



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

VILLAGE COUNCIL & COMMITTEE OF THE WHOLE

AGENDA

APRIL 8, 2019

Regular Meeting

7:00 PM

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. APPROVAL OF MINUTES

1. Village Council & Committee of the Whole - Regular Meeting - April 1, 2019

IV. MAYOR'S REPORT

1. Consider a Resolution Appointing and Re-Appointing Members to Various Village Boards and Commissions
2. Consider a Motion Concurring with the Mayor's Village Council Committee Assignments
3. As Submitted

V. RECESS TO THE COMMITTEE OF THE WHOLE



VI. COMMITTEE OF THE WHOLE

A. POLICE POLICY & CODE SERVICES COMMITTEE

SCOTT LAMERAND, CHAIRMAN

1. Consider an Ordinance Approving Text Amendments to the Village's Appendix B - Subdivision, Site Development, and Floodplain Regulations Ordinance Related to Recent Amendments to the Metropolitan Water Reclamation District's Watershed Management Ordinance
2. Consider an Ordinance Approving a Special Use to Permit the Replacement of an Existing Garage that is Partially Located Within the Flood Plain at 214 S. Greeley Street (Council District: Two)

3. Consider an Ordinance Amending Article 6 - Accessory Structures and Uses and Article 7 - Off-Street Parking and Loading Regulations of the Village of Palatine's Zoning Ordinance

4. As Submitted

B. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE

BRAD HELMS, CHAIRMAN

1. As Submitted

C. BUSINESS FINANCE & BUDGET COMMITTEE

DOUG MYSLINSKI, CHAIRMAN

1. As Submitted

D. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

TIM MILLAR, CHAIRMAN

1. As Submitted

E. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE

KOLLIN KOZLOWSKI, CHAIRMAN

1. As Submitted

F. INFRASTRUCTURE & ENVIRONMENT COMMITTEE

GREG SOLBERG, CHAIRMAN

1. As Submitted

VII. RECONVENE THE VILLAGE COUNCIL MEETING



VIII. CONSENT AGENDA

All items are considered to be routine by the Village Council and will be enacted by one motion, with waiver of first reading. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Consider a Resolution Appointing and Re-Appointing Members to Various Village Boards and Commissions
2. Consider a Motion Concurring with the Mayor's Village Council Committee Assignments

3. Consider an Ordinance Approving Text Amendments to the Village's Appendix B - Subdivision, Site Development, and Floodplain Regulations Ordinance Related to Recent Amendments to the Metropolitan Water Reclamation District's Watershed Management Ordinance
4. Consider an Ordinance Approving a Special Use to Permit the Replacement of an Existing Garage that is Partially Located Within the Flood Plain at 214 S. Greeley Street (Council District: Two)
5. Consider an Ordinance Amending Article 6 - Accessory Structures and Uses and Article 7 - Off-Street Parking and Loading Regulations of the Village of Palatine's Zoning Ordinance

IX. REPORTS OF STANDING COMMITTEE

A. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE

BRAD HELMS, CHAIRMAN

1. As Submitted

B. BUSINESS FINANCE & BUDGET COMMITTEE

DOUG MYSLINSKI, CHAIRMAN

1. As Submitted

C. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE

TIM MILLAR, CHAIRMAN

1. As Submitted

D. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE

KOLLIN KOZLOWSKI, CHAIRMAN

1. As Submitted

E. INFRASTRUCTURE & ENVIRONMENT COMMITTEE

GREG SOLBERG, CHAIRMAN

1. As Submitted

F. POLICE POLICY & CODE SERVICES COMMITTEE

SCOTT LAMERAND, CHAIRMAN

1. As Submitted

X. REPORTS OF THE VILLAGE OFFICERS

A. VILLAGE MANAGER

1. As Submitted

B. VILLAGE CLERK

1. As Submitted

C. VILLAGE ATTORNEY

1. As Submitted

XI. CLOSED SESSION AS REQUIRED

XII. RECOGNITION OF AUDIENCE

XIII.ADJOURNMENT



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VILLAGE COUNCIL & COMMITTEE OF THE WHOLE

MINUTES

APRIL 1, 2019

Regular Meeting

7:00 PM

I. ROLL CALL – TIME: 7:00 PM

Attendee Name	Title	Status	Arrived
Jim Schwantz	Mayor	Present	
Tim Millar	District 1 Councilman	Present	
Scott Lamerand	District 2 Councilman	Present	
Doug Myslinski	District 3 Councilman	Present	
Greg Solberg	District 4 Councilman	Present	
Kollin Kozlowski	District 5 Councilman	Present	
Brad Helms	District 6 Councilman	Present	

Also Present:

Village Clerk Marg Duer, Village Manager Reid Ottesen, Deputy Village Manager Mike Jacobs, Village Attorney Mike Kujawa, Director of Planning & Zoning Ben Vyverberg, Director of Public Works Matt Barry, Fire Chief Scott Andersen, IT Director Larry Schroth, Director of Finance Paul Mehring, Director of Community Services Harry Spila, Director of Human Resources Pam Jackson, Police Chief Alan Stoeckel and Deputy Village Clerk Doris Sadik

II. PLEDGE TO THE FLAG

Mayor Schwantz invited everyone to stand and join him in the Pledge to the Flag.

III. APPROVAL OF MINUTES – Time: 7:01 PM

RESULT:	ADOPTED BY VOICE VOTE [UNANIMOUS]
MOVER:	Greg Solberg, District 4 Councilman
SECONDER:	Doug Myslinski, District 3 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

1. Village Council & Committee of the Whole - Special Meeting - June 18, 2018 - **Accepted**
2. Village Council & Committee of the Whole - Special Meeting - March 11, 2019 - **Accepted**
3. Village Council & Committee of the Whole - Special Meeting - March 18, 2019 - **Accepted**

4. Village Council & Committee of the Whole - Regular Meeting - March 18, 2019 - **Accepted**

IV. MAYOR'S REPORT

1. As Submitted -

Mayor Schwantz announced upcoming events:

Wednesday April 3: 4:45PM-5:45PM
Trolls Party
Rose Park

Wednesday April 3: 6PM-8PM
Skate Park Community Forum
Community Center

Friday April 5: 4:30-7PM
Knights of Columbus Lenten Fish Fry
St. Thomas of Villanova

Friday April 5: 5:45PM-8PM
American Legion Lent Fish Fry Fundraiser
American Legion

Friday April 5: 7PM
Annual Pirate Pete Trivia Night
Palatine High School

Saturday April 6: 8AM-12PM
Palatine Winter Farmers' Market
Palatine Train Station

V. RECESS TO THE COMMITTEE OF THE WHOLE – Time: 7:02 PM

Recess to Committee of the Whole - **Motion Carried by Voice Vote**

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

Minutes Acceptance: Minutes of Apr 1, 2019 7:00 PM (APPROVAL OF MINUTES)

VI. COMMITTEE OF THE WHOLE

A. POLICE POLICY & CODE SERVICES COMMITTEE – Time: 7:02 PM

SCOTT LAMERAND, CHAIRMAN

1. Consider an Ordinance Granting a Setback Variation to allow a Fence in the Side Yard Abutting a Street at 762 E. Mill Valley Road - **Motion Carried by Roll Call** (Council District: Six)

Planning & Zoning Director Ben Vyverberg presented the petitioner's request for a variation to allow a 6-foot high wood fence with a one foot setback from the property line, instead of the minimum required five feet, along the side yard abutting Rohlwing Road, aligning with an existing fence (directly west of the Palatine High School campus). Petitioner will install landscaping between the property line and the fence. Vyverberg noted that staff is in the process of amending the Code to reduce the minimum required setback in certain circumstances. The ZBA voted 8-0 to recommend approval, and staff concurs.

Councilman Millar recommended going forward getting fences away from sidewalks for safety as fences age and sag onto the walkway.

Councilman Solberg questioned landscaping in a one foot width. Vyverberg noted that the property line is usually a foot from the right of way before the sidewalk begins, providing a 2 foot distance from fence to the sidewalk.

Councilman Myslinski opposed the closeness to the sidewalk, noting that landscaping is not successful in such a narrow space.

Steven Hines, 762 Mill Valley Road, petitioner, stated his goal is to connect with neighbors' fence.

RESULT:	MOTION CARRIED BY ROLL CALL [6 TO 1]
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Jim Schwantz, Mayor
AYES:	Schwantz, Lamerand, Myslinski, Solberg, Kozlowski, Helms
NAYS:	Millar

2. 375 W. Northwest Highway - Fortune Noodles Restaurant (Council District: Six): Motion was to approve items A. and B.

Planning & Zoning Director Ben Vyverberg presented petitioner's request for a Special Use Amendment and liquor license to allow the service of beer and wine at their existing restaurant. Staff recommends approval of the Special Use Amendment and granting the liquor license is at the discretion of the Committee.

Jeremy Rafidia, petitioner, addressed the Council stating the restaurant just opened March 7 with fantastic food, positive response, and requests for beer and

wine service.

RESULT:	ADOPTED BY VOICE VOTE [UNANIMOUS]
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Doug Myslinski, District 3 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

- A. Consider an Ordinance Approving a Special Use Amendment to include Alcohol Service, in Conjunction with a Liquor License, for Fortune Noodles at 375 W. Northwest Highway - **Motion Carried by Voice Vote** (Council District: Six)
- B. Consider an Ordinance Increasing the Number of Class G (Restaurant - Beer & Wine) Liquor Licenses by One for Fortune Noodles at 375 W. Northwest Highway - **Motion Carried by Voice Vote** (Council District: Six)

3. As Submitted -

Nothing was submitted.

B. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE – Time:

7:11 PM

BRAD HELMS, CHAIRMAN

- 1. Consider an Ordinance Amending Chapter 20 - Telecommunications of the Village of Palatine's Code of Ordinances - **Approved by Voice Vote**

Public Works Director Matt Barry reported the Illinois General Assembly recently enacted the Small Wireless Facilities Deployment Act ("SWFDA"), effective on June 1, 2018. The wireless industry is increasingly requesting to place small cell facilities, distributed antenna systems, and other personal wireless telecommunication facilities on utility and street light poles and other structures in the public right-of-way. The Village is authorized, under existing State and Federal law, to enact appropriate regulations and restrictions in the public right-of-way; however, as a result of the recent State laws that override local control, this Code Amendment is necessary to remain compliant with State law which will reduce the fees the Village can charge, height restrictions, volume. Many more requests are expected that, under the new law, will not come before the Council nor before staff for approval. Staff recommends approval of the text amendments.

Councilman Helms stated his disappointment that control is removed from the Village.

In response to Councilman Lamerand, Barry stated yes, this extends the height and width and location of telecommunications facilities. In a subsequent meeting Barry will provide some visuals and future proposals for

Palatine.

Village Manager Reid Ottesen stated that the State was heavily lobbied by Verizon, AT&T, Comcast and others all of which have various different equipment. Municipalities did get some rights back to license, but little control.

In response to Councilman Kozlowski, Ottesen stated current restrictions limit 2 items to any single pole; that restriction could potentially increase the number of poles. Com Ed has their own limitation. Basically, all home rule has been removed, but we will try to have some influence. The State has preempted all home rule authority on this, even the ability to safeguard our own street light poles.

Councilman Millar stated that this will affect planning also, locating poles and encouraging underground cables.

Councilman Solberg stated our restrictions are gone. Ottesen clarified our restriction of 150 feet from a residential property is gone, and affirmed that the utility companies can erect a pole wherever needed. One carrier is projecting adding 50 units in the first phase in Palatine, could grow to 200. Every provider will have their own technology. One carrier estimated 150 - 200 of these may be in Palatine based on density.

Councilman Millar noted new 5G networks will be wireless, requiring more cellular devices.

Ottesen stated that more efforts than ever before were put forth from NWMC, IML and Mayors and Managers to oppose this.

RESULT:	APPROVED BY VOICE VOTE [UNANIMOUS]
MOVER:	Doug Myslinski, District 3 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

2. As Submitted -

Nothing was submitted.

C. INFRASTRUCTURE & ENVIRONMENT COMMITTEE – Time: 7:25 PM

GREG SOLBERG, CHAIRMAN

1. Consider a Motion to Award a Contract for the 2019 First Bank Drive and Coolidge Avenue Rehabilitation Projects - **Approved by Voice Vote**

Public Works Director Matt Barry reported as part of the 2019 Capital Improvement Budget, First Bank Drive, from Hicks Road to Northwest Highway, is proposed to be partially reconstructed using Motor Fuel Tax

Funds (MFT). Also included in the First Bank project is the installation of conduit to allow for fiber connectivity to the Heron Drive utility location, providing cost savings and increased reliability. To widen the roadway to one uniform width requires the installation of drainage improvements. The project was originally planned as part of the resurfacing bid, but was instead included with First Bank due to the needed widening of the roadway. Staff recommends awarding a contract for the 2019 First Bank Drive and Coolidge Avenue Rehabilitation to Chicagoland Paving in an amount of \$732,000.

RESULT:	APPROVED BY VOICE VOTE [UNANIMOUS]
MOVER:	Jim Schwantz, Mayor
SECONDER:	Kollin Kozlowski, District 5 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

2. Consider a Resolution Endorsing the Metropolitan Mayors Caucus' Greenest Region Compact 2 - **Adopted by Voice Vote**

Village Manager Reid Ottesen reported in 2008, the Village approved a resolution endorsing the Metropolitan Mayors Caucus' Greenest Region Compact aimed to enhance quality of life for residents, protect the environment, and sustain economic vitality. Greenest Region Compact 2 (GRC2) focuses on environmental sustainability issues at the local level. The Village has been taking measures such as hybrid fleets and other measures with no extra cost to the Village. Staff recommends adopting the Metropolitan Mayors Caucus' Greenest Region Compact 2.

RESULT:	ADOPTED BY VOICE VOTE [UNANIMOUS]
MOVER:	Doug Myslinski, District 3 Councilman
SECONDER:	Tim Millar, District 1 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

3. As Submitted -

Nothing was submitted.

D. BUSINESS FINANCE & BUDGET COMMITTEE – Time: 7:28 PM

DOUG MYSLINSKI, CHAIRMAN

1. Consider an Ordinance Declaring Surplus Revenue in the Village of Palatine's Dundee Road TIF District Special Tax Allocation Fund - **Motion Carried by Voice Vote**

Finance Director Paul Mehring explained since the 1995 establishment of the Dundee Road TIF District, it has generated a “surplus” of \$828,000. Staff recommends approval of the Ordinance Declaring Surplus Revenue in the Village of Palatine Dundee Road TIF District Special Tax Allocation Fund for distribution to the affected taxing districts. This action brings to a total surplus revenue from this TIF to \$18,272,000.

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Tim Millar, District 1 Councilman
SECONDER:	Scott Lamerand, District 2 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

2. Consider an Ordinance Declaring Surplus Revenue in the Village of Palatine Rand-Dundee TIF District Special Tax Allocation Fund - **Motion Carried by Voice Vote**

Finance Director Paul Mehring reported the 1997 Rand-Dundee TIF District has a “surplus” of \$415,000. Staff recommends approval of an Ordinance Declaring Surplus Revenue in the Village of Palatine Rand-Dundee TIF District Special Tax Allocation Fund for distribution to the affected taxing districts. This action brings to a total \$2,502,000.

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Tim Millar, District 1 Councilman
SECONDER:	Greg Solberg, District 4 Councilman
AYES:	Schwantz, Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

3. As Submitted -

Nothing was submitted.

E. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE – Time: 7:30 PM

TIM MILLAR, CHAIRMAN

1. As Submitted -

Nothing was submitted.

F. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE – Time: 7:30 PM

KOLLIN KOZLOWSKI, CHAIRMAN

1. As Submitted -

VII. RECONVENE THE VILLAGE COUNCIL MEETING – Time: 7:30 PM

Reconvene the Village Council Meeting - **Motion Carried by Voice Vote**

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Doug Myslinski, District 3 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

VIII. CONSENT AGENDA

All items are considered to be routine by the Village Council and will be enacted by one motion, with waiver of first reading. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

Item #2 was removed to Standing Committee; motion was to approve Items 1 and 3-9 of the Amended Consent Agenda, with waiver of first reading.

RESULT:	ADOPTED BY ROLL CALL [UNANIMOUS]
MOVER:	Scott Lamerand, District 2 Councilman
SECONDER:	Kollin Kozlowski, District 5 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

1. Consider a Motion to approve Warrant #7 - **Approved**
2. 762 E Mill Valley Road - VAR fence - Removed from Consent Agenda -

This item was removed from the Consent Agenda and moved to the Police Policy & Code Services Standing Committee.
3. Consider an Ordinance Approving a Special Use Amendment to include Alcohol Service, in Conjunction with a Liquor License, for Fortune Noodles at 375 W. Northwest Highway - **Approved** (Council District: Six)

Ordinance #O-29-19
4. Consider an Ordinance Increasing the Number of Class G (Restaurant - Beer & Wine) Liquor Licenses by One for Fortune Noodles at 375 W. Northwest Highway - **Approved** (Council District: Six)

Ordinance #O-30-19
5. Consider an Ordinance Amending Chapter 20 - Telecommunications of the Village of Palatine's Code of Ordinances - **Approved**

Ordinance #O-31-19
6. Consider a Motion to Award a Contract for the 2019 First Bank Drive and Coolidge Avenue Rehabilitation Projects - **Approved**
7. Consider a Resolution Endorsing the Metropolitan Mayors Caucus' Greenest Region Compact 2 - **Adopted by Roll Call**

Resolution #R-13-19
8. Consider an Ordinance Declaring Surplus Revenue in the Village of Palatine's Dundee Road TIF District Special Tax Allocation Fund - **Approved**

Ordinance #O-32-19

9. Consider an Ordinance Declaring Surplus Revenue in the Village of Palatine Rand-Dundee TIF District Special Tax Allocation Fund - **Approved**

Ordinance #O-33-19

IX. REPORTS OF STANDING COMMITTEE

A. ADMINISTRATION, TECHNOLOGY & COMMUNITY HEALTH COMMITTEE – Time:

7:31 PM

BRAD HELMS, CHAIRMAN

1. As Submitted -

No Report

B. BUSINESS FINANCE & BUDGET COMMITTEE – Time: 7:31 PM

DOUG MYSLINSKI, CHAIRMAN

1. As Submitted -

No Report

C. COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE – Time: 7:31 PM

TIM MILLAR, CHAIRMAN

1. As Submitted -

No Report

D. FIRE POLICY & COMMUNITY INFORMATION COMMITTEE – Time: 7:31 PM

KOLLIN KOZLOWSKI, CHAIRMAN

1. As Submitted -

No Report

E. INFRASTRUCTURE & ENVIRONMENT COMMITTEE – Time: 7:32 PM

GREG SOLBERG, CHAIRMAN

1. As Submitted -

No Report

F. POLICE POLICY & CODE SERVICES COMMITTEE – Time: 7:32 PM

SCOTT LAMERAND, CHAIRMAN

1. 2019-28 : 762 E. Mill Valley Road - VAR - fence - **Motion Carried by Roll Call**

This item was discussed earlier this evening in Committee and passed 6-1 in a roll call vote.

In response to Councilman Millar, Village Manager Reid Ottesen stated that a list of appropriate plants could be prepared by staff that would not encroach on the sidewalk.

Mayor Schwantz asked the petitioner, Mr. Hines, to agree to work with staff to select narrow landscaping; he agreed and suggested narrow upright yews and grass.

Councilmen Helms and Millar agree to prohibit fencing so close to the sidewalk unless, like this, to match neighboring fence.

Mayor Schwantz directed staff to review Code regarding fencing; Deputy Village Manager Mike Jacobs responded that staff is reviewing fencing restrictions currently.

RESULT:	MOTION CARRIED BY ROLL CALL [5 TO 1]
MOVER:	Scott Lamerand, District 2 Councilman
SECONDER:	Greg Solberg, District 4 Councilman
AYES:	Lamerand, Myslinski, Solberg, Kozlowski, Helms
NAYS:	Millar

2. REPORTS OF THE VILLAGE OFFICERS

A. VILLAGE MANAGER

1. As Submitted -

No Report

B. VILLAGE CLERK

1. As Submitted -

Village Clerk Duer reported that 1,800 early voters cast their ballots here in Village Hall from March 18 to today, ending at 5:00 PM.

Tomorrow, April 2, is Election Day--the polls will be open from 6:00 AM to 7:00 PM to vote for neighbors who are offering to serve on local boards: Library, Parks, Schools, and Village Boards and for local referendum questions. It is the election that touches us most closely.

For additional information, precinct polling place, sample ballot, please contact CookCountyClerk.com or call The Village Clerk's Office at 847-359-9050.

Non-registered US Citizens, 18 years or older, who have proof of residency at their current address for 30 days may register and vote at their home precinct. Two forms of identification must be presented with one ID showing the voter's current address.

Political signs must be removed from private property within 48 hours after the polls close tomorrow. Signs in public right of ways must be removed within 24 hours of the close of the polls.

C. VILLAGE ATTORNEY

1. As Submitted -

No Report

X. CLOSED SESSION AS REQUIRED

No Closed Session requested.

XI. RECOGNITION OF AUDIENCE – Time: 7:38 PM

Vince Najdowski, Palatine resident and part of Police Department Boosters, encouraged support of local law enforcement by promoting Police appreciation week in Palatine with letter writing and posting yard signs. Yard signs are available for \$10. Najdowski also announced that August 16 is the date of the golf outing to support the Palatine Police Department.

XII. ADJOURNMENT – Time: 7:39 PM

Adjourn the Village Council Meeting - **Motion Carried by Voice Vote**

RESULT:	MOTION CARRIED BY VOICE VOTE [UNANIMOUS]
MOVER:	Brad Helms, District 6 Councilman
SECONDER:	Scott Lamerand, District 2 Councilman
AYES:	Millar, Lamerand, Myslinski, Solberg, Kozlowski, Helms

SUBMITTED BY:

Margaret R. Duer
Village Clerk

Consider a Resolution Appointing and Re-Appointing Members to Various Village Boards and Commissions

BACKGROUND: This evening the Mayor is seeking the Village Council's concurrence on appointments and re-appointments to several Village Boards and Commissions. All terms are staggered and have an expiration date of April 30.

Fire & Police Commission

- James Hader: 3 year term expiring in 2022
- Eugene Nowak: 3 year term expiring in 2022

Zoning Board of Appeals

- Jan Wood: 3 year term expiring in 2022
- Jerry Luszczyk: 3 year term expiring in 2022
- James Dittrich: 3 year term expiring in 2022
- John Pirog: 3 year term expiring in 2022
- Kevin Cavanaugh: 3 year term expiring in 2022

Plan Commission

- Stephen Fedota: 3 year term expiring in 2022

Board of Health

- Maureen Austin: 3 year term expiring in 2022
- Dr. Mariann Leahy: 3 year term expiring in 2022

Beautification Commission

- Sue Fink: 2 year term expiring in 2021
- Sue Albro: 2 year term expiring in 2021
- Barbara Kerlin: 2 year term expiring in 2021
- Sally Sinicore: 2 year term expiring in 2021
- Patricia Fluhler: 2 year term expiring in 2021
- Carol Gabiner: 2 year term expiring in 2021

Police Pension Board

- Carol Brandt: 2 year term expiring in 2021

Village Treasurer

- Jeffrey Boundy: 1 year term expiring in 2020

ALTERNATIVES:

1. Concur with the re-appointments.
2. Do not concur with the re-appointments.

RECOMMENDATION:

Action is at the discretion of the Council.

ACTION REQUIRED:

Motion to approve the appointments and re-appointments.

ATTACHMENTS:

- RES 2019 - Boards and Commissions

RESOLUTION NO. _____

**A RESOLUTION CONCURRING WITH THE
MAYOR'S APPOINTMENTS AND RE-APPOINTMENTS
TO BOARDS AND COMMISSIONS OF THE VILLAGE OF PALATINE**

WHEREAS, pursuant to the Palatine Code of Ordinances, the Mayor, with the concurrence of the Village Council, has the authority to appoint/reappoint members to various Boards and Commissions.

BE IT RESOLVED, the Mayor, with the concurrence of the Village Council, hereby appointments and reappoints individuals to several Boards and Commissions.

Fire & Police Commission

James Hader: 3 year term expiring 2022

Eugene Nowak: 3 year term expiring 2022

Plan Commission

Stephen Fedota: 3 year term expiring in 2022

Zoning Board of Appeals

Jan Wood: 3 year term expiring in 2022

Jerry Luszczak: 3 year term expiring in 2022

James Dittrich: 3 year term expiring in 2022

John Pirog: 3 year term expiring in 2022

Kevin Cavanaugh: 3 year term expiring in 2022

Board of Health

Maureen Austin: 3 year term expiring in 2022

Dr. Mariann Leahy: 3 year term expiring in 2022

Beautification Commission**Sue Fink: 2 year term expiring in 2021****Sue Albro: 2 year term expiring in 2021****Barb Kerlin: 2 year term expiring in 2021****Sally Sinacore: 2 year term expiring in 2021****Patricia Fluhler: 2 year term expiring in 2021****Carol Gabiner: 2 year term expiring in 2021****Police Pension Board****Carol Brandt: 2 year term expiring in 2021****Village Treasurer****Jeffrey Boundy: 1 year term expiring in 2020****All terms are staggered and have an expiration date of April 30.****BE IT FURTHER RESOLVED, this Resolution shall be in full force and effect upon passage and approval provided by law.****DATED: This _____ day of _____, 2019.****AYES: _____ NAYS: _____ ABSENT: _____ PASS: _____****APPROVED by me this _____ day of _____, 2019.**_____
Mayor of the Village of Palatine**ATTESTED and FILED in the office of the Village Clerk this****_____ day of _____, 2019.**_____
Village Clerk

Consider a Motion Concurring with the Mayor's Village Council Committee Assignments

BACKGROUND:

The Palatine Code of Ordinances establishes six Standing Committees of the Village Council. Each member of the Village Council is assigned to a Committee for a one year term commencing in May of each year.

KEY ISSUES:

The Mayor is requesting the concurrence of the Village Council for the proposed assignment of Chair and Vice Chair for each of the six standing committees.

The new Committee assignments will be effective May 1, 2019 through April 30, 2020.

ALTERNATIVES:

1. Concur with the Committee assignments.
2. Do not concur with the Committee assignments.

RECOMMENDATION:

It is recommended that the Council concur with the Mayor's appointment of Council Committee Chairs and Vice Chairs.

ACTION REQUIRED:

Motion to concur with the Mayor's appointment of Council Committee Chairs and Vice Chairs.

ATTACHMENTS:

- Council Committee Assignments 2019

M E M O R A N D U M

TO: Village Council

FROM: Jim Schwantz, Mayor

DATE: April 8, 2019

RE: COMMITTEE ASSIGNMENTS

Committee assignments are appointed for a one year. I am submitting for the Village Council's consideration the following appointments to be effective May 1, 2019

Administration Technology & Community Health

Chair	Tim Millar - District 1
Vice Chair	Scott Lamerand - District 2

Business Finance & Budget

Chair	Greg Solberg – District 4
Vice Chair	Kollin Kozlowski – District 5

Community & Economic Development

Chair	Scott Lamerand – District 2
Vice Chair	Doug Myslinski – District 3

Fire Policy & Community Information

Chair	Brad Helms – District 6
Vice Chair	Tim Millar – District 1

Infrastructure & Environment

Chair	Kollin Kozlowski – District 5
Vice Chair	Brad Helms – District 6

Police Policy & Code Services

Chair	Doug Myslinski – District 3
Vice Chair	Greg Solberg – District 4

Consider an Ordinance Approving Text Amendments to the Village's Appendix B - Subdivision, Site Development, and Floodplain Regulations Ordinance Related to Recent Amendments to the Metropolitan Water Reclamation District's Watershed Management Ordinance

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:

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)

KEY ISSUES:

Subdivision Ordinance Amendments

- In October 2013, MWRD adopted the WMO with an effective date for implementation of May 1, 2014. The adoption of MWRD's WMO requires amendments 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.
- Earlier this year, MWRD made technical amendments to the WMO, which now require amendments to the Subdivision Ordinance to either ensure concurrence with the MWRD requirements or allow for additional Village restrictions through the Subdivision Ordinance.
- Therefore, the recent adopted technical changes to the WMO by MWRD require the inclusion of the proposed changes to the Subdivision Ordinance. The Village Engineer and Director of Public Works have reviewed and prepared the proposed amendments for inclusion in the Subdivision Ordinance. One of the required changes includes changing the accessory structure definition (within the floodplain) to include "...without plumbing or sanitary facilities..." This is part of the MWRD WMO definition and the Village's Subdivision Ordinance must be changed to correspond with the WMO definition to be in compliance with the WMO regarding structures in the floodplain.

- There are also specific definitions in the WMO (principal building, demolition, offsite detention facility, offsite volume control practices, site constraint, and subwatershed), which did not exist in the Subdivision Ordinance and are proposed for inclusion. The other proposed amendments reflect MWRD changes to the WMO, which must also be adopted for compliance.
- MWRD increased the size of accessory structures allowed in the floodplain to 700 square feet. The Subdivision Ordinance currently allow accessory structures in the floodplain, which are 500 square feet or less and not located in the floodway. Although the revised WMO would allow a single accessory structure less than 700 square feet, Staff is proposing the following amendments the Subdivision Ordinance regarding accessory structures:
 - The maximum square footage for a detached garage in the floodplain is 600 square feet or less.
 - The accessory structure regulations are also proposed to be linked to the size limitations in the Zoning Ordinance, which adds further size limitations, based upon the lesser of 50% of the floor area of the principal structure, 20% of the required rear yard, or a proposed maximum of 600 square feet for a detached garage and 100 square feet for a storage shed.
 - Detached garage could only be contemplated if the replacement was necessary to satisfy the necessary garage parking space (minimum of 1 garage parking space), required by the Zoning Ordinance.
- In addition to these requirements, the proposed Subdivision Ordinance amendment requires the Village Engineer to make a determination, based upon a review of the required engineering plans, of no adverse impact of the proposed accessory structure, upon either the Subject or surrounding properties. If there is a finding of adverse impact, a Variation Public Hearing would be required in order to continue the process.

ALTERNATIVES:

1. Approve the Text Amendments to the Subdivision Ordinance in order for the Village to maintain compliance with the MWRD Watershed Management Ordinance.
2. Do not approve the Text Amendments to the Subdivision Ordinance, which would not be in compliance with the MWRD Watershed Management Ordinance.

RECOMMENDATION:

Public Hearing: Plan Commission - May 1, 2018

Residents testifying: 0

Vote: The Plan Commission voted 5-0 to approve this request and Staff concurs with this recommendation.

ACTION REQUIRED:

A motion to approve the Ordinance for the Text Amendments 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)

ATTACHMENTS:

- ORD Text Amendments Appendix B - Subdivision Ordinance
- EXHIBIT - Section 2.01 Appendix B
- EXHIBIT - Section 6.08 Appendix B
- EXHIBIT - Section 8.08 Appendix B
- Plan Commission minutes SUB ORD text amendments
- Public Notice

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE VILLAGE OF PALATINE CODE OF ORDINANCES
APPENDIX B - ARTICLES III, VI, and VIII**

WHEREAS, pursuant to a public hearing held on May 1, 2018, of which public notice was given as required by law, the Plan Commission of the Village of Palatine and in accordance with the Subdivision Ordinance of the Village of Palatine, in such case made and provided, has held such public hearing and reported its findings regarding the proposed text amendments to Appendix B of the Village of Palatine Code of Ordinances Article III, VI, and VIII Definitions and Administration within the Zoning Ordinance.

BE IT ORDAINED by the Mayor and Village Council of the Village of Palatine, Cook County, Illinois, acting in the exercise of their home rule power, that:

SECTION 1: Appendix “B” Comprehensive Zoning Ordinance Amendment of the Code of Ordinances of the Village of Palatine, as amended, is hereby further amended as indicated on Exhibits “attached hereto,”.

SECTION 2: That the Village Clerk is directed to maintain a record of the modifications to the existing Ordinance, which are identified on the attached Exhibits (a blacklined version of the modifications approved pursuant to this Ordinance).

SECTION 3: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This ____ of _____, 2019

AYES: ____ NAYS: ____ ABSENT: ____ PASS: ____

APPROVED by me this ____ day of _____, 2019

Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this
____ day of _____, 2019

Village Clerk

Attachment: ORD Text Amendments Appendix B - Subdivision Ordinance (MWRD directed text amendments - Subdivision ORD)

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 plumbing or sanitary sanitary facilities that is ~~less than 600~~700 ~~500~~ square feet or less in area, or as further determined by Article VI of Appendix A of the Village of Palatine Code of Ordinances, 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-

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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.0-83-96, 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-swaes 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 area 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~~

- iii. greater than six-inches deep before compaction; and
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, ~~or~~ Storage Sheds ~~as~~ ~~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 total for all accessory structures 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. The maximum square footage for any one replacement detached garage structure, which is necessary to comply with the required parking, identified in Appendix A of the Village of Palatine Code of Ordinances, cannot exceed 600 square feet, or as further determined by Article VI of Appendix A of the Village of Palatine Code of Ordinances. The maximum square footage for any one replacement storage shed is 100 square feet. For all replacement detached garages, which are necessary to comply with required parking identified in Appendix A of the Village of Palatine

Code of Ordinances or storage sheds, which are replacing existing structures in a similar location and like encroachment into the floodplain as the existing detached garage or storage shed on the Subject Property, the proposed replacement structure shall comply with the following:

- 1): the proposed new replacement structure shall not adversely impact the subject or surrounding properties or encroach any further into the floodplain, as determined by the Village Engineer,
- 2): pursuant to the Village review of the submitted topographical survey or other required engineering plans in support of the proposed new replacement structure, a determination of no further adverse impact to the subject or surrounding properties or further encroachment into the floodplain must be made by the Village Engineer, in review of the submitted plans, in order to continue the Special Use process,
- 3): if the Village determines that the proposed new structure would have an adverse impact or further encroachment into the floodplain, a standard Variation process would be required in order to continue forward with the Special Use process.

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.

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) - **Recommended to Approve**

Mr. Vyverberg spoke to the changes to the Subdivision Ordinance adopted by Village council in 2013 that were a reflection of MWRD and the Watershed Management Ordinance (WMO) that had an effective date of 2014. He further explained rather than accepting any changes WMO makes Palatine chose to structure our Subdivision Ordinance with specific requirements to meet the goals and objectives for the Village within the Subdivision Ordinance, but Palatine did not adopt the WMO by prescription. He stated if they make changes it would require technical changes to ours.

Mr. Vyverberg stated he discussed the changes with the Village Engineer and the engineering department. He referred to the Text amendment slides and summarized the changes:

1. Technical definitional changes which are a reflection of the changes made by MWRD
2. Related to detention facilities, volume control practices, site constraints, and sub watershed
3. Specific regulations regarding elevation of structures

Mr. Vyverberg stated the Village Engineer is recommending adopting them accordingly. He mentioned Chairman Dwyer has submitted non-substantive corrections related to the text amendments which have been forwarded to the Village Engineer. He stated in his reread of the corrections they seem to be procedural and assume the Village Engineer will not have an issue so there will be a slight change relative to that.

Mr. Vyverberg stated staff recommends approval for inclusion in the subdivision ordinance as proposed.

Mr. Dwyer asked about the definition of demolition.

Mr. Vyverberg explained he isn't certain if the implication to return to a natural vacant state is permanent or intermediary but will follow up with the Village Engineer accordingly.

Discussion on the wording used in the definition of demolition.

Mr. Friedman asked about the accessory structure change and if the change related to sanitary facilities specifically means bathroom or if it would include a utility sink.

Mr. Vyverberg stated he had this discussion with the Village Engineer and the response back was the intention is bathroom facilities as it relates to it. He further explained our building code would contemplate one as plumbing and the other as a sanitary fixture.

Ms. Robins pointed out Palatine is misspelled in Section 1 #3 on packet page 38.

Mr. Dwyer stated that is an existing Ordinance going back to 1997.

Mr. Vyverberg clarified that was part of the zoning ordinance for the request for

111 E. Palatine Road for multifamily dwellings in the R-2.

Mr. Kolososki asked for clarification on the definition of site constraints as related to poor soil conditions.

Mr. Vyverberg stated he doesn't want to speculate and will clarify with the Village Engineer.

STAFF RECOMMENDATION

Mr. Vyverberg stated staff recommends approval with the corrected changes.

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

Mr. Dwyer stated they are technical updates to match what MWRD has done with their ordinance.

Ms. Williams made a motion to approve the request with the corrected changes; seconded by Mr. Bettenhausen.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Teri Williams, Plan Commissioner
SECONDER:	Rodney Bettenhausen, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Williams, Friedman, Bettenhausen, Kolososki
ABSENT:	Noonan, Fedota

IV. COMMUNICATIONS

Mr. Vyverberg stated 1000 E. Dundee Road has submitted for their site development permit.

Mr. Vyverberg stated there will be 4 items on the May 15th agenda:

1. 12-unit townhouse proposal at Hicks Road and Garden Avenue
2. Proposed 2-lot subdivision requesting a Preliminary Plat of Subdivision for the lot West of Michigan Avenue in the Old World Subdivision.
3. Related to the Old World Subdivision request staff will make a presentation of some of the review done to the development patterns within the West Michigan Avenue / Plum Grove Road Corridor
4. Several acre parcel at 366 N. Quentin Road seeking Preliminary Planned Development and Preliminary Plat of Subdivision for a 4-lot subdivisions with a cul-de-sac

Mr. Dwyer asked if there was a community block grant hearing this year.

Mr. Vyverberg explained there was but Plan Commission was not utilized for it.

V. ADJOURNMENT

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

Ms. Robins made a motion to adjourn; seconded by Mr. Kolososki,

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

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

Laurel Baltz

Authorized Agent

Control # 4498047

Attachment: Public Notice (MWRD directed text amendments - Subdivision ORD)

Consider an Ordinance Approving a Special Use to Permit the Replacement of an Existing Garage that is Partially Located Within the Flood Plain at 214 S. Greeley Street

BACKGROUND:

The Petitioner is requesting to replace a detached garage that is partially encumbered by the flood plain. Thus, the petitioner is requesting approval of the following:

Special Use to permit a portion of an accessory structure to be located in the floodplain

KEY ISSUES:

- The Subject Property is zoned R-2 Single-Family Residential and contains a single-family residence, detached garage, and related improvements.
- The Petitioner is seeking a Special Use to replace an existing garage, which has fallen into disrepair and must be replaced. As an existing condition, the current garage is partially (approximately 170 square feet) encumbered by the floodplain.
- While the proposed garage is slightly larger (existing 503 square feet, proposed 572 square feet), the portion of the garage that will be located within the flood plain will be less than what exists today (by approximately 25 square feet). This will be achieved by shifting the garage to the southeast and away from the flood plain.
- As part of the application materials, the Petitioner submitted a topographic survey. The Village Engineer has reviewed this and request is satisfied with the proposal and the corresponding lack of any additional impact to the Subject or surrounding properties.
- Along this stretch of Greeley Street, there are at least 6 homes with detached garages located in the floodplain and at least 4 sheds also in the floodplain. The Zoning Ordinance requires 3 parking spaces for single-family dwellings, including 1 garage parking space. Therefore, demolishing the garage, without replacement of at least one parking space would require relief from the Code.
- The top of foundation of the garage is required to be at Base Flood Elevation (BFE) at 730.20. The garage floor will remain at the existing 730.5.
- The proposed garage's size, height, and setbacks would meet Code.
- Both building and lot coverage meet Code at 21% and 45% (max 35% and 45% permitted).

ALTERNATIVES:

1. Approve the Special Use to permit an accessory structure to be located in the

floodplain.

2. Do not approve the Special Use to permit an accessory structure to be located in the floodplain.

RECOMMENDATION:

Public Hearing: ZBA meeting - December 11, 2018
 Residents testifying: None.
 Vote: The Zoning Board of Appeals voted 7-0 to recommend approval of the request and Staff concurs with this recommendation.

ACTION REQUIRED:

A motion to approve an ordinance granting a portion of an accessory structure to be located in the floodplain at 214 S. Greeley Street.

ATTACHMENTS:

- Aerial Map - 214 S. Greeley Street
- Greeley Garage -Existing and Proposed Locations
- ORD SU 214 S Greeley
- EXHIBIT - Site Plan
- EXHIBIT - Elevations
- EXHIBIT - Topographical Map
- Application
- Plat of Survey
- Draft ZBA Minutes 12-11-18
- Public Notice

214 S Greeley Street

6.A.2.a

VILLAGE OF
PALATINE

168 S

186 S

200 S

210 S

214 S

220 S

228 S

236 S

225 S

231 S

237 S

241 S

249 S

122 W

248 S

W DANIELS RD

S GREELEY ST

S SMITH ST

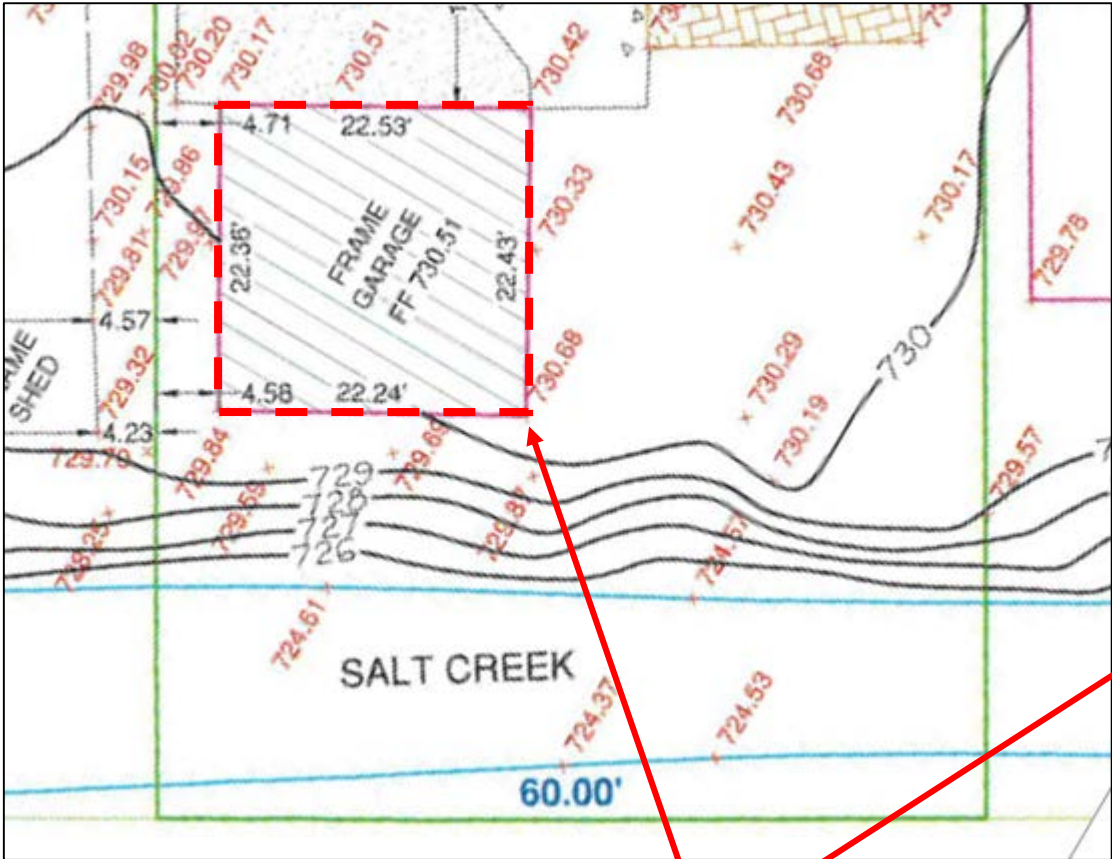
Hawthorne Park

0 60 120
1 in. = 55 ft. Feet

Attachment: Aerial Map - 214 S. Greeley Street (214 S. Greeley Street - SU replace garage in flood plain)

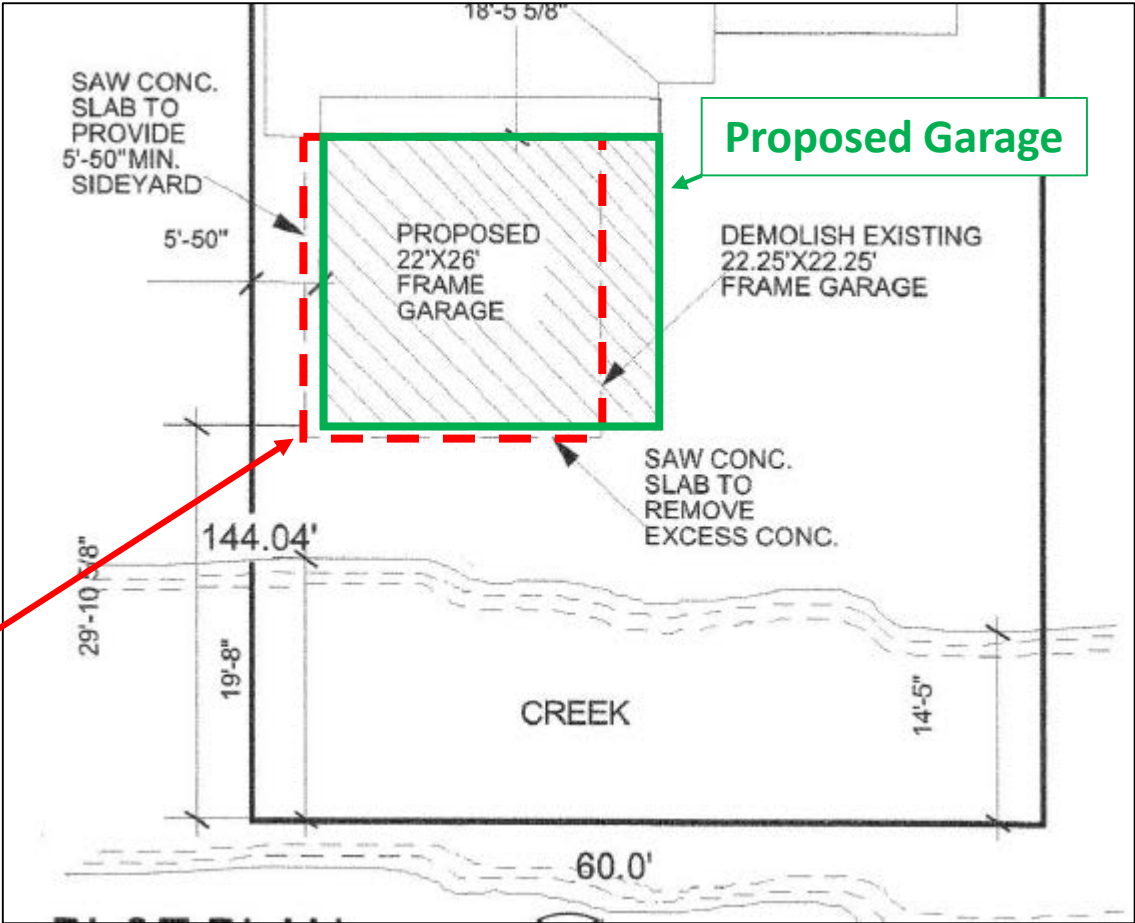


Existing Conditions



Existing Garage

Proposed



ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE
AT 214 S. GREELEY STREET**

WHEREAS, pursuant to a petition and public hearing on December 11, 2018, of which public notice was given as required by law, the Zoning Board of Appeals 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 their findings relative to a request for a Special Use to permit a portion of a detached garage to be located in the floodplain pursuant to Section 6.08 (d) (2) (h) of the Palatine Code of Ordinances – Appendix B – Subdivision, Site Development and Floodplain Regulations, on the following legally described property:

LOT 21 IN BLOCK 21 IN ARTHUR T. MACINTOSH AND COMPANY'S PLUM GROVE ROAD DEVELOPMENT IN SECTIONS 22 AND 23, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 214 S Greeley Street (02-22-216-021).

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

SECTION 1: A Special Use to permit a portion of a detached garage to be located in the floodplain pursuant to Section 6.08 (d) (2) (h) of the Palatine Code of Ordinances – Appendix B – Subdivision, Site Development and Floodplain Regulations, is hereby granted, subject to the following condition(s):

Attachment: ORD SU 214 S Greeley (214 S. Greeley Street - SU replace garage in flood plain)

1. The Special Use shall substantially conform to the site plan, topographical survey, and elevations submitted by the Contractor, on 10/08/2018 except as such plans may be changed to conform to Village Codes and Ordinances.
2. The final building and engineering plans shall be revised in a manner acceptable to the Village Engineer.

SECTION 2: That a copy of the public notice is attached hereto and form a part of this ordinance.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This _____ day of _____, 2019

AYES:_____ NAYS:_____ ABSENT:_____ PASS:_____

APPROVED by me this _____ day of _____, 2019

Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this
_____ day of _____, 2019

Village Clerk

Attachment: ORD SU 214 S Greeley (214 S. Greeley Street - SU replace garage in flood plain)

S. G R E E L Y S T.

PROPOSED DETACHED FRAME GARAGE FOR KENDALL YEAGER 214 S. GREELEY STREET PALATINE, ILLINIOS 60067

GENERAL NOTES

1. ALL CODES HAVING JURISDICTION SHALL BE OBSERVED STRICTLY IN CONSTRUCTION OF THE PROJECT INCLUDING ALL APPLICABLE STATE, CITY AND COUNTY BUILDING, ZONING, ELECTRICAL, MECHANICAL, PLUMBING AND FIRE CODES. CONTRACTOR SHALL VERIFY ALL CODE REQUIREMENTS AND BRING ANY DISCREPANCIES BETWEEN CODE REQUIREMENTS AND THE CONSTRUCTION DOCUMENTS TO THE ATTENTION OF THE COMPANY.
2. ALL CODES TRADE STANDARDS AND MANUFACTURER'S INSTRUCTIONS REFERENCED IN THE CONTRACT DOCUMENTS SHALL BE LATEST EDITION.
3. DETAILS AND SECTION ON THE DRAWINGS ARE SHOWN AT SPECIFIC LOCATIONS AND ARE INTENDED TO SHOW GENERAL REQUIREMENTS THROUGHOUT. DETAILS NOTED "TYPICAL" IMPLY ALL CONDITIONS TREATED SIMILARLY MODIFICATIONS TO BE MADE BY CONTRACTOR TO ACCOMMODATE MINOR VARIATIONS.
4. ALL DRAWINGS SHALL BE FULLY COORDINATED BY CONTRACTOR TO VERIFY ALL DIMENSIONS. LOCATE DEPRESSED SLABS, SLOPES, DRAINS, OUTLETS, RECESSES, REGRETS, BOLT SETTINGS, SLEEVES, ETC.
5. THE CONTRACTOR SHALL VERIFY AND PROTECT ALL SERVICES LINES AND EXISTING SITE AREA FROM DETERIORATION OR DAMAGE.
6. THE COMPANY SHALL NOT BE RESPONSIBLE FOR THE SAFETY AND CONSTRUCTION PROCEDURES, TECHNIQUES OR THE FAILURE OF THE BUILDER TO CARRY OUT THE WORK IN ACCORDANCE WITH THE DRAWINGS OR THE REQUIRED CODES.
7. CONTRACTOR SHALL BRING ERRORS AND OMISSIONS WHICH MAY OCCUR IN CONTRACT DOCUMENT TO THE ATTENTION OF THE COMPANY IN WRITING, AND WRITTEN INSTRUCTION SHALL BE OBTAINED BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR THE RESULTS OF ANY ERRORS, DISCREPANCIES OR OMISSIONS IN THE CONTRACT DOCUMENTS OF WHICH THE CONTRACTOR FAILED TO NOTIFY THE COMPANY BEFORE CONSTRUCTION AND OR FABRICATIONS OF THE WORK.
8. THE CONTRACTOR AND SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS AND JOB CONDITIONS AT THE JOB SITE SUFFICIENTLY IN ADVANCE OF WORK TO BE PERFORMED TO ASSURE THE ORDERLY PROGRESS OF THE WORK.
9. CONTRACTORS SHALL MAINTAIN THE PREMISES CLEAN AND FREE OF ALL TRASH, DEBRIS, AND SHALL PROTECT ALL ADJACENT WORK FROM DAMAGE, SOILING, PAINT, OVERSUPPLY, ETC. ALL FIXTURES, EQUIPMENT, GLAZING, FLOORS ETC. SHALL BE LEFT CLEAN AND READY FOR OCCUPANCY UPON COMPLETION OF THE PROJECT.
10. ALL MANUFACTURER'S PRINTED WARNINGS FOR HANDLING OF PRODUCTS MUST BE STRICTLY OBSERVED. THE WORDS "OR EQUAL" ARE TO BE ASSUMED WHENEVER A SPECIFIC MANUFACTURER IS NOTED, HOWEVER ALL SUBSTITUTIONS MUST BE APPROVED BY THE CONSECUTION MANAGER.

CONCRETE NOTES

1. ALL CONCRETE FOOTINGS TO BEAR ON SOLID UNDISTURBED SOIL WITH A MINIMUM BEARING CAPACITY OF 3000 LB. PER SQ. FT. AND TO A DEPTH OF 24" BELOW GRADE.
2. CONCRETE CONTRACTOR TO VERIFY ALL FIELD CONDITIONS AND DIMENSIONS TO INSURE PROPER LOCATION OF CONCRETE WORK.
3. ALL CONCRETE SHALL HAVE A 28 DAY STRENGTH OF 3000 LB. SQ. IN. CONCRETE FLATWORK TO BE LEVEL AND TO HAVE A BROOM FINISH.
4. ALL STEEL REINFORCEMENT SHALL BE A.S.T.M. 615 GRADE 60, NEW FILLET STEEL AND SHALL HAVE DEFORMATION CONFORM TO A-305.
5. DETAILING, BENDING AND PLACING OF ALL STEEL REINFORCEMENT SHALL COMPLY WITH THE LATEST EDITION OF A.C.I.
6. FORMS SHALL NOT BE STRIPPED FROM CONCRETE WALLS SOONER THAN 48 HOURS FROM TIME OF POUR.
7. BREAK OFF WALL TIES BEFORE DAMPROOFING.
8. THERE SHALL BE NO UNEVEN BACKFILL AGAINST FOUNDATION WALL BACKFILLING SHALL NOT OCCUR UNTIL FRAMING IS COMPLETED.
9. BACKFILLING WITH SAND OR OTHER APPROVED GRANULAR FILL IN AREAS WHERE CAST IRON AND OR CLAY TILES PIPES ARE TO BE INSTALLED, AS WELL AS EXCAVATED AREAS WHERE SLAB ON GRADE TO BE POURED.
10. NO BACKFILLING SHALL OCCUR SOONER THAN SEVEN DAYS AFTER POURING CONCRETE.

MOISTURE PROTECTION NOTES

1. ROOFER SHALL WORK WITH CONTRACTORS FURNISHING ITEMS EXTENDING THROUGH ROOF TO INSURE WATERTIGHT CONNECTION IN ACCORDANCE WITH THE ROOFING MANUFACTURER'S SPECIFICATIONS.
2. SEALANT FOR CAULKING SHALL BE TREMCO "MONO" ONE PART ACRYLIC SEALANT MANUFACTURED BY THE TREMCO MANUFACTURING COMPANY. CAULK ALL JOINTS BETWEEN SIMILAR AND DISSIMILAR MATERIALS, INTERIOR AND EXTERIOR AS DETAILED AND REQUIRED TO PREVENT AIR AND WATER INFILTRATION. COLOR BY OWNER.
3. PROVIDE 26 GAUGE G.I. METAL FLASHING AT ALL MISCELLANEOUS FLASHING THAT HAVE NOT BEEN SPECIFIED.
4. METAL SILLS, COPINGS, FLASHING AND MISCELLANEOUS FLASHING TO FORMED ALUMINUM WITH BAKED ACRYLIC FINISH. PROVIDE CONCEALED ANCHORS.
5. SHINGLE ROOFING TO HAVE FIBERGLASS BASED ASPHALT SHINGLE OVER 30 LB. FELT UNDERLAYMENT PER SHINGLE MANUFACTURER'S SPECIFICATIONS. MANUFACTURER TO BE GAF OR APPROVED EQUAL MATCH EXISTING COLOR AS CLOSE AS POSSIBLE.
6. APPROVED CORROSION RESISTIVE FLASHING SHALL BE PROVIDED AT TOP AND ALL SIDES OF ALL EXTERIOR WINDOW AND DOOR OPENINGS. SIMILAR FLASHING SHALL BE INSTALLED AT THE INTERSECTION OF CHIMNEYS AND THE MASONRY CONSTRUCTION WITH FRAME WALLS.
7. PROVIDE ICE SHIELD BY W.R. GRACE OR EQUAL TO EXTEND FROM EDGES OF EAVE TO A POINT 36" INSIDE EXTERIOR WALL LINE.

CARPENTRY NOTES

1. PROVIDE ALL CARPENTRY WORK WITHIN AS SHOWN. INSTALL ALL MILLWORK ROUGH AND FINISHED HARDWARE.
2. WOOD STRUCTURAL MEMBERS TO HAVE MINIMUM LUMBER STRESS GRADE AS FOLLOWS. DOUGLAS FIR NUMBER 2 OR SOUTHERN PINE NUMBER 2 MEDIUM GRAIN (Fg=1250 PSI SINGLE, Fb=1450 PSI REPETITIVE) MAXIMUM ALLOWABLE MOISTURE CONTENT SHALL BE 19%.
3. PROVIDE SOLID WOOD B LOCKING NOT OVER 6 FEET ON CENTER ON ALL WOOD JOISTS.
4. PROVIDE BLOCKING OF CONSTRUCTION HEM FIR AS SHOWN OR AS NECESSARY FOR SUPPORT OF FURRED SPACES, FRAMING FOR MILLWORK & OTHER FINISHED MATERIALS WITH ALL NAILS BOLTS & DEVICES NECESSARY FOR RIGID SUPPORT OF WORK.
5. PROVIDE ALL NECESSARY ITEMS OF BUILDER'S HARDWARE TO ASSEMBLE AND OR SECURE WORK AS SHOWN OR SPECIFIED UNDER CARPENTRY OR MILLWORK. DO ALL REFITTING OR ADJUSTING FOR A PERIOD OF ONE YEAR AFTER FINAL PAYMENT AND AT NO COST TO THE OWNER. AFTER REFITTING, REFINISH WOODWORK AS SPECIFIED FOR ORIGINAL INSTALLATION.
8. ROOF SHEATHING TO BE 5/8" DFPA EXTERIOR PLYWOOD UNLESS OTHERWISE NOTED ON DRAWINGS.
9. EXTERIOR WOOD TRIM TO BE WESTERN RED CEDAR, CONSTRUCTION GRADE FOR EXPOSED AREAS.
10. PROVIDE FIRE STOPPING ACCORDING TO LOCAL CODE.
11. ALL HEADERS SHALL MEET THE REQUIREMENTS OF THE TABLES SET FORTH IN THE 1986 CABO 182 FAMILY DWELLING CODE, SECTION R-402.6.
12. PROVIDE TREATED 2X SILL PLATE AGAINST CONCRETE.
13. DOUBLE ALL JOISTS UNDER ALL PARALLEL PARTITIONS.
14. PROVIDE WOOD PLATE ON TOP OF ALL STEEL BEAMS.
15. PROVIDE DOUBLE RAFTERS AND HEADERS AROUND ALL ROOF OPENINGS.

TABLE OF CONTENT

- A1- SITE PLAN, NOTES, - GENERAL NOTES, CODES
A2- FOUNDATION PLAN - FIRST FLOOR PLAN -
A3- NORTHWEST ELEVATION - SOUTHWEST ELEVATION - SOUTHEAST ELEVATION-NORTHEAST ELEVATIONS TYPICAL SECTION

SCOPE OF WORK

26'-0" X 22'-0" FRAME GARAGE

All work must conform to the Following:

International Residential Code 2009 w/ village amendments
International Building Code 2009 edition with village amendments
International Mechanical Code, 2009 edition with village amendments
International Fuel Gas Code, 2009 edition w/ village amendments
International Energy Conservation Code 2015 edition
International Fire Code, 2009 Edition w/ village amendments
Life Safety Code NFPA 101, 2000 edition
National Electrical Code, 2011 edition w/ village amendments
Illinois Plumbing Code 2014 edition
Illinois Accessibility Code, Latest edition

PLOT PLAN

SCALE 1" = 20'-0"



NOTE: ALL EXISTING GRADES ARE TO REMAIN THE SAME

RICKY CONSTRUCTION, INC
141 E. ANIATA AVE. MT PROSPECT, IL 60056
847-299-2221

PROPOSED DETACHED FRAME GARAGE
FOR
KENDALL YEAGER 214 S. GREELEY STREET
PALATINE, ILLINIOS 60067

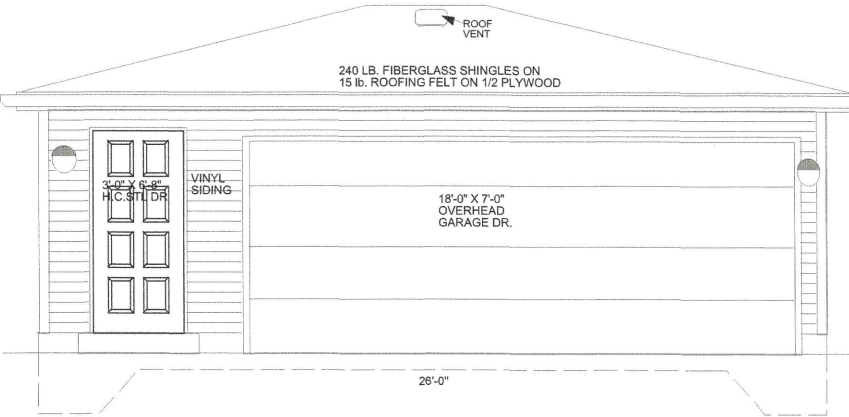
COVER SHEET- SITE PLAN- NOTES- CODES

SHEET NUMBER

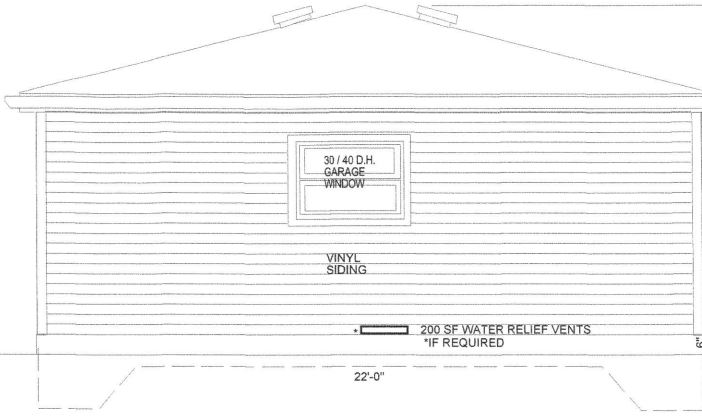
A1

OF SHEETS

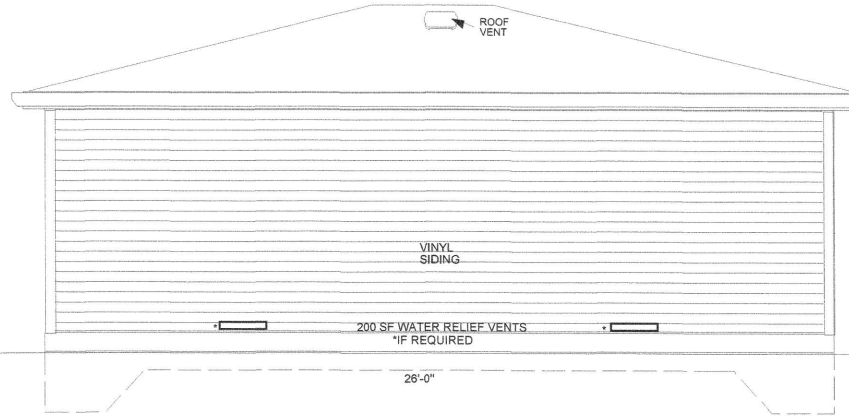
Attachment: EXHIBIT - Site Plan (214 S. Greeley Street - SU replace garage in flood plain)



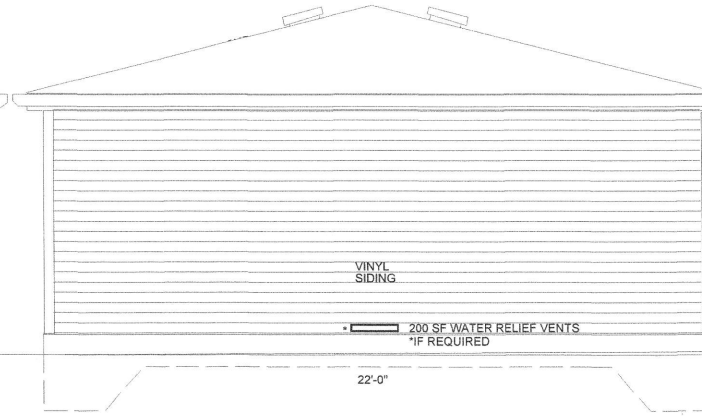
NORTHEAST ELEVATION
SCALE 1/4" = 1'-0"



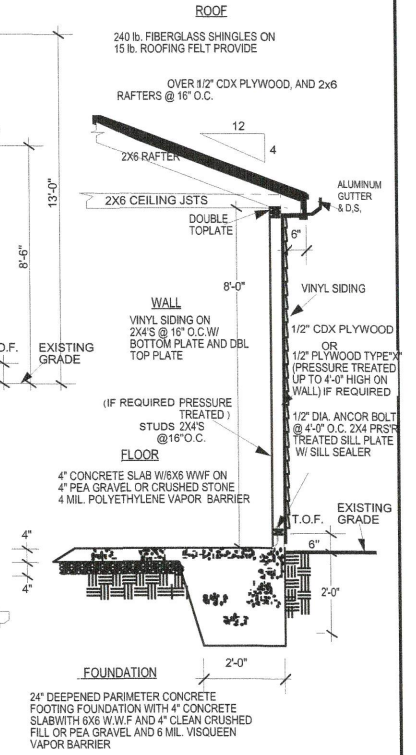
SOUTHEAST ELEVATION
SCALE 1/4" = 1'-0"



SOUTHWEST ELEVATION
SCALE 1/4" = 1'-0"



NORTHWEST ELEVATION
SCALE 1/4" = 1'-0"



TYPICAL SECTION

SCALE 1/2" = 1'-0"

RICKY CONSTRUCTION INC. 141 E. ANITA AVE. MT PROSPECT, IL 60056 847-289-2221		SHEET NUMBER	
PROPOSED DETACHED FRAME GARAGE FOR KENDALL YEAGER 214 S. GREELEY STREET PALATINE, ILLINIOS 60067		A3	
ELEVATIONS - TYPICAL SECTION		OF	SHEETS

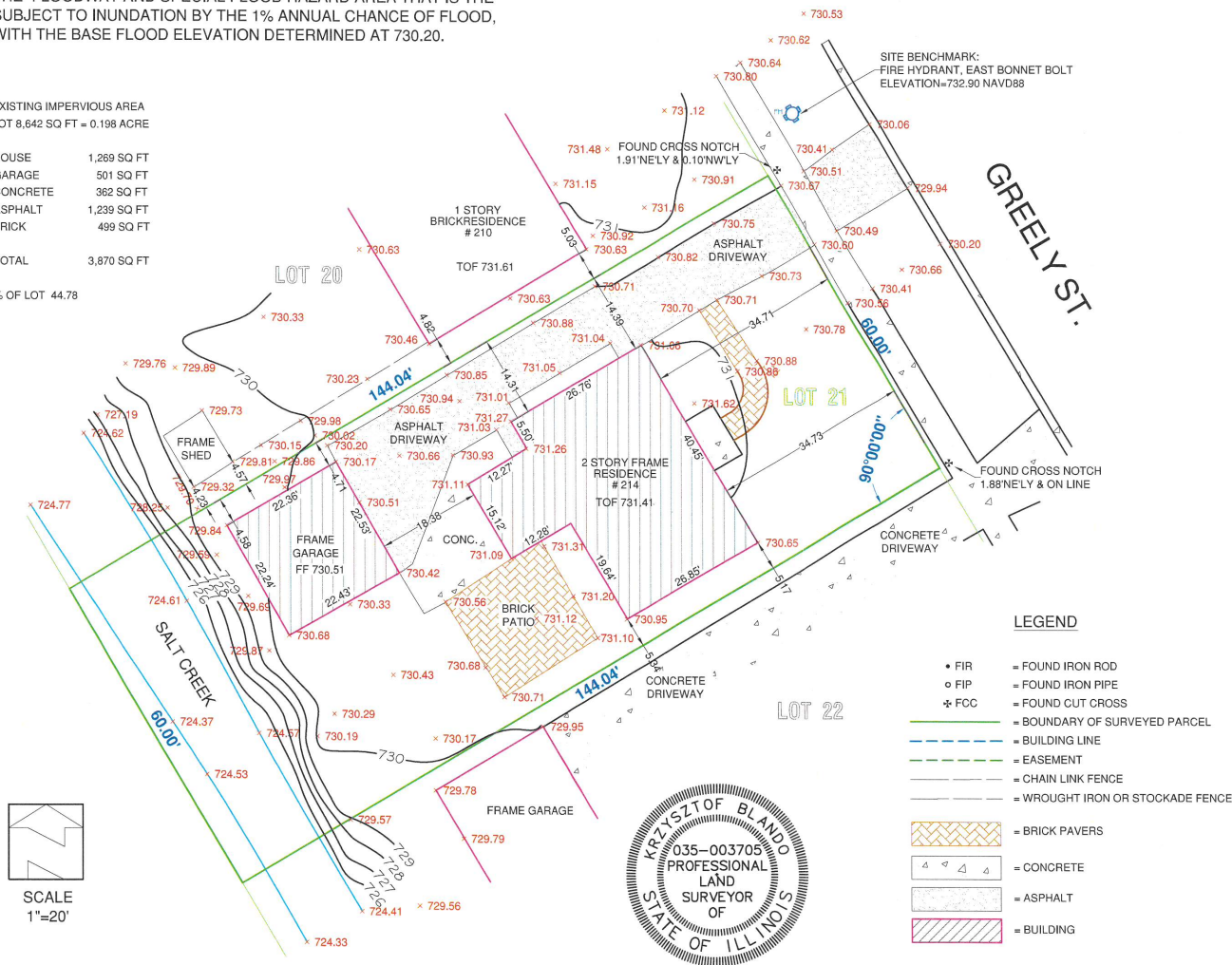
PER FLOOD INSURANCE RATE MAP NO. 17031C0181J, REVISED AUGUST 19, 2008, PART OF THE SUBJECT PROPERTY IS LOCATED IN THE FLOODWAY AND SPECIAL FLOOD HAZARD AREA THAT IS THE SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE OF FLOOD, WITH THE BASE FLOOD ELEVATION DETERMINED AT 730.20.

EXISTING IMPERVIOUS AREA
LOT 8,642 SQ FT = 0.198 ACRE

HOUSE 1,269 SQ FT
GARAGE 501 SQ FT
CONCRETE 362 SQ FT
ASPHALT 1,239 SQ FT
BRICK 499 SQ FT

TOTAL 3,870 SQ FT

% OF LOT 44.78



LEGEND

- FIR = FOUND IRON ROD
- FIP = FOUND IRON PIPE
- ✱ FCC = FOUND CUT CROSS
- = BOUNDARY OF SURVEYED PARCEL
- - - = BUILDING LINE
- - - = EASEMENT
- - - = CHAIN LINK FENCE
- - - = WROUGHT IRON OR STOCKADE FENCE
- [Pattern] = BRICK PAVERS
- [Pattern] = CONCRETE
- [Pattern] = ASPHALT
- [Pattern] = BUILDING

TOPOGRAPHICAL SURVEY

LEGAL DESCRIPTION:

LOT 21 IN BLOCK 21 IN ARTHUR T. MCINTOSH AND COMPANY'S PLUM GROVE ROAD DEVELOPMENT IN SECTIONS 22 AND 23, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN : 02-22-216-021-0000

Commonly Known as: 214 S. GREELEY ST.
PALATINE, IL 60067

STATE OF ILLINOIS)
)S.S.
COUNTY OF KANE)

THIS IS TO CERTIFY THAT THE PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF A SURVEY PERFORMED AT AND UNDER MY DIRECTION. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 14TH DAY OF OCTOBER, A.D. 2018.

H. Blomdo

KRZYSZTOF BLANDO
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3705
LICENSE EXPIRES 1/1/20

ORDER NO. 2018/180
DRAWN BY CP
CHECKED KB
APPROVED KB
FIELD DATE 01/15/18
SCALE 1" = 20'

Prepared for:
RICKY CONSTRUCTION, INC.
141 E. ANITA AVE
MT PROSPECT IL 60056
(847) 299-2221
RICKYCONSTRUCTION@GMAIL.COM

Prepared by:
ACORN CONSULTANTS LTD.
1340 GIESE ROAD
BATAVIA, ILLINOIS 60510
TEL: (630) 608-9933
kblando@comcast.net



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	Zoning Case # 18-97
	Filing Fee 115	Notification Deadline
	ZBA Public Hearing Date	Village Council Date



Background Information	PETITIONER(S)		Business Name (if applicable)	
	KENDALL YEAGER			
	Subject Property Address 214 S. GREELEY PALATINE IL 60067			
	AUTHORIZED AGENT (if applicable)		Business Name (if applicable)	
	Ricky Construction, Inc			
	Address 141 E. Anita Ave Mount Prospect IL 60056		City/State/Zip Code	
	Telephone (847) 299-2221	Fax (847) 495-2132	Email rickyconstruction@gmail.com	
	Relationship to Petitioner (contractor, architect, etc.) contractor			
	TYPE OF APPLICATION (check one)			
	☒ Special Use ☐ Special Use Amendment ☐ Variation			
Existing Zoning District		Existing Land Use residential garage	Proposed Land Use residential garage	
Generally describe your request: Take down detached old garage apprx. 22x22 and rebuild new 26x22=572SF hip roof 4/12 pitch in the same location at 5.'50 side set back 6" above the grade, not changing any grades.				

Attachment: Application (214 S. Greeley Street - SU replace garage in flood plain)

PALATINE

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

Yes – existing structure need to be replace
 & need a larger garage to fit 2 cars
 & storage

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

Yes — NO NEGATIVE EFFECT

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

Yes — ~~NO NEGATIVE EFFECT~~

Replacing A GARAGE improve neighborhood

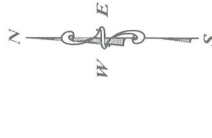
4. With respect to live entertainment uses, the use shall not:

- 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

N/A

Attachment: Application (214 S. Greeley Street - SU replace garage in flood plain)

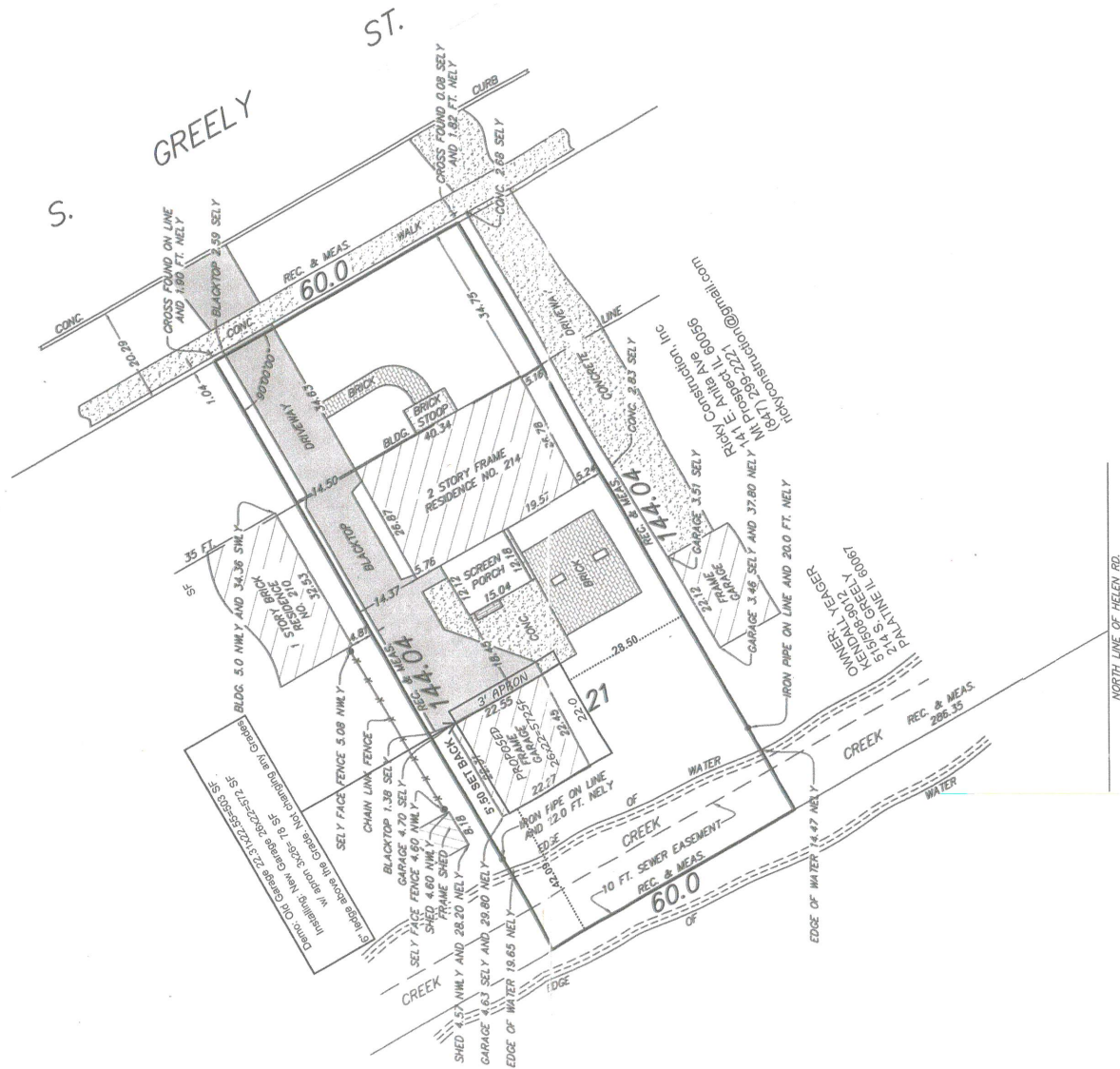


Scale - 1 inch = 20 feet

Jens K. Doe
Professional Land Surveyors, P.C.
PLAT OF SURVEY

LOT 21 IN BLOCK 21 IN ARTHUR T. MCINTOSH AND COMPANY'S PLUM GROVE ROAD DEVELOPMENT IN SECTIONS 22 AND 23, TOWNSHIP 42 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 214 S. GREELY ST., PALATINE, ILLINOIS.



NOTE:

NOTE:
The legal description noted on this plat is a copy of the land survey order placed by the client and for accuracy **MUST** Be compared with the Deed. For building restrictions refer to your Abstract, Deed or Contract.

Compare distances between points before building and report any discrepancy to this office immediately.

Dimensions shown hereon are not to be assumed or scaled.

Dimensions shown hereon are in feet and decimal parts thereof.

*State of Illinois)
County of Cook)*

JENS K. DOE PROFESSIONAL LAND SURVEYORS, P.C., does hereby certify that a survey has been made under its direction, by an Illinois Professional Land Surveyor of the property described hereon and that the plan hereof drawn is a correct representation of said survey.

Chicago, Illinois, Dated this 9th Day of June

This professional service conforms to the current Illinois minimum standards for a boundary survey.

Field work completion date : August 8, 2017.

ORDERED BY:

SASSAN & SASSAN

JENS K. DOE PROFESSIONAL
LAND SURVEYORS, P.C.

ILLINOIS PROFESSIONAL LAND SURVEYORS

LICENSE EXPIRATION: 11-30-18

III. PUBLIC HEARING

1. 214 S Greeley Street

Notice was published in the Daily Herald on November 26, 2018 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

1. Application for Special Use
2. Proof of Ownership
3. Plat of Survey
4. Topographical Map
5. Site Plan
6. Elevations
7. Public Notice

Sworn in petitioners: Mr. Kendal Yeager

Mr. Yeager stated they bought the home over a year ago and noticed the garage was badly damaged and leaning. He stated it was in disrepair on the inside and the foundation had large cracks. Mr. Yeager stated he wants to tear down and replace it with a larger garage in the approx. same location. He explained it will still be a 2 car garage just slightly larger for storage.

Ms. Bremanis gave a brief overview of the request stating the property is zoned R-2. She stated they are looking to replace an existing garage with a new one that is approx. 170 square feet larger. She spoke to Village code on accessory structures in the flood plain and how they require a special use. Ms. Bremanis referred to the slide to show the location pointing out the amount of garage in flood plain will not be changing. She spoke to the height which meets code and pointed out the new structure will put them at maximum lot coverage. She referred to the slides to show existing conditions.

Mr. McGinn asked if they spoke to neighbors at 210 and 220 S Greeley.
Mr. Yeager answered yes and they did not have any issues

Mr. McGinn asked if there are any issues with flooding.
Mr. Yeager answered no not on their property. He spoke to the storm when they first moved in where his property did not flood but others did.

Ms. Wood asked when that storm was.
Mr. Yeager answered around October 2017

Ms. Wood asked if engineering had any complaints
Ms. Bremanis answered no engineering or building reviewed and did not have any concerns. She pointed out it meets setbacks.

Mr. Cavanaugh asked staff if any other properties in the flood plain at max

coverage

Ms. Bremanis stated she is not aware but clarified they are only changing lot coverage by 1.5%.

STAFF RECOMMENDATION:

While the floodplain encumbers a section of the proposed detached garage, the Village Engineer has reviewed this proposal and does not have any specific concerns regarding its replacement. Additionally, the Petitioner is replacing an existing detached garage that is in current disrepair and not increasing the square footage in the flood plain. In addition, the lot coverage will still meet code. Therefore, Staff recommends approval of the proposed Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the site plan and elevations submitted by the Contractor, on 10/08/2018 except as such plans may be changed to conform to Village Codes and Ordinances.

There were no further questions. The public hearing was closed.

Mr. Dittrich made a motion to approve subject staff's conditions; seconded by Ms. Roth-Wurster

DELIBERATIONS:

Mr. Dittrich stated it meets requirements for Special Use especially with safety and welfare with the current structure tilting. He pointed out they are not expanding in the area already in flood plain so moves to approve.

Ms. Wood agreed with Mr. Dittrich the importance of the area in the flood plain is not expanding.

Ms. Roth-Wurster pointed out from the aerial there are other properties with garages in the back along the creek

Ms. Wood summarized that this request has met the standards and was unanimously approved by a vote of 7-0. This item will go to Village Council either on January 14th or January 24, 2018.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	James Dittrich, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Larson, Roth-Wurster, Wood, Luszczak, McGinn, Cavanaugh, Dittrich
ABSENT:	Pirog

PUBLIC NOTICE
 A public hearing will be held before the Palatine Zoning Board of Appeals on Tuesday, December 11, 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 portion of a detached garage to be located in the floodplain pursuant to Section 6.08 (d) (2) (h) of the Palatine Code of Ordinances-Appendix B-Subdivision, Site Development and Floodplain Regulations.
 The property is commonly known as 214 S. Greeley Street (02-22-216-021). The Petitioner would like to replace a detached garage that is partially located in the flood plain.
 The above petition has been filed by Kendall Yeager and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 18-97
 VILLAGE OF PALATINE
 Jan Wood, Chair
 Palatine Zoning Board of Appeals
 DATED: This 26th day of November, 2018
 Published in Daily Herald
 November 26, 2018 (4513656)

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, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery, Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

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 November 26, 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 Baitz*
 Authorized Agent

Control # 4513656

Attachment: Public Notice (214 S. Greeley Street - SU replace garage in flood plain)

Consider an Ordinance Amending Article 6 - Accessory Structures and Uses and Article 7 - Off-Street Parking and Loading Regulations of the Village of Palatine's Zoning Ordinance

BACKGROUND:

Staff is recommending several text amendments to Article 6 - fences in the side yard abutting a street and Article 7 Off-Street Parking and Loading Regulations (Sections 7.03 & 7.04) within the Zoning Ordinance:

1. **Amendments to Section 6.03 (b) Fences in the Side Yard Abutting a Street; and**
2. **Amendments to Section 7.03 (b) (2) and Section 7.04 (d) (5) related to handicap parking space requirements.**

KEY ISSUES:

Staff periodically reviews and updates the Zoning Ordinance in an effort to ensure the Code remains consistent and relevant to changing conditions. In this circumstance, Staff has reviewed Section 6.03 (b) (4) and (5) in regard to setback and landscaping requirements for fences located in the side yard abutting a street. Additionally, Staff has reviewed Section 7.03 (b) (2) and Section 7.04 (d) (5), in regard to the requirements for handicap parking spaces.

Section 6.03 (b) (4) and (5) Fences in the Side Yard Abutting a Street:

Through discussions with Staff during the review of other side yard abutting a street fencing petitions, the Village Council concurred with a review of the Code language for amendment. Since 2015, Staff has recommended and the Village Council has consistently approved setback reduction requests in the side yard abutting a street, and relief from the landscaping requirements. These approvals typically involved open style fences 4 feet or less in height. Therefore, Staff is recommending amendments to the following areas of Section 6.03 of the Palatine Zoning Ordinance:

1. Current language - Fences in a side yard abutting a street are required to be set back a minimum of 5 feet. Additionally, landscaping materials are required to be installed within the area between a fence and any lot line. Landscaping specifically references a combination of trees and shrubs at a minimum height of 36 inches. Landscaping is not required when a fence meets the corner side yard setback requirements per the zoning district.
2. Proposed Language - Staff is proposing the following changes:
 - Decorative fences 48 inches or less in height, shall be set back a minimum of 3 feet from the lot line.

- *Per the Zoning Ordinance definitions, Decorative Fences are those which are ornamental or embellished and shall include but is not limited to the following types of fences: post and rail, split rail, oak horse and picket, but excluding chain link.*
- No landscaping requirements will be required for open decorative fences 48 inches or less in height. Typically, there are trees, shrubs, and landscaping in the rear yard of single-family homes. In reviewing the original text amendment requiring such landscaping, the initial intent was to address the stark contrast of a 6-foot solid fence, as opposed to the limited impact of a 4-foot open style fence.
- All other fences shall be setback a minimum of 5 feet from the lot line with landscaping. In those instances, landscape material shall be planted between the fence and the lot line. Staff is also recommending to remove trees from the required list of landscaping, as it is difficult to maintain trees within an area of 3-4 feet in width. Therefore, landscaping is proposed to be a combination of shrubs, deciduous plant materials, or other appropriate plantings approved by the Planning and Zoning Department.
- Existing landscaping located within and adjacent to the area in which the proposed fence may fulfill the landscaping requirements. This will require review and approval by the Planning and Zoning Department.

Section 7.03 (b) (2) General requirements for handicap spaces and Section 7.04 (d) (5) Size of parking area for handicap parking spaces

Under Illinois State Law, the Illinois Accessibility Code (IAC) provisions constitute minimum requirements for all government bodies. While some governments choose to implement more stringent requirements, the Village of Palatine follows the IAC requirements. Section 7.04 (d) (5) of the Zoning Ordinance references both the IAC Code as well as specific minimum dimensions required for handicapped parking spaces. Therefore, Staff is recommending the deletion of the dimensions requirements and replacing it with a reference to the IAC code. This would eliminate the need to update the Village's Zoning Ordinance each time the IAC is updated.

ALTERNATIVES:

1. Approve the Text Amendments to Section 6.03 (b) (4) and (5), Section 7.03 (b) (2), and Section 7.04 (d) (5).
2. Do not approve the Text Amendments to Section 6.03 (b) (4) and (5), Section 7.03 (b) (2), and Section 7.04 (d) (5).

RECOMMENDATION:

Public Hearing: Plan Commission - December 18, 2018
Residents testifying: None
Vote: The Plan Commission voted 6-0 to approve this request, with some minor clarifications. Staff concurs with this recommendation.

ACTION REQUIRED:

A motion to approve the proposed Text Amendments to Section 6.03 (b) (4) and (5), Section 7.03 (b) (2), and Section 7.04 (d) (5).

ATTACHMENTS:

- ORD Text Amendments to Appendix A of the Code of Ordinances - Articles 6 & 7
- December 18th 2018 Plan Commission minutes
- Public Notice

ORDINANCE NO. _____

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

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

SECTION 1: That the Code of Ordinances of the Village of Palatine, Illinois, as amended, be and the same is hereby further amended by amending Appendix A – Zoning Ordinance of the Village of Palatine Code of Ordinances for the following sections - Sections 6.03 (a) (4) and (5) (fence requirements for dumpsters enclosures), 6.03 (b) (fences in the side yard abutting a street), 7.03 (b) (2) (handicap parking space requirements), and 7.04 (d) (5) (handicap parking space requirements) shall be and read as indicated on Exhibit “A.”

SECTION 2: That the Village Clerk is directed to maintain a record of the modifications to the existing Ordinance, all of which are indicated on the attached Exhibit.

SECTION 3: That this ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This _____ day of _____, 2019

AYES:_____ NAYS:_____ ABSENT:_____ PASS:_____

APPROVED by me this _____ day of _____, 2019

Mayor of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this
_____ day of _____, 2019

Village Clerk

04/04/2019 11:45 AM 04/04/2019 9:47 AM 03/27/2019 2:44 PM

6.03 (a) (4) Lots platted after January 1, 1930.

- a. Front yard: all fencing, except decorative fencing shall follow the required setback of that zoning district.
- b. Side yard: No setback requirement.
- c. Rear yard: No setback requirement.
- d. Side yard abutting a street: ~~Fences located in a side yard abutting a public street shall be setback a minimum of five (5) feet from the lot line. Decorative fences 48 inches or less in height, shall be setback a minimum of three (3) feet from the lot line.~~
 - ~~i. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of trees and shrubs with a minimum installed height of 36 inches. No landscaping shall be required provided that the fence meets the corner side yard setback requirement of the zoning district it is located in.~~
 - i. Landscaping shall not be required for decorative fences 48 inches or less in height.
- e. Side yard abutting a street: All other fences shall be setback a minimum of five (5) feet from the lot line with landscaping.
 - ~~i. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of trees and shrubs with a minimum installed height of 36 inches. No landscaping shall be required provided that the fence meets the corner side yard setback requirement of the zoning district it is located in.~~
 - i. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of shrubs, deciduous plant materials, or other appropriate plantings, approved and reviewed by the Planning and Zoning Department, with a minimum installed height of 36 inches. The property owner must provide written verification including, but not limited to, a landscaping or planting plan, confirming the types and size of plant materials to be installed as part of this project. No landscaping shall be required provided that the when the proposed fence meets the corner side yard setback requirement of the zoning district it is located in, the proposed fence is located in.
 - ii. Use of existing landscaping: Landscape material located within and adjacent to the area in which the proposed fence would be located in may fulfill the landscaping requirements set forth within this Section. The landscape material must meet the minimum size installation requirements for that portion of the fence which is subject to the request. The use of this existing plant materials will be reviewed and approved by the Director of the Planning and Zoning Department. Is subject to approval by the Planning and Zoning Department.
- e. f. Rear yard abutting a street: Fences located in a rear yard abutting a public street shall be setback a minimum of 5 feet from the lot line.
 - i. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of trees and shrubs with a minimum installed height of 36 inches.

- ii. Fences located in a rear yard abutting a public street shall include a gate to allow access to the rear street frontage.

(5) Lots platted on or before January 1, 1930.

- a. Front yard: All fencing, except decorative fencing, may follow the established, front building line excluding any stairs, porches and the like, otherwise the required setback of that zoning district shall be followed.
- b. Side yard: No setback requirement.
- c. Rear yard: No setback requirement.
- d. Side yard abutting a street: Decorative fences 48 inches or less in height, shall be setback a minimum of three (3) feet from the lot line.
 - ~~i. Fences located in a side yard abutting a public street shall be setback a minimum of five (5) feet from the lot line.~~
 - ~~ii. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of trees and shrubs with a minimum installed height of 36 inches. No landscaping shall be required provided that the fence meets the corner side yard setback requirement of the zoning district it is located in.~~
 - i. Landscaping shall not be required for decorative fences 48 inches or less in height.
- e. Side yard abutting a street: All other fences shall be setback a minimum of five (5) feet from the lot line with landscaping.
 - i. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of shrubs, deciduous plant materials, or other appropriate plantings, approved and reviewed by the Planning and Zoning Department, with a minimum installed height of 36 inches. The property owner must provide written verification including, but not limited to, a landscaping or planting plan, confirming the types and size of plant materials to be installed as part of this project. No landscaping shall be required provided that the when the proposed fence meets the corner side yard setback requirement of the zoning district it is located in. the proposed fence is located in.
 - ii. Use of existing landscaping: Landscape material located within and adjacent to the area in which the proposed fence would be located in may fulfill the landscaping requirements set forth within this Section. The landscape material must meet the minimum size installation requirements for that portion of the fence which is subject to the request. The use of this existing plant materials will be reviewed and approved by the Director of the Planning and Zoning Department. Is subject to approval by the Planning and Zoning Department.
- f. Rear yard abutting a street:
 - i. Fences located in a rear yard abutting a public street shall be setback a minimum of 5 feet from the lot line.
 - ii. Landscape material shall be installed within the area between a fence and any lot line abutting a public street. The landscape material shall include a combination of trees and shrubs with a minimum installed height of 36 inches.

- iii. Fences located in a rear yard abutting a public street shall include a gate to allow access to the rear street (Ord. 0-115-00 '6, 9/25/00)

Section 7.03 (b) (2)

- (2) Handicapped parking ~~Accessible Parking for People with Disabilities ("Recommended changes by PC however we would need to change handicap in all other sections of the Code")~~ - All off-street parking lots shall provide for handicapped parking according to the Illinois Accessibility Code. (Ord. 0-22-02, S2, 2/25/02) *comply with the current Illinois Accessibility Code (IAC) requirements.*

Formatted: Not Strikethrough

Section 7.04 (d) (5)

- (5) Handicapped parking spaces. ~~All measurements are the minimum dimensions required for handicapped parking spaces. All handicap parking spaces shall comply with the current Illinois Accessibility Code (IAC) requirements.~~
- a. ~~Single spaces.~~
 - i. ~~Stall length: Nineteen (19) feet.~~
 - ii. ~~Stall width: Twelve (12) feet, six (6) inches.~~
 - b. ~~Double spaces (side by side only). These requirements shall only be followed on double handicapped spaces at a ninety (90) degree angle to the aisle.~~
 - i. ~~Stall length: Nineteen (19) feet.~~
 - ii. ~~Stall width: Twenty (20) feet, six (6) inches.~~
 - iii. ~~Middle aisle width: Four (4) feet, six (6) inches.~~
 - c. ~~Parallel spaces.~~
 - i. ~~Stall length: Twenty (20) feet, six (6) inches.~~
 - ii. ~~Stall width: Twelve (12) feet, six (6) inches.~~



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 • DECEMBER 18, 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	Present	
Teri Williams	Plan Commissioner	Present	
Eric Friedman	Plan Commissioner	Absent	
Rodney Bettenhausen	Plan Commissioner	Absent	
Robert Kolososki	Plan Commissioner	Absent	
Stephen Fedota	Plan Commissioner	Present	

Staff present: Ms. Katie Rivard

II. APPROVAL OF MINUTES

1. Plan Commission - Regular Meeting - Oct 2, 2018 7:00 PM - **Accepted**

Mr. Fedota made a motion to accept the minutes of October 2, 2018; seconded by Ms. Robins.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Stephen Fedota, Plan Commissioner
SECONDER:	Jane Robins, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Fedota
ABSENT:	Friedman, Bettenhausen, Kolososki

III. PUBLIC HEARING

1. Text Amendments to the Article 6 Accessory structures and uses (Section 6.03) and Article 7 Off-street parking and loading requirements (Sections 7.03 and 7.04) all of the Village of Palatine Zoning Ordinance, Exhibit A of the Palatine Code of Ordinances - **Recommended to Approve**

Sworn in staff: Ms. Katie Rivard

Ms. Rivard explained the amendments to the existing ordinances are to remain consistent and relative to the changes they have been experiencing. She gave a brief overview of the proposed text amendment to Section 6 for dumpster enclosures referring to the slide that shows the additional language added.

Mr. Fedota asked if it needs to be more specific since you can't screen all four sides with landscaping.

Ms. Rivard stated if there is a gate on one side it is insinuated that landscaping would not go on that side but it would be on at least 3 sides. She added they can clarify it if needed.

Mr. Fedota asked if existing is grandfathered since some are on cement or asphalt and can't be landscaped around.

Ms. Rivard explained it's likely that if they are replacing with in kind to what is existing they could do so without landscaping. She stated staff will clarify this before it goes to Village Council.

Mr. Noonan asked about new projects where everything is on asphalt and there no dirt for landscaping.

Ms. Rivard spoke to the new project on Dundee Road with a dumpster enclosure that will be screened with arborvitae so future uses will need to incorporate landscaping in their plans.

Mr. Fedota expressed concern with the requirement pointing out there is circumstances where fencing would be adequate and planting of arborvitae would be troublesome.

Ms. Rivard pointed out it would be at the discretion of the Planning and Zoning Department to determine what would be required.

Mr. Fedota asked if it would require a variance.

Ms. Rivard stated it could be possible and will have to decide how those items will be addressed before Village Council.

Chairman Dwyer asked if landscaping is needed if behind a commercial strip mall.

Mr. Fedota pointed out this is residential only which most of time at least one side would abut an organic material where a planting is possible. He expressed concern with a weird designed community like the development that backs to

Walgreens off of Hicks where it may not be possible
Ms. Rivard pointed out the Hicks and Garden community will have their own dumpsters versus a multi-family apartment complex.

Chairman Dwyer expressed concern with the wording for the screening to be on all four sides

Chairman Dwyer pointed out the need for wording consistency.

Ms. Rivard gave a brief overview of the proposed text amendment to Section 6 for fences in the side yard abutting a street for residential properties.

Mr. Hansen asked about the wording on page 4 about decorative fencing.
Ms. Rivard explained it should be 48" or less in height.

Mr. Hansen pointed out page 5 also has the word less twice.
Ms. Rivard stated they changed the wording and forgot to take out the second less.

Mr. Hansen pointed out some plural discrepancies.

Ms. Robins asked if there is a description of what a decorative fence is.
Ms. Rivard explained the zoning ordinance describes them as ornamental or embellished and shall include post and rail, oak horse and picket but excludes chain-link.

Mr. Fedota asked about the consistency of landscaping materials on page 5 4f (i)(f).
Ms. Rivard stated they were focusing on side yard abutting a street but would make sense to review and keep consistent.

Discussion on maintaining the trees in the 3 feet versus shrubs.

Ms. Rivard explained staff worded it as a combination of shrubs, deciduous plants or materials or other appropriate plantings which does not exclude trees. She stated it is not very common to see trees in these areas.
Discussion on acceptable landscaping and appropriate wording.

Chairman Dwyer suggested reversing the wording to read reviewed and approved in Section E.
Discussion on wording and appropriate grammar.

Ms. Rivard gave a brief overview of the proposed text amendment to Section 7 for handicap parking.

Chairman Dwyer suggested removing the word current to then read "to comply with the Illinois Accessibility code" and to change handicap parking to "parking for people with disabilities".

STAFF RECOMMENDATIONS:

Staff recommends approval of the proposed Text Amendments to Article 6 Accessory structures and uses (Section 6.03 (a) (4) and (5)) and Article 7 Off-street parking and loading regulations (Sections 7.03 (b) (2) and 7.04 (d) (5)) of the Village of Palatine Zoning Ordinance.

Mr. Hansen made a motion to close the public hearing; seconded by Mr. Noonan

Mr. Noonan made motion to accept the proposed text amendments with the current changes; Seconded by Mr. Hansen.

Chairman Dwyer summarized that this request was approved unanimously by a vote of 6-0. This item will tentatively go to the Community and Economic Development Committee of the Village Council on either January 14, 2019 or January 21, 2019.

RESULT:	RECOMMENDED TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Plan Commissioner
SECONDER:	Conrad Hansen, Plan Commissioner
AYES:	Hansen, Dwyer, Robins, Noonan, Williams, Fedota
ABSENT:	Friedman, Bettenhausen, Kolososki

IV. COMMUNICATIONS

Ms. Rivard provided the following updates:

- District 15 withdrew application
- 1st meeting in January is cancelled
- Next meeting is tentatively scheduled for January 15th

V. ADJOURNMENT

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

Mr. Noonan made a motion to adjourn; seconded by Mr. Hansen.

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

PUBLIC NOTICE
 A public hearing will be held before the Palatine Plan Commission on Tuesday, December 18, 2018, at 7:00 PM, in the Palatine Village Council Chambers, 200 E. Wood St., relative to a request for the following:
 Text Amendments to the Village of Palatine Zoning Ordinance - Exhibit A of the Village of Palatine Code of Ordinances: Article 6 (6.03 Accessory structures & uses), and Article 7 (7.03 - Off-street parking & loading regulations).
 These amendments will revise the regulations and placement requirements for fences of a certain height, clarify the requirements for dumpsters & enclosures, in coordination with the other Village Code requirements and revise the handicap parking requirements to align with State of Illinois requirements.
 The above petition has been filed by the Village of Palatine, Inc. and is available for examination in the office of the Village Clerk, 200 E. Wood Street.
 FILE #: 18-105
 VILLAGE OF PALATINE
 Dennis Dwyer, Chair
 Palatine Plan Commission
 DATED: This 29th of November, 2018
 Published in Daily Herald
 December 3, 2018 (4514159)

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, North Aurora, Bannockburn, Barrington, Barrington Hills, Lake Barrington, North Barrington, South Barrington, Bartlett, Batavia, Buffalo Grove, Burlington, Campton Hills, Carpentersville, Cary, Crystal Lake, Deerfield, Deer Park, Des Plaines, Elburn, East Dundee, Elgin, South Elgin, Elk Grove Village, Fox Lake, Fox River Grove, Franklin Park, Geneva, Gilberts, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Highland Park, Highwood, Hoffman Estates, Huntley, Inverness, Island Lake, Kildeer, Lake Bluff, Lake Forest, Lake in the Hills, Lake Villa, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Long Grove, Melrose Park, Montgomery Morton Grove, Mt. Prospect, Mundelein, Niles, Northbrook, Northfield, Northlake, Palatine, Park Ridge, Prospect Heights, River Grove, Riverwoods, Rolling Meadows, Rosemont, Round Lake, Round Lake Beach, Round Lake Heights, Round Lake Park, Schaumburg, Schiller Park, Sleepy Hollow, St. Charles, Streamwood, Sugar Grove, Third Lake, Tower Lakes, Vernon Hills, Volo, Wadsworth, Wauconda, Waukegan, West Dundee, Wheeling, Wildwood, Wilmette

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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 December 3, 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

Laurel Baltz
 Authorized Agent

Control # 4514159

Attachment: Public Notice (Text Amendment - Appendix A - Article 6 and Article 7)

Consider a Resolution Appointing and Re-Appointing Members to Various Village Boards and Commissions

BACKGROUND: This evening the Mayor is seeking the Village Council's concurrence on appointments and re-appointments to several Village Boards and Commissions. All terms are staggered and have an expiration date of April 30.

Fire & Police Commission

- James Hader: 3 year term expiring in 2022
- Eugene Nowak: 3 year term expiring in 2022

Zoning Board of Appeals

- Jan Wood: 3 year term expiring in 2022
- Jerry Luszczyk: 3 year term expiring in 2022
- James Dittrich: 3 year term expiring in 2022
- John Pirog: 3 year term expiring in 2022
- Kevin Cavanaugh: 3 year term expiring in 2022

Plan Commission

- Stephen Fedota: 3 year term expiring in 2022

Board of Health

- Maureen Austin: 3 year term expiring in 2022
- Dr. Mariann Leahy: 3 year term expiring in 2022

Beautification Commission

- Sue Fink: 2 year term expiring in 2021
- Sue Albro: 2 year term expiring in 2021
- Barbara Kerlin: 2 year term expiring in 2021
- Sally Sinicore: 2 year term expiring in 2021
- Patricia Fluhler: 2 year term expiring in 2021
- Carol Gabiner: 2 year term expiring in 2021

Police Pension Board

- Carol Brandt: 2 year term expiring in 2021

Village Treasurer

- Jeffrey Boundy: 1 year term expiring in 2020

ALTERNATIVES:

1. Concur with the re-appointments.
2. Do not concur with the re-appointments.

RECOMMENDATION:

Action is at the discretion of the Council.

ACTION REQUIRED:

Motion to approve the appointments and re-appointments.

Consider a Motion Concurring with the Mayor's Village Council Committee Assignments

BACKGROUND:

The Palatine Code of Ordinances establishes six Standing Committees of the Village Council. Each member of the Village Council is assigned to a Committee for a one year term commencing in May of each year.

KEY ISSUES:

The Mayor is requesting the concurrence of the Village Council for the proposed assignment of Chair and Vice Chair for each of the six standing committees.

The new Committee assignments will be effective May 1, 2019 through April 30, 2020.

ALTERNATIVES:

1. Concur with the Committee assignments.
2. Do not concur with the Committee assignments.

RECOMMENDATION:

It is recommended that the Council concur with the Mayor's appointment of Council Committee Chairs and Vice Chairs.

ACTION REQUIRED:

Motion to concur with the Mayor's appointment of Council Committee Chairs and Vice Chairs.

ATTACHMENTS:

- Council Committee Assignments 2019

M E M O R A N D U M

TO: Village Council

FROM: Jim Schwantz, Mayor

DATE: April 8, 2019

RE: COMMITTEE ASSIGNMENTS

Committee assignments are appointed for a one year. I am submitting for the Village Council's consideration the following appointments to be effective May 1, 2019

Administration Technology & Community Health

Chair	Tim Millar - District 1
Vice Chair	Scott Lamerand - District 2

Business Finance & Budget

Chair	Greg Solberg – District 4
Vice Chair	Kollin Kozlowski – District 5

Community & Economic Development

Chair	Scott Lamerand – District 2
Vice Chair	Doug Myslinski – District 3

Fire Policy & Community Information

Chair	Brad Helms – District 6
Vice Chair	Tim Millar – District 1

Infrastructure & Environment

Chair	Kollin Kozlowski – District 5
Vice Chair	Brad Helms – District 6

Police Policy & Code Services

Chair	Doug Myslinski – District 3
Vice Chair	Greg Solberg – District 4

Consider an Ordinance Approving Text Amendments to the Village's Appendix B - Subdivision, Site Development, and Floodplain Regulations Ordinance Related to Recent Amendments to the Metropolitan Water Reclamation District's Watershed Management Ordinance

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:

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)

KEY ISSUES:

Subdivision Ordinance Amendments

- In October 2013, MWRD adopted the WMO with an effective date for implementation of May 1, 2014. The adoption of MWRD's WMO requires amendments 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.
- Earlier this year, MWRD made technical amendments to the WMO, which now require amendments to the Subdivision Ordinance to either ensure concurrence with the MWRD requirements or allow for additional Village restrictions through the Subdivision Ordinance.
- Therefore, the recent adopted technical changes to the WMO by MWRD require the inclusion of the proposed changes to the Subdivision Ordinance. The Village Engineer and Director of Public Works have reviewed and prepared the proposed amendments for inclusion in the Subdivision Ordinance. One of the required changes includes changing the accessory structure definition (within the floodplain) to include "...without plumbing or sanitary facilities..." This is part of the MWRD WMO definition and the Village's Subdivision Ordinance must be changed to correspond with the WMO definition to be in compliance with the WMO regarding structures in the floodplain.

- There are also specific definitions in the WMO (principal building, demolition, offsite detention facility, offsite volume control practices, site constraint, and subwatershed), which did not exist in the Subdivision Ordinance and are proposed for inclusion. The other proposed amendments reflect MWRD changes to the WMO, which must also be adopted for compliance.
- MWRD increased the size of accessory structures allowed in the floodplain to 700 square feet. The Subdivision Ordinance currently allow accessory structures in the floodplain, which are 500 square feet or less and not located in the floodway. Although the revised WMO would allow a single accessory structure less than 700 square feet, Staff is proposing the following amendments the Subdivision Ordinance regarding accessory structures:
 - The maximum square footage for a detached garage in the floodplain is 600 square feet or less.
 - The accessory structure regulations are also proposed to be linked to the size limitations in the Zoning Ordinance, which adds further size limitations, based upon the lesser of 50% of the floor area of the principal structure, 20% of the required rear yard, or a proposed maximum of 600 square feet for a detached garage and 100 square feet for a storage shed.
 - Detached garage could only be contemplated if the replacement was necessary to satisfy the necessary garage parking space (minimum of 1 garage parking space), required by the Zoning Ordinance.
- In addition to these requirements, the proposed Subdivision Ordinance amendment requires the Village Engineer to make a determination, based upon a review of the required engineering plans, of no adverse impact of the proposed accessory structure, upon either the Subject or surrounding properties. If there is a finding of adverse impact, a Variation Public Hearing would be required in order to continue the process.

ALTERNATIVES:

1. Approve the Text Amendments to the Subdivision Ordinance in order for the Village to maintain compliance with the MWRD Watershed Management Ordinance.
2. Do not approve the Text Amendments to the Subdivision Ordinance, which would not be in compliance with the MWRD Watershed Management Ordinance.

RECOMMENDATION:

Public Hearing:	Plan Commission - May 1, 2018
Residents testifying:	0
Vote:	The Plan Commission voted 5-0 to approve this request and Staff concurs with this recommendation.

ACTION REQUIRED:

A motion to approve the Ordinance for the Text Amendments 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)

Consider an Ordinance Approving a Special Use to Permit the Replacement of an Existing Garage that is Partially Located Within the Flood Plain at 214 S. Greeley Street

BACKGROUND:

The Petitioner is requesting to replace a detached garage that is partially encumbered by the flood plain. Thus, the petitioner is requesting approval of the following:

Special Use to permit a portion of an accessory structure to be located in the floodplain

KEY ISSUES:

- The Subject Property is zoned R-2 Single-Family Residential and contains a single-family residence, detached garage, and related improvements.
- The Petitioner is seeking a Special Use to replace an existing garage, which has fallen into disrepair and must be replaced. As an existing condition, the current garage is partially (approximately 170 square feet) encumbered by the floodplain.
- While the proposed garage is slightly larger (existing 503 square feet, proposed 572 square feet), the portion of the garage that will be located within the flood plain will be less than what exists today (by approximately 25 square feet). This will be achieved by shifting the garage to the southeast and away from the flood plain.
- As part of the application materials, the Petitioner submitted a topographic survey. The Village Engineer has reviewed this and request is satisfied with the proposal and the corresponding lack of any additional impact to the Subject or surrounding properties.
- Along this stretch of Greeley Street, there are at least 6 homes with detached garages located in the floodplain and at least 4 sheds also in the floodplain. The Zoning Ordinance requires 3 parking spaces for single-family dwellings, including 1 garage parking space. Therefore, demolishing the garage, without replacement of at least one parking space would require relief from the Code.
- The top of foundation of the garage is required to be at Base Flood Elevation (BFE) at 730.20. The garage floor will remain at the existing 730.5.
- The proposed garage's size, height, and setbacks would meet Code.
- Both building and lot coverage meet Code at 21% and 45% (max 35% and 45% permitted).

ALTERNATIVES:

1. Approve the Special Use to permit an accessory structure to be located in the

floodplain.

2. Do not approve the Special Use to permit an accessory structure to be located in the floodplain.

RECOMMENDATION:

Public Hearing:	ZBA meeting - December 11, 2018
Residents testifying:	None.
Vote:	The Zoning Board of Appeals voted 7-0 to recommend approval of the request and Staff concurs with this recommendation.

ACTION REQUIRED:

A motion to approve an ordinance granting a portion of an accessory structure to be located in the floodplain at 214 S. Greeley Street.

Consider an Ordinance Amending Article 6 - Accessory Structures and Uses and Article 7 - Off-Street Parking and Loading Regulations of the Village of Palatine's Zoning Ordinance

BACKGROUND:

Staff is recommending several text amendments to Article 6 - fences in the side yard abutting a street and Article 7 Off-Street Parking and Loading Regulations (Sections 7.03 & 7.04) within the Zoning Ordinance:

1. **Amendments to Section 6.03 (b) Fences in the Side Yard Abutting a Street; and**
2. **Amendments to Section 7.03 (b) (2) and Section 7.04 (d) (5) related to handicap parking space requirements.**

KEY ISSUES:

Staff periodically reviews and updates the Zoning Ordinance in an effort to ensure the Code remains consistent and relevant to changing conditions. In this circumstance, Staff has reviewed Section 6.03 (b) (4) and (5) in regard to setback and landscaping requirements for fences located in the side yard abutting a street. Additionally, Staff has reviewed Section 7.03 (b) (2) and Section 7.04 (d) (5), in regard to the requirements for handicap parking spaces.

Section 6.03 (b) (4) and (5) Fences in the Side Yard Abutting a Street:

Through discussions with Staff during the review of other side yard abutting a street fencing petitions, the Village Council concurred with a review of the Code language for amendment. Since 2015, Staff has recommended and the Village Council has consistently approved setback reduction requests in the side yard abutting a street, and relief from the landscaping requirements. These approvals typically involved open style fences 4 feet or less in height. Therefore, Staff is recommending amendments to the following areas of Section 6.03 of the Palatine Zoning Ordinance:

1. Current language - Fences in a side yard abutting a street are required to be set back a minimum of 5 feet. Additionally, landscaping materials are required to be installed within the area between a fence and any lot line. Landscaping specifically references a combination of trees and shrubs at a minimum height of 36 inches. Landscaping is not required when a fence meets the corner side yard setback requirements per the zoning district.
2. Proposed Language - Staff is proposing the following changes:
 - Decorative fences 48 inches or less in height, shall be set back a minimum of 3 feet from the lot line.

- *Per the Zoning Ordinance definitions, Decorative Fences are those which are ornamental or embellished and shall include but is not limited to the following types of fences: post and rail, split rail, oak horse and picket, but excluding chain link.*
- No landscaping requirements will be required for open decorative fences 48 inches or less in height. Typically, there are trees, shrubs, and landscaping in the rear yard of single-family homes. In reviewing the original text amendment requiring such landscaping, the initial intent was to address the stark contrast of a 6-foot solid fence, as opposed to the limited impact of a 4-foot open style fence.
- All other fences shall be setback a minimum of 5 feet from the lot line with landscaping. In those instances, landscape material shall be planted between the fence and the lot line. Staff is also recommending to remove trees from the required list of landscaping, as it is difficult to maintain trees within an area of 3-4 feet in width. Therefore, landscaping is proposed to be a combination of shrubs, deciduous plant materials, or other appropriate plantings approved by the Planning and Zoning Department.
- Existing landscaping located within and adjacent to the area in which the proposed fence may fulfill the landscaping requirements. This will require review and approval by the Planning and Zoning Department.

Section 7.03 (b) (2) General requirements for handicap spaces and Section 7.04 (d) (5) Size of parking area for handicap parking spaces

Under Illinois State Law, the Illinois Accessibility Code (IAC) provisions constitute minimum requirements for all government bodies. While some governments choose to implement more stringent requirements, the Village of Palatine follows the IAC requirements. Section 7.04 (d) (5) of the Zoning Ordinance references both the IAC Code as well as specific minimum dimensions required for handicapped parking spaces. Therefore, Staff is recommending the deletion of the dimensions requirements and replacing it with a reference to the IAC code. This would eliminate the need to update the Village's Zoning Ordinance each time the IAC is updated.

ALTERNATIVES:

1. Approve the Text Amendments to Section 6.03 (b) (4) and (5), Section 7.03 (b) (2), and Section 7.04 (d) (5).
2. Do not approve the Text Amendments to Section 6.03 (b) (4) and (5), Section 7.03 (b) (2), and Section 7.04 (d) (5).

RECOMMENDATION:

Public Hearing: Plan Commission - December 18, 2018
Residents testifying: None
Vote: The Plan Commission voted 6-0 to approve this request, with some minor clarifications. Staff concurs with this recommendation.

ACTION REQUIRED:

A motion to approve the proposed Text Amendments to Section 6.03 (b) (4) and (5), Section 7.03 (b) (2), and Section 7.04 (d) (5).