

Agenda
Village of Homer Glen
PLAN COMMISSION
Thursday, October 15, 2020 – 7:00 p.m.
Village Board Room, 14240 W. 151st Street, Homer Glen

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Roll Call.
4. Minutes.
 - a) September 17, 2020
5. Public Comment.
6. Old Business.
 - a) **Case No. HG-2012-A, Zoning Code Text Amendments (*Public Hearing Closed*):**
Consideration of numerous text amendments to Chapter 220, Zoning, of the Code of the Village of Homer Glen including the following Attachments and Articles:
 - a. Attachment 1: Use and Bulk Tables for Residential Districts
 - b. Attachment 2: Use and Bulk Tables for Nonresidential Districts
 - c. Article III: Rules and Definitions
 - d. Article VI: Residence Districts
 - e. Article VII: Nonresidential Districts
 - f. Article VIII: General Provisions
 - g. Article X: Site Development Regulations
 - h. Article XII: Administration and Enforcement

In addition, Chapter 83, Business Operations, Article VII: Liquor will be amended.
7. Reports of Plan Commissioners and Staff.
8. Adjourn.

DISABLED: Any individual requiring special accommodations as specified by the Americans with Disabilities Act is requested to notify the Village Manager of Homer Glen at 708-301-0632 at least 24 hours in advance of the meeting date.



HOMER GLEN PLAN COMMISSION MEMORANDUM

To: Chairman and Members of the Homer Glen Plan Commission

From: Vijay Gadde, AICP, Director of Planning & Zoning

Subject: Case No. HG-2012-A, Zoning Code Text Amendments

Village Board Workshop: March 11, 2020

PC Meeting Date: September 17, 2020; October 15, 2020

Item Title: Consideration of numerous text amendments to Chapter 220, Zoning, of the Code of the Village of Homer Glen including the following Attachments and Articles:

- a. Attachment 1: Use and Bulk Tables for Residential Districts
- b. Attachment 2: Use and Bulk Tables for Nonresidential Districts
- c. Article III: Rules and Definitions
- d. Article VI: Residence Districts
- e. Article VII: Nonresidential Districts
- f. Article VIII: General Provisions
- g. Article X: Site Development Regulations
- h. Article XII: Administration and Enforcement

In addition, Chapter 83, Business Operations, Article VII: Liquor will be amended.

Background Information

The attached Zoning Code text amendments have been reviewed at the September 17, 2020 Plan Commission meeting. There was general consensus on most of the code updates presented except for the few that are highlighted with further changes.

Findings of Fact

Section 220-1208.D.1 of the Zoning Code states the required standards for making findings of fact for amendments. The Zoning Code requires that the Plan Commissioners consider these standards in making their findings and determining a recommendation to send to the Village Board. However, the proposed amendments are broader in scope and do not pertain to a specific property or area and impacts the community in general. *The amendments would be in concert with the goals and objectives of the Village's Comprehensive Plan and its Official Map.*

Staff-Suggested Motion

I move to adopt staff's findings as the findings of the Plan Commission and to recommend _____ (approval / approval with conditions / denial) of text amendments to Chapter 220, Zoning, of the Code of the Village of Homer Glen including the following Attachments and Articles:

- a. Attachment 1: Use and Bulk Tables for Residential Districts
- b. Attachment 2: Use and Bulk Tables for Nonresidential Districts
- c. Article III: Rules and Definitions
- d. Article VI: Residence Districts

- e. Article VII: Nonresidential Districts
 - f. Article VIII: General Provisions
 - g. Article X: Site Development Regulations
 - h. Article XII: Administration and Enforcement
- [Case No. HG-2012-A, Zoning Code Text Amendments].

Attachment

1. Proposed Zoning Code Text Amendments

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Remove Special Use required for extended hours of operation and introduce a new “extended hours of operation license”

Background:

- There is an inconsistency between the zoning regulations for hours of operation and the hours of service allowed through the liquor license.
- There are a number of existing businesses that are currently operating outside of these hours without a Special Use Permit.
- 24-hour establishments would still need to seek a Special Use Permit

Current Code:

- 6am – 11pm; unless a business is granted a Special Use Permit
- Liquor License is granted by Village Board with hours of services beyond the 11pm restriction

Peer Community Analysis:

- Burr Ridge has a general restriction of 7am to 10pm unless a special use is approved by the Board of Trustees.
- Frankfort has a general restriction of 7am to 11pm unless a special use is approved by the Board of Trustees.
- Glenview, Lockport, Naperville, New Lenox and Orland Park do not have a general restriction; but do regulate specific uses with time constraints, such as liquor, adult uses, gambling, mobile food vendors, dispensaries, etc.
- Milwaukee has an “extended hours license”

Discussion and majority consensus:

- Revise the code stating the liquor license holders do not need a special use permit for the extended business hours. Create an extended hours business license for all other nonresidential users and amend the requirement to apply for a special use permit only for 24-hour operations.
- At the Plan Commission meeting on September 17, 2020, members requested verification of when applicants would still come before the Plan Commission. Applicants for 24-hour operation would still come before the Plan Commission for review. Any applicant looking to operate beyond 11:00pm would need to apply for an extended hours of operation license.

Proposed Addition or Change:

Chapter 83 Business Operations Article VII Liquor § 83-71 Conditions of license.

A. Hours of operation.

- (1) It shall be unlawful to remain open for business or to admit the public to any licensed premises, or to sell or offer for sale at retail or offer to give away on any

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

licensed premises any alcoholic liquor in the Village, except during the following hours:

- (a) Sundays, 10:00 a.m. until 1:00 a.m. the following day.
 - (b) Mondays through Thursdays, 6:00 a.m. until 1:00 a.m. the following day.
 - (c) Fridays and Saturdays, 6:00 a.m. until 2:00 a.m. the following day.
 - (d) On New Year's Eve, closing time shall be 2:00 a.m. on January 1.
 - (e) All establishments may remain open until 2:00 a.m. the day before a national holiday.
 - (f) The Commissioner may extend the hours of operation of any licensee for one additional hour.
 - (g) **The current liquor license holders do not need to apply for a special use permit for operating outside the hours of 6:00 a.m. and 11:00 p.m.**
- (2) Service of alcoholic liquor must conclude 30 minutes prior to the establishment's closing hour. An announcement regarding the conclusion of the sale of alcoholic beverages of the establishment must be made 30 minutes prior to the establishment's closing hour.
- (3) In the case of restaurants, hotels, sports/recreational facilities, and licensees selling packaged liquors, where the sale of alcoholic liquor is conducted on the premises which are utilized primarily for other retail sales activities, such establishments may be kept open for business after the closing hours set forth herein, but no alcoholic liquor may be sold, offered for sale, or given away after the specified closing hours, and no person other than the licensee and employees of the licensee in the pursuit of their employment shall be permitted to remain in or upon that portion of the premises used for the dispensation of alcoholic liquors.
- (4) **In the case of nonresidential uses open for business outside the hours of 6:00 a.m. and 11:00 p.m., such uses may apply for an extended hours of operation license with the Village Clerk. Establishments seeking 24 hour-operation must be approved as a special use as set forth in § 220-711(A)11, Hours of operation.**

Chapter 220 Zoning

Attachment 2 – Use and Bulk Tables for Nonresidential Districts

Proposed Text amendment: Hours of operation (~~beyond-permitted hours~~ 24 hour-operation)

	C-1	C-2	C-3	C-4	C-5	C-6	I-1	P-1	Standards (Section)
Other									
Planned unit development	S	S	S	S	S	S	S	S	Article IX
Drive-through establishment associated with a permitted or special use	—	S	S	S	S	S	—	—	
Hours of operation (beyond the permitted hours)	S	S	S	S	S	S	S	S	
Outdoor sales and storage	S	S	S	S	—	—	S	—	§§ 220-828 and 220-829

Chapter 220 Zoning

Article VII Nonresidential Districts

§ 220-711 Other nonresidential standards.

A. All uses in the nonresidential districts shall conform to the following:

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

- (11) Hours of operation. Nonresidential uses may be open for business between the hours of 6:00 a.m. and 11:00 p.m. Establishments ~~with operating hours outside of these normal operating hours~~ seeking 24 hour-operation must be approved as a special use in accordance with § 220-1209. [Amended 9-9-2008 by Ord. No. 08-048]

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Increase the total allowable detached structure square footage in R-2

Background:

- There have been recent requests to build larger detached garages/sheds in the R-2 District. The minimum lot size for R-2 is one acre. In the fall of 2019, the Village Board approved a variance for a detached garage for up to 1,200 sf, after much review at the Plan Commission and Board levels.

Current Code:

- See below the large size differential in allowable square footage for detached accessory structures for the R-2 and R-1 Districts from 800 sf to 1,800 sf, see summary below.

Zoning District	Lot Size	Allowable Square Footage of Detached Structures
R-6A - R-3A	8,600-15,000	650
R-3	20,000	800
R-2A	30,000	800
R-2	43,560	800
R-1	60,000	1800
E-2	2.5 Acres	3.5% of Lot Area
E-1	5 Acres	3.5% of Lot Area
A-2	2.5 Acres	Lesser of 3.5% or 10,000 sf
A-1	10 acres	20% Lot Coverage

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

Proposed Addition or Change:

- The recommendation is to allow for an increased allowance from 800sf to 1200sf for the R-2 District.

Chapter 220 Zoning

Attachment 1 – Use and Bulk Tables for Residential Districts

	E-1	E-2	R-1	R-2	R-2A	R-3	R-3A	R-3B	R-4*	R-5*	R-6*	R-6A
Residential	20%	20%	20%	30%	25%	35%	40%	40%	40%	45%	50%	45%
Minimum landscape front yard/corner side yard (feet)												
Nonresidential use	30	30	30	30	30	30	30	30	30	30	30	30
Minimum transition yard (feet)												
Nonresidential use	25	25	25	25	25	25	25	25	25	25	25	25
ACCESSORY STRUCTURES*												
Maximum size of accessory structures (total square footage of all detached structures)												
Residential	3.5% of the total lot area**	3.5% of the total lot area**	1,800	800 1,200	800	800	650	650	650	650	650	650
Minimum yard requirement for accessory structure greater than 750 square feet (feet)												
No accessory structure may be located within the required front yard.												
Side yard	30	30	25	20	20	10	N/A	N/A	N/A	N/A	N/A	N/A
Comer side yard/reversed comer lots												
Non-dedicated right-of-way	100	100	90	80	80	80						
Dedicated right-of-way	67	67	50	40	40	40	N/A	N/A	N/A	N/A	N/A	N/A
Rear	40	40	35	20	20	20	N/A	N/A	N/A	N/A	N/A	N/A
Minimum yard requirement for accessory structure/use less than 750 square feet (feet)												
No accessory structure may be located within the required front yard.												
Side yard	10	10	10	10	10	10	10	10	10	10	10	10
Comer side yard/reversed comer lots												
Non-dedicated right-of-way	100	100	90	80	80	80	80	80	80	80	80	80
Dedicated right-of-way	67	67	50	40	40	40	40	40	40	40	47	47
Rear	30	30	15	10	10	10	10	10	10	10	10	10

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT: Create a new Open Space Zoning District

Background:

- Village is interested in establishing an Open Space Zoning District in which to zone properties for the purpose of open space, parks and recreation. The Village has just acquired three (3) parcels on Onondaga for open space acquisition which will be the first properties to be re-zoned into this District.

Current Code:

- Currently no Open Space Zoning District

Peer Community Analysis:

- Lemont – No open space zoning district.
- Lockport – No open space zoning district.
- Frankfort – No open space zoning district.
- Glenview – No open space zoning district.
- New Lenox – No open space zoning district.
- Orland Park: Open Lands Zoning District, code is simple and succinct.
- Oak Park – Open Space District, code is simple and succinct.
- Aurora – Lengthy code with three separate open space districts, very complicated

Discussion and majority consensus:

- General consensus is to add a new zoning district for open space acquisitions. Staff utilized a combination of Orland Park and Oak Park code as a basis and utilized the language from the Village of Homer Glen code for consistency.

Proposed Addition or Change:

Chapter 220

Article V Agricultural and Open Space Districts

§ 220-501 Purpose and general conditions.

§ 220-502 A-1 Agricultural District.

§ 220-503 A-2 Rural Residence District.

§ 220-504 OS-1 Open Space District.

Chapter 220 Zoning

Article V Agricultural Districts and Open Space Districts

§ 220-501 Purpose and general conditions.

The agricultural districts are provided to support and complement the Village's Comprehensive Plan. Agricultural district requirements are further established to govern location, intensity and development of agricultural areas in the Village. The long-range goal for agricultural land use in the Village is to preserve and protect the most fertile land for agricultural pursuits and to prevent premature development of nonagricultural activities. The A-1 Agricultural District is designed to encourage farming practices and related

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

agricultural uses on those lands which are uniquely situated for farming uses due to type of soils, location and/or topography.

The open space district provides to support and complements the Village's Comprehensive Plan. Open space district requirements are intended for the designation and protection of parks and public recreational facilities, both outdoor and indoor and include both active and passive recreation areas, and certain ancillary uses, such as field houses, cultural facilities, and performance areas. further established to govern location, intensity and development of agricultural areas in the Village. The long-range goal for open space land uses in the Village is to preserve and protect the most environmentally sensitive land, ensure permanent access to outdoor recreation and natural areas for residents in all neighborhoods and to enhance the value of nearby properties.

Chapter 220 Zoning

Article V

§ 220-504 OS-1 Open Space District.

The following apply to the OS-1 Open Space District:

- A. Permitted uses. No land shall be used or occupied and no building, structure, or premises shall be erected, altered, enlarged, occupied, or used except as otherwise provided in this chapter, for other than one of the following specified uses:
 - (1) Public, quasi-public, governmental recreational facilities including parks, playgrounds, swimming pools, playing fields, trails, sports activities, outdoor amphitheaters, camping areas, picnicking areas, boating areas, fishing activities, golf courses and accessory uses such as related parking, washrooms, storage, etc., provided:
 - a. All buildings or structures shall be located not less than 150 feet from any residential property line.
 - b. Lighting for night operation of recreational uses shall be directed away from surrounding properties.
 - (2) Natural areas and passive parks for the purpose of preservation of native flora and fauna and establishing wildlife corridors
 - (3) Forest preserve.
 - (4) The growing of farm crops, truck garden crops, animal and poultry husbandry, apiculture, aquaculture, dairying, floriculture, horticulture, nursery, tree farm, sod farm, pasturage, and viticulture together with the operation of any machinery or vehicles incidental to the above use.
 - (5) Retention ponds and detention basins
- B. Special uses permitted. The following uses may be permitted only if specifically authorized by the Village Board in accordance with § 220-1209:
 - (1) Cemeteries including mausoleums, sepulchers, and related structures on privately owned land only, provided all buildings shall be located not less than 50 feet from any lot line.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

- (2) Essential services (including cable television reception and transmission facility, public utility, gas regulator station, telephone exchange, electrical substation, and sewage treatment plant)
 - (3) Telecommunications stations and transmission devices
- C. Temporary permit uses permitted. Upon application to and issuance by the Zoning Officer of a permit therefor, the following uses may be operated as temporary uses:
- (1) Temporary building, trailer, or yard for construction materials and/or equipment, both incidental and necessary to construction in the zoning district. Each permit shall specify the location of the building, trailer, or yard and the area of permitted operation. Each such permit shall be valid for a period of not more than six calendar months and shall not be renewed for more than four successive periods.
- D. Prohibited Uses. The following uses are prohibited as they would conflict with the purpose of protecting parks and natural areas:
- (1) Any private development of structures or facilities with the exception of cemeteries, essential services and telecommunication stations and transmission devices.
 - (2) Any public facilities unrelated to the operation or protection of parks, natural areas, and retention/detention facilities.
- E. Site and structure requirements.
- (1) Minimum lot area: There is no minimum lot size.
 - (2) Minimum lot width/lot frontage: There is no minimum lot size.
 - (3) Minimum front yard setback: 15 feet*
 - (4) Minimum side yard setback: 15 feet*
 - (5) Minimum rear yard setback: 15 feet*
 - (6) Maximum height: No principal structure or accessory structure shall exceed a height of 35 feet*
 - (7) Maximum lot coverage: 20%.
 - (8) No portion of any tower structure shall be located less than 30 feet from any lot line. No tower located in any residential zoning district shall be closer to any lot line than that distance equal to 50% of the height of the tower. No tower located in a nonresidential zoning district shall be closer to any lot line in any zoning district than that distance equal to the height of the tower.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Prohibit chain link fencing

Background:

- While reviewing the potential for corner side fencing, the discussion came up regarding the prohibition of chain link fencing.

Current Code:

- Allows chain link fencing in all Districts.

Peer Community Analysis:

- Orland Park – not allowed beyond building line in front or corner side yards.
- New Lenox – allowed.
- Lockport – allowed.
- Naperville – allowed.
- Lemont – not allowed in Residential Districts.
- Wheaton – not allowed in front yards.
- Aurora – not allowed in front, corner side or exterior side/rear yards.
- Glenview – not allowed.
- Burr Ridge – not allowed, except for tennis courts and dog runs.

Discussion and Majority Consensus:

- The consensus was to prohibit chain link. Staff recommends to continue to allow chain link in Agricultural Zoning Districts.
- At the September 17, 2020 Plan Commission, members recommended that there be less restriction on properties that are zoned in Districts that allow for the keeping of farm animals and/or horses; as those types of uses require specific kind of fencing, such as woven field fencing for horses. Staff has updated the code section to restrict chain link fencing to interior side and rear lot lines in R-2 through R-6. This still allows for fencing flexibility for those residential zoning districts that allow for horses and/or keeping of animals. Staff also added the material wrought iron as the make-up of this material differs from that of steel.

Proposed Addition or Change:

Chapter 220 Zoning

Article VIII General Provisions

§ 220-812 Fences, walls and swimming pools.

- D. General requirements for fences, walls and swimming pools. The following requirements shall apply in all zoning districts within the Village:

(5) Fences may be constructed out of wood, vinyl, aluminum, steel, wrought iron, chain link or composite. Piers shall be constructed by the use of concrete, brick or stone. In Residential Zoning Districts R-2 through R-6, chain link is restricted to interior rear and side lot lines.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Update setback for driveways that extend into the side yard

Background:

- Staff discussed with Board the possibility of restricting the width of driveways based on the number of bays.

Current Code:

- Current driveway code requires a five (5) foot setback and a maximum width at the property line.

Peer Community Analysis:

- Frankfort: Max width at property line is 28'; except for circular drives which are 14'; within 20' of the associated garage, the driveway may increase in width as it approaches the garage, to a width not greater than the associated garage.
- Glenview: Minimum 20'; no max
- Lockport: Apron max 24' for 1 and 2-car; 30' for 3 car; there is reference to driveways not being allowed 2 feet passed the garage door line.
- Naperville: Max 20' at property line; may not exceed width of garage plus one additional parking space behind building line. Additional space cannot encroach into required setbacks.
- New Lenox: Minimum 20'; no max; practice is to say no.
- Orland Park: R-3 and above: 25' at property line. 1 car: max width 20; 2-car: max width 26; 3 car: max width 36; max width for circle drive lane 20'

Discussion and Majority Consensus:

- Board was open to increasing the side yard setback from 5' to 10', only where the driveway extends passed the side building line and into a side yard.
- At the September 17, 2020 Plan Commission, members discussed concerns that this code update might create a large number of non-conformities.
- Staff further reviewed this code item and did find that for properties in R-3, R-3A, R-3B, R-4 and R-5 Residential Zoning Districts (a significant portion of our residents are in these Districts), required side principle structure setbacks are 10' or less. Actual side setbacks in these Districts is varied based on home design; some plat of surveys show less than 10, some more. *This code change could prove to be restrictive/prohibitive for homes in these Districts and also create non-conformities.*
- Staff has not had experience with complaints about the existing five (5) foot setback, but does receive lots of requests/permits to expand driveways to include this; so there could be an increase in Variance requests as a result of this code change.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

Proposed Addition or Change:

Chapter 220 Zoning

Article VI Residence Districts

§ 220-614 Other residential standards.

- (7) Driveways. All driveways must maintain a minimum setback of five feet from the property line. Except for driveways that serve a side-loaded garage, driveways that extend beyond the building line into a side yard are required to maintain a minimum setback of ten feet from the property line. Only a means of ingress and egress perpendicular, or nearly perpendicular, to the public right-of-way may encroach this required setback. At the property line, a driveway shall have a maximum width of 28 feet, except for circular driveways with two curb cuts, in which case the maximum width shall be 14 feet. [Amended 9-9-2008 by Ord. No. 08-048]

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Allow six (6) foot privacy fences in corner side yards

Background:

- Multiple variances have been granted for six (6) foot privacy fence to be constructed in corner side yards. Staff was directed to look at options for allowing these by right.

Current Code:

- Fencing that is constructed in a corner side yard is currently restricted to four (4) foot in height and open in design.

Peer Community Analysis:

- Orland Park – Six (6) foot privacy fence in corner side yard must be approved by the Building Official, must be setback five (5) feet from property line. Minimum one (1) foot setback for an open fence max five (5) foot. Cannot extend into front yard. Site lines cannot be blocked.
- New Lenox – Max four (4) foot open fence; subject to distance from driveway for clear vision. Certain setbacks are required.
- Lockport – Max four (4) foot open fence, unless the fence is a minimum of fifteen (15) feet or one half the distance between the exterior lot line of the corner side yard, whichever is less.
- Naperville – Max four (4) foot open fence allowed. Fences up to six (6) feet in height shall be permitted in the required corner side yard when said yard aligns with the rear yard or corner side yard of a residential property provided that the fence does not extend nearer to a front lot line than the longest distance between such lot line and the nearest wall of the principal building or structure.

Discussion and Majority Consensus:

- General consensus is to allow six (6) foot privacy fencing in corner side yards. Staff recommends that they be allowed only under certain conditions of lot/yard orientation.
- The Board could recommend a setback from property lines.
- Clear vision regulations apply to all fences and would apply to these corner side fences for streets and driveway clearances.

Proposed Addition or Change:

Chapter 220 Zoning

Article VIII General Provisions

§ 220-812 Fences, walls and swimming pools.

No fence, wall or swimming pool shall be erected or substantially altered without a building permit issued by the Chief Building Official and payment of applicable fees. No fence, wall or swimming pool shall be constructed, erected, substantially altered or maintained in a manner that is not in compliance with the applicable specifications established within this section.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

- A. Residential districts. In addition to the general requirements listed in Subsection D, the following requirements shall apply in residence districts:
- (4) Corner side yards. An open fence or wall along any lot line forming a part of the corner side yard ~~may be erected~~ is permitted to a height not to exceed four feet above grade and shall not exceed 50% open in design. ~~A solid fence or wall is permitted to a height not to exceed six feet above grade when said corner side yard abuts a rear yard or corner side yard of an adjacent property and that the fence does not extend beyond the front building elevation of the principle structure. If the corner side yard abuts a front yard of another lot, the fence line shall not be located closer to the street than the front yard established for the abutting lot.~~
- (5) Subdivisions. Any subdivisions that are platted after the adoption of this chapter are required to include a fence master plan with the plan submittal if any fencing is planned to be located within the subdivision. The fence master plan shall illustrate the locations, height and style of the proposed fencing to be located on any lots and community areas and is subject to review and approval by the Plan Commission. Open fences, as defined in Section 6-1-6 (Definitions), not exceeding four (4) feet in height may be constructed and maintained at the front or corner side yard lot line. Fences up to six (6) feet in height shall be permitted in the required corner side yard when said yard aligns with the rear yard or corner side yard of a residential property provided that the fence does not extend nearer to a front lot line than the longest distance between such lot line and the nearest wall of the principal building or structure.

And

- D. General requirements for fences, walls and swimming pools. The following requirements shall apply in all zoning districts within the Village:
- (10) All fences or walls located in the front yard ~~and corner side yards~~ shall not exceed a height of four feet above grade and shall not exceed 50% opacity.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Allow administrative review of outdoor seating areas associated with permitted restaurants

Background:

- Increasingly, communities are encouraging outdoor dining and allowing outdoor dining and drinking places as a permitted accessory use to restaurants, without going through a special use permit process, under certain seating capacity.

Current Code:

- Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to all outdoor seating associated with a permitted restaurant:
 - All seating areas must be enclosed by a fence or wall at least three feet in height.
 - Where seating is permitted adjacent to a public sidewalk, at least five feet in width of said sidewalk must remain unobstructed.
- Up to 15 percent of the outdoor seating for restaurants are subject to Village Board approval of the permit without going through the special use permit process.

Peer Community Analysis:

- By HG code, a restaurant with an indoor seating of 26 tables would be allowed to seek Village Board approval for having four (4) or fewer outdoor seats. Orland Park allows staff review and approval for all outdoor seating areas. Lemont requires a special use permit for a seating capacity of ten (10) or more. Lockport requires a special use permit if the outside area used for seating exceeds ten (10) tables (20 SF each maximum).

Discussion and majority consensus:

- Explore detailed standards for furniture materials, waste or recycling, and public safety standards such as placement of bollards, ADA compliance, etc. for further review.
- At the September 17, 2020 Plan Commission, members requested staff to specify the distance of outdoor seating areas from residential lots wherein it requires a special use permit.

Proposed Addition or Change:

Chapter 220 Zoning

Article VIII, General Provisions

§ 220-835 Outdoor seating associated with permitted restaurant.

Except as otherwise provided in these regulations or as may be otherwise regulated pursuant to the terms and conditions of a special use permit, the following regulations shall apply to all outdoor seating associated with a permitted restaurant:

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

A. All seating areas must be enclosed by a railing, fence or wall at least three feet in height. Railings and fences must be made with metal or wood and visually coordinated with the storefront design.

B. The outdoor seating area shall not exceed the width of the tenant lease space. Where seating is permitted adjacent to a public sidewalk, at least five feet in width of said sidewalk must remain unobstructed. Such outdoor seating shall not be located within five feet of an accessibility ramp or fire hydrants.

C. Outdoor seating areas adjacent to parking spaces or drive aisles must incorporate adequate protection from vehicular traffic. This may include safety bollards, barriers, or other methods as approved by the Village of Homer Glen.

D. Outdoor seating located within 300 feet of any of the residential lots shall require a special use permit.

E. The furniture design should be consistent and complimented with umbrellas or awnings, and landscaped planters.

F. Up to an outdoor seating capacity of nine (9) or less shall be approved by the Zoning Administrator, subject to all the requirements set forth above. All other seating areas, including seating areas interfering with parking spaces or access to the building, shall require approval through special use permit process of the Village of Homer Glen.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT: Require cross access for new development

Background:

- Cross access connections can reduce traffic in regional shopping areas by allowing vehicles to move between retail or community facility developments and within/between residential subdivisions without re-entering the public street.
- Creates safer pedestrian and vehicular environment.
- Allows for uninterrupted landscape islands.
- This is difficult to “force”; but would like to do everything we can to set up potential connections for the future.

Current Code:

- Currently not required.

Peer Community Analysis:

- Frankfort indicates the following, “In business and industrial areas, vehicular access shall be minimized and designed comprehensively where feasible. Site to site access shall be granted through cross-access easement agreements where feasible, and frontage roads are encouraged along arterial roads.”
- Glenview requires that “streets shall be carried to the boundaries of the subdivision, and connected to existing streets in adjoining subdivisions, or to points where it is proposed to extend the street at a later date.”
- Naperville requires street and other cross connections to afford convenient access to all property; extensions must be proposed unless shown impractical as determined by City Council.
- New Lenox has a strong stance; but nothing specific in code to support.
- Orland Park: Subdivision Standards/Roadway Design Criteria/ Cross-Access. Connections between adjacent developments shall be provided to facilitate traffic at locations determined by Village staff.

Discussion and majority consensus:

- Generally, like the peer community requirements, especially Orland Park’s. Use incentives to “force” the connections. Come back with recommended regulations.
- Per discussion at the September 17, 2020 Plan Commission meeting, removed “where feasible” from Chapter 220-1002.G.2, “*Site to site access shall be granted through cross-access easement agreements, where feasible, to facilitate traffic and frontage roads are encouraged along arterial roads.*”, as previously proposed.

Proposed Addition or Change:

Chapter 220 Zoning Article X Site Development Regulations § 220-1001 Site plan review.

C. Site plan criteria. The site plan shall contain the following information and submittals:

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

(2) Access controls. The following information shall be provided in the submission of a site plan for approval by the Zoning Officer:

(a) Driveway design and geometrics, including curb return radius, width of driveway at the property line, curbed or uncurbed, dimension of any channelizing island or medians, length of driveway (measured parallel to driveway between edge of street and building line) and change in grade between driveway and street (measured where driveway meets the street).

(b) A drawing to scale showing distance between proposed driveways and existing driveways on both sides of the street, within 200 feet each direction from the subject property line, with distances to be measured parallel to the street. The site plan shall also show the name and type of land use currently served by these existing driveways.

(c) Identification of proposed driveway, signing/markings/stripping for intersection control, inbound/outbound movements, turn prohibitions (if any), etc.

(d) Based on a review of site topography, street alignment and other factors, the Zoning Officer may require a survey to establish the sight distance to any intersecting street as measured from the driveway.

(e) A traffic study will be submitted, in accordance with Section 220-1002(G)3, to the Village for review. The traffic study shall be prepared by firms with demonstrated competence in traffic engineering and traffic studies related to development.

Chapter 220 Zoning

Article X Site Development Regulations

§ 220-1002 Off-street parking

G. Traffic and Cross-Access.

(1) Except on lots accommodating single-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least the width as provided in the table below, based upon the angle of the parking stalls provided and whether the aisle serves one or two rows of parking spaces to provide safe and efficient means of vehicular access to such parking space.

Parking Angle	Minimum Aisle Width	
	Serving One Row (feet)	Serving Two Rows (feet)
Parallel	12	12
30°	15	15
45°	18	18
60°	21	21
90°	24	24

(2) All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Access

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

to parking areas in business and industrial districts shall be minimized and designed comprehensively with connections between adjacent developments. ~~should be provided by a single access entrance/exit and/or an access road where feasible. Access to such parking areas by curb cuts or driveways across the front lot line should be avoided.~~ Site to site access shall be granted through cross-access easement agreements to facilitate traffic and frontage roads are encouraged along arterial roads.

(3) All street intersections and confluences must encourage safe traffic flow.

(4) Traffic studies shall be required of all proposed residential developments of fifty (50) dwelling units or more, for all commercial and industrial developments of 50,000 square feet of floor area or more and for businesses with drive-through facilities.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Require a preliminary site plan at the time of application for a re-zoning

Background:

- The recent petition for the re-zoning of 15029 W 143rd Street without a preliminary plan in place opened up the discussion of whether or not the Village should require a concept plan.

Current Code:

- Preliminary Site Plans are currently not required as a part of a re-zoning petition.

Peer Community Analysis:

- Frankfort indicates that “an application for an amendment shall be filed with the Code Official in such form and accompanied by such information as required by the Code Official”.
- Glenview indicates the following: “a complete application for an amendment, including all information as shall be required from time to time by the Village shall be filed with the office of the director of development, who shall forward a copy of the application to the plan commission”
- Naperville requires the application “as well as all supporting documents required by the city”.
- New Lenox does not have anything codified; but their staff and Board do not support re-zonings without preliminary plans.
- Orland Park: Plan, Preliminary required (even for a plat of subdivision/consolidation) and means "the drawings and documents required by the Village and approved in accordance with Section 5-112(D) of these regulations.

Discussion and majority consensus:

- Staff emphasized that rezoning is one of the most powerful tools and the Village should require preliminary site plans and there was majority consensus on this.

Proposed Addition or Change:

Chapter 220 Zoning

Article XII Administration and Enforcement

§ 220-1208 Amendments.

- C. Application for amendment. An application for an amendment shall be filed with the Zoning Officer in such form and accompanied by such information as required by the Zoning Officer. ~~All rezoning applications leading to future subdivision of land should be accompanied by a preliminary site plan.~~ Such application should be submitted to the Plan Commission for review, public hearing and written recommendations and thereon to the Village Board for final disposition.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

SUBSTANTIVE AMENDMENT:

Update A-1 single family home, special use

Background:

- Staff has received two requests within the last two months about constructing an addition on existing legal non-conforming single-family homes in A-1, both on properties that are larger than five acres but less than ten. As the code does not address this lot size, the homeowners would be required to re-zone their properties in order to create “conforming uses”.

Current Code:

- Based on the permitted and special use tables in A-1:
 - “a single-family detached dwelling on a parcel which was legally created on a lot of 10 acres or more in size” is a permitted use.
 - “a single-family home on a lot of less than five acres of land area but at least one acre in size when topographic or other geographic considerations make the active farm use of the property impractical” is a special use.
- The A-1 code does not address the use of single-family homes on lots that are more than five but less than ten acres. Because this use is not listed as a permitted or special use in A-1, the current single-family homes on these properties are considered legal non-conforming uses. Per the non-conformity use section of the Village Code, Section 220-1104 Nonconforming use of land, “a nonconforming use of land shall not be expanded or extended beyond the area it occupies.”

For Discussion and Majority Consensus:

- Staff is proposing to address those properties that are between five and ten acres and include these as a special use permit.
- This Special Use permit also indicates that it can only be allowed “when topographic or other geographic considerations make the active farm use of the property impractical.” Staff is recommending that this portion of the code be considered for removal, if it is the Village’s intention to allow existing single-family homeowners to “expand or add additions” to their homes without the need for a rezoning.

Proposed Addition or Change:

Chapter 220 Zoning

Article V Agricultural Districts

§ 220-502 A-1 Agricultural District

- B. Special uses permitted. The following uses may be permitted only if specifically authorized by the Village Board in accordance with § 220-1209:
- (10) Single-family home, on a lot of less than ~~five ten~~ **five ten** acres of land area but at least one acre in size ~~when topographic or other geographic considerations make the active farm use of the property impractical.~~

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

CLARIFICATION AMENDMENT: Scrivener's Errors Vision Clearance

Reference and scrivener's error updates are made to the Zoning Code to amend the wording, content or formatting on non-substantive regulations.

Current Code:

In the general provisions section of the zoning code, the code indicates the following:
At the intersection of all streets and points of ingress or egress onto any street, no obstructions exceeding three feet in height shall be permitted within the triangular area formed by the intersection of any two street rights-of-way lines and/or the intersection of any street right-of-way line with any edge of any service or other access drive determined by a line drawn connecting two points located 25 feet equidistant along said right-of-way lines or service or access drive edges from the point of intersection thereof.

There is a discrepancy with the clear vision requirement in the fence code, see below:

§ 220-812 Fences, walls and swimming pools.

(15) No fence or wall can be located within the area of the sight vision triangle. The area of the sight vision triangle is a twenty-foot area located at the at-grade intersections of streets, driveways, access roads, railroads, or any combination thereof.

Proposed Addition or Change:

Chapter 220 Zoning

Article VIII General Provisions

§ 220-812 Fences, walls and swimming pools.

D. General requirements for fences, walls and swimming pools. The following requirements shall apply in all zoning districts within the Village:

(15) No fence or wall can be located within the area of the sight vision triangle. The area of the sight vision triangle is a twenty-five (25) foot area located at the at-grade intersections of streets, driveways, access roads, railroads, or any combination thereof.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

CLARIFICATION AMENDMENT: Scrivener’s Errors
Terrace Definition

Reference and scrivener’s error updates are made to the Zoning Code to amend the wording, content or formatting on non-substantive regulations.

Current Code:

The title of the definition below is grammatically incorrect and means: Open and Patio Terrace, when it should be Open Terrace and Patio

TERRACE, OPEN and PATIO

A level plane or platform which, for the purpose of this chapter, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

Proposed Addition or Change:

Chapter 220 Zoning
Article VIII
§ 220-303 Definitions.

The following words and terms shall have the meanings set forth herein, except where otherwise specifically indicated. Words and terms not defined shall have the meanings indicated by common dictionary definition.

TERRACE and PATIO, OPEN

A level plane or platform which, for the purpose of this chapter, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet in height above the average level of the adjoining ground.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

CLARIFICATION AMENDMENT: Scrivener’s Errors Consistency of the Village masonry requirements

Reference and scrivener’s error updates are made to the Zoning Code to amend the wording, content or formatting on non-substantive regulations.

Current Code:

There are inconsistencies between the “other residential standards” for the masonry requirements in the zoning code and the masonry standards in the building code. The Building Code regulations are the most current and most recently updated. Staff’s recommendation is to remove the duplicative code that is found in the zoning code and just reference the requirement from the Building code.

Proposed Change or Addition:

Chapter 220 Zoning Article VI Residence Districts § 220-614 Other residential standards.

(5) Building materials.

~~(a) Refer to the exterior construction standards of Chapter 75, Article II, Part 21, for additional regulations regarding building materials, including but not limited to variances for building materials for primary and accessory structures.~~

~~(b) Residential buildings or structures located in any residential zoning district and which are primary buildings or structures on a given lot shall be constructed with exterior finishes consisting of either stone material or brick material covering 100% of the aggregate total area of all first floor or story exterior walls, exclusive of doors, windows, and associated trim.~~

~~(c) All chimneys constructed on any such building or structure shall have exterior finishes consisting exclusively of stone material or brick material from grade level to the caps thereof, where such chimneys are located on an exterior wall of any such building or structure from grade level to the top of such chimney, but any such chimney located within the interior of such building or structure and having exposed exterior surfaces located only above the lowest part of the roof of such building or structure shall not be required to be constructed exclusively of stone or brick material as aforesaid, but shall instead be required to be surfaced with materials that are architecturally compatible and harmonious with the overall design of such building or structure.~~

~~(d) No plywood, vinyl, or aluminum siding shall be used on any new structure in the residential districts.~~

~~[Amended 9-9-2008 by Ord. No. 08-048]~~

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

~~(e) Only vinyl siding conforming to ASTM D3679 may be permitted as a replacement material on existing structures; however, at no such time shall vinyl be used to cover or replace existing brick.~~

~~[Amended 9-9-2008 by Ord. No. 08-048]~~

~~(f) Any alteration, addition, repair or replacement of any residential building or structure in existence as of November 20, 2001, shall be exempt from provisions set forth in Subsection A(5)(a) through (d) if such alterations, additions, repairs, or replacements are constructed with exterior finishes that are architecturally consistent with the exterior finishes of said residential structures as they existed as of November 20, 2001.~~

~~(g) Residential buildings or structures which demonstrate exceptional architectural merit and an intention to reflect the rural character of the Village of Homer Glen may, upon application made to the Village Board of Trustees, be granted a variance from the provisions of this section requiring the use of particular materials for exterior finishes to allow the use of different materials or to allow the use of a different percentage or proportion of the materials otherwise required in the exterior finish of such a structure, but no such variance shall be available or granted to allow the use of aluminum siding, vinyl or plastic siding, or imitation brick or stone sheeting.~~

~~(h) Any permitted accessory building or structure with a total interior floor space exceeding 225 square feet located within any residential zoning district shall be constructed with exterior finishes consisting of either stone material or brick material covering 100% of the aggregate total area of all first floor or story exterior walls, exclusive of doors, windows, and associated trim. Those accessory buildings or structures equal or less than 225 square feet shall be exempt from the provisions of this section.~~

~~Accessory structures are only required to do 3' of masonry on all elevations, not 100%. "Residential Districts" should be removed from the code if we want the masonry requirement for ALL residential dwellings regardless of zoning. Need to update to match building code or we should just reference the building code here instead of reiterating so we can reduce the chance of inconsistent code sections.~~

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

CLARIFICATION AMENDMENT: Scrivener’s Errors A-1, rear yard setback clarification

Reference and scrivener’s error updates are made to the Zoning Code to amend the wording, content or formatting on non-substantive regulations.

Chapter 220 Zoning

Article V. Agricultural Districts

§ 220-502 A-1 Agricultural District

Current Code:

The regulation for rear yard setbacks for the A-1 Agricultural Districts is missing “agricultural structures”. See the number (4) below for an example of how the sentence should be structured.

Proposed Addition or Change:

F. Site and structure requirements.

(1) Minimum lot area: 10 acres.

(2) Minimum lot width/lot frontage: 330 feet.

(3) Minimum front yard setback: 100 feet from the center line on nondedicated roads and 77 feet from the front lot line on dedicated roads.

(4) Minimum side yard setback: 50 feet on each side for a residential structure and 100 feet for an agricultural structure.

(5) Minimum rear yard setback: 50 feet, exclusive of any easements, from the rear lot line for residential structures and 100 feet, exclusive of any easements, from the rear lot line **for agricultural structures**. Freestanding accessory structures shall be set in a distance not less than 10 feet from the rear lot line.

Attachment 1 – Proposed Zoning Code Text Amendments

DRAFT for October 15, 2020 Plan Commission Meeting

CLARIFICATION AMENDMENT: Scrivener’s Errors Swimming pool calculation for impervious surface

Reference and scrivener’s error updates are made to the Zoning Code to amend the wording, content or formatting on non-substantive regulations.

Chapter 220 Zoning

Article VIII. General Provisions

§ 220-812 Fences, walls and swimming pools

Current Code:

Existing swimming pool regulations indicate that, “Fifty percent of the total area of a swimming pool (exclusive of patio, deck, pavement or any impervious surface) shall be calculated toward the allowable lot coverage as established for each zoning district.”

Lot coverage is defined as: “The percentage of a lot which, when viewed directly from above, is covered by primary and accessory structures, driveways, or any part thereof, excluding projecting roof sections. For the purpose of calculating maximum lot coverage, sidewalks, patios, decks, swimming pools, open porches, outdoor tennis or basketball courts, or other similar accessory uses shall not be included.”

In practice, swimming pools are counted at fifty (50) percent for purposes of calculating impervious surface coverage. Staff is recommending that “lot coverage” be changed to “impervious surface coverage”

Proposed Addition or Change:

C. Swimming pools. In addition to the requirements within the Homer Glen Building Code and the general requirements listed in Subsection D, the following requirements shall apply to the construction and operation of swimming pools:

- (1) Setbacks. A private swimming pool for use exclusively by the residents of the property and their guests shall meet the greater of the minimum side yard setback or easement requirements of the zoning district in which it is located and shall not be located in any required front yard. Swimming pools are to maintain a rear yard setback of not less than 50% of the required rear yard setback of the primary structure as established for each zoning district.
[Amended 3-24-2009 by Ord. No. 09-007]
- (2) A temporary fence of a minimum height of five feet shall be erected during excavation and construction of the swimming pool.
- (3) Fifty percent of the total area of a swimming pool (exclusive of patio, deck, pavement or any impervious surface) shall be calculated toward the allowable ~~lot~~ **impervious surface** coverage as established for each zoning district.
[Amended 3-24-2009 by Ord. No. 09-007]