access location

determination made by IDOT, any changes affecting the site plan, which maintain substantial conformance to the subject engineering plans, may be reviewed directly by the Village Council.

Mr. Vyverberg clarified the conditions explaining IDOT has the final decision on the access plans and future plans regarding such and any restaurant requests that meet parking requirement will go straight to Village Council. He further explained any request for a drive-through would have to go through the special use process and neighboring properties would be notified accordingly.

Mr. Dwyer asked the Petitioner if a restaurant was proposed would there be room for a drive-through.

Mr. Firsel stated not in this configuration. He explained in one of their iterations they had one but they had to take it out of the building square footage to make it work.

Mr. Dwyer asked if there would be any concern about adding a condition preventing the beacon to be visible to the residential area.

Mr. Firsel stated no.

Mr. Stickney clarified the condition was for the north side of the beacon only.

Mr. Dwyer said that is correct.

Mr. Friedman clarified language should read glare control on the north side.

Discussion on language of condition.

Mr. Hansen asked the Petitioner if and will they meet staff's conditions.

Mr. Firsel clarified what the conditions regarding Village Council entail.

Mr. Vyverberg explained this is a frequent condition of planned developments with a very specific architectural and use requirements. He further explained it is not typically a public hearing rather a Village Council review.

Mr. Friedman pointed out this seems to be language when the developer proposed a building and someone else does the building in their place. He stated in this case on day one the developer has indicated that one of the buildings will be not be constructed by the applicant. He asked if the bank building would be subject to that.

Mr. Vyverberg stated under this circumstance we would enable the document going to Village Council to refer to the Petitioner or the Palatine Bank and Trust as it relates.

Mr. Firsel clarified that if a restaurant is proposed that does not need a variance it would still go through Village Council.

Mr. Vyverberg explained in the Village all restaurant uses require a special use, which would requires a public hearing in front of the Zoning Board of Appeals and ultimately the Village Council. He further explained looking at the areas development patterns there are restaurants there and anticipated throughout the Dundee Road corridor. He stated they are comfortable with the parking mix as proposed so if a restaurant use was identified that met all the parking requirements rather than going through another public hearing staff is

comfortable seeking approval directly from Village Council.

Mr. Firsel asked about conditions #6 and #8 for public improvements and letter of credit. He stated this seems to be doubling up letters of credits which are neither cheap nor easy to get.

Mr. Vyverberg explained this is a code requirement in the zoning ordinance. He further explained the \$100,000 letter of credit is protection for the Village so if a Planned Development based on a very specific site or architectural plan if the building was partially constructed and the developer was not able to complete it the Village had the ability to either remove the partial improvements that had been made or in the instance where it is 99% completed the Village can use the letter of credit to complete it. He further explained the difference between project improvements and public improvements and how the letters of credits would be used and how they are required by code.

Mr. Firsel asked when they get returned and are there reductions available. He stated he only builds buildings if they are leased and asked what happens if they only complete the bank and building along with all landscaping and irrigation.

Mr. Vyverberg explained the public improvement letter of credit can be reduced as the public improvements are installed. He further explained the one year maintenance period that requires the village to hold 10% but after that period is complete it can be released. Mr. Vyverberg stated the Village per Code does not release the \$100,000 letter of credit until all buildings receive their Certificate of Occupancy.

Mr. Firsel answered Conrad's question and stated they accept staff's conditions.

Ms. Williams made a motion to close the public hearing; seconded by Mr. Bettenhausen.

DELIBERATIONS

Discussion on the cross access between the property and Car-X and IDOT's plans.

Mr. Dwyer asked if IDOT can refuse an existing driveway.

Mr. Vyverberg clarified if Mr. Dwyer meant can IDOT pick which driveway they would allow access to.

Mr. Dwyer pointed out the current drives have full access and asked if IDOT can change to only allow directional ins and outs.

Mr. Vyverberg stated IDOT in the midst of installing the median will control the final form and function of this access as proposed.

Ms. Robins asked when construction of the buildings will start.

Mr. Vyverberg stated Mr. Firsel indicated the Bank and the other buildings will be constructed at the same time and once they get through the process they will get their plans together accordingly.

Ms. Williams made a motion to approve subject staff's conditions with the

added condition that the light in the tower above the bank building will be screened from the residential area on the north side of the development; seconded by Mr. Hansen.

Mr. Dwyer summarized that this request had met the standards and was unanimously approved by a vote of 6-0. This item will go to the Community and Economic Development Committee of the Village Council on February 20, 2018.

IV. COMMUNICATIONS

Ms. Romack stated the Dentist Office at 807-811 E. Palatine Road was approved by Village Council.

V. ADJOURNMENT

1. Motion to Adjourn - **Motion Carried by Voice Vote**

Ms. Williams made a motion to adjourn; seconded by Ms. Robins.

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Jane Robins, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Williams, Friedman, Bettenhausen
ABSENT:	Noonan, Kolososki, Fedota

Minutes Acceptance: Minutes of Feb 6, 2018 7:00 PM (Approval of Minutes)

VILLAGE OF PALATINE
Plan Commission

SCHEDULED 05/01/18 07:00 PM

CASE STAFF STATEMENT (ID # 4434)

111 E. Palatine Road

CASE NUMBER: 18-16

PETITIONER: Ronald D. Kalbas

LOCATION: 111 E. Palatine Road

PROPOSAL:

1. Special Use to permit a non-conforming multi-family dwelling for which legal documentation indicating that the dwelling conforms to the Zoning Ordinance cannot be provided pursuant to Section 10.06 (c) (16) of the Palatine Zoning Ordinance.
2. Variation to permit a non-conforming multi-family dwelling that has not been in operation since January 1, 1987 pursuant to Section 10.06 (c) (16) of the Palatine Zoning Ordinance.

ZONING AND LAND USE: R-2 Single Family Residential

SURROUNDING CONDITIONS:

North:	R-2 Single Family Residential
South:	Planned Development (Miramonte Pointe) and Union Pacific Northwest Rail
East:	B-1 Shopping Center District (multi-family use)
West:	B-2 General Business District

COMPREHENSIVE PLAN: Business (future)

BACKGROUND:

The subject property, approximately .36 acres, is currently improved with a residential dwelling, detached garage, and associated driveway. The Petitioner is proposing a Special Use and Variation to permit a non-conforming multi-family dwelling within the R-2 Single-Family Residential district. Therefore, the Petitioner is requesting:

1. Special Use to permit a non-conforming multi-family dwelling for which legal documentation indicating that the dwelling conforms to the Zoning Ordinance cannot be provided pursuant to Section 10.06 (c) (16) of the Palatine Zoning Ordinance.
2. Variation to permit a non-conforming multi-family dwelling that has not been in

operation since January 1, 1987 pursuant to Section 10.06 (c) (16) of the Palatine Zoning Ordinance.

ANALYSIS:

- The subject property is an existing rental property (since before 2011), but is currently vacant as of January 2018. Prior to being a rental property, the subject property was used as the Camelot Care Center, a residence for children.
- Under its current R-2 Single Family zoning, multi-family dwellings are not permitted uses; and, all multi-family dwellings in the single family residential district are non-conforming. However, due to the number of non-conforming multi-family dwellings and difficulty determining whether the dwelling is legal or illegal, the Village approved a text amendment in 1997 to allow Special Use review of non-conforming multi-family dwellings in single family residential districts.
- Per Section 10.06 (c) (16) of the Palatine Zoning Ordinance, non-conforming multi-family dwellings are a Special Use in the R-2 district for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:
 - 16.01 - The dwelling shall contain three or fewer dwelling units
 - 16.02 - The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 16.03 - The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances.
- The Petitioner is not proposing any changes to the footprint of the home, but the Petitioner has hired an architect to address any life safety and other issues requiring a building permit.
- In its current configuration, the subject building has two separate living areas, two separate kitchens and dining areas and meets the definition of a duplex, due to the presence of 2 kitchens and ranges. The proposed request does not change the current configuration, but would allow the existing non-conforming structure (former Camelot home) to be leased as a 2-unit building, with additional Village Code-related improvements.
- The floor plan for the first floor includes: a living room, dining room, kitchen, breakfast area, one bathroom, and 3 bedrooms. The floor plan for the second floor includes: a living room, dining room, kitchen, walk-in pantry, one bathroom,

and 2 bedrooms.

RECOMMENDATIONS:

While the proposal does not follow the recommendations of the future comprehensive plan, which identifies the future of this property as a business use, the subject property has been used as a multi-family dwelling since before 2011 and as a residence for children prior to being a rental. In addition, the 1997 text amendment was approved to specifically address existing non-conforming multi-family residential dwellings as a Special Use in the single-family residential districts. Staff believes this proposal will not have a negative impact on the surrounding properties as this area of Palatine Road currently has a mix of commercial, single-family residential and multi-family residential uses. Therefore, Staff recommends approval of the proposal subject to the following conditions:

1. The Special Use and Variation request shall substantially conform to the floor plans prepared by the Petitioner dated 02/23/2018, except as such plans may be revised to conform to Village Codes and Ordinances.
2. A rental license shall be obtained.
3. The parking lot shall be repaired and striped in a manner acceptable to the Village of Palatine.
4. Parking lot lighting shall be installed in a manner acceptable to the Village of Palatine.
5. The dumpster location and enclosure shall be installed in a manner acceptable to the Village of Palatine.
6. A building permit shall be obtained for any life safety or other building improvements, which require a building permit.

ATTACHMENTS:

- Aerial 111 E. Palatine Road
- Application
- Plat of Survey
- Floor plans
- Letter from the Petitioner dated 2-27-18
- Photos submitted by the Petitioner
- Response letter from Architect dated 3-27-18
- 0-032-97 - Amend Appendix A Zoning Ordinance
- 111 E. Palatine Road Surrounding Zoning Map

Case Staff Statement (ID # 4434)
Meeting of May 1, 2018

- Public Notice - 111 E. Palatine Road

111 E. Palatine Road

3.1.a

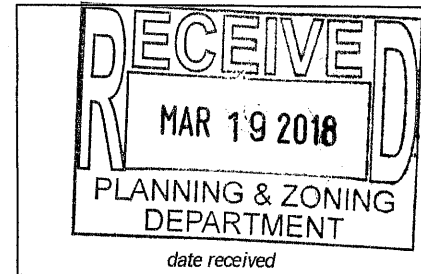


VILLAGE OF PALATINE

SPECIAL USE & VARIATION APPLICATION

Department of Planning & Zoning
200 E. Wood Street · Palatine, IL · 60067-5339
Telephone: (847) 359-9047 · Fax (847) 963-6247

Office Use Only	Project Planner KR	Zoning Case # 18-16
	Filing Fee	Notification Deadline
	ZBA Public Hearing Date PC 5/1/18	Village Council Date



Background Information	PETITIONER(S) RONALD KAUBAS		Business Name (if applicable)	
	Subject Property Address 111 E PALATINE Rd., PALATINE			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	Address 838 W. Ellis St., Palatine, IL 60067		City/State/Zip Code	
	Telephone 847-221-2180	Fax 847-963-6611	Email RKAUBAS@gmail.com	
	Relationship to Petitioner (contractor, architect, etc.) Owner			
	TYPE OF APPLICATION (check one) ☒ Special Use ☐ Special Use Amendment ☐ Variation			
	Existing Zoning District	Existing Land Use	Proposed Land Use	
	Generally describe your request: SINGLE family House WITH IN-LAW 2ND floor MADE 2 FLAT FOR RENTAL.			

Attachment: Application (111 E. Palatine Road - SU & VAR)



SPECIAL USE

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)
- ☐ Business Plan (if applicable; including, but not limited to nature of business, hours of operation, number of employees, and menu)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.05 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. **If you are applying for a Variation only, you do not need to answer these items.**

1. The use is deemed necessary for the public convenience at that location

THE HOUSE CAN ACCOMMODATE 2 FLAT WITH IS EXISTING FROM PAST USE AND RENTAL.

2. The use is designed, located, and proposed to be operated that the public health, safety and welfare will be protected

NO ISSUES, NOTHING TO CHANGE TO THE PROPERTY THAT WOULD AFFECT OUTSIDE PUBLIC HEALTH & SAFETY.

3. The use will not cause substantial injury to nearby property values

NO. PROPERTY LOCATED BETWEEN 2 COMMERCIAL BUSINESSES TO THE WEST & EAST. PALATINE RD. HAS OTHER MULTI-FAMILY PROPERTIES.

4. With respect to live entertainment uses, the use shall not:

- a. Produce noise levels so great as to constitute an unreasonable interference for persons outside the confines of the establishment
- b. Impose undue health, sanitation or safety burdens on the village
- c. Create excessive demands on the Village of Palatine Police Department
- d. Be of a nature otherwise prohibited by law or village ordinance

5. For fence standards, see Section 14.05 of the Palatine Zoning Ordinance

NOT APPLY.



VARIATION

Required Materials

- ☐ Filing Fee of \$ _____
- ☐ Application Form
- ☐ Plat of Survey (must show all current improvements and be sealed by an Illinois certified surveyor)
- ☐ Site Plan & Floor plan (dimension, location, and setbacks of all existing and proposed buildings) – **one 11x17 copy each, electronic version preferred**
- ☐ Real Estate Interest Disclosure Form (see attached)
- ☐ Proof of Ownership or Lease (e.g. Title Insurance Policy, Deed, or Purchase Contract)

Additional Materials (as required by the Village)

- ☐ Elevation Plan (front, side, and rear elevations of a proposed building), and/or Floor Plan (proposed interior layout) – **one 11x17 copy of each plan, electronic versions preferred**
- ☐ Engineering Plans (must indicate existing conditions, topography, storm water management, tree preservation, utility connections, detention calculations, and a cost estimate)
- ☐ Photographs (e.g. ground-level or aerials)
- ☐ Other materials as deemed necessary by the Village

Petitioner Justification

The Petitioner is required to present specific evidence related to each of the following standards to justify the request (paraphrased from Section 14.03 of the Palatine Zoning Ordinance). Answer the items below and attach a separate sheet if necessary. **If you are applying for a Special Use only, you do not need to answer these items.**

1. That the property cannot yield a reasonable return if used only under the conditions allowed by the regulations governing the zoning district in which it is located

BETWEEN MORTGAGE AND CURRENT PROPERTY TAXES,
THE PROPERTY EXPENSE EXCEED THE CURRENT VALUES.

2. That the plight of the owner is due to unique circumstances

EXPENSES EXCEED PROPERTY RENTAL FOR SINGLE
FAMILY. NEED TWO LEVELS FOR RENTAL.

3. That the variation, if granted, will not alter the essential character of the locality

NOTHING TO BE ADDED TO THE OUTSIDE TO AFFECT
THE CHARACTER OF THE PROPERTY OR NEIGHBORHOOD.

4. In order to supplement the above standards, the Zoning Board of Appeals may also consider the following:

- a. The particular surroundings, shape, or topographical conditions of the property
- b. A unique hardship for the property not generally applicable to other properties in the same zoning district
- c. The request is not based on a desire to make more money out of the property
- d. The petitioner has not created the alleged hardship for the property
- e. The request will not be detrimental to the public welfare or other properties in the neighborhood
- f. The request will not impair the supply of light and air to adjacent properties, substantially increase the danger of fire, endanger the public safety, or substantially diminish or impair neighboring property values

A.) WILL NOT CHANGE.

B.) WILL NOT AFFECT OTHER PROPERTIES

C.) REQUEST IS TO BE ABLE TO PAY MORTGAGE & PROPERTY TAXES & EXPENSES.

D.) WILL NOT AFFECT OTHER PROPERTIES OR THIS PROPERTY

E.) WILL NOT AFFECT OTHER SURROUNDING PROPERTIES. IF ANYTHING IT WILL
HELP PROPERTY VALUES.

Page 5 of 9

F.) NO CHANGE OR ADDITIONAL DANGERS TO THE PROPERTY OR
NEIGHBORS PROPERTY.



ALTA/NSPS Land Title Survey

THAT PART OF LOT 3 IN BLOCK Q IN THE ASSESSOR'S DIVISION OF THE TOWN OF PALATINE ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1869 AS DOCUMENT 23021 IN BOOK 170 OF MAPS PAGES 94 AND 95 AND RECORDED APRIL 10, 1877 AS DOCUMENT 129579 IN BOOK 13 OF PLAT PAGES 3 AND 4 DESCRIBED AS BEGINNING AT THE NORTHEAST QUARTER CORNER OF LOT 3 IN SAID BLOCK Q THENCE WEST PARALLEL WITH CHICAGO AVENUE 2 CHAINS AND 54 LINKS TO A STAKE, THENCE SOUTH 2 CHAINS AND 13 LINKS TO A POST, THENCE EASTERLY ALONG THE CHICAGO NORTHWESTERN RAILROAD LINE 2 CHAINS AND 99 1/2 LINKS TO A STAKE, THENCE NORTH TO A PLACE OF BEGINNING, (EXCEPT FROM SAID PREMISES THE EAST 70 FEET THEREOF CONVEYED TO FRED KLEINSMITH AN JOHANNA KLEINSMITH BY THE DEED TO THEM RECORDED APRIL 11, 1919 AS DOCUMENT 6499257 IN BOOK 15355 PAGE 27) IN THE NORTHWEST HALF OF THE NORTHWEST HALF OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

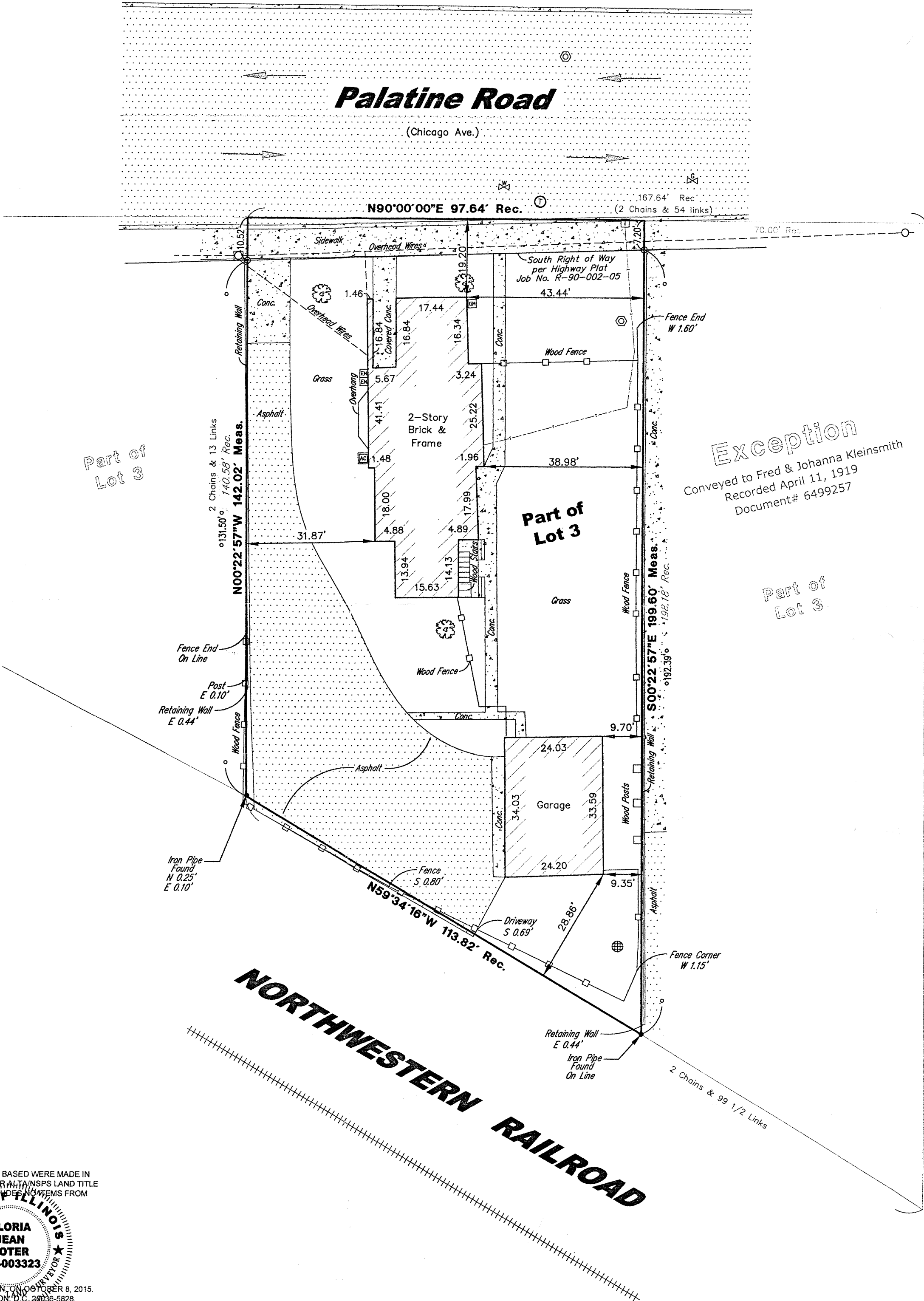
LEGEND

○ Set 1/2" Iron Pipe
● Found Iron Pipe
X Found Cross

WATER VALVE
TRANS. POLE
UTILITY POLE
GAS METER
GAS VALVE
STORM MANHOLE
CATCH BASIN
TELEPHONE MANHOLE
TELEPHONE PED
A/C UNIT
ELEC. METER
TREE

TRAFFIC FLOW

BUILDING
CONCRETE
ASPHALT
BRICK
WOOD
PROPERTY LINE
RAILROAD
WOOD FENCE



Surveyor Notes:

- Field Work Completed on 2-12-18
- Prepared for Ron Kalbas, for real estate transaction.
- Site Address: 111 E. Palatine Road, Palatine, IL 60067
- Pin No.: 02-23-101-002
- The easements shown hereon are provided from the use of the recorded subdivision plat. No search of the records for easements or encumbrances was made as part of this survey.
- Compare deed description and site conditions with the data given on this plat and report any discrepancies to the surveyor at once.
- Auto Cad Files will not be released under this contract.
- This plat was prepared without the aid of a title commitment. Refer to a current title commitment for any building lines or easements not shown on this plat.
- The utilities as shown on this drawing were developed from the information available. This is not implied nor intended to be the complete inventory of utilities in this area. It is the clients responsibility to verify the location of all utilities (whether shown or not) and protect said utilities from any damage.
- Due to snow and unplowed areas, some information is approximated and may not have been located and should be verified.
- All building dimensions and ties are to the current siding material and not to the foundation.

STATE OF ILLINOIS)
COUNTY OF LAKE) SS

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCORPORATING ITEMS FROM TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JANUARY 15, 2018.

GIVEN UNDER MY HAND AND SEAL THIS 15TH DAY OF FEBRUARY, 2018, AT LAKE ZURICH, ILLINOIS.

LAND SURVEYOR PROFESSIONAL LAND SURVEYOR NUMBER 3323



ADOPTED BY THE BOARD OF GOVERNORS, AMERICAN LAND TITLE ASSOCIATION, ON OCTOBER 8, 2015. AMERICAN LAND TITLE ASSOCIATION, 1800 M ST., N.W., SUITE 300S, WASHINGTON, D.C. 20036-5828.

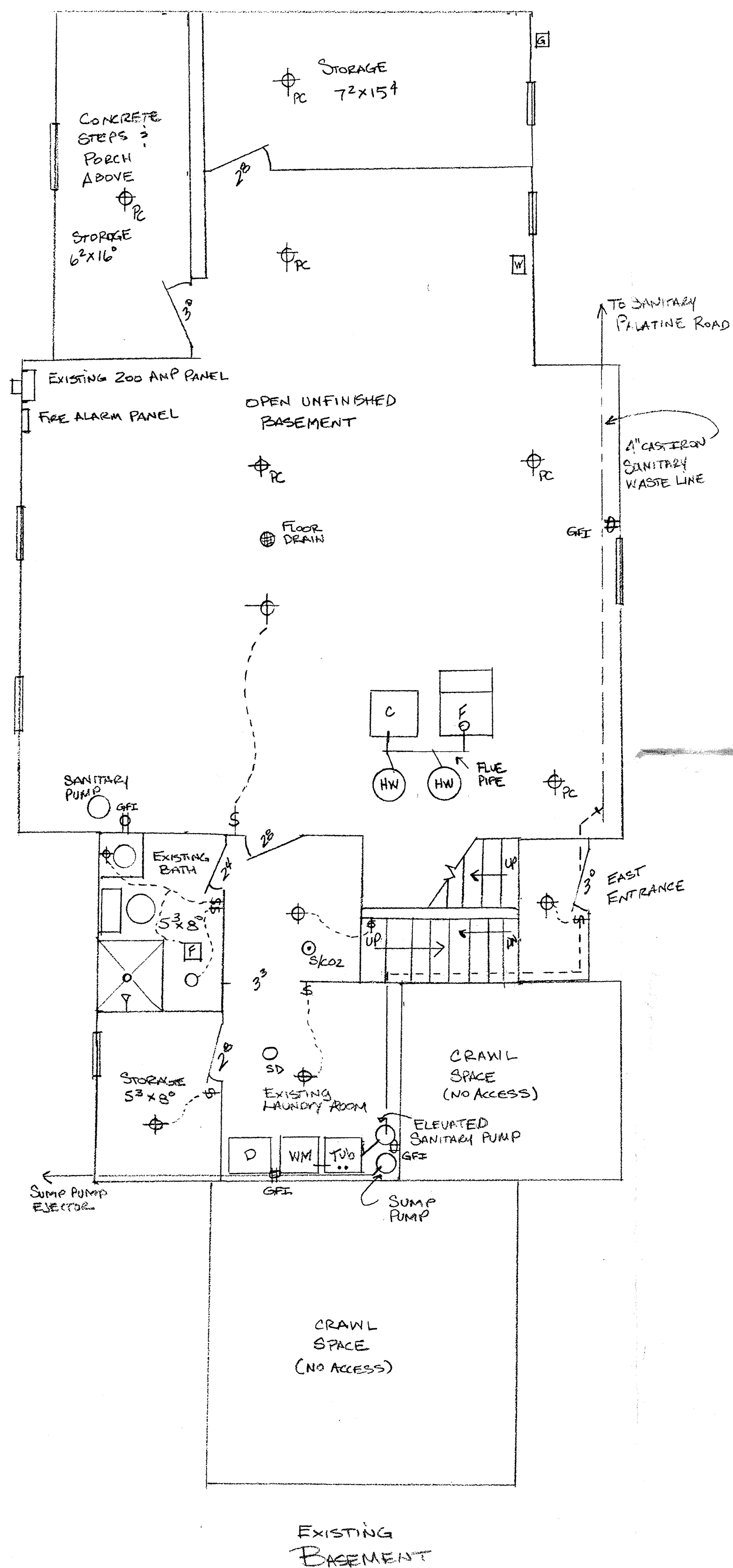
ADOPTED BY THE BOARD OF DIRECTORS, NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, ON OCTOBER 9, 2015. NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS, INC., 5119 PEGASUS COURT, SUITE Q, FREDERICK, MD 21704.

Drawn:	EB	Date:	2-14-18
Revision	Date	Drawn	Checked

Land Surveying Services, Inc.
1182 Heather Drive Lake Zurich, Illinois 60047
Ph. (847)847-1079 Fax. (847)847-1279
Professional Design Firm License No. 184-003632

Field Work Completed: 2-12-18 Scale: 1" = 20' Date: 2-14-18
Site Address:
111 E. Palatine Road
Palatine, Illinois

Job Number
LS051740-1
Sheet Number
ALTA SURVEY
Sheet Name
ALTA/NSPS



EXISTING CONDITIONS HOUSE PLANS

REVISIONS		BY
LEGEND		
①	SMOKE DETECTOR / CO2	
○	SMOKE DETECTOR	
W	WATER METER	
G	GAS METER	
⊕	RILL CHAIN LIGHT	
D	DRYER	
W	WASHING MACHINE	
⚡	ELECTRICAL LIGHT	
4	FOOD LIGHT	
F	FURNACE	
C	CHIMNEY	
111 E. PALATINE ROAD PALATINE, ILLINOIS 60067 EXISTING FLOOR PLAN		
OWNER: RON KALPAS 838 W. ELLIS ST. PALATINE, ILL. 60067 847-221-2180 (FAX) 847-943-6011 RKALPAS@MAIL.COM		
Date	02/22/2008	
Scale	1/4" = 1'-0"	
Drawn	RON KALPAS	
Job		
Sheet	1	
Of 2 Sheets	Packed	

[illegible]

SMOKE

- SMOKE DETECTOR
 CO₂
 ○ SMOKE DETECTOR
 W = WATER METER
 G = GAS METER
 ⚡ = FULL CHARGED
 D = DRYER
 WM = WASHING MACHINE
 ⚡ = EMERGENCY LIGHT
 ⚡ = FLOOD LIGHT
 F = FURNACE
 C = CHIMNEY

1111 E. PALATINE ROAD
PALATINE, ILLINOIS 60067
EXISTING FLOOR PLAN

838 W. ELLIS ST.
PALATINE, IL. 60067
847-221-2180 (FAX) 847-963-6611

te 2/22/201

ale $1/4'' = 1' - 0''$

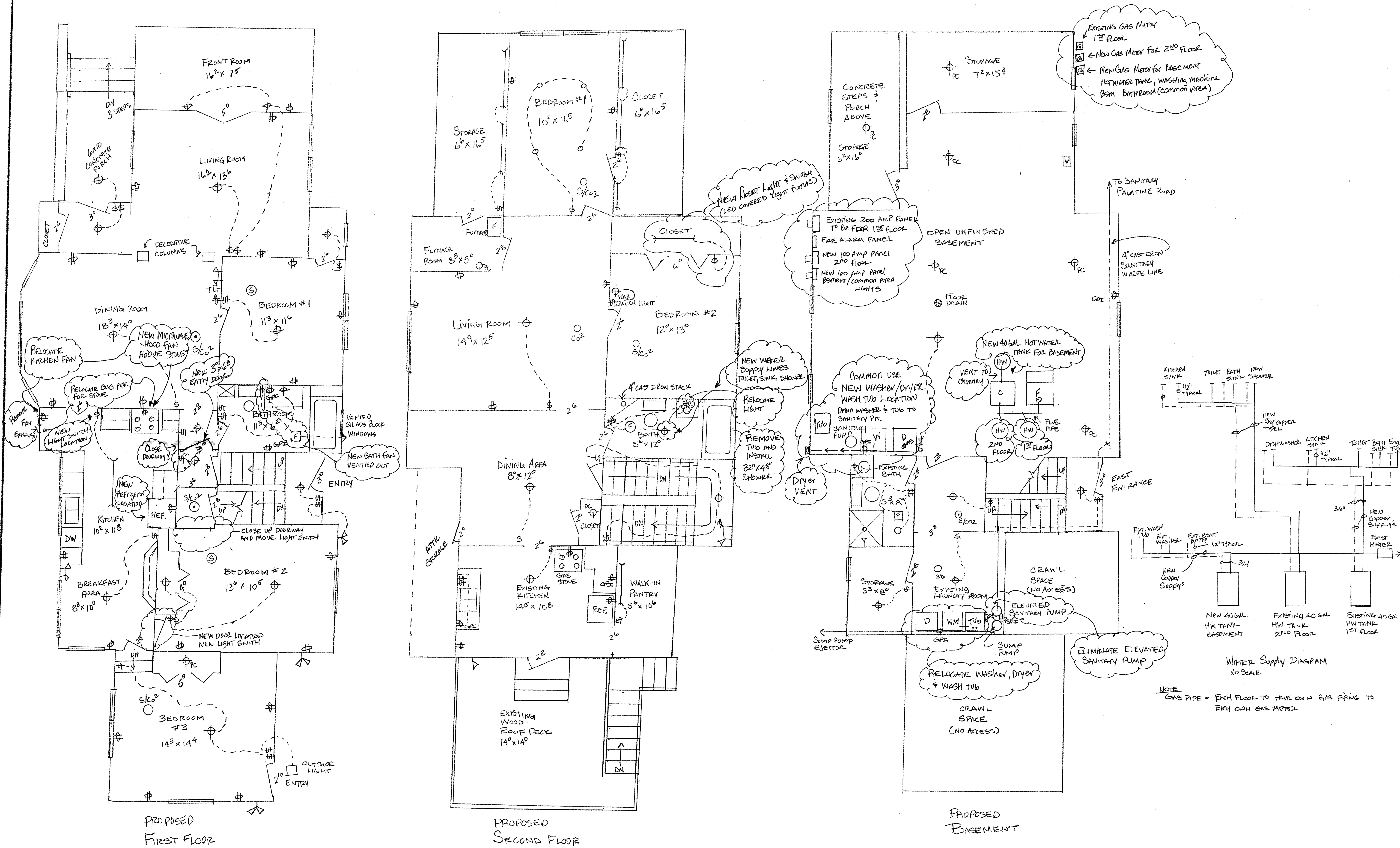
awn RON
KALBAS

2

heet **2**

2 Sheets

Packet Pg. 27



PROPOSED CONDITIONS HOUSE PLANS

Ronald Kalbas
838 W. Ellis Street
Palatine, Illinois 60067

February 27, 2018

To: Village of Palatine
Attn: Katie Romack
Planning and Zoning Dept.
200 E. Wood Street
Palatine, Illinois 60067

Re: 111 E. Palatine Road – Rezoning from R2 to R3 (Multi-Family)
Palatine, Illinois 60067

Dear Ms. Romack,

The following narrative for the listed property above is as follows:

Ronald Kalbas (Kalbas Construction, Inc.) purchased the property October 2005.
At the time Camelot Schools was renting the property from the previous owners and from me
For about 3 years.

The intension for the property was to build a 3 story, 12 unit condo building in
which I proceeded the process with Kevin Anderson of the Village of Palatine. I had blue prints drawn
up. Then the great recession happened. The plans have since then been put aside.

The house sat for about a year after Camelot School moved out.
My Cousins family moved in and rented the house from me until 2011.
In 2011 I acquired a Rental Dwelling License when Palatine made the program available.
The Current renters moved out January 2, 2018.

As you can see from the existing plans I submitted, the house can be split into two living units.
I would like to change the zoning for the house from Single family (R1) to multi-family (R3) so I can
Have two legal rental units on the property. I will be separating the gas service and electric service. Each
Tenets will be responsible for their own gas and electric. I will be responsible for the water and waste
service. I will also have a separate gas and electric meters for the common area which will be my
responsibility. Nothing should change as the amount of persons living in the house or parking. All
parking will be on the property.

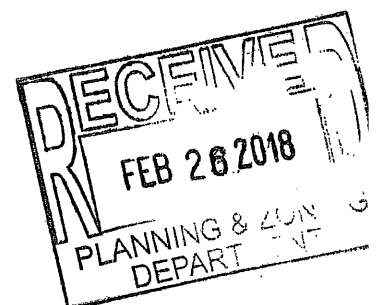
I need to make a few remodeling changes to make this possible as you can see from the Proposed
Plans I have drawn up, As I submitted for your review, the existing condition as the house is and the
proposed plans to split the house into two units.

I understand I will need a building permit to make the changes (once the zoning is changed) to the
property to separate the floors. I would appreciate in any way that the process can go smoothly and
quickly.

Time is of the essence for me because between the Mortgage and property taxes, this property is
costing me a lot of money per month, which is very hard to keep up with.

Please do not hesitate to ask any questions or need additional information.

Thank you,
Ronald Kalbas



Attachment: Letter from the Petitioner dated 2-27-18 (111 E. Palatine Road - SU & VAR)



SOUTH DRIVEWAY - 3 CAR DETACHED GARAGE



EAST ELEVATION





1ST FLOOR DINING ROOM



1ST FLOOR LIVING ROOM



3.1.f

Attachment: Photos submitted by the Petitioner (111 E. Palatine Road - SU & VAR)

1ST FLOOR Living Room/
Front Room



1ST FLOOR BATH



1ST FLOOR
Front Room



1ST FLOOR 1ST BED ROOM



1ST FLOOR 2ND BED ROOM

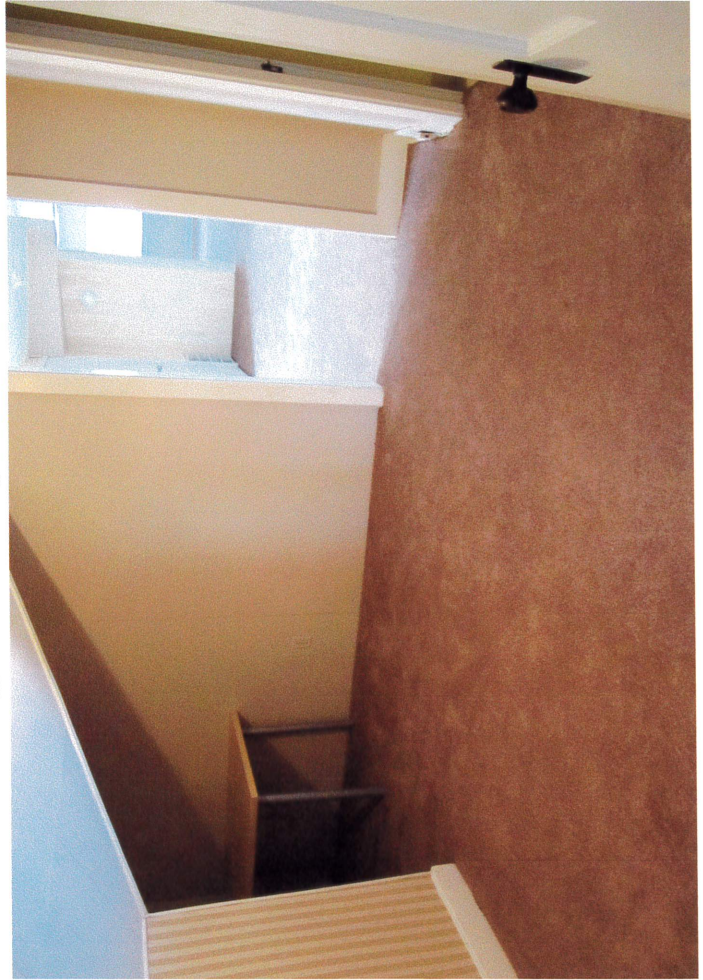
Attachment: Photos submitted by the Petitioner (111 E. Palatine Road - SU & VAR)



2ND FLOOR BATH



2ND FLOOR KITCHEN



3.1.f



2ND FLOOR BEDROOM #2



2ND FLOOR LIVING ROOM



3.1.f

BASEMENT



3.1.f

Attachment: Photos submitted by the Petitioner (111 E. Palatine Road - SU & VAR)

THOMAS BUCKLEY ARCHITECT, INC.

P.O. Box 95624

Hoffman Estates, IL 60195
 tom@thomasbuckleyarchitect.com
 2jfara2@gmail.com

847-310-9530

March 27, 2018

VILLAGE OF PALATINE

Planning and Zoning

200 East Wood Street
 Palatine, IL 60067

Re: 111 E. Palatine Road

Attn. Katie Roman:

Please be advised that Ron Kalbas has authorized this office to satisfy the village requirements of your letter dated March 14 in anticipation of obtaining a special use permit.

Planning and zoning

1. We respectfully request a date /or a Special use hearing
2. This office is in the process of preparing new plans which will show additional parking and striping

Fire Prevention

3. The new plans will clearly identify interior stairs to the upper level
4. We acknowledge that an address for the upper level will be assigned
5. The new plans will identify a fire alarm system
6. New CO detectors will be provided

Building

7. As stated this office is preparing new plans which will address life safety and other issues requiring permit approval

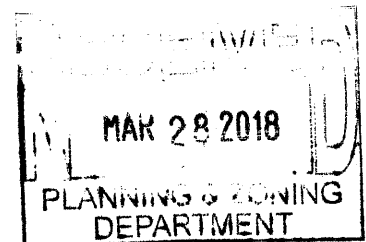
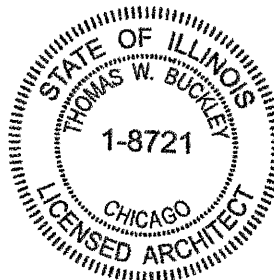
Engineering

- 8a. Water service size and WFSU calculations will be provided
- 8b. We acknowledge that some parking repairs may be required
- 8c. We acknowledge that parking lot lighting will be required
- 8d. Dumpster location and enclosure details to be provided with new plans

Respectfully Submitted,



Thomas Buckley
 Architect
 Cc: Kalbas



Attachment: Response letter from Architect dated 3-27-18 (111 E. Palatine Road - SU & VAR)

ORDINANCE NO. 0-32-97

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
APPENDIX "A" - THE ZONING ORDINANCE
ADD SECS. 10.02(C), 10.03(C), 10.04(C), 10.05(C), 10.06(C);
ADD TO SEC. 14.05(B)**

Attachment: 0-032-97 - Amend Appendix A Zoning Ordinance (111 E. Palatine Road - SU & VAR)

**Published in pamphlet form by authority of the
President and Board of Trustees of the Village of Palatine
on March 24, 1997**

ORDINANCE NO. 0-32-97

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
APPENDIX "A" - THE ZONING ORDINANCE
OF THE VILLAGE OF PALATINE**

WHEREAS, pursuant to a public hearing held on March 4, 1997, of which public notice was given as required by law, the Plan Commission of the Village of Palatine, in accordance with the Zoning Ordinance of the Village of Palatine, in such case made and provided, has held such public hearing and reported its findings regarding text amendments to Secs. 10.02 (C), 10.03 (C), 10.04 (C), 10.05 (C), 10.06 (C) and 14.05(B) of the Palatine Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power, that:

SECTION 1: Appendix "A" "Zoning Ordinance of the Code of Ordinances of the Village of Palatine, as amended, be and the same is hereby further amended by adding the following to Secs. 10.02 (C), 10.03 (C), 10.04 (C), 10.05 (C), 10.06 (C) , which shall be and read as follows:

“Non-conforming multifamily dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:

1. The dwelling shall contain three or fewer dwelling units.
2. The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
3. The owner of the dwelling shall obtain a rental license from the Health Department as required by Sec. 10-15 of the Palatine Code of Ordinances.”

SECTION 2: Appendix "A" "Zoning Ordinance of the Code of Ordinances of the Village of Palatine, as amended, be and the same is hereby further amended by adding

the following to Sec. 14.05 (B) of the palatine Zoning Ordinance, which shall be and read as follows:

“Applications for Special Uses involving non-conforming multiple family dwellings in single family zoning districts.”

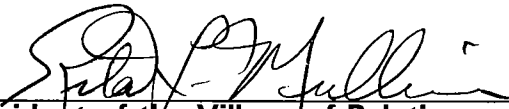
SECTION 3: That the minutes and findings of the Plan Commission be attached hereto and form a part of this ordinance.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This 24 of March, 1997

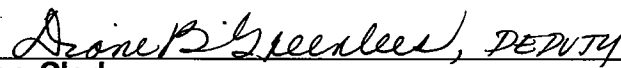
AYES: 4 **NAYS:** 0 **ABSENT:** 2 **PASS:** 0

APPROVED by me this 24 day of March, 1997



President of the Village of Palatine

ATTESTED and **FILED** in the office of the Village Clerk this
24 day of March, 1997



Village Clerk

TO: Administration FROM: Community Development *DK* DATE: March 18, 1997

☒ ORDINANCE DESCRIPTION: Consider text amendments to Article 10 and 14 of the
☐ RESOLUTION Zoning Ordinance.
☐ MOTION _____
☐ PUBLIC HEARING _____
☐ DISCUSSION ONLY _____

COMMITTEE ACTION:

UNANIMOUS APPROVAL

DATE: 3-18-97

BACKGROUND: Staff is proposing an amendment to the Zoning Ordinance which would include existing non-conforming two-unit and three-unit multi-family dwellings, for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided, as Special Uses in the single family zoning districts. It is estimated that there are over 130 multi-family residential units located in single family residential zoning districts which are inspected and licensed by the Health Department. Staff estimates there may be as many as 100 more multi-family residential units in single family zoning districts which are not inspected and licensed by the Health Department. The majority of the units contain 2 dwellings, while some of them contain 3 dwellings. All of these units are non-conforming, however it is extremely difficult to accurately determine whether each is a legal or illegal non-conforming use. Due to the number of non-conforming dwellings and the difficulty of determining the legal or illegal status of each one on an individual basis, staff is proposing the text amendment. The attached report provides additional background.

DISCUSSION: Existing non-conforming multi-family dwellings for which there is no legal documentation that indicates the dwellings conform to Article IX (Non-conformities) of the Palatine Zoning Ordinance, would be Special Uses in the single family zoning districts. To be granted a Special Use, the dwellings in question must:

- 1) Contain three (3) or less dwelling units;
- 2) Be in continuous use as a multi-family dwelling since January 1, 1987; and
- 3) Obtain a rental license from the Health Department.

The proposed text amendment would allow the petitions for Special Use to be handled administratively. The petitions would proceed directly to the Village Board provided that all of the owners of property adjacent to the subject property signed a letter of consent approving the proposed Special Use.

ALTERNATIVES:

1. Recommend approval of the amendments.
2. Do not recommend approval of the amendments.

RECOMMENDATION: The Plan Commission held the required public hearing on March 4, 1997. No objectors were present. The Plan Commission voted unanimously to recommend approval of the amendments. Staff concurs with this recommendation.

ACTION REQUIRED: Motion to recommend approval of the text amendments to Articles 10 and 14 of the Zoning Ordinance.

Attachment: 0-032-97 - Amend Appendix A Zoning Ordinance (111 E. Palatine Road - SU & VAR)

PLAN COMMISSION

Tuesday, March 4, 1997

Present: Dennis Dwyer, Russell Smith, Alan Miller, Marilyn Meller, Teri Williams,
Planning and Zoning Administrator David Fieldman.

Absent: Kevin Thomas, Greg Kolar, Conrad Hansen, Bob Greenlees, Bill Laymon.

The minutes of the February 18, 1997 meeting were approved as distributed.

Report of Public Hearing - Docket P-97-7

The notice of public hearing was read by the chairman. The petitioner in Docket P-97-7, the Village of Palatine, seeks consideration of text amendments to the Village of Palatine Zoning Ordinance Sections 10.02(C), 10.03 (C), 10.04 (C), 10.05 (C), 10.06 (C), and 14.05 (B).

The following exhibit was introduced:

1. Memo from David Fieldman to Richard Kozdras dated 2/13/97

David Fieldman was sworn in and gave background on the request. Staff proposes an amendment to the Zoning Ordinance that would include existing non-conforming two-unit and three-unit multi-family dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided, as Special Uses in the single family zoning districts.

It is estimated that more than 130 multi-family residential units are located in single family residential zoning districts that are inspected and licensed by the Health Department. It estimates as many as 100 more multi-family residential units may exist in single family zoning districts that are not inspected and licensed by the Health Department. The majority of the units contain two dwellings. Some contain three. All of these units are non-conforming; however, it is extremely difficult to accurately determine whether each is a legal or illegal non-conforming use. Due to the number of non-conforming dwellings and the difficulty of determining the legal or illegal status of each one on an individual basis, staff proposes the text amendment.

Fieldman attached a report giving more background.

Existing non-conforming multi-family dwellings for which no legal documentation exists indicating the dwellings conform to Article IX (Non-conformities) of the Palatine Zoning Ordinance would be special uses in the single family zoning districts. To be granted a Special Use, the dwellings in question must:

1. Contain three or fewer dwelling units;
2. Have been in continuous use as a multi-family dwelling since January 1, 1987; and
3. Obtain a rental license from the Health Department.

The proposed text amendment would allow the petitions for Special Use to be handled administratively with petitions proceeding directly to the village board provided that all of the owners of property adjacent to the subject property sign a letter of consent approving the proposed Special Use.

The following text would be added to Sections 10.02(C), 10.03 (C), 10.04 (C), 10.05 (C), and 10.06 (C):

"Non-conforming multifamily dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:

plan commission
march 4, 1997

page 2

1. The dwelling shall contain three or fewer dwelling units;
2. The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
3. The owner of the dwelling shall obtain a rental license from the Health Department as required by Section 10-15 of the Village Code of Ordinances."

The following text would be added to Section 14.05 (B):

"Applications for Special Uses involving non-conforming multiple family dwellings in single family zoning districts."

Staff Recommendation

Staff recommends approval of text amendments to the Village of Palatine Zoning Ordinance Sections 10.02(C), 10.03 (C), 10.04 (C), 10.05 (C), 10.06 (C), and 14.05 (B).

RECOMMENDATION

Miller moved, Mrs. Williams seconded that the plan commission recommend to the village board that it approve the request of the petitioner in Docket P-97-7, the Village of Palatine, who seeks consideration of text amendments to the Village of Palatine Zoning Ordinance Sections 10.02(C), 10.03 (C), 10.04 (C), 10.05 (C), 10.06 (C), and 14.05 (B).

Unanimously carried.

REPORT OF PUBLIC HEARING - Docket P-97-8

The notice of public hearing was read by the chairman. The petitioner in Docket P-97-8, Whispering Oaks Development, Inc., represented by Carl Bongiovani, seeks consideration of a preliminary and final planned development to be known as Whispering Oaks Phase II and rezoning from R1 to P for 3.62 acres at 470 Oak Ridge Road.

The following petitioner's exhibits were introduced:

1. Petition for Preliminary and Final PUD
2. Palatine Real Estate Interest Disclosure Form
3. Affidavit
4. Proof of Ownership - Trust Agreement
5. Proof of Ownership - Title Policy
6. Plat of Survey
7. Contract to Purchase
8. Engineering Plans dated 12/2/96
9. Tree Preservation Plan dated 12/2/96
10. Landscape Plans - Townhomes
11. Landscape Plans - Coach Homes
12. Floor Plans - Townhomes
13. Floor Plans - Coach Homes

David Fieldman described surrounding uses and zones and gave background on the request.

north and west
south and east

Single Family
Single Family

R4 (Cook County)
P Planned Development

**STAFF STATEMENT TO THE
PALATINE PLAN COMMISSION
DENNIS DWYER, CHAIR
FROM
DAVID FIELDMAN, PLANNING AND ZONING ADMINISTRATOR
MEETING TUESDAY, MARCH 4, 1997 8:00 PM**

PLANNING DOCKET: P-97-7

PETITIONER: Village of Palatine

PROPOSAL: Consider text amendments to the Village of Palatine Zoning Ordinance Sections 10.02 (C), 10.03 (C), 10.04 (C), 10.05 (C), 10.06 (C) and 14.05 (B).

BACKGROUND:

Staff is proposing an amendment to the Zoning Ordinance which would include existing non-conforming two-unit and three-unit multi-family dwellings, for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided, as Special Uses in the single family zoning districts. It is estimated that there are over 130 multi-family residential units located in single family residential zoning districts which are inspected and licensed by the Health Department. Staff estimates there may be as many as 100 more multi-family residential units in single family zoning districts which are not inspected and licensed by the Health Department. The majority of the units contain 2 dwellings, while some of them contain 3 dwellings. All of these units are non-conforming, however it is extremely difficult to accurately determine whether each is a legal or illegal non-conforming use. Due to the number of non-conforming dwellings and the difficulty of determining the legal or illegal status of each one on an individual basis, staff is proposing the text amendment. The attached report provides additional background.

ANALYSIS:

Existing non-conforming multi-family dwellings for which there is no legal documentation that indicates the dwellings conform to Article IX (Non-conformities) of the Palatine Zoning Ordinance, would be Special Uses in the single family zoning districts. To be granted a Special Use, the dwellings in question must:

- 1) Contain three (3) or less dwelling units;
- 2) Be in continuous use as a multi-family dwelling since January 1, 1987; and
- 3) Obtain a rental license from the Health Department.

The proposed text amendment would allow the petitions for Special Use to be handled

administratively. The petitions would proceed directly to the Village Board provided that all of the owners of property adjacent to the subject property signed a letter of consent approving the proposed Special Use.

The following text would be added to Sections 10.02 (C), 10.03 (C), 10.04 (C), 10.05 (C), 10.06 (C):

Non-conforming multifamily dwellings for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided subject to the following conditions:

- 1) The dwelling shall contain three (3) or less dwelling units;
- 2) The dwelling shall have been in continuous use as a multi-family dwelling since January 1, 1987; and
- 3) The owner of the dwelling shall obtain a rental license from the Health Department as required by Section 10-15 of the Village Code of Ordinances.

The following text would be added to Section 14.05 (B):

Applications for Special Uses involving non-conforming multiple family dwellings in single family zoning districts.

STAFF RECOMMENDATION:

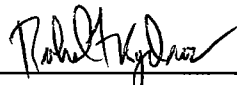
Staff recommends approval of text amendments to the Village of Palatine Zoning Ordinance Sections 10.02 (C), 10.03 (C), 10.04 (C), 10.05 (C), 10.06 (C) and 14.05 (B).

ATTACHMENTS:

Memo from David Fieldman to Richard Kozdras Date 2/13/97.

Reviewed by: _____

Richard F. Kozdras, Community Development Director



MEMORANDUM

February 13, 1997

TO: Richard Kozdras
Director Community Development

FROM: David Fieldman
Planning and Zoning Administrator

SUBJECT: Non-conforming 2-flat Text Amendment and Policy

As you requested, I have prepared the following Zoning Ordinance text amendment and policy regarding non-conforming 2 and 3 unit multi-family dwellings located in single family residential districts. This report assesses the current situation, explains the method of determining the status of non-conforming uses and structures, explores the difficulty of proving the status and proposes a text amendment and policy for dealing with such uses and structures. Specifically the report recommends the following:

- A text amendment to the Zoning Ordinance which would add existing non-conforming multi-family dwellings for which there is no legal documentation that indicates the dwellings conform to Article IX (Non-conformities) of the Palatine Zoning Ordinance, as Special Uses in the single family zoning districts, provided that:
 - 1) The dwelling contains three (3) or less dwelling units;
 - 2) The structure has been in continuous use as a multi-family dwelling since January 1, 1987; and
 - 3) The dwelling units are licensed and inspected by the Health Department.
- Text should also be added which would allow the petitions to be processed as Administrative Special Uses.
- The Village currently has and should continue to use a policy which requires the owners of a single family structure which contains two (2) or more kitchens to record a restrictive covenant limiting occupancy of the structure to one family. The Village is granted enforcement power in the covenant in the event that the covenant is violated.
 - The Health Department should identify the zoning classification of property currently inspected. Any multi-family unit which lies in a single family district should be referred to Planning & Zoning to determine what actions should be taken to bring the property into conformance with the Zoning Ordinance.

PETITIONER'S EXHIBIT

1

Non-conforming Multi-Family Residential Unit Report

Background

It is estimated that there are over 130 multi-family residential units located in single family residential zoning districts which are inspected and licensed by the Health Department. Staff estimates there may be as many as 100 more multi-family residential units in single family zoning districts which are not inspected and licensed by the Health Department. The majority of the units contain 2 dwellings, while some of them contain 3 dwellings. All of these units are non-conforming, however it is extremely difficult to accurately determine whether each is a legal or illegal non-conforming use.

Structure vs. Use

Units can be non-conforming based on the structure or the use. A unit is a non-conforming structure if the building itself does not meet the requirements of the zoning district. A unit is a non-conforming use if more than one family as defined by the Zoning Ordinance is occupying the unit. A unit can be a non-conforming structure and use.

Determining Legal and Illegal Non-conforming Status

The status of a non-conforming structure and use depends on the zoning regulations which were applicable at the time of construction. It also depends on the duration of the use. If the structure and/or use was permitted by the applicable regulations at the time of construction, and the structure has been in continuous use, it is legal non-conforming. If either of these criteria are not met the structure and/or use is illegal non-conforming.

For a multi-family use and/or structure to be legal non-conforming, the use and structure must pre-date the establishment of the single family zoning designation and conform to the regulations applicable at the time of construction. In addition, the structure must have been in continuous use as a multi-family dwelling since the single family designation was applicable. If the structure was not used as a multi-family unit for a period of at least six months, the use would be considered illegal non-conforming according to the current Zoning Ordinance. The attached chart shows how the status of non-conforming structures and uses is determined. Article IX of the Zoning Ordinance codifies the determination standards.

Proving the Status of a Non-Conforming Use and Structure

While the factors involved in determining the status of a structure and use are clear, proving that the structure or use meets the criteria can be difficult. Whether the structure in question was constructed under Cook County or Village jurisdiction, lack of accurate records makes the determination of legal or illegal status nearly impossible.

Proving the Status of Structures Built in the Village

Prior to the early 1960's, the Village did not keep detailed records of building permits and inspections. In most cases, the Village does not have the original building permit for the structure

in question. Without a building permit it is difficult to determine when the building was constructed and what facilities were originally part of the structure. Further, the Village usually does not have any inspection reports to verify that the structure was constructed according to Village Code applicable at the time of construction. Therefore, Village staff cannot determine whether the structure was in compliance with the zoning regulations applicable at the time of construction. Property owners may have this information in their personal files, however it is unlikely that a property owner would have the information the Village lacks.

Proving the Status of Structures Built in the County

If the structure was constructed under Cook County jurisdiction, the Village does not have any building permit, nor does it have access to the zoning regulations or building permits applicable at the time of construction. The Cook County Zoning Department generally does not provide historic zoning information and the Village does not maintain historic Cook County Zoning Maps. Therefore, if a structure was constructed in the County, it is nearly impossible for Village staff to determine whether the structure is legal or illegal non-conforming. The property owner may have this information in his personal files.

Proving the Status of the Use

Proving that a particular structure has been in continuous use as a multi-family dwelling since being subject to Village single family zoning designation is required to obtain legal non-conforming status. However, the Village does not have historic information detailing the use of a structure. Property owners may have proof of continuous multi-family use in the form of canceled rent checks or leases. In the absence of this information, sworn affidavits may be accepted by the Village. However, in many cases a person would have to know that a structure has been used as a multi-family residence since prior to 1926 for legal non-conforming status to be granted.

Kitchens and Non-conforming Structures

The number of kitchens in a dwelling unit has an impact on the potential use of the unit. If a unit has more than one kitchen, it can easily be occupied by more than one family. The Village zoning regulations applicable from 1926 to 1958 did not define a dwelling unit based on the number of kitchens. Therefore any structure built in the Village between 1926 and 1958 which contains more than one kitchen may be a conforming structure. After 1958, the Zoning Ordinance defined a dwelling unit based on the number of complete kitchen facilities. Any structure located within a single family district which contains more than one complete kitchen facilities is a non-conforming structure.

Zoning Ordinance Text Amendment and Policy for Non-conforming Multi-Family Dwellings

Existing non-conforming multi-family dwellings for which there is no legal documentation that indicates the dwellings conform to Article IX (Non-conformities) of the Palatine Zoning Ordinance, should be Special Uses in the single family zoning districts. To be granted a Special Use, the dwellings in question must:

- 1) Contain three (3) or less dwelling units;

- 2) Be in continuous use as a multi-family dwelling since January 1, 1987; and
- 3) Obtain a rental license from the Health Department.

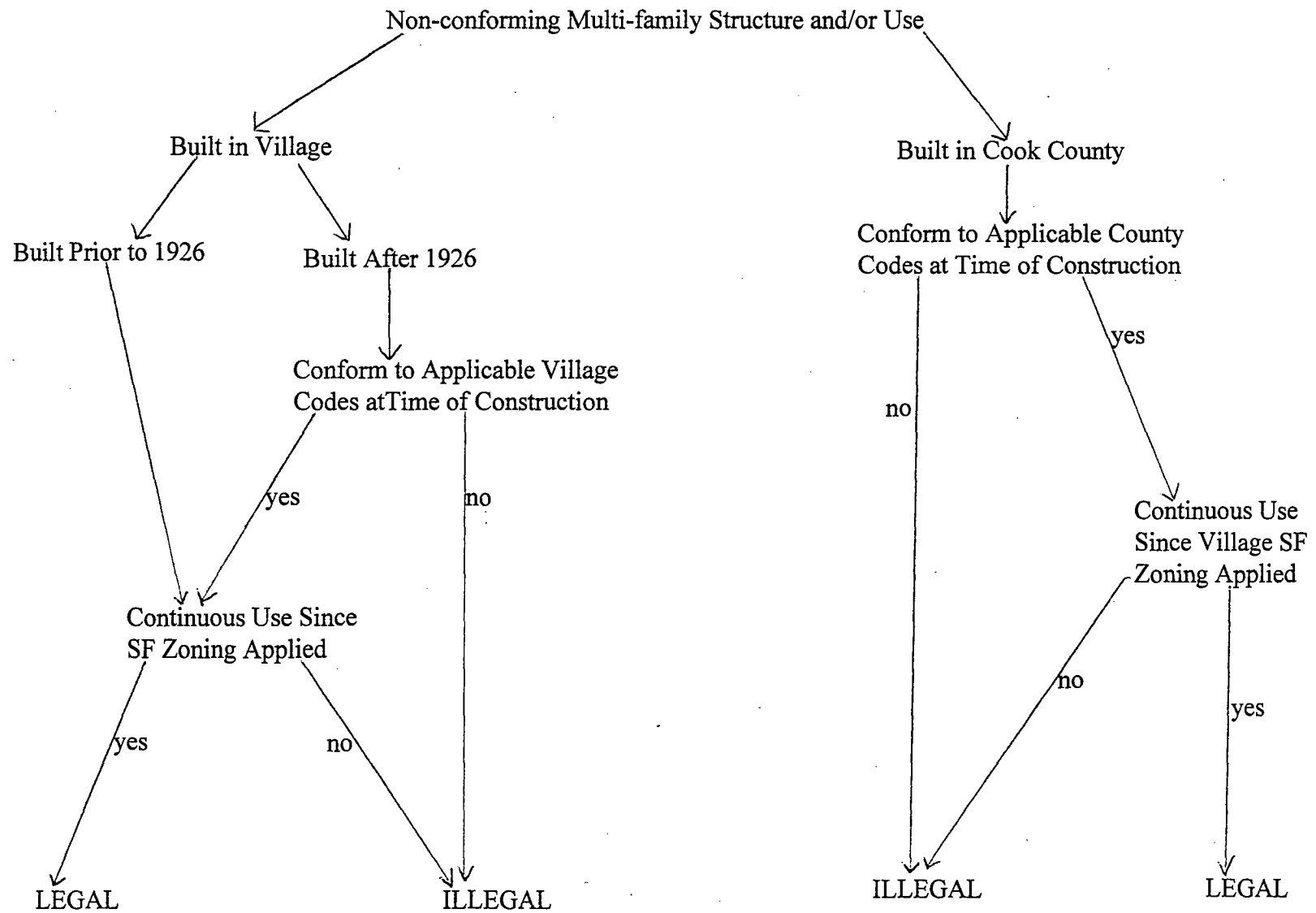
Text should also be added which would allow the petitions to be processed as Administrative Special Uses.

The Village currently has and should continue to use a policy which requires the owners of a single family structure which contains two (2) or more kitchens to record a restrictive covenant limiting occupancy of the structure to one family. The Village is granted enforcement power in the covenant in the event that the covenant is violated. The following covenant language has been reviewed and approved by the Village Attorney:

The residence constructed on Lot ___, although containing ___ kitchen facilities, shall be occupied by one (1) family. Family shall be defined as one person, his or her spouse, their offspring, legally adopted children or foster children, together with not more than three (3) other persons who are related to said person by blood, marriage or legal adoption including but not limited to mother, father, sister, brother, mother-in-law, or father-in-law. No portion of the residence shall be leased, rented or occupied for financial, personal services or other considerations. This covenant runs to the benefit of Lot ___ and the Village of Palatine.

The Health Department should identify the zoning classification of property currently inspected. Any multi-family unit which lies in a single family district should be referred to Planning & Zoning to determine what actions should be taken to bring the property into conformance with the Zoning Ordinance.

Non-Conforming Status Determination Chart



Preliminary List of Non-conforming Multi-Family Units in Single Family Districts Licensed by the Health Dept.

Address	Zoning	Address	Zoning	Address	Zoning	Address	Zoning	Address	Zoning
40 Arlene	R-2	23 E. Cunningham	R-2	654 Kimball	R-2	1323 W Palatine	R-1	57 W Washington	R-2
146 Arlene	R-2	31 E. Cunningham	R-2	144 King Henry Ct	R-2	78 Peppertree	R-2	116 E Washington	R-2
200 N. Babcock	R-2	459 E. Cunningham	R-2	1576 King Edward	R-2	136 S Pine	R-2	117 W Washington	R-2
245 N. Babcock	R-2	1161 Del Mar	R-2	812 W Leonard	R-1	209 Pleasant Hill	R-2	136 N Wilke	R-2
23 N. Benton	R-2	442 N. Easy	R-2	814 W. Leonard	R-1	237 N Plum Grove	R-2	430 N Wilke	R-2
222 N. Benton	R-2	263 Eisenhower	R-2	145 S Linden	R-2	247 N Plum Grove	R-2	760 N Williams	R-2
237 N. Benton	R-2	1454 N. Elm	R-1	108 S. Linden	R-2	542 N Plum Grove	R-2	503 N Winston	R-2
309 N. Benton	R-2	25 N. Elmwood	R-2	663 Longview	R-1	146-148 S Plum Grove	R-2		
346 N. Benton	R-2	102 N. Elmwood	R-2	414 MacArthur	R-2	152 S Plum Grove	R-2		
163 S. Benton	R-2	1138 S. Falmore	R-1A	643 MacArthur	R-2	156-158 S Plum Grove	R-2		
953 E. Bissell	R-2	203 N. Flake	R-2	119 N Middleton	R-2	170 S Plum Grove	R-2		
111 S. Bothwell	R-2	39 Garden	R-2	532 Mill Valley	R-2	212 S Plum Grove	R-2		
125 S. Bothwell	R-2	536 Geri Ct.	R-2	258 N Mozart	R-2	247 S Plum Grove	R-2		
136 S. Bothwell	R-2	649 Geri	R-2	340 N Mozart	R-2	317 S Plum Grove	R-2		
238 S. Bothwell	R-2	823 Glenn	R-2	341 N Mozart	R-2	749 S Plum Grove	R-1A		
300-308 N. Brockway	R-2	55 S. Greeley	R-2	344 N Mozart	R-2	962 S Plum Grove	R-2		
322 N. Brockway	R-2	105 S. Greeley	R-2	842 E Morris	R-2	16 N Quentin	R-2		
441 N. Brockway	R-2	179 S. Greeley	R-2	1011 W Myrtle	R-1	28 N Quentin	R-2		
1164 S. Brockway	R-2	37 S. Greenwood	R-2	362 E Norman	R-2	373 N Quentin	R-1		
63 Bryant	R-1	114 N. Greenwood	R-2	261 N Oak	R-2	742 N Quentin	R-1		
242 Cady	R-2	335 S. Greenwood	R-2	56 E Palatine	R-2	874 N Quentin	R-1		
43 1/2 S Cedar	R-2	20-24 N. Hale	R-2	249 E Palatine	R-2	26 N Rohlwing	R-2		
723 S. Cedar	R-2	245 N. Hale	R-2	304 E Palatine	R-2	329 Schiller	R-2		
205 Cedarwood Ct.	R-2	112 S. Hale	R-2	534 E Palatine	R-2	162 N Schubert	R-2		
1160 W. Chatam	R-1A	508 S. Hale	R-2	1320 E Palatine	R-2	341 N Schiller	R-2		
349 Cheryl	R-2	955 S Harvard	R-1A	1460 E Palatine	R-2	335 N Schubert	R-2		
41 N. Clyde	R-2	24 S. Hickory	R-2	301 W Palatine	R-2	345 W Schubert	R-2		
132 W. Colfax	R-2	421 N. Hicks	R-2	305 W Palatine	R-2	1136 S Smith	R-1		
1062 W. Colfax	R-2	35 W. Johnson	R-2	311 W Palatine	R-2	1164 S Smith	R-1		
24 W. Comfort	R-2	148 W. Johnson	R-2	349 W Palatine	R-2	458 N Stephen	R-2		
903 Cooper	R-2	156 W. Johnson	R-2	355 W Palatine	R-2	464 Stuart	R-2		
1222 Cooper	R-2	825 Kelly Anne	R-2	996 W Palatine	R-1	651 Stuart	R-2		
256 W. Cornell	R-1	429 W. Kenilworth	R-2	1320 W Palatine	R-1	43 S Walnut	R-2		

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Daily Herald Values

A Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been published daily in the Village of Palatine

_____ County(ies) of
_____ Cook _____ and State of Illinois,
continuously for more than one year prior to the date of the first publication
of the notice hereinafter referred to and is of general circulation throughout
said Village, County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5.

That a notice of which the annexed printed slip is a true copy, was published February 17, 1997

in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by MARGIE FLANDERS, its Treasurer, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Margie Flanders
Assistant Treasurer

Control # 789351

Public Notice
A public hearing will be held before the Palatine Plan Commission on Tuesday, March 4, 1997, at 8:00 P.M., in the Village Board Room in the Palatine Community Center, 200 E. Wood Street, relative to proposed text amendments to Sections 10.02(c), 10.03(c), 10.04(c), 10.05(c), 10.06(c), and 14.05(b) of the Palatine Zoning Ordinance. The proposed amendments would add to Single Family Residential Districts existing non-conforming two unit and three-unit multi-family dwellings, for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided, as Special Uses (Administrative).
The above proposal by the Village of Palatine is available for examination in the office of the Village Clerk, 200 E. Wood Street.
ZONING DOCKET: P-97-7.
DENNIS DWYER
Chairman
Palatine Plan Commission
Village of Palatine
Published in Daily Herald
Feb. 17, 1997. (789351)N

Attachment: 0-032-97 - Amend Appendix A Zoning Ordinance (111 E. Palatine Road - SU & VAR)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Daily Herald Values

A Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been published daily in the Village of Palatine

_____ County(ies) of
 _____ Cook _____ and State of Illinois,
 continuously for more than one year prior to the date of the first publication
 of the notice hereinafter referred to and is of general circulation throughout
 said Village, County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5.

That a notice of which the annexed printed slip is a true copy, was published February 17, 1997

in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by MARGIE FLANDERS, its Treasurer, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Margie Flanders
Assistant Treasurer

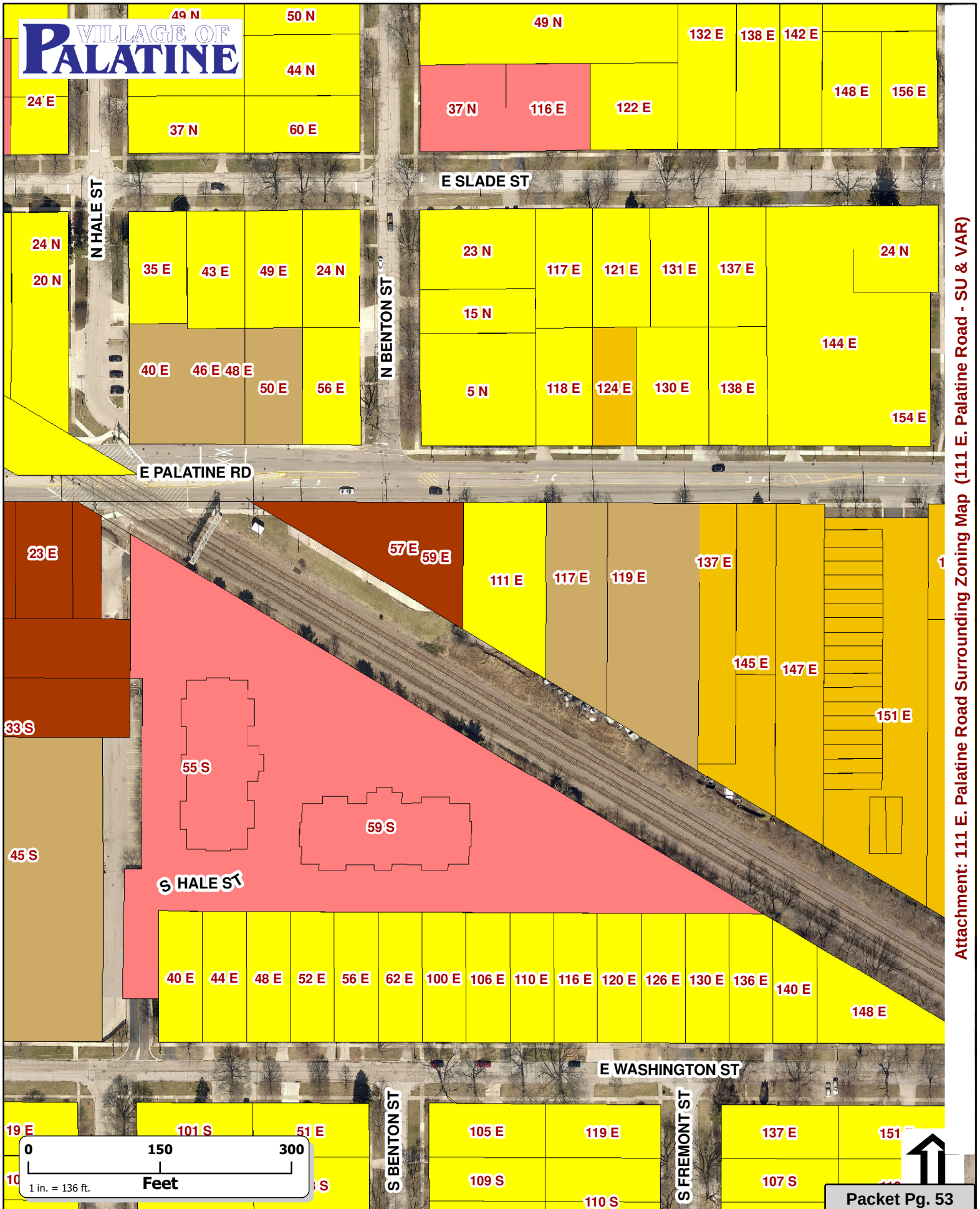
Control # 789351

Public Notice
A public hearing will be held before the Palatine Plan Commission on Tuesday, March 4, 1997, at 8:00 P.M., in the Village Board Room in the Palatine Community Center, 200 E. Wood Street, relative to proposed text amendments to Sections 10.02(c), 10.03(c), 10.04(c), 10.05(c), 10.06(c), and 14.05(b) of the Palatine Zoning Ordinance. The proposed amendments would add to Single Family Residential Districts existing non-conforming two unit and three-unit multi-family dwellings, for which legal documentation indicating that the dwellings conform to the Zoning Ordinance cannot be provided, as Special Uses (Administrative).
The above proposal by the Village of Palatine is available for examination in the office of the Village Clerk, 200 E. Wood Street.
ZONING DOCKET: P-97-7.
DENNIS DWYER
Chairman
Palatine Plan Commission
Village of Palatine
Published in Daily Herald
Feb. 17, 1997. (789351)N

Attachment: 0-032-97 - Amend Appendix A Zoning Ordinance (111 E. Palatine Road - SU & VAR)

111 E. Palatine Road - Surrounding Zoning Map

3.1.i



PUBLIC NOTICE
A public hearing will be held before the Palatine Plan Commission on Tuesday, May 1, 2018 at 7:00 P.M. in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:

Special Use to permit a non-conforming multi-family dwelling for which legal documentation indicating that the dwelling conforms to the Zoning Ordinance cannot be provided pursuant to Section 10.06 (c) (16) of the Palatine Zoning Ordinance.

Variation to permit a non-conforming multi-family dwelling that has not been in operation since January 1, 1987 pursuant to Section 10.06 (c) (16) of the Palatine Zoning Ordinance.

The property is commonly known as 111 E. Palatine Road (PIN# 02-23-101-002). The Petitioner is requesting to convert an existing non-conforming multi-unit rental dwelling to a conforming two-unit rental dwelling in the R-2 district. The Petitioner has an active rental license (since 2011), but would like to rent the dwelling as two separate living units.

The above petition has been filed by Ronald Kalbas and is available for examination in the office of the Village Clerk, 200 E. Wood Street.

FILE #: 18-16
VILLAGE OF PALATINE
Jan Wood, Chair
Palatine Zoning Board
of Appeals

DATED: This 16th day of April, 2018.
Published in Daily Herald
April 16, 2018 (4498046)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva, Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect, Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg, Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Volo, Wauconda, Wheeling, West Dundee, Wildwood, Sugar Grove, North Aurora

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published April 16, 2018 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY *Danula Baetz*
Authorized Agent

Control # 4498046

Attachment: Public Notice - 111 E. Palatine Road (111 E. Palatine Road - SU & VAR)

VILLAGE OF PALATINE
Plan Commission

SCHEDULED 05/01/18 07:00 PM

CASE STAFF STATEMENT (ID # 4435)

**Text Amendments Appendix B - Village of Palatine
Subdivision, Site Development, and Floodplain Regulations;
Section 2.01 (Definitions), Section 6.08 (Floodplain
Regulations), and Section 8.08 (Stormwater drainage and
management)**

CASE NUMBER: 18-33

BACKGROUND: Staff periodically reviews and updates the Subdivision and Zoning Ordinances, to either address a previously unforeseen issue and to ensure the code remains consistent and relevant to changing conditions. After revising the Subdivision Ordinance to adopt the necessary elements of the Metropolitan Water Reclamation District's Watershed Management Ordinance (WMO) in 2014, there were additional changes made by MWRD to the WMO. Therefore, the Village Engineer is recommending changes to the Subdivision Ordinance reflecting these changes. Therefore, the Petitioner is seeking:

- 1) Text Amendment to Appendix B - Village of Palatine Subdivision, Site Development, and Floodplain Regulations; Section 2.01 (Definitions), Section 6.08 (Floodplain Regulations), and Section 8.08 (Stormwater drainage and management)**

ANALYSIS

Subdivision Ordinance

- In 2004, the Illinois General Assembly enacted legislation that provided for the creation of a comprehensive stormwater management program for Cook County. MWRD was granted the authority to develop and regulate this program. Watershed Planning Councils (WPC's), consisting of all the governmental entities within each of the six watersheds in the county, have been created to serve as advisory bodies to the MWRD.
- In October 2013, MWRD adopted the WMO with an effective date for implementation of May 1, 2014.
- The adoption of MWRD's WMO necessitates changes to the Village's Subdivision, Site Development, and Floodplain Regulations Ordinance - Appendix B. These changes were made to not only reflect the new MWRD requirements, but also to ensure that local controls are maintained when possible and appropriate. While some communities have adopted the WMO by reference, the Village amended those necessary sections of the Subdivision Ordinance which were directly impacted by

the WMO.

- Therefore, the recent adopted technical changes to the WMO by MWRD require the recommendation of the proposed changes to the Subdivision Ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the text amendments.

ATTACHMENTS:

- Section 2.01 - Definitions - Appendix B
- Section 6.08 Floodplain regulations - Appendix B
- Section 8.08 - Stormwater drainage and management - Appendix B
- Public Notice - TEXT AMENDMENTS - Appendix B - Subdivision, Site Development, and Floodplain Regulations

ARTICLE II. DEFINITIONS

2.01. Definitions.

(a) Other definitions and meanings. Words not defined herein shall be understood by those definitions in Appendix A Definitions, of the Cook County Watershed Ordinance or by their common dictionary definition. In the event of conflict between definitions, the most restrictive meaning shall apply.

(b) Interpretation of terms and words. The terms and words used shall be interpreted as follows:

- (1) Verbs and phrases in the present tense shall be presumed to include the future tense.
- (2) Parts of speech used in the singular shall be presumed to include the plural and those used in the plural shall be presumed to include the singular.
- (3) The words "shall," "will," and "must" are understood as mandatory, not permissive.
- (4) All distances shall be measured horizontally unless otherwise stated.
- (5) A masculine, feminine or neuter pronoun shall not exclude the other genders.

(Ord. No. 0-134-14, §1, 10/20/14)

(c) Specific definitions.

Accessory Structure. A subordinate detached, non-habitable building without sanitary facilities that is less than ~~700~~ **500** square feet in area which is located on the same zoning lot as the principal building, the use of which is incidental and customary to that of the principal building including above ground utility appurtenances and recreational equipment. When an accessory structure is attached to and made part of the principal building, such accessory structure shall comply in all respects with the requirements of the zoning ordinance applicable to the principal building. (Ord. No.0-105-08, §2, 8/14/08, Ord. No. 0-134-14, §1, 10/20/14)

Administrator. The director of community development of the village or a person designated by the village manager.

Alley. A public right-of-way which affords a secondary means of access to abutting property.

Applicant. The owner or contract purchaser of land proposed to be subdivided or his legal representative. See Subdivider.

Basal clearance. The distance from the center of the tree to the structure or object involved.

Base flood. The flood having a one percent probability of being equalled or exceeded in any given year. The base flood is also known as the one hundred (100) year frequency flood event. (Ord. #0-105-08, §2, 8/14/08; Ord. No. 0-134-14, §1, 10/20/14)

Base flood elevation (BFE). The highest ground elevation in relation to the North American Vertical Datum of 1988 which would be inundated by the base flood according to the information provided on the maps outlined in section 6.08(c). (Ord. No.0-105-08, §2, 8/14/08; Ord. No. 0-134-14, §1, 10/20/14)

Block. That property abutting one side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, or live stream; or between any of the foregoing and other barriers to the continuity of the development.

Building. A walled and roofed structure, including prefabricated buildings, that is principally above ground. The term also includes recreational vehicles and travel trailers that are stored on a site more than 180 consecutive days. This term does not include accessory structures. (Ord. #0-105-08, §2, 8/14/08; Ord. No. 0-134-14, §1, 10/20/14)

Building code. Shall mean Chapter 6. Building Codes and Regulations of the Code of Ordinances, Village of Palatine, Illinois.

Building permit. A permit issued by the Village of Palatine, Illinois for the construction, erection or alteration of a structure, building, parking lot or connection to utility lines.

Building, principal. A non-accessory building in which a principal use of the lot, on which it is located, is conducted.

Building service sewer. A building service sewer is the private property owner's sewer that connects a residential, commercial or industrial building with the sewer main.

Building setback line. A line on the final plat, between which and the adjacent street line, buildings or structures may not be erected.

Bulletin 70. Huff, F.A., and J.R. Angel, 1989. "Rainfall Distributions and Hydroclimatic Characteristics of Heavy Rainstorms in Illinois" (Bulletin 70), Illinois State Water Survey. (Ord. No. 0-134-14, §1, 10/20/14)

Certify or certification. The specific inspections and tests where required have been performed and that such tests comply with the applicable requirements of this appendix.

Channel. Any river, stream, creek, brook, branch, natural or altered which has a definite bed and banks, in or into which surface or groundwater flows, either permanently or intermittently. Roadside drainage ditches are not included. (Ord. No.0-105-08, §2, 8/14/08)

Channel Modification. Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bed or banks. Channel modification does not include the clearing of dead or dying trees or other vegetation, debris, trash and obstructions from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening). (Ord. No.0-105-08, §2, 8/14/08)

Collector street. See Street.

Compensatory storage. An artificially excavated, hydraulically equivalent volume of storage within a floodplain used to offset the loss of natural flood storage capacity when fill or structures are placed within the floodplain. (Ord. No.0-105-08, §2, 8/14/08; Ord. No. 0-134-14, §1, 10/20/14)

Control volume. The first inch of runoff from the impervious area of development on the site. (Ord. No. 0-134-14, §1, 10/20/14)

Critical facilities. Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Example of critical facilities where addition flood protection should be provided include: (Ord. No.0-105-08, §2, 8/14/08)

- A. Those structures or facilities which produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- B. Hospitals, Nursing Homes and Housing which are likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood event;
- C. Police Stations, Fire Stations, Vehicle and Equipment Storage Facilities and Emergency Operations Centers which are needed for flood response activities before, during and

- after a flood event; and
- D. Public and Private Utility Facilities which are vital to maintaining or restoring normal services to flooded areas before, during and after a flood event."

Cubic yards. The amount of material in excavation and/or fill measured by the method of "average end areas".

Cul de sac. See Street.

Cumulative Substantial Improvement. The value of all improvements, modifications, additions, and reconstruction projects to existing buildings counted cumulatively for ten (10) years.

Demolition. Removal of structures, impervious area, or utilities that return a parcel to a natural or vacant state. Demolition must not affect the volume, flow rate, or composition of stormwater. Demolition activities that change the use of the site or require any fill within a flood protection area are considered development.

Detention storage. The temporary detaining or storage of storm water in storage basins, on roof tops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions with the rate of drainage therefrom regulated by appropriately installed devices.

Developer. A person, group of persons, corporation, organizations, or other entity whose concern and desire is to improve land in accordance with the regulations of the village. See Subdivider.

Development. Finalization of a Plat of Subdivision or man-made induced activity or change to real estate, including but not limited to construction, reconstruction, repair or placement of a building or addition, installation of utilities, mining, drilling, construction of roads, levees, dams, culverts, walls, fences, and bridges, demolition ~~of a structure,~~ filling, dredging, grading, excavating, paving, storage of equipment and materials, clearing or other non-agricultural alterations of the ground surface, and any other activity that ~~water~~ affects the volume, flow-rate, drainage pattern or composition of stormwater or the substantial improvement of an existing building in a Special Flood Hazard Area (SFHA). (Ord.No.O-83-96, 5/29/96 §8; Ord. No.0-105-08, §2, 8/14/08; Ord. No. 0-134-14, §1, 10/20/14)

Drainage area. The land tributary to a given point that contributes runoff from rainfall and/or snowmelt. (Ord. No. 0-134-14, §1, 10/20/14)

Dry bottom detention basin. A basin designed to be completely dewatered after having provided its planned detention of runoff during a storm event.

Easement. A grant by a property owner of the use of land for a specific purpose.

Engineer. A registered engineer of the State of Illinois, under the Illinois Professional Engineering Act (225 ILCS 325/1, et seq.) (Ord.No.O-83-96, 5/29/96 §8)

Erosion and sedimentation control plan. A plan of the proposed site development containing all erosion and sedimentation control measures needed to provide protection throughout all phases of construction, according to the regulations as specified in section 6.09.

Erosion and sediment control practice. A temporary or permanent measure that stabilizes soil by covering and/or binding soil particles in order to prevent soil particles from becoming detached by the forces of wind, water or gravity and intercepts sediment in runoff. (Ord. No. 0-134-14, §1, 10/20/14)

Erosion control practice. A temporary or permanent measure that stabilizes soil by covering and/or binding soil particles in order to prevent soil particles from becoming detached by the forces of wind, water or gravity. (Ord. No. 0-134-14, §1, 10/20/14)

Excavation. Any act by which organic matter, earth, sand, gravel, rock or other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Existing grade. The vertical location of the existing ground surface prior to excavation or filling.

Federal Emergency Management Agency (FEMA). The federal agency whose primary mission is to reduce the loss of life and property and protect the nation from all hazards (including natural disasters, acts of terrorism and other man-made disasters) by leading and supporting the nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery and mitigation. (Ord. No. 0-134-14, §1, 10/20/14)

Fill. Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Final plat. A map or plan of a subdivision, and any accompanying material as described in Article IV.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry lands from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Frequency. A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded. (Ord. No.0-105-08, §2, 8/14/08)

Flood Insurance Rate Maps (FIRM). The current versions of a map issued by FEMA that is an official community map on which FEMA has delineated both the Special Flood Hazard Areas (SFHAs) and the risk premium zones applicable to a community together with any amendments, revisions or substitutions issued by FEMA at any time. (Ord.No.O-83-96, 5/29/96 §8; Ord. No.0-105-08, §2, 8/14/08; Ord. No. 0-134-14, §1, 10/20/14)

Flood Insurance Study (FIS). The current version of a study of flood discharges and flood profiles for a community adopted and published by FEMA together with any amendments, additions, revisions or substitutions issued by FEMA at any time. The FIS also includes its associated FIRMs. (Ord. No. 0-134-14, §1, 10/20/14)

Floodplain. That land typically adjacent to a body of water with ground surface elevations at or below a specific flood elevation. Floodplains also include detached Special Flood Hazard Areas and isolated depressional ponding areas with a surface area greater than 0.25 acres at the time of inundation. The floodplain is also known as the Special Flood Hazard Area (SFHA). (Ord. No. 0-134-14, §1, 10/20/14)

(a) The floodplains are those lands within the jurisdiction of the Village of Palatine that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the Village of Palatine are generally identified as such on map number 17031C, panels 0038J, 0039J, 0043J, 0044J, 0177J, 0179J, 0181J, 0182J and 0183J dated August 19, 2008, respectively, of the county wide Flood Insurance Rate Map for Cook County prepared by the Federal Emergency Management Agency. (Ord. No.0-105-08, §2, 8/14/08)

(b) The SFHA's for those parts of unincorporated Cook County that are within the one and one-half mile extra territorial jurisdiction of the Village of Palatine and may be annexed into the Village are displayed on map number 17013C, panels 0063J and 0178J dated August 19, 2008, respectively, of the county wide Flood Insurance Rate Map for Cook County prepared for the Federal Emergency Management Agency. (Ord. 0-137-00 §1, 10-23-00; Ord. No.0-105-08, §2, 8/14/08)

Floodplain maps. Areas within the Village of Palatine which are included in the floodplain, are designated as such on the maps referenced in section 6.08(c) which are incorporated hereby by reference to the extent that said maps cover territory within the village. (Ord. No.0-105-08, §2, 8/14/08)

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage of improved real property, structures and their contents.

Flood protection areas. Regulatory floodplains, regulatory floodways, riparian environments, wetlands and wetland buffers. (Ord. No. 0-134-14, §1, 10/20/14)

Flood protection elevation (FPE). The elevation of the Base Flood plus two (2) feet. (Ord. No. 0-134-14, §1, 10/20/14)

Floodway, designated. The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or water course as designated by the IDNR/OWR, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10 percent increase in velocities.

(a) The floodways are designated for Salt Creek and Buffalo Creek its tributaries and branches within the jurisdiction of the Village of Palatine on map number 17031 C, 0038J, 0039J, 0043J, 0044J, 0177J, 0179J, 0181J, 0182J and 0183J dated August 19, 2008, respectively, of the county wide Flood Insurance Rate Map for Cook County prepared by the Federal Emergency Management Agency. (Ord. No.0-105-08, §2, 8/14/08)

(b) The floodways for those parts of unincorporated Cook County that are within the one and one-half mile extra territorial jurisdiction of the Village of Palatine and may be annexed into the Village are displayed on map number 17013C, panels 0063J and 0178J dated August 19, 2008, respectively, of the county wide Flood Insurance Rate Map for Cook County prepared for the Federal Emergency Management Agency. (Ord. No.0-105-08, §2, 8/14/08)

(c) To locate the designated floodway boundary on any site, the designated boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation. (Ord. 0-137-00 §2, 10-23-00)

Frontage. All the property on one side of a street between two (2) intersecting streets (intersecting or terminating) measured along the line of the street, or if the street is dead-ended, then all property abutting on one side between an intersecting street and the dead-end of the street.

Gradient or percent of grade. The vertical rise in feet per one hundred (100) feet of horizontal distance (A-1 percent grade is a rise of one foot in one hundred (100) feet, for example).

Grading. Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Half Street. See Street.

Historic Structure. Any structure that is;

- (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or district preliminarily determined by the

- Secretary to qualify as a registered historic district;
 - (c) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency;
 - (d) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.
- (Ord. No.0-105-08, §2, 8/14/08)

Homeowner's association or condominium association. An organization or association established pursuant to an agreement or declaration of restrictions consisting of persons owning or assuming responsibility for open spaces, recreational facilities, detention/retention facilities or other commonly owned areas or property within a planned development or other real estate development.

Impervious area. Surfaces that do not readily allow for the penetration of rain into the ground, and includes but is not limited to rooftops, paved areas and gravel areas. Areas that are designated to promote the infiltration of rainfall into the ground at rates at or above the infiltration rate of naturally vegetated areas (given applicable soil types), such as non-compacted gravel areas, porous/permeable pavement areas and bioretention areas (rain gardens and bio-swales composed of an engineered soil mix) shall not be considered impervious. (Ord. No. 0-134-14, §1, 10/20/14)

Improvements. Grading, street surfacing, curbs, gutters, sidewalks, water mains, fire hydrants, sanitary sewers, storm sewers, culverts, trees and other additions to the natural state of the land which increases its value, utility or habitability in accordance with the provisions of this Appendix.

- (a) Private Improvement. Any installed or constructed improvement for which the responsibility of maintenance and ownership will be retained by the property owner.
- (b) Public improvement. Any improvement for which it is intended that the Village of Palatine or other municipal body will assume the responsibility for maintenance and operation or which is constructed for general use or benefit.

Intersection street. The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at other angles may come in conflict.

Isolated depressional areas. Any area inundated by the base flood that is not a regulatory floodplain or a channel or drainageway. (Ord.No.O-83-96, 5/29/96 §8)

Isolated waters. All waters including lakes, ponds, streams, intermittent streams and ephemeral pools that are not under the U.S. Army Corps of Engineers jurisdiction. The limits of the Isolated Waters in Cook County extend to the Ordinary High Water Mark (OHWM). (Ord. No. 0-134-14, §1, 10/20/14)

Land surveyor. A registered surveyor of the State of Illinois, under the Illinois Land Surveyors Act (225 ILCS 330/1, et seq.) (Ord.No.O-83-96, 5/29/96 §8)

Lot. A parcel of land designated as a lot on a recorded plat of subdivision, located within a single block, and having its principal frontage upon a street. A double frontage lot is one which abuts on two (2) streets but is not a corner lot. A corner lot is one situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

Maintenance. The action required to preserve the original function and prevent failure of systems, which include but are not limited to sewerage systems, major stormwater systems, constructed wetlands or green infrastructure. (Ord. No. 0-134-14, §1, 10/20/14)

Maintenance activities. In kind replacement, restoration or repair of existing infrastructure or facilities including, but not limited to, roadways such that they will perform the same functions for which they were originally designed, constructed and permitted. (Ord. No. 0-134-14, §1, 10/20/14)

Manufactured Homes. A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. The term manufactured homes also includes park trailers, travel trailers, construction trailers and other similar vehicles placed on a site for more than 180 consecutive days. Manufactured Homes for dwelling purposes are not permitted within the corporate limits of the village."

Majors stormwater system. That portion of a stormwater system needed to store and convey flows for the 100-year storm event. (Ord. No. 0-134-14, §1, 10/20/14)

Marginal access street. See Street.

Minor stormwater system. All infrastructure including curb, gutter, culverts, roadside ditches and swales, storm sewers, tiles, subsurface drainage systems and other practices intended to convey or capture stormwater runoff from storm events less than a 100-year storm event. (Ord. No. 0-134-14, §1, 10/20/14)

Minor street. See Street.

Natural. When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes by man. (Ord. No.0-105-08, §2, 8/14/08)

Offsite Detention Facility. A manmade structure providing temporary storage of stormwater runoff intended to mitigate hydrologic impacts of development elsewhere in the subwatershed.

Offsite Volume Control Practices. Permanent practices designed to capture, retain and infiltrate stormwater runoff from impervious areas of a development located elsewhere in the subwatershed.

Official comprehensive plan. The plan defined in and authorized by the Illinois Municipal Code.

Official map. The map and regulatory ordinances adopted by village ordinances which are authorized and defined in the Illinois Municipal Code.

One hundred year storm. Rainstorms or rain events of varying durations or intensities having a one percent probability of occurring in any one year.

One hundred year storm runoff. The storm water runoff from a one hundred (100) year storm.

Ordinary High Water Mark (OHWM). The point on a bank or shore at which the presence and movement of surface waters is continuous, leaving a distinctive mark. The mark may be caused by erosion, destruction or prevention of terrestrial vegetation, a predominance of hydrophytic vegetation or other recognized factors. (Ord. No. 0-134-14, §1, 10/20/14)

Open space. Pervious land to be retained as pervious land which is not part of a larger development. Open space may include sidewalks, bike path, nature or walking trail development less than or equal to fourteen (14) feet in width. (Ord. No. 0-134-14, §1, 10/20/14)

Owner. The record title holder or beneficiary of a land trust which is the record title holder, and includes singular and plural; if the owner is other than an individual, the term shall include beneficiaries, agents, shareholders, officers and directors. (Ord. No. 0-134-14, §1, 10/20/14)

Parcel. Contiguous land area under single ownership or control, under an affidavit of ownership or under a single legal description on record with the Cook County Recorder of Deeds Office. (Ord. No. 0-134-14, §1, 10/20/14)

Parkway. That part of the public street right-of-way not occupied by the street pavement and located between the back of the curb and the property line as well as the dividing strip of a roadway.

Paving improvements. Road excavation, base course, binder course, surface course, curb and gutter, sidewalk, street lights and related appurtenances, excluding those in parking lots, as required in this ordinance.

Pedestrian way. A public right-of-way across a block or providing access within a block, to be used by pedestrians and for the installation of utility lines.

Permittee. Any person to whom a site development or other permit is issued by the Village of Palatine. The term shall also apply to any municipality, municipal corporation, sanitary district, utility company, township government or any other governmental body required to jointly sign a Watershed Management Permit application. (Ord. No. 0-134-14, §1, 10/20/14)

Person. Any individual, partnership, firm, school, district, company, corporation, municipal corporation, association, joint stock company, trust, estate, unit of local government, sanitary district, special taxing district, school district, public utility, political subdivision, county agency, state agency, federal agency or any other legal entity, or owner, or any legal representative, agent or assign thereof. (Ord. No. 0-134-14, §1, 10/20/14)

Planned development. A "planned development" shall mean a land development project, comprehensively planned as an entity via a unitary site plan which permits flexibility in building, mixture of housing types and land uses, usable open spaces and the preservation of significant natural features.

Plant and landscaping material. Permanent vegetative cover including grass seeding, lime and fertilizer application, mulching or any other solid stabilization planting.

Plat of subdivision or resubdivision. A plat by which a tract of land is divided into two (2) or more lots or parcels, any of which resultant parcels is less than five (5) acres in area, for the purpose of transfer of ownership or building development, or if a new street or easement of access is involved any division of a parcel of land. It does not include a plat dividing a lot or block of less than one acre where no street or easements of access are provided or required.

Ponding. The existence of pockets or depressions which have no surface drainage provided, and which, in the event of failure on the part of inlets or storm sewers, will contain standing water. That portion of surface waters which are flowing shall not be considered as ponding.

Preliminary plat. A tentative map or plan of a proposed subdivision, as described in Article III and refers to the plat and supporting documents required for preliminary approval of a proposed plat of subdivision.

Project improvements. The term "Project Improvements" includes all of the private and public improvements associated with a project or development. (Ord. 0-89-02, 5/28/02; Ord. O-34-17, 4/3/17)

- a) *Private Improvement.* Any installed or constructed improvement for which the responsibility of maintenance and ownership will be retained by the property owner, developer, or tenant.
- (b) *Public improvement.* Any improvement for which it is intended that the Village of Palatine or other municipal body could or will assume the responsibility for maintenance and operation or which is constructed for general use or benefit.

Public agency. Any public board created by authority of the Illinois Revised Statutes.

Recapture fee. A recapture fee is a fee assessed to a parcel, by Village ordinance, which recaptures the Village's, developer's or other party's investment in the construction of a public improvement that the Village will ultimately own and maintain and has control over future use and access to and which the assessed parcel derives a direct benefit from the improvement. (Ord. No. 0-134-14, §1, 10/20/14)

Recreational Vehicle or travel trailer. Shall mean a portable vehicular structure 400 square or less when measured at the largest horizontal projection, mounted on a single vehicle chassis, designed to be self-propelled or permanently towable by a light duty truck and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (Ord. No.0-105-08, §2, 8/14/08)

Redevelopment. Any human induced activity or change to an existing developed property (including, but not limited to grading, paving, excavation, dredging, fill or mining; alteration, subdivision, change in land use or practice; building; or storage of equipment or materials) undertaken by private or public entities that affect the volume, flow rate, drainage pattern or composition of the site stormwater runoff on the previously developed land. The term shall not be understood to include maintenance. (Ord. No. 0-134-14, §1, 10/20/14)

Removal. Cutting vegetation to the ground or to stumps, complete extraction, or killing by spraying.

Repair. The reconstruction or renewal of any part of an existing building for the purpose of its maintenance and does not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure. (Ord. No.0-105-08, §2, 8/14/08)

Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred. (Ord. No.0-105-08, §2, 8/14/08)

Restrictive covenants. Contracts restricting the manner in which land may be used.

Right-of-way. A strip of land occupied or intended to be occupied by a road, sidewalk, railroad, electric transmission line, oil and gas pipeline, water main, sanitary or storm sewer, or for other special uses.

Riparian environment. The vegetated area between aquatic and upland ecosystems adjacent to a waterway or body of water that provides flood management, habitat and water quality enhancement or other amenities dependent upon the proximity to water. (Ord. No. 0-134-14, §1, 10/20/14)

Riverine. Relating to, formed by, or resembling a river (including tributaries) stream, creek, brook, etc.

Runoff. The water from melting snow and/or precipitation falling within a watershed that exceeds the infiltration capacity of the soil of that basin. (Ord. No. 0-134-14, §1, 10/20/14)

Security Instrument. The term "Security Instrument" includes a cash bond, a letter of credit or a surety bond.

Sediment. The suspended soil particles that are transported after erosion has occurred. (Ord. No. 0-134-14, §1, 10/20/14)

Sedimentation. The process when the velocity of wind or water is slowed sufficiently to allow the suspended spoil particle to settle. (Ord. No. 0-134-14, §1, 10/20/14)

Sidewalk. That portion of a public right-of-way paved or otherwise surfaced which is intended for pedestrian use only.

Site. Parcel or parcels associated with a development or redevelopment. (Ord. No. 0-134-14, §1, 10/20/14)

Site Constraint. Conditions on a site that limits the use of retention-based practices, such as contaminated soils, high groundwater, wetlands, riparian environments or floodway. New development that is considered a site constraint includes, but is not limited to, gas stations, chemical storage facilities and conservation areas. Poor soils and proposed utility conflicts are not considered site constraints.

Site development. Altering terrain or vegetation, constructing driveways, or performing any other construction upon or making any other material changes in a land site.

Special Flood Hazard Area. An area having a special flood, mudslide, mudflow, or flood-related erosion hazards and which is identified on a FIRM as Zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. (Ord. No. 0-134-14, §1, 10/20/14)

Standards. Specifications for the preparation of plans indicating, among other things, the optimum, minimum or maximum dimensions of such features as right-of-way and blocks.

Standard specifications. Refers to the "Standard Specification for Road and Bridge Construction," State of Illinois, Department of Transportation, current edition, as well as "Water and Sewer Main Construction in Illinois," current edition, published by the Illinois Society of Professional Engineers. (Ord. No. 0-134-14, §1, 10/20/14)

Start of Construction. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 90-days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation. (Ord. No. 0-105-08, §2, 8/14/08)

Storm event. The frequency rainfall as published in Bulletin 70. (Ord. No. 0-134-14, §1, 10/20/14)

Storm sewer. A closed conduit intended for the conveyance of only stormwater runoff. (Ord. No. 0-134-14, §1, 10/20/14)

Storm water runoff. The water derived from melting snow or rain falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels or conduits.

Street. A public or private means of vehicular movement providing access to individual lots or providing for through pavement. A street includes the area within the right-of-way whether improved or unimproved and includes but is not limited to curb and gutters such improvements as sidewalks, drainage, street lighting. Streets are designated on the street classification map in accordance with the following definitions:

- (a) Arterial street. A public right-of-way with a high degree of traffic continuity and serving as an arterial traffic way between the various districts of the village as shown in the

official plan.

- (b) Collector street. A street which carries traffic from minor streets of residential developments and the principal circulating streets within such development.
- (c) Cul-de-sac. A short local street having one open end and being permanently terminated at the other end by a vehicular turnaround.
- (d) Expressway. A highway designated by the state and federal government for purposes of cross country traffic.
- (e) Half street. A street bordering one or more boundary lines of a tract of land or parcel and which is but one-half (1/2) of the required right-of-way width.
- (f) Marginal access street or frontage road. A street which is parallel to and contiguous with an arterial street, and which provides access to abutting properties and protection to local traffic from fast moving, through traffic on the adjoining arterial street.
- (g) Minor residential street. A street other than an arterial street or collector street which affords local access to abutting properties.

Street Classification. A portion of the comprehensive plan wherein the village adopts the planned alignments or major roads within the village and abutting territories.

Street width. The shortest distance between lines of lots delineating the street.

Structure. A structure is anything that is erected or constructed on or below ground including, but not limited to, buildings, manufactured homes, accessory structures, fences, sheds, tanks, dams, sewers, manholes, drop shafts, constructed channels, outfalls, parking lots, driveways, roads, sidewalks and concrete patios. (Ord. No. 0-105-08, §2, 8/14/08; Ord. No.0-134-14, §1, 10/20/14)

Subdivider. Any individual, firm, association, syndicate, corporation, co-partnership, trust or other legal entity commencing proceedings under this ordinance to effect a subdivision of land.

Subdivision. Any division, excepting a tax division, by plat or otherwise, of a tract of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development, or if a new street or easement of access is involved in any division of a parcel of land.

Substantial damage. Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a 10-year period equals or exceeds forty (40) percent of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. (Ord. No.0-105-08, §2, 8/14/08)

Substantial improvement. Any repair, reconstruction, rehabilitation, addition or improvement of a building taking place during a 10-year period in which the cumulative percentage of improvements equals or exceeds forty (40) percent of the market value of the building before the improvement or repair is started. Volunteer labor and materials must be included in this determination. "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual work done. The term does not, however, include either;

- (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

- (b) any alteration of a ‘Historic Structure’ listed on the National Register of Historic Places or the Illinois Register of Historic Places, provided that the alteration will not preclude the structure’s continued designation as a historic structure.
(Ord. No.0-105-08, §2, 8/14/08; Ord. No. 0-134-14, §1, 10/20/14)

Subwatershed. Major watershed division of a waterway planning area as identified in the District’s Detailed Watershed Plan.

Transition Section. Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa. (Ord. No.0-105-08, §2, 8/14/08)

Tributary area. All land drained by or contributing water to the same stream, lake or stormwater facility, or which drains to a common point. (Ord. No. 0-134-14, §1, 10/20/14)

Vacant. Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Village. Shall mean the Village of Palatine, Illinois.

Violation. The failure of a structure or other development to be fully compliant with the Code of Ordinances of the Village of Palatine. (Ord. No.0-105-08, §2, 8/14/08)

Volume control practices. Permanent practices designed to capture, retain and infiltrate stormwater runoff from impervious areas of a development after permanent stabilization is achieved. (Ord. No. 0-134-14, §1, 10/20/14)

Water Dependent Use. Those uses or facilities which can only be conducted on, in, over or adjacent to a water body because such activity requires direct access to that water body, and which involves as an integral part of such activity, the use of the water. (Ord. No.0-118-11, §1, 10/10/11)

Watershed. Tributary areas discharging to a common point. (Ord. No. 0-134-14, §1, 10/20/14)

Watershed Management Permit. A permit established by the Cook County Watershed Management Ordinance that is issued by the Metropolitan Water Reclamation District of Greater Chicago prior to the approval of a building or construction permit by the Village of Palatine. (Ord. No. 0-134-14, §1, 10/20/14)

Waterway. Navigable body of water such as a stream, creek, canal **channel** or river. (Ord. No. 0-134-14, §1, 10/20/14)

Wet bottom detention basin. A basin designed to retain a permanent pool of water after having provided its planned detention of runoff during a storm event.

Wetlands. Areas which are inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, under normal circumstances, a prevalence of vegetation (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs and similar areas. (Ord. No. 0-134-14, §1, 10/20/14)

Zoning ordinance. Shall mean Appendix A of the Code of Ordinances, Village of Palatine, Illinois.
(0-3-94, 1/24/94)

6.08 Floodplain Regulations

Development of land in and adjacent to floodplains or containing watercourses or drainage ways shall be in accordance with following floodplain regulations of the Village of Palatine:

(a) Purpose and Intent

- (1) Purpose. The purpose of these floodplain regulations is:
 - a. To assure that new development does not increase the flood elevations or damage hazard or reduce flood conveyance to others upstream or downstream, or create unstable conditions susceptible to erosion; (Ord. No. 0-134-14, §1, 10/20/14)
 - b. To protect new buildings and major improvements to buildings from flood damage;
 - c. To protect human life and health from the hazards of flooding;
 - d. To lessen the burden on the taxpayers for flood control projects, repairs to flood damaged public facilities and utilities and flood rescue and relief operations;
 - e. To assure that new development does not result in any new or additional expense other than for the developer of the property for flood protection or for lost environmental stream uses and functions; (Ord. No. 0-134-14, §1, 10/20/14)
 - f. To assure that new development does not result in any increase in flood velocity or impairment of the hydrologic and hydraulic functions of streams and floodplains unless a water resource benefit is realized; (Ord. No. 0-134-14, §1, 10/20/14)
 - g. To assure that new development does not unreasonably or unnecessarily degrade surface or ground water quality; (Ord. No. 0-134-14, §1, 10/20/14)
 - h. To make federally subsidized flood insurance available for property in the village by fulfilling the requirements of the National Flood Insurance Program;
 - i. To protect, conserve and promote the orderly development of land and water resources; and
 - j. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
 - k. To assure that new development does not violate any provision of the ordinance either during or after construction. (Ord. No. 0-134-14, §1, 10/20/14)
- (2) Intent. This Section 6.08 is intended to comply with the Rules and Regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended and promulgated by the United States Department of Housing and Urban Development, Federal Insurance Administration as provided in the Rules and Regulations of the Federal Register, Volume 41, No. 207, Tuesday, October 26, 1976, as amended, and which are hereby adopted by reference, and filed in the office of the Village Clerk, pursuant to 65 Illinois Compiled Statutes (ILCS) 5/1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-2. However, to the extent the provisions of this Section 6.08 are more restrictive than those required by the Federal Insurance Administration, or the Cook County Watershed Management Ordinance, this Section 6.08 shall take precedence. This section is also intended to comply with Public Act 85-905 and the Rules and Regulations promulgated by the Illinois Department of Transportation, Division of Water Resources as well as meet the requirements of 615 ILCS 5/18(g), "An Act in Relation to the Regulation of the Rivers, Lakes and Streams of the State of Illinois" approved June 10, 1911, as amended. (Ord. No. 0-134-14, §1, 10/20/14)

(b) Floodplain Administrator

- (1) The Village Engineer is hereby designated as the Floodplain Administrator of the village's floodplain regulations and ordinances as it pertains to this section 6.08.
- (2) No person, firm, corporation or governmental body not exempted by law shall commence any development in the SFHA without have being first reviewed and approved by the Floodplain Administrator. Such approval shall not exempt compliance with any other sections of the Palatine Code of Ordinances.
- (3) The Floodplain Administrator shall not grant approval unless all other applicable federal, state and local permits or waivers have been obtained.

- (4) The Floodplain Administrator shall inspect or cause to be inspected before, during and after construction of all development within the SFHAs. The Floodplain Administrator can request of the permittee any supporting documents such as hydraulic studies, calculations, surveys, elevation and floodproofing certificates or other data or documentation necessary to assure that the development has been constructed in compliance with the approved permit.

(c) Base Flood Elevation.

- (1) The corporate authorities shall obtain, review, and reasonably utilize base flood elevation data available from Federal, State, or other sources, as criteria for requiring that substantial improvements or other development conform with the provisions of Section 6.08(C), until such time as such data has been received from the Federal Insurance Administration. Base flood data received from the Federal Insurance Administration shall take precedence over data from other sources.
- (2) The Village shall use the following data listed below in descending order of overall accuracy, completeness and currentness. When data of a higher order become available, data of a lower order will not be used.
 - a. The base flood or 100-year frequency flood elevation for the SFHA's of Salt Creek and Buffalo Creek and their tributaries branches shall be delineated on the 100-year flood profiles in the county wide Flood Insurance Study for Cook County prepared by the Federal Emergency Management Agency and generally identified as such on map number 17031J, panels 0038J, 0039J, 0043J, 0044J, 0177J, 0179J, 0181J, 0182J and 0183J, dated August 19, 2008 and such amendments to such study and maps as may be prepared from time to time. The base flood or 100-year frequency flood elevations for the SFHA's of those parts of unincorporated Cook County that are within the one and one-half mile extra territorial jurisdiction of the Village of Palatine and may be annexed into the Village shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Cook County prepared by the Federal Emergency Management Agency FEMA-and generally identified as such on map number 17031J, panels 0063J, 0178J, dated August 19, 2008 and such amendments to such study and maps as may be prepared from time to time.
 - b. Other detailed 100-year flood studies, if certified by IDNR/OWR.
 - c. USGS Maps of flood prone areas.
 - d. USGS-NIPC Hydrologic Investigation Atlases (Floods of Record).
 - e. Illinois State Water Survey Floodplain Information Repository.
(Ord. 0-137-00 §3 10-23-00)
- (3) When no base flood information exists, the base flood elevation shall be determined by a licensed Professional Engineer registered in the State of Illinois: (Ord. No. 0-134-14, §1, 10/20/14)
 - a. For a riverine SFHA, the BFE shall be determined from a backwater model, such as HEC-II, HEC-RAS, or a dynamic model such as HIP. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-HMS, HEC-I TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. Flood flows should be based on anticipated future land use conditions in the watershed as determined from adopted local and regional land use plans. Along any watercourse draining more than one (1) square mile, the above analysis must be submitted to the Illinois State Water Survey Floodplain Information Repository for filing.
 - b. For an isolated depressional SFHA, the Base Flood Elevation shall be the historic Flood of Record plus one (1) foot, unless calculated by a detailed engineering study and approved by the Illinois Department of Natural Resources, Office of Water Resources (IDNR-OWR).
 - c. For an isolated depressional area which is not a SFHA, the BFE shall be the flood of record as determined by the Floodplain Administrator, unless calculated by a detailed engineering study.

- (4) The flood profiles, flows and floodway data in the designated flood study, referenced in Section 6.08 (c)(2 a. of this ordinance, must be used for analysis of base conditions. If the study data appears to be in error or conditions have changed, IDNR-OWR shall be contacted for concurrence on the appropriate base conditions to use. The study shall be submitted to FEMA and IDNR-OWR for review. No development activity shall take place until formal acceptance is received from FEMA and IDNR-OWR amending the regulatory data.
- (d) *Regulations of the Floodplain Areas.* All lands deemed to be in the floodplain including the floodway unless specifically noted, shall be subject to the following regulations:
- (1) Permitted Uses. The following uses are permitted in the floodplain where compensatory storage has been provided for any required fill unless specifically exempted:
 - a. Recreation; such as, but not limited to, day camps, golf courses, parks, or picnic groves;
 - b. Arboreta, Wildlife Sanctuaries, or Woodland Preserves;
 - c. Nurseries, Orchards or other Agricultural Uses; provided that any such vegetation will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat.
 - d. Hiking Trails, Bike Paths and Bridle Paths;
 - e. Outdoor Transient Amusement Enterprises such as Circuses, Carnivals and Similar; provided they are on the site less than 30 days and are not located in the floodway or other areas essential to the conveyance of flood waters and are permitted by the underlying zoning. Parking lots for outdoor transient amusement enterprises can be located within the floodplain but not in a floodway or other areas essential for the conveyance of flood waters, provided access is restricted during times of flooding and the owner agrees to accept liability for all damages caused during flood events. Signs shall be posted to clearly identify the flood hazard. (Ord. No. 0-134-14, §1, 10/20/14)
 - f. Storm Sewer Outlets that;
 - i. Do not extend riverward or lakeward of the existing adjacent natural bank.
 - ii. Do not result in an increase in ground elevation, and
 - iii. Are designed so as not to cause stream bank erosion at the outfall location.
 - g. Drain Tiles and Drainage Systems;
 - h. Overhead Utility Transmission Lines; provided such facilities will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the flood way or channel, or permanently impair existing water quality or aquatic habitat, such structures shall not be located in the floodway and shall be designed in such a way as to not catch debris. No above ground facilities or structures other than those necessary to support the overhead utility may be placed in the floodplain.
 - i. Underground Utility Lines; including those crossing a lake or stream and where the final grade after the installation of the utility lines has not changed from the grade prior to installation, and will not create a damaging or a potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. In the case of stream crossing the top of the pipe or encasement is buried a minimum of three (3) feet below the existing stream bed. Any utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act, 415

- ILCS 5 (1996 State Bar Edition) shall be provided with shut-off valves on each side of the body of water to be crossed. New and replacement public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. All sanitary manhole rims shall be placed above the Flood Protection Elevation, or in the alternative, such manholes shall be provided with watertight, lock-type covers. Other public utilities such as gas, electric communications, etc shall be located and constructed to minimize or eliminate flood damage. No above ground facilities related to the underground utility shall be placed in the floodplain. (Ord. No. 0-134-14, §1, 10/20/14)
- j. Fencing of any Type; in any yard, provided that any such fencing shall not be located in the floodway, in a floodplain without a detailed study, or other areas essential to the conveyance of flood waters;
 - k. Sidewalks, Driveways, Patios and Similar Structures; provided they are constructed at grade. In Instances of an Existing Depressed Driveway for an attached garage; the relocation of said driveway by filling in the depressed area to grade level and construction of a new driveway on the premises. Compensatory storage shall not be required in these cases;
 - l. Roadways and Parking Lots where required by regulations for zoning districts other than residential and any modifications thereto and do not result in the filling in of any floodplain areas and where the depth of flooding at the 100-year frequency flood event will not exceed 1 foot. New parking lots built below the Base Flood Elevation shall clearly post the potential flood hazard. Applications involving filling require a special use for said fill and compensatory storage must be provided. (Ord. No. 0-134-14, §1, 10/20/14)
 - m. Lighting Standards and Similar Structures provided that they will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the flood way or channel, or permanently impair existing water quality or aquatic habitat.
 - n. Open Structures such as Playground Equipment and Pavilions; provided that they are properly anchored and without washrooms or other sanitary sewage facilities and are not located in the floodway or other areas essential to the conveyance of flood waters.
 - o. Floodproofing; of existing non-residential structures.
 - i. A Professional Structural Engineer, registered in the State of Illinois, shall develop and/or review the structural design, specifications and plans for construction, and shall certify that the building or floodproofing alterations have been designed so that below the flood protection elevation, the structure and attendant utility facilities are water-tight and capable of resisting the effects of the base flood. The building design or floodproofing alterations shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and impacts from debris or ice.
 - ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
 - iii. The Floodplain Administrator shall maintain the engineer's certificate and a record of the specific "as built" elevation to which the building was floodproofed.
 - iv. A building permit must be secured for any flood-proofing work.
 - p. Elevation of existing structures, residential or non-residential buildings, by fill shall be in accordance with the following:
 - i. The fill must extend at least ten (10) feet beyond the foundation before the grade slopes below the Base Flood Elevation for buildings, unless it is demonstrated that the building is and the building site are reasonably safe from flooding per design standard requirements in Technical Bulletin 10-01 issued by

- ~~FEMA, without basements.~~
- ii. ~~The fill must extend at least twenty (20) feet beyond the foundation before the grade slopes below the Base Flood Elevation for buildings with basements. Be placed in layers no greater than six-inches deep before compaction; and~~
 - iii. No compensatory storage is required for the floodplain volume displaced by the building however compensatory storage is required for this fill.

(Ord. No. 0-134-14, §1, 10/20/14)

q. Elevation of existing Structures, residential or non-residential buildings, by means other than filling shall be in accordance with the following:

- i. The building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to flood waters and is resistant to damage by hydrostatic pressures of the base flood or 100-year frequency flood. The permanent openings shall be no more than one foot above grade, and consist of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the Base Flood Elevation. Such openings shall be designed and constructed in accordance with the Federal Insurance Administration Technical Bulletin 1-93.
- ii. An adequate drainage system must be installed to remove floodwaters from the area internal to the structure foundation within a reasonable period after the flood waters recede.
- iii. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris.
- iv. All areas below the flood protection elevation shall be constructed of materials resistant to flood damage in accordance with the Federal Insurance Administration Technical Bulletin 2-93. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment, ductwork, service equipment and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other water proofed service facilities may be located below the flood protection elevation provided they are waterproofed.
- v. No area below the flood protection elevation shall be used for storage of items or materials or modified or occupied at a later date for habitable space.
- vi. Designs for meeting these requirements shall be prepared, signed and sealed by a licensed Professional Structural Engineer or a licensed architect registered in the State of Illinois.

(Ord. No. 0-134-14, §1, 10/20/14)

r. Reconstruction of a building or structure destroyed or damaged by fire, or other act of nature where:

- i. Any building or structure so destroyed may be restored in its entirety if such building or structure and the use thereof conformed to all the regulations of the district in which such building or structure was located before such damage or destruction, and shall continue to so conform after restoration of such building or structure.
- ii. If all or substantially all of such building or structure is designed or intended for a use which is not permitted in the district in which it is located, said building or structure may be restored unless the damage exceeds 40% of its market value before it was damaged, in which case it shall conform to this ordinance.
- iii. The replacement structure shall not exceed the outside dimension

of the building or structure destroyed or damaged and shall be designed to include floodproofing measures included in Section 6.08(C)(1)(o), in the case of non-residential buildings or elevated to two (2) feet above the base floodplain elevation in case of residential structures in accordance with Section 6.08(C)(1)(p). (Ord. No. 0-134-14, §1, 10/20/14)

- s. Improvements or Additions to **existing** Buildings or Structures; provided that any such improvement shall be located wholly at or above the flood protection elevation and outside of the floodway, **and shall meet the requirements specified in Section 6.08(d)(1)p or q of this section ordinance and all** of the National Flood Insurance Program requirements for substantial improvements. Improvements shall not exceed 40% of the market value of the structure before the improvement or repair is started and shall be counted cumulatively for a ten (10) year period beginning at the start of the first improvement.
- t. Removal of Topsoil; in accordance with Section 6.09 of the Subdivision Regulations.
- u. Minor maintenance dredging of a stream channel where:
 - i. The affected length of stream is less than 1000 feet.
 - ii. The work is confined to reestablishing flows in natural stream channels, or
 - iii. The cross sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.
- v. Construction of shore line and stream bed protection that;
 - i. Does not exceed 1000 feet in length or 2 cubic yards per lineal foot of stream bed.
 - ii. Materials are not placed higher than the existing top of bank.
 - iii. All materials utilized shall be properly sized or anchored to resist anticipated forces of current and wave action.
 - iv. Materials shall be placed in a way which would not cause erosion or the accumulation of debris on properties adjacent to or opposite the project.
 - v. Materials shall be placed so that the modified cross-sectional area of the channel will conform to that of the natural channel upstream and downstream of the site. In no case shall cross-sectional area of the natural channel be reduced. The bank may be graded to obtain a flatter slope and to lessen the quantity of material required.
 - vi. Vegetative stabilization and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocity sharpens or wave action necessitates the use of alternate stabilization measures, natural rock, rip-rap or natural rock filled gabions are preferred material. Artificial materials such as concrete, construction rubble, and sheet piles should be avoided, unless there are no possible alternatives.
- w. Structures or facilities related to the use of or requiring access to, the water or shoreline such as pumping facilities, piers, boat ramps and other functionally water dependent uses, provided that any such structure or facility shall not be located in the floodway, in a floodplain without a detailed study, or other areas essential to the conveyance of flood waters and the proposed structure or facility is the minimum necessary to meet current or future needs as a water dependent use. (Ord. No.0-118-11, §2, 10/10/11)

x. Specific construction approved by IDNR-OWR.

- (2) Special Uses. The following may be permitted in the floodplain upon approval of the Mayor and Village Council of the Village of Palatine and subject to the procedures and provisions of Section 14.05 of the Zoning Ordinance. Special uses in the floodplain requested in conjunction with an application for a Plat of Subdivision or a Planned Development shall be processed as a part of that application.

- a. Residential Front, Side or Rear Yards for new or substantially improved construction; except that no principle structures or fill shall be permitted thereon;
- b. Fencing of Any Type; in any yard, not located in the floodway, in a floodplain without a detailed study, or other areas that are essential to the conveyance of flood water. Before an application for any permit may be approved, the applicant must file with the Floodplain Administrator, copies of all permits, duly issued, which are required by Federal and State agencies to construct the proposed fence in the floodplain. (Ord. No. 0-134-14, §1, 10/20/14)
- c. Structures or facilities related to the use of or requiring access to, the water or shoreline such as pumping facilities, piers, boat ramps and other functionally water dependent uses to be located within a floodway provided;
 - i. The proposed structure or facility is the minimum necessary to meet current or future needs as a water dependent use.
 - ii. The proposed structure or facility will not create a damaging or potentially damaging increase in flood heights or relocations or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel.
 - iii. The proposed structure or facility will not permanently impair or degrade the aquatic habitat nor will prevent the migration of indigenous fish species that require access to upstream areas as part of their life cycle, such as for spawning.
 - iv. A permit or a letter indicating a permit is not required must be obtained from IDNR-OWR.

(Ord. 0-118-11, §3, 10/10/11)

- d. Filling in of Land where,
 - i. Compensatory storage is provided by and through the removal of 110% of the volume of existing material from opposite to or adjacent to the areas filled and occupied, or it shall be demonstrated by the applicant's engineer that through a determination of flood discharges and water surface elevations that the location selected is hydraulically equivalent and is capable of storing flood waters. All such excavations shall be constructed to drain freely and openly to the watercourse. All floodplain storage lost below the existing 10 year flood elevation shall be replaced below the proposed 10 year flood elevation: All floodplain storage lost above the existing 10 year flood elevation shall be replaced above the proposed 10 year flood elevation. There shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at an existing structure.
 - ii. All applicable Federal, State and Local permits must be obtained. (Ord. No. 0-134-14, §1, 10/20/14)
 - iii. New structures may be permitted on such filled land provided that the elevation of the filled land is at least two (2) feet above the base flood elevation and all applicable Local, State and Federal requirements regarding the construction of the structure are met. New buildings must be constructed on properly designed and compacted (ASTM D-698 or equivalent) that encompass the entire lot for single family residential or extends beyond the building walls for multi-family, commercial or industrial development at least ten (10) feet for buildings without basements and at least twenty (20) feet before dropping below the Base Flood Elevation and has appropriate protection from erosion and scour. Any structures built on fill in or near the floodplain shall meet the requirements of Federal Insurance Administration Technical Bulletin 10-01 and shall be certified as meeting such requirements by a qualified

- design professional. (Ord. No. 0-134-14, §1, 10/20/14)
- iv. The design of the fill or the fill standard must be approved by a registered engineer. Land so filled shall not be considered floodplain provided upon completion of the filling activity, sufficient data is submitted to FEMA in order to amend the regulatory flood data. This certification from FEMA that the filled land is no longer within the regulatory floodplain must be received before a building permit for a new structure can be issued. (Ord. No. 0-134-14, §1, 10/20/14)
 - e. Flood control structures, dikes, dams and other public works or private improvements for the purpose of backing up water provided:
 - i. The project is determined to be in the public interest by providing flood control, public recreation or regional stormwater detention.
 - ii. The proposed project will not create a damaging or potentially damaging increase in flood heights or relocations or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel.
 - iii. The project will not permanently impair or degrade the aquatic habitat nor will prevent the migration of indigenous fish species that require access to upstream areas as part of their life cycle, such as for spawning.
 - iv. The project will not cause or contribute to degraded water quality. The design of the project should include gradual bank slopes, appropriate bank stabilization measures and a pre-sedimentation basin.
 - v. A non-point source control plan shall be implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals and other pollutants.
 - vi. Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or floodwalls or within recorded flood easements.
 - vii. A permit or a letter indicating a permit is not required must be obtained from IDNR-OWR, Dam Safety Section for a Dam Safety Permit or waiver for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures shall meet the permitting requirements of 17 Adm. Code 3702_(Construction and Maintenance of Dams).
 - f. Facilities for Volume Control Practices and for the Storage and Detention/Retention of Storm Water:
 - i. Volume Control practices and Stormwater detention facilities shall not be located in the floodway or other areas essential for the conveyance of floodwaters. (Ord. No. 0-134-14, §1, 10/20/14)
 - ii. The plans and specifications for the facility shall be approved by the Floodplain Administrator and shall provide all storage capacity for the 100 year storm event above the base flood elevation,
 - iii. All berming or other raised earthen structures are subject to the required amount of compensatory storage and shall not affect the flow of water,
 - iv. The facility shall demonstrate adequate engineering and design features so as to prevent stagnant water or other adverse environmental effects;
 - g. Signs; according to the rules and regulations as stated in Article VIII of the Zoning Ordinance and provided they are not located in the floodway or other areas essential to the conveyance of flood waters.
 - h. Detached Garages, Storage Sheds or other Non-Habitable Accessory Structures Without Toilets or Other Sanitary Sewerage Facilities, provided they are properly anchored and made flood resistant, in accordance with the Federal Insurance Administration Technical Bulletin 2-93, are less than ~~700~~ ~~500~~-square feet in size, are not located in a floodway or other area essential to the

conveyance of flood waters and meet all applicable State and Federal regulations. ~~New Accessory Structures shall be elevated to at least the Base Flood Elevation.~~ (Ord. No. 0-134-14, §1, 10/20/14)

- i. Retaining Walls; provided that they are not located in the floodway or other areas essential to the conveyance of flood waters.
- j. Bridges and Culverts; provided:
 - i. Construction shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within the vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.
 - ii. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the applicant must contact IDNR-OWR, to obtain a permit for a dam or waiver.
 - iii. The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the required flood study. Culverts must be analyzed using the US DOT, FHWA Hydraulic Chart for the selection of Highway Culverts. Bridges must be analyzed using the US DOT/FHA Hydraulics of Bridge Waterways calculation procedures.
 - iv. The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR-OWR for concurrence that a CLOMR is not required.
 - v. Lost floodplain storage shall be compensated for per Section 6.08 (d) (2) d. of this ordinance.
 - vi. Velocity increases must be mitigated per Section 6.08 (d) (4) d. of this code of ordinances.
 - vii. All excavations for the construction of the crossing shall be designed per Section 6.08 (d) (4)e. of this code of ordinances.
- k. Modification or Reconstruction of Existing Bridges, Culverts and Approach Roads; provided:
 - i. The proposed reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.
 - ii. Where the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.
 - iii. The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with the Department of Transportation Rules 92 17 Ill. Adm. Code 708 3708 (Floodway Construction in Northeastern Illinois) and submitted to IDNR-OWR for review and concurrence before a permit is issued.
- l. Above Ground Swimming Pools and Spas; provided they are not located in the floodway or other areas essential to the conveyance of flood waters. Compensatory storage must be provided for lost storage volume.
- m. Raised Patios or Decks, provided they are not located in the floodway or other areas essential to the conveyance of flood waters.
- n. Activities incidental to and customarily associated with any of the foregoing.
- o. Dredging of a stream channel that does not meet the criteria of Section 6.08 (d) (1) t. of this ordinance.
- p. Construction of shore line or stream bank stream bank protection that does not meet the criteria of Section 6.08 (d) (1) u. of this ordinance.

- (3) Restrictions on Usage. No provision of this Section 6.08 shall be construed to permit any of the following in the floodplain.
- a. New Structures and Buildings; with the exception of those listed in Section 6.08(d)(1) and (2). New Structures and Buildings cannot be elevated by any means other than by fill. (Ord. No. 0-134-14, §1, 10/20/14)
 - b. Sanitary Landfills, Dumps, Junkyards, and Outdoor Storage of Inoperable Vehicles within the 500-year floodplain.
 - c. Outside storage of recreational vehicles, even if in compliance with section 7.03 (d) (1) ii of Appendix B of the Palatine Code of Ordinances, in excess of 180 consecutive days unless they are fully licensed and ready for highway use.
 - d. On-site Sewage Disposal Systems or Water Treatment Facilities; within the 500 Year Floodplain.
 - e. Those structures or facilities which produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials within the 500-year floodplain.
 - f. Hospitals, Nursing Homes and Housing which are likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood event within the 500-year floodplain.
 - g. Police Stations, Fire Stations, Vehicle and Equipment Storage Facilities and Emergency Operations Centers which are needed for flood response activities before, during, and after the flood event within the 500-year floodplain.
 - h. Public or Private Utility Facilities such as wells, pumping stations and other facilities which are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood event within the 500-year floodplain. New sanitary lift stations shall also be located above the Flood Protection Elevation and shall be located to ensure access for maintenance during the Base Flood Event. Existing sanitary lift stations to be repaired or rehabilitated shall have all above ground equipment elevated above the Flood Protection Elevation. Where possible, ground openings and vents shall be adjusted above the Flood Protection Elevation or be constructed with lock-type, watertight structure lids to protect against the Base Flood. (Ord. No. 0-134-14, §1, 10/20/14)
- (4) Standards for Regulatory Floodway Construction. The only development in the floodway or SFHA where a floodway has not been determined, which will be allowed are uses included as permitted uses, 6.08 (c) (1); or special uses, 6.08 (c) (2); which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in the ordinance.
- a. Carrying Capacity and notification. For all projects involving channel modification, fill, or stream maintenance (including levees), the carrying capacity of the channel shall be maintained. In addition, the Village shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the channel.
 - b. Preservation of flood conveyance so as not to increase flood stages upstream. For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective regulatory floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective regulatory floodway conveyance, the following factors shall be taken into consideration:
 - i. Regulatory floodway conveyance, $K' = (1.486/n) A R^{0.67}$, where "n" is Manning's roughness factor, "A" is the effective area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (see Open Channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York)
 - ii. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a

- federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.
- iii. Transition sections shall be provided and used in calculations of effective regulatory floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR-OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
 - (a) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.
 - (b) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.
 - (c) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.
 - (d) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the regulatory floodway delineation on adjacent properties.
 - (e) All cross-sections used in the calculations shall be located perpendicular to flood flows.
 - (f) Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.
 - c. Preservation of Floodway Storage so as not to increase downstream flooding. Compensatory storage provided by and through the removal of 110% of the volume of existing material from opposite to or adjacent to the areas filled and occupied, and is capable of storing flood waters. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All regulatory floodway storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. There shall be no reduction in floodway surface area as result of a floodway modification, unless such modification is necessary to reduce flooding at the existing structure.
 - d. Preservation of Floodway Velocities so as not to increase stream erosion or flood heights. For all permitted and special uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or regulatory floodway velocities or stage, for all flood events up to and including the 100-year frequency event. However, in the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.
 - e. Excavation in the floodway. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for any permitted or special uses in the floodway, transition sections shall be provided for the excavation. Expansion and contraction ratios meeting the criteria of Section 6.08 (d) (4) b. iii. shall be used unless the applicants engineer can demonstrate through engineering calculations or model tests to the satisfaction of IDNR-OWR that more abrupt transitions can be used with the same efficiency.
 - f. Conditional Letter of Map Revision. If the proposed development would result in a change in the regulatory floodway location or the 100-year frequency flood

elevation, a Conditional Letter of Map Revision (CLOMR) must be obtained prior to any filling, grading, dredging or excavating in the floodway. No further development activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA with concurrence from IDNR-OWR.

- g. Professional Engineer's Supervision. All engineering analyses shall be performed by or under the supervision of a Registered Professional Engineer.
 - h. Analysis Criteria; The flood profiles, flows and floodway data in section 6.08 (b) shall be used for analysis. If the 100-year floodway elevation at the site of the construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this section for the 100-year frequency flood elevations of the regulatory conditions and conditions with the receiving stream at normal water elevations. If the applicant learns from IDNR-OWR, the Village of Palatine, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, or modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.
- (5) Regulation of Riverine SFHAs where the Floodway has not been Determined; Where no floodway has been designated within a riverine floodplain, the entire floodplain shall be regulated as floodway unless the developer has an engineering study performed to determine the floodway that is submitted to FEMA and IDNR-OWR for acceptance as the designated floodway. No development activity shall take place until formal acceptance is received from FEMA and IDNR-OWR.
- (6) Density Calculations. The floodplain areas may be utilized in calculating the floor area or lot size density for an entire tract of land (hereinafter referred to as "density transfer") in accordance with the following conditions and restrictions except that no structures shall be permitted thereon:
- a. Density transfers shall not be permitted for tracts of land less than five (5) acres in size; provided that owners of two (2) or more tracts of contiguous land may agree to have such tracts considered as a single unit in order to qualify for density transfers hereunder.
 - b. A plat of survey shall be submitted with each application for density transfer, together with a certification by a registered professional engineer in the State of Illinois, certifying as to that portion of floodplain which covers the subject tract or tracts of land. Precise location of the floodplain shall be shown on a topographic map at a contour interval of not greater than two (2) feet.
 - c. The maximum allowable density which may be transferred shall be computed in accordance with the following table:

Percentage of Total Tract In Floodplain	Portion of Tract in Floodplain Which May Be Used In Calculating Density for the Entire Tract
Less than 25%	100%
25% to 50%	75%
50% to 75%	50%
75% or More	25%

- d. Other Restrictions. The Mayor and Village Council of the Village of Palatine may prescribe such other reasonable limitations, conditions and restrictions upon transfer of density in each case as are in the interest of preserving the public safety, health, comfort and welfare.

(e) *Regulations of the Areas Less than One (1) Foot above the Base Flood Elevation.*

- (1) Conditions of Use. Because certain meteorological events can produce flood elevations greater than the established base flood elevation or conditions may occur downstream that create higher flood elevations all lands adjacent to the floodplain and less than one (1) foot above the level of the base flood elevation, are subject to the regulations of Section 6.08 (d), unless said lands are filled and elevation thereof raised to an elevation of one (1) foot or more above the base flood elevation.
- (2) Construction Within Adjacent Areas. In the event said lands are filled and elevation thereof raised to an elevation of one (1) foot or more above the base flood elevation, or shall be not less than one (1) foot above the base flood elevation, no building or structure shall be constructed or moved within said area unless all of the following conditions are met:
 - a. The proposed site of the building or structure shall be filled so that the elevation of the lowest ground elevation measured at a minimum distance of twenty (20) feet from the foundation of the building or structure is at least one (1) foot above the base flood elevation.
 - b. Any structures built on fill placed in areas one(1) foot or less above the base flood elevation shall meet the requirements of Federal Insurance Administration Technical Bulletin 10-01 and shall be certified as meeting such requirements by a qualified design professional.
 - c. Compensatory storage is not required for fill placed above the base flood elevation.
 - d. All construction shall be in accordance with the Code of Ordinances of the Village of Palatine.

(f) *Regulations of Isolated Depressional Areas.* Isolated depressional areas are areas inundated by the base floods which are not regulatory floodplain. All new structures and improvements on a parcel containing an isolated depressional area shall require an administrative special use and must comply with the following:

- (1) The lowest opening for all new structures and substantial improvements shall be at or above the flood protection elevation.
 - (2) A development plan prepared by an Engineer shall be submitted which details improvements necessary to drain the depressional area into an established sewer or channel with sufficient downstream capacity to carry the 100 year flow. No compensatory storage is required.
 - (3) The overland flow route must be shown on the plat and easements sufficient to carry the 100 year flow must be provided.
- (g) *Seeding and Stabilization Plan;*
For all activities located in the floodplain, a seeding and stabilization plan shall be submitted by the applicant.
- (h) *Soil Erosion and Sedimentation Measures;*
For all activities in the floodplain in which there is the potential for erosion of exposed soil, soil erosion and sedimentation control measure meeting the criteria of Section 6.09, Appendix B of the Palatine Code of Ordinance shall be implemented.
- (i) *Variations of Floodplain Regulations.*
No variances shall be granted to any development located in a regulatory floodway. However, when a development proposal is located outside of a regulatory floodway, and whenever the standards of this section place undue hardship on a specific development proposal, the applicant may apply to the Floodplain Administrator for a variance. The Floodplain Administrator shall advise the Mayor and Village Council of the Village of

Palatine of any such variations.

- (1) No variance shall be granted unless the applicant demonstrates that:
 - a. The development activity cannot be located outside the SFHA;
 - b. An exceptional hardship would result if the variance were not granted;
 - c. The relief requested is the minimum necessary;
 - d. There will be no additional threat to public health, safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;
 - e. There will be no additional public expenses for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to stream beds and banks, roads, utilities, or other public facilities;
 - f. The development will not create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or change or impair existing water quality or aquatic habitat.
 - g. The activity is not in a regulatory floodway;
 - h. The applicant's circumstances are unique and do not represent a general problem, and
 - i. The granting of the variance will not alter the essential character of the area involved including existing stream uses.
- (2) The Floodplain Administrator shall notify an applicant in writing that a variance from the requirements of this Section that would lessen the degree of protection to a building will:
 - a. Result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;
 - b. Increase the risks to life and property; and
 - c. Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.
- (3) Variances requested in connection with restoration of a historic site or historic building as defined as "Historic Structure" in this section may be granted using criteria more permissive than the requirements of Sections 6.08 (f)a and b, subject to the conditions that;
 - a. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and
 - b. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.
- (j) *Disclaimer of Liability.*
 The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Section does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage. This Section does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Section or any administrative decision made lawfully thereunder.
- (k) *Penalty*
 Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this Section. Upon due investigation, the Floodplain Administrator may determine that a violation of the minimum standards of this Section exist. The Floodplain Administrator shall notify the owner in writing of such violation.
 - (1) If such owner fails after ten (10) days notice to correct the violation:
 - a. The Village may make application to the Circuit Court for an injunction requiring conformance with this Section or make such other order as the Court deems necessary to secure compliance with this Section.

- b. Any person who violates this Section shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) or more than one-thousand dollars (\$1,000.00) for each offense.
 - c. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
 - d. The Village may record a notice of violation on the title to the property.
- (2) The Floodplain Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and, therefore, may cause coverage by a Standard Flood Insurance Policy to be suspended.
 - (3) The Floodplain Administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in written, clearly posted on the subject property, shall indicated the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.
 - (4) No development permit shall be permanently suspended or revoked until a hearing is held by the Administrative Hearing Officer. Notification and procedures for the hearing shall be in conformance with Chapter 2 Article XXX (Administrative Hearing Division) of the Palatine Code of Ordinances.
 - (5) Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.
- (l) *Abrogation and Greater Restrictions*
This section is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this section and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. The section intended to repeal the original ordinance or resolution which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the Village passed in order to establish initial eligibility for the program.
- (m) *Separability*
The provisions and sections of this section shall be deemed separable and the invalidity of any portion of this section shall not affect the validity of the remainder.
- (n) *Procedure.*
- (1) Permits and appeals. The procedure for issuance of building permits, special use permits, and appeals shall be those provided for in Article XIV of the zoning ordinance. Before an application for any permit may be approved under this Section 6.08, the applicant must file with the Floodplain Administrator copies of all permits, duly issued, which are required by federal and state agencies to construct the proposed project in the floodplain."
 - (2) Professional Engineer Review. If the development site is within a floodway or in a floodplain on which a detailed study has not been conducted which drains more than one square mile, then the permit shall be reviewed by a Registered Professional Engineer under the employ or contract of the Village of Palatine to ensure that the development meets the requirements of section 6.08. In the case of an appropriate use, the Professional Engineer shall state in writing that the development meets the requirement of section 6.08.
 - (3) The Floodplain Administrator shall be responsible for obtaining from the applicant copies of all other local, state and federal permits, approvals or permit not required letters that may be required for this type of activity. No permits shall be issued unless all required local, state and federal permits or waivers have been obtained. (Ord.No. 0-83-96, 5-29-96, §9)
- (Editor's Note: Ordinance 0-83-96 replaces portions of Sec. 6.08 previously amended by Ordinances 0-2-94 and 0-83-95.)

8.08. Storm water drainage and management.

(a) All developments and redevelopments that meet the requirements for Site Stormwater Management as defined in Table 2, Section 501 of the Cook County Watershed Management Ordinance shall meet all requirements of Article 5 of the Cook County Watershed Management Ordinance. (Ord. No. 0-134-14, §1, 10/20/14)

- (1) When the area of the development or redevelopment is less than the minimum required for stormwater detention, the village engineer, at his/her option, may exempt the developer from the foregoing live detention storage requirements when, in his/her opinion, immediate downstream flooding conditions will not be aggravated. In such cases, however, the developer shall substitute a cash payment according to the fee schedule supplement to the municipal code. (Ord. No. 0-134-14, §1, 10/20/14)

- (2) If it is not technically feasible and is documented as infeasible, to provide volume control storage onsite, offsite volume control practices may be constructed provided;

- a. it meets all the requirements of Section 503 of the Cook County Watershed Management Ordinance, and;

- b. it is approved by the Mayor and Village Council of the Village of Palatine.

- (3) If it is not practical to provide a detention facility onsite, an offsite detention facility may be constructed provided;

- a. it meets all the requirements of Section 504 of the Cook County Watershed Management Ordinance, and;

- b. it is approved by the Mayor and Village Council of the Village of Palatine.

(b) *Design.* The following shall govern the design of any improvement with respect to the drainage and detention of storm water runoff.

- (1) Layout. Streets, blocks, depths of lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams, channels and detention basins, including wherever possible the larger stream and floodplains within parks or other public grounds.
- (2) Backyard swales. Backyard swales are permitted in residential areas subject to the following regulations:
 - a. No continuous swale shall have a length exceeding one hundred and 50 (150).
 - b. Minimum grade of the flowline shall be one percent.
 - c. No change in alignment of a backyard swale shall exceed forty-five (45) degrees.

PUBLIC NOTICE
A public hearing will be held before the Village of Palatine Plan Commission on Tuesday, May 1, 2018, at 7 PM, in the Village Council Chambers in the Palatine Village Hall, 200 E. Wood Street, relative to a request for the following:
Text Amendments to Appendix B (Comprehensive Subdivision, Site Development, and Floodplain Regulations) within the following Articles and Sections:
2.01 (Definitions)
6.08 (Floodplain Regulations)
8.08 (Stormwater drainage and management)
The proposed text amendments will amend various sections of the Subdivision Ordinance and will reflect the recently adopted changes to the WMO by the Metropolitan Water Reclamation District.
The above petition has been filed by the Village of Palatine and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
FILE #: 18-33
VILLAGE OF PALATINE
Dennis Dwyer
Chair - Plan Commission
DATED: This 16th day of April, 2018
Published in Daily Herald
April 16, 2018 (4498047)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Algonquin, Antioch, Arlington Heights, Aurora, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Geneva, Gilberts, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Mt. Prospect, Mundelein, Palatine, Prospect Heights, Rolling Meadows, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake park, Schaumburg, Sleepy Hollow, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Volo, Wauconda, Wheeling, West Dundee, Wildwood, Sugar Grove, North Aurora

County(ies) of Cook, Kane, Lake, McHenry

and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published April 16, 2018 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY

Danula Baltz
Authorized Agent

Control # 4498047