



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

PLANNING AND ZONING

COMMISSION AGENDA

Wednesday, July 10, 2019

7:00 PM

Yorkville City Hall Council Chambers

800 Game Farm Road

Meeting Called to Order: 7:00 p.m.

Roll Call:

Previous meeting minutes: May 8, 2019

Citizen's Comments

Public Hearings

1. **PZC 2019-15** Ivaylo Gramatikov, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real properties are located at the southwest and southeast corner of the E Van Emmon Street and Benjamin Street intersection. The petitioner is requesting rezoning approval from B-2 Retail Commerce Business District to R-1 Single-Family Suburban Residence District for the property at the southwest corner of the intersection and rezoning approval from O Office District to R-1 Single-Family Suburban Residence District for the property at the southeast corner of the intersection.
2. **PZC 2019-17** Margaret LeGrand, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification and bulk regulation variance approval for the property located at 701 N Bridge Street. The petitioner is requesting rezoning approval from B-1 Local Commerce Business District to R-2 Single-Family Traditional Residence District. Additionally, the petitioner is requesting variance approval for minimum lot size, lot coverage, and front yard setback requirements within the R-2 Single-Family Traditional Residence District to allow the existing dwelling to remain on the property.
3. **PZC 2019-18** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to two Chapters of the United City of Yorkville Zoning Ordinance including "Chapter 2: Definitions" and "Chapter 3: General Zoning Provisions." The amendment to Chapter 2 revises the definition for a "Zoning Lot" to include contiguous parcels under single ownership. The Chapter 3 amendment will provide that accessory buildings or uses located on a contiguous zoning lot which have an existing primary structure and is under single ownership,

are permitted, as long as the building or use is located within the rear, corner or side yard setback as stipulated in the zoning ordinance for that district.

Old Business

New Business

1. **PZC 2019-15** Ivaylo Gramatikov, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real properties are located at the southwest and southeast corner of the E Van Emmon Street and Benjamin Street intersection. The petitioner is requesting rezoning approval from B-2 Retail Commerce Business District to R-1 Single-Family Suburban Residence District for the property at the southwest corner of the intersection and rezoning approval from O Office District to R-1 Single-Family Suburban Residence District for the property at the southeast corner of the intersection.

Action Item

Rezone Request

2. **PZC 2019-17** Margaret LeGrand, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification and bulk regulation variance approval for the property located at 701 N Bridge Street. The petitioner is requesting rezoning approval from B-1 Local Commerce Business District to R-2 Single-Family Traditional Residence District. Additionally, the petitioner is requesting variance approval for minimum lot size, lot coverage, and front yard setback requirements within the R-2 Single-Family Traditional Residence District to allow the existing dwelling to remain on the property.

Action Item

Rezone Request; Variance Requests

3. **PZC 2019-18** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to two Chapters of the United City of Yorkville Zoning Ordinance including “Chapter 2: Definitions” and “Chapter 3: General Zoning Provisions.” The amendment to Chapter 2 revises the definition for a “Zoning Lot” to include contiguous parcels under single ownership. The Chapter 3 amendment will provide that accessory buildings or uses located on a contiguous zoning lot which have an existing primary structure and is under single ownership, are permitted, as long as the building or use is located within the rear, corner or side yard setback as stipulated in the zoning ordinance for that district.

Action Item

Text Amendment

4. **Appointment** of a Vice-Chairperson for the Planning and Zoning Commission

Additional Business

1. City Council Action Updates:

PZC 2019-10 Roger S. Bauer on behalf of Morton Buildings, Inc., petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real property is located along Commercial Drive, northwest of the

Boombah Boulevard and Commercial Drive intersection. The petitioner is requesting rezoning approval from B-3 General Business District to M-1 Limited Manufacturing District.

City Council Action

Approved

2. Planning Training Series: Basic Drainage and Site Engineering Presentation from EEI

Adjournment

DRAFT

PLANNING & ZONING COMMISSION

City Council Chambers
800 Game Farm Road, Yorkville, IL
Wednesday, May 8, 2019 7:00pm

Meeting Called to Order

Vice-Chairman Jeff Olson called the meeting to order at 7:00pm, roll was called and a quorum was established.

Roll Call:

Danny Williams-yes, Deborah Horaz-yes, Don Marcum-yes, Jeff Olson-yes, Richard Vinyard-yes

City Staff

Jason Engberg, Senior Planner

Other Guests

Chris Vitosh, Vitosh Reporting Service
Vincent Frey, Heartland Circle
Cheing-Mei Suen, Corneil Road Farm

Roger Bauer, Morton Buildings
Lai-Cheing Suen, Corneil Road Farm

Previous Meeting Minutes April 10, 2019

The minutes were approved as presented on a motion and second by Commissioners Marcum and Vinyard, respectively.

Roll call: Horaz-present, Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes

Carried: 4 yes, 0 no, 1 present

Citizen's Comments None

Public Hearings

Vice-Chairman Olson explained the procedure for the Hearing and swore in those who would speak. At approximately 7:03pm a motion was made and seconded by Mr. Williams and Mr. Vinyard, respectively, to open the Hearing.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Williams-yes. Carried 5-0.

1. **PZC 2019-10** Roger S. Bauer on behalf of Morton Buildings, Inc., petitioner has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real property is located along Commercial Drive, northwest of the Boombah Boulevard and Commercial Drive intersection. The petitioner is requesting rezoning approval from B-3 General Business District to M-1 Limited Manufacturing District.

(See Court Reporter Transcript)

(Findings of Fact to be entered into official record)

The Hearing was closed at approximately 7:20pm on a motion by Mr. Vinyard and second by Ms. Horaz.
Roll call: Marcum=yes, Olson=yes, Vinyard=yes, Williams=yes, Horaz=yes. Carried 5-0.

Unfinished Business: none

New Business:

1. **PZC 2019-10** Morton Buildings (see description above)

Mr. Engberg said the property is currently zoned B-3 and adjacent to a property zoned M-1, similar to a case in 2015. The Comp Plan calls for general industrial. The petitioner has submitted a site plan, engineering and landscaping plans and will meet the appearance code for light industrial. Staff has given a positive recommendation. Vice-Chairman Olson reviewed the Findings of Fact with the Commissioners.

Action Item

Rezone Request

A motion was made and seconded by Commissioners Williams and Vinyard, respectively, as follows: In consideration of testimony presented during a Public Hearing on May 8, 2019 and approval of the Findings of Fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the property stated in the staff memorandum dated April 30, 2019 from B-3 General Business District to M-1 Limited Manufacturing District.

Roll call: Olson=yes, Vinyard=yes, Williams=yes, Horaz=yes, Marcum=yes. Carried 5-0.

Additional Business:

Vice-Chairman Olson informed the Commission that Randy Harker is stepping down from the Planning and Zoning Commission. Mr. Olson made the following statement and asked to have it as part of the official meeting record. "Randy was not only a fantastic Chairman who was unflappable when leading these meetings, but he was also a fantastic mediator and consensus-builder. I think it would be a very long time before someone as smooth as Randy is sitting in this chair, I think he will be very missed."

1. City Council Updates

PZC 2019-12 Daniel, Bruce and Norma VanDeventer and Deborah Hull 1.5 Mile Review: map amendment from A-1 to R-1 on Galena Rd. Recommended for approval with no objection.

PZC 2019-13 Avanti Group, revision of parcel dimensions in Grande Reserve: City Council approved.

Mr. Engberg also said the Commission hopes to select 2 new Commissioners after the new Mayor is seated on May 14th.

Adjournment

There was no further business and the meeting was adjourned at 7:28pm on a motion by Mr. Vinyard and second by Mr. Williams. Approved on unanimous voice vote.

Respectfully submitted by Marlys Young, Minute Taker

UNITED CITY OF YORKVILLE
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION
PUBLIC HEARING

800 Game Farm Road
Yorkville, Illinois

Wednesday, May 8, 2019

7:00 p.m.

Vitosh Reporting Service

815.993.2832 cms.vitosh@gmail.com

1 PRESENT:

2 Mr. Jeff Olson, Chairman,

3 Ms. Deborah Horaz,

4 Mr. Richard Vinyard,

5 Mr. Donald Marcum,

6 Mr. Danny Williams.

7
8 ALSO PRESENT:

9 Mr. Jason Engberg, Senior Planner,

10 Ms. Marlys Young, Minute Taker.

11 - - - - -

1 (WHEREUPON, the following
2 proceedings were had in
3 public hearing:)

4 VICE-CHAIRMAN OLSON: We will move on to
5 the next item on the agenda. There is one public
6 hearing scheduled for tonight's Planning and
7 Zoning Commission meeting.

8 The purpose of this meeting is to
9 invite testimony from members of the public
10 regarding the proposed request that is being
11 considered before this commission tonight.

12 Present who wish to speak may be for
13 or against the request, or to ask questions of
14 the petitioner regarding the request being heard.
15 Those persons wishing to testify are asked to
16 speak clearly, one at a time and state your name
17 and who you represent, if anyone at all.

18 You are also asked to sign in at the
19 podium. If you plan to speak during tonight's
20 public hearing as a petitioner or as a member of
21 the public right now, please stand, raise your
22 right hand and repeat after me.

23 So this is basically if anybody is
24 going to talk tonight, you need to stand up and

1 swear to tell the truth.

2 (Witness sworn.)

3 VICE-CHAIRMAN OLSON: The order for
4 receiving testimony during the public hearing
5 will be as follows: The petitioner will make his
6 presentation; those who wish to speak in favor of
7 the presentation can speak; and then those who
8 wish to speak in opposition to the presentation
9 can speak.

10 May I have a motion, please, to open
11 the public hearing on petition number PZC
12 2019-10?

13 MR. WILLIAMS: So moved.

14 MR. VINYARD: Second.

15 VICE-CHAIRMAN OLSON: Roll call vote on
16 the motion, please.

17 MS. YOUNG: Horaz.

18 MS. HORAZ: Yes.

19 MS. YOUNG: Marcum.

20 MR. MARCUM: Yes.

21 MS. YOUNG: Olson.

22 VICE-CHAIRMAN OLSON: Yes.

23 MS. YOUNG: Vinyard.

24 MR. VINYARD: Yes.

1 VICE-CHAIRMAN OLSON: And Williams.

2 MR. WILLIAMS: Yes.

3 VICE-CHAIRMAN OLSON: The public hearing
4 up for discussion tonight is the following:
5 PZC 2019-10, Roger S. Bauer, on behalf of Morton
6 Buildings, Incorporated, petitioner, has filed an
7 application with the United City of Yorkville,
8 Kendall County, Illinois, requesting rezoning
9 classification.

10 The real property is located along
11 Commercial Drive northwest of Boombah Boulevard
12 and the Commercial Drive intersection.

13 The petitioner is requesting
14 rezoning approval from B-3 General Business to
15 M-1 Limited Manufacturing District.

16 Is the petitioner of PZC 2019-10
17 present and prepared to make his presentation on
18 the proposed request?

19 MR. BAUER: Yes, sir.

20 VICE-CHAIRMAN OLSON: By all means.
21 Stand at the podium. Oh, that's fine. You can
22 roam.

23 ROBERT S. BAUER,
24 having been first duly sworn, testified from the

1 podium as follows:

2 MR. BAUER: Okay. Like I mentioned, my
3 name is Robert Bauer. I am with Morton
4 Buildings. I am the property and asset manager
5 for our company.

6 What we are proposing for the
7 Yorkville Commercial Drive development is a new
8 construction center for our company. It's one of
9 the first that we have built in quite a few
10 years.

11 This is part of a six-to-10-year
12 redevelopment plan throughout the country.
13 There's been a lot of effort that's been put into
14 this to make sure that we are doing this at the
15 right locations, and I will say that it's
16 probably been a year and a half of work gone into
17 this to identify Yorkville, Illinois as the right
18 place to do business.

19 A lot of people besides me that
20 worked on all of this to get it put together, and
21 we have landed on these two lots, Lot 14 and 15.
22 Lot 14 was zoned correctly, Lot 15 was not.

23 Normally when we build a new
24 construction center it is done on about an acre

1 and a half to two acres of land. Combined these
2 lots are about two acres, a little over two
3 acres, so it fits the footprint of what we do
4 very well, and one thing that we did that we
5 don't normally do is we added a second driveway
6 on that curve because of the curve, and -- not to
7 inhibit traffic, and to -- just so we can get
8 material deliveries if we have any and/or UPS
9 trucks, whatever, that they can go in and not
10 disrupt traffic flow, and for our construction
11 crews when they come in so that they can just go
12 in the one driveway and just go right into the
13 construction center warehouse and not disrupt the
14 office operations itself.

15 This facility is built for -- is
16 going to be built for four construction crews,
17 and a special operator of equipment that will be
18 in one of the bays as well, and it's built for
19 four sales representatives and one construction
20 center administrator.

21 Like I said, this is a big deal for
22 our company, so we are going to do this in the
23 right way. It will be announced through the
24 paper. We will be working with the City of

1 Yorkville for a grand reopening -- or opening.

2 Like I said, this is going to be a
3 pretty heralded event, and we are trying -- we
4 are doing everything that we can to do it right.

5 And I met with the architectural
6 board over the development about three weeks ago
7 and they gave me their approval because I went
8 through a presentation with them as well to try
9 to explain to them what we were doing, and they
10 said it fit very well with what they were wanting
11 to do in that development.

12 I will go through kind of the
13 interior fit-out of the building. This is the
14 office operations. We are working with steel
15 case -- when -- because we're trying to brand
16 everything that we do to match our corporate
17 office in Morton, Illinois, so as we do these,
18 they will be consistent throughout the country as
19 far as the looks, the interior fit-outs and all
20 that because we want it to represent who we are,
21 and also the community. We want to represent the
22 community.

23 Morton Buildings is a 110-year-old
24 company. I'm sure some of you have heard of us.

1 As of two years ago today, we are an
2 employee-owned company, 100 percent
3 employee-owned. I've worked for Morton Buildings
4 for 42 years this month, so it's -- very proud of
5 who we are.

6 This will be the front office as you
7 walk in. That's the reception area. We're just
8 trying to go for a sleek design. The conference
9 room and sales offices and a small -- another
10 small conference room, another sales area, and
11 then just an overall look of that sales area and
12 then some other -- a file room, and then a crew
13 operations room just where they go to set up
14 shop, too, so -- and that's an overview of the
15 lot. It's the one on the curve, those two lots
16 there. That's a pretty poor picture, but I know
17 that that's in your packet, too.

18 VICE-CHAIRMAN OLSON: Roger, do you have
19 a picture of the outside rendering of the
20 building? That got cut off our packet.

21 MR. BAUER: This is the outside. We are
22 using what is called a low sheen -- it's a steel
23 clad -- The warehouse is steel clad, but we're
24 using a low sheen product. It's a brand new

1 product. So you're not going to get the glare or
2 any of the ghosting through product that's
3 behind, it won't telegraph, so it will look
4 pretty clean, really clean actually, and then
5 we're going with a weathered gray exterior
6 cladding on the warehouse, but it's got a texture
7 to it, so it doesn't look like traditional steel
8 panel, and then the office area will all be
9 Hardie sided, and then the vestibule and all that
10 will be -- those columns will be wrapped in stone
11 and then it will have a stone wainscot around the
12 office as well.

13 VICE-CHAIRMAN OLSON: What's the roof?

14 MR. BAUER: The roof is steel, and it's
15 a low sheen steel. We're just trying to soften
16 our -- This is the way we're going to do all of
17 them, is this type of design.

18 The one in Yorkville -- because I
19 was at that City Council meeting last night. The
20 Yorkville center is going to be a little bit --
21 or, excuse me, Champaign. The Champaign center
22 is going to be a little bit different in
23 orientation on the property, but the same design,
24 and I've also got one going in Sioux Falls, South

1 Dakota, where I'm from, so we've got quite a bit
2 going on, but this -- and next year there will be
3 four to five more that will go up in different
4 locations of the country.

5 MS. SUEN: Excuse me, can I ask
6 questions now?

7 VICE-CHAIRMAN OLSON: Yeah, sure, go
8 ahead. If you have to ask a question, though,
9 you need to come up to the podium and sign in.
10 We need to swear you in, too, if you're going to
11 ask questions.

12 Okay. You already signed in, but we
13 do need to swear you in.

14 CHEING-MEI SUEN,
15 having been first duly sworn, testified from the
16 podium as follows:

17 VICE-CHAIRMAN OLSON: Go ahead.

18 MS. SUEN: Okay. My question is this
19 hearing because of a rezoning.

20 MR. BAUER: Yes.

21 MS. SUEN: Now, you are presenting
22 what's going to be the new construction
23 structure. Could you clarify to me without
24 rezoning what it will be look like?

1 MR. BAUER: I didn't get that.

2 MS. SUEN: Okay. This hearing is for
3 rezoning, right?

4 MR. BAUER: Right. Mm-hum.

5 MS. SUEN: And you just presented the
6 new construction structure.

7 MR. BAUER: Mm-hum.

8 MS. SUEN: My question is without
9 applying for rezoning, what it would limit you
10 from this being constructed.

11 MR. BAUER: It would really limit the
12 site that this -- One lot was too tight. One lot
13 is correctly zoned, but one lot is not.

14 It actually in 1995 was zoned
15 correctly, and then it reverted back after the --
16 after that expired, then it reverted back to the
17 original R-3 zoning.

18 MS. SUEN: Okay.

19 MR. BAUER: And all we're requesting is
20 that Lot 15 gets rezoned back to the M-1, like
21 Lot 14 is.

22 MR. ENGBERG: I can help clarify, too,
23 which I cover in my report.

24 The whole development, the

1 commercial drive, that whole area, is a planned
2 unit development and was annexed with an
3 annexation agreement in 1995.

4 There are certain parts that are
5 R-2, B-3 and M-1. R-2 is actually Caledonia and
6 the subdivision behind it, and then this area was
7 split into B-3 and M-1.

8 Some of the front properties on
9 Route 47 are mostly B-3 and the back properties
10 are M-1, and what ended up happening in 2015, the
11 annexation agreement expired, so the zoning that
12 was set on that was set permanent, so the parcel
13 on the west is M-1; the parcel on the east, the
14 actual thing with the curve, is B-3.

15 Their proposed use of what they want
16 to do here is permitted in an M-1 district, but
17 not in a B-3, and as he stated, the one lot was a
18 little too tight, so they have both lots and they
19 want to put it on all one, so they're asking for
20 a rezone to the M-1.

21 MS. SUEN: Okay. Now, with this change
22 in the areas of M-1 in that area, I assume the
23 total number of square feet will increase. How
24 would that impact the infrastructure in terms of

1 the sewage, the water flow?

2 MR. ENGBERG: So again, as a planned
3 unit development, everything like that has been
4 planned for for the appropriate scale to this
5 type of development, and what he's asking for is
6 very common, as M-1 is limited manufacturing, M-2
7 is general.

8 M-2 is going to have more of your
9 heavy industrial uses, manufacturing. This is
10 considered a very light use and appropriate for
11 this area, hence it was M-1 and B-3, those types
12 of use, so the fact of the matter is these two
13 lots are adjacent and it would be very
14 appropriate for this setting.

15 Very similarly, the property across
16 the street that actually fronts 47 as a storage
17 facility was zoned B-3 and they rezoned to M-1
18 back in 2015.

19 MS. SUEN: Okay. Now, would you please
20 give me some detail, what kind -- what I heard
21 from you was one building is for administration
22 and the other one is for warehouse.

23 Are there going to be any of the
24 so-called light manufacturing?

1 MR. BAUER: No, there will be no
2 manufacturing in this facility. All the
3 warehouse is is just commercial vehicle storage,
4 that's -- All it is for is our crew trucks to --
5 when they get done building during the day at a
6 job site, wherever they are at, then they will
7 come back and park their vehicles inside the
8 building. That is it.

9 VICE-CHAIRMAN OLSON: Your materials are
10 delivered to the site, correct?

11 MR. BAUER: All materials are delivered
12 to the job site. There may be -- I mentioned
13 that we put in two driveways. On occasion we
14 will take delivery of material that they have
15 to -- Like if they are short of material on a job
16 site or if they have a customer that requests
17 some material at the construction center, it's
18 delivered to the construction center, and then
19 they can pick it up. Very small amounts.

20 Those are delivered by semi, so we
21 bring -- that's why we put the other driveway in,
22 so that they could just come in, off-load and
23 leave, and there will be a storage area in the
24 back of the building.

1 That's one of the reasons why the
2 one lot was too tight, we wanted both, because I
3 want to put in -- well, I'm going to put in a
4 fenced-in area for excessive material that the
5 crews might bring back or things that are
6 delivered, it will always be inside of a six-foot
7 fence. There will be no materials stored
8 outside, because as we do these footprints, I
9 don't want any material or equipment outside.

10 Our building is big enough so that
11 they can bring their trucks in, get in their
12 vehicles and go, so very -- I want things to look
13 very nice inside of a development. I don't like
14 unsightly, that's just the way I am, so...

15 MR. WILLIAMS: There will be no sort of
16 construction or setup on-site?

17 MR. BAUER: It's for a construction
18 operation. It's just their home base when
19 they --

20 MS. HORAZ: For your area.

21 MR. BAUER: They leave out at 6:30 and
22 they get back home at night at 5:30 or six
23 o'clock at night.

24 MS. HORAZ: It's one of the best

1 situations.

2 MR. MARCUM: So you're not going to be
3 stamping any panels there or anything?

4 MR. BAUER: No, absolutely nothing.

5 MR. MARCUM: Despite the fact it's
6 referred to as a manufacturing district, you're
7 not really making anything.

8 MR. BAUER: No. One of the biggest
9 reasons that we chose these two lots, if you do
10 an aerial view of it, which I did, down in
11 Champaign, when we met, I looked at the aerial
12 view of these lots and I said right then and
13 there that I wanted them because that retention
14 pond that's out front gives me an unobstructed
15 view to the highway. My sign can go out front
16 and everybody can see that beautiful building.

17 MR. MARCUM: Do you already own the
18 properties or are you just under the contract to
19 buy them?

20 MR. BAUER: It's all contingent on these
21 hearings.

22 MS. SUEN: Okay. Thank you.

23 MR. BAUER: The purchases.

24 VICE-CHAIRMAN OLSON: Thank you.

1 MR. BAUER: You bet.

2 VICE-CHAIRMAN OLSON: Is there anyone
3 who wishes to speak in favor of the request?

4 (No response.)

5 VICE-CHAIRMAN OLSON: Any questions from
6 the commission or of the petitioner we didn't
7 already cover?

8 MS. HORAZ: No, I'm good.

9 VICE-CHAIRMAN OLSON: I need go over
10 findings of fact because it's a rezoning?

11 MR. ENGBERG: Right, so just ask if he
12 would like his finding of facts that they
13 submitted be entered into the record.

14 VICE-CHAIRMAN OLSON: So you submitted
15 some questions -- or answers to questions. Would
16 you like your answers to the questions, the
17 finding of facts questions, entered into the
18 record for tonight's public hearing?

19 MR. BAUER: Yes.

20 VICE-CHAIRMAN OLSON: Okay. Thank you.

21 Since all public testimony regarding
22 this petition have been taken, may I have a
23 motion to close the taking of testimony at this
24 public hearing?

1 MR. VINYARD: So moved.

2 MS. HORAZ: Second.

3 VICE-CHAIRMAN OLSON: Roll call vote on
4 the motion, please.

5 MS. YOUNG: Marcum.

6 MR. MARCUM: Yes.

7 MS. YOUNG: Olson.

8 VICE-CHAIRMAN OLSON: Yes.

9 MS. YOUNG: Vinyard.

10 MR. VINYARD: Yes.

11 MS. YOUNG: Williams.

12 MR. WILLIAMS: Yes.

13 MS. YOUNG: Horaz.

14 MS. HORAZ: Yes.

15 VICE-CHAIRMAN OLSON: The public hearing
16 portion of tonight's hearing is closed.

17 (Which were all the
18 proceedings had in the
19 public hearing portion
20 of the meeting.)

21 ---o0o---

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23

24

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF LASALLE)

4 I, Christine M. Vitosh, a Certified Shorthand
5 Reporter, do hereby certify that I transcribed
6 the proceedings from the audio recording taken at
7 the meeting and that the foregoing, Pages 1
8 through 20, inclusive, is a true, correct and
9 complete computer-generated transcript of the
10 proceedings had at the time and place aforesaid.

11 I further certify that my certificate annexed
12 hereto applies to the original transcript and
13 copies thereof, signed and certified under my
14 hand only. I assume no responsibility for the
15 accuracy of any reproduced copies not made under
16 my control or direction.

17 As certification thereof, I have hereunto set
18 my hand this 31st day May, A.D., 2019.

19
20 _____
21 Christine M. Vitosh, CSR
22 Illinois CSR No. 084-002883
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0	accuracy [1] - 20:14 acre [1] - 6:24 acres [3] - 7:1, 7:2, 7:3 actual [1] - 13:14 added [1] - 7:5 adjacent [1] - 14:13 administration [1] - 14:21 administrator [1] - 7:20 aerial [2] - 17:10, 17:11 aforesaid [1] - 20:9 agenda [1] - 3:5 ago [2] - 8:6, 9:1 agreement [2] - 13:3, 13:11 ahead [2] - 11:8, 11:17 ALSO [1] - 2:8 amounts [1] - 15:19 AND [1] - 1:10 annexation [2] - 13:3, 13:11 annexed [2] - 13:2, 20:10 announced [1] - 7:23 answers [2] - 18:15, 18:16 application [1] - 5:7 applies [1] - 20:11 applying [1] - 12:9 appropriate [3] - 14:4, 14:10, 14:14 approval [2] - 5:14, 8:7 architectural [1] - 8:5 area [11] - 9:7, 9:10, 9:11, 10:8, 13:1, 13:6, 13:22, 14:11, 15:23, 16:4, 16:20 areas [1] - 13:22 asset [1] - 6:4 assume [2] - 13:22, 20:13 audio [1] - 20:5	17:8, 17:20, 17:23, 18:1, 18:19 bays [1] - 7:18 beautiful [1] - 17:16 behalf [1] - 5:5 behind [2] - 10:3, 13:6 best [1] - 16:24 bet [1] - 18:1 big [2] - 7:21, 16:10 biggest [1] - 17:8 bit [3] - 10:20, 10:22, 11:1 board [1] - 8:6 Boombah [1] - 5:11 Boulevard [1] - 5:11 brand [2] - 8:15, 9:24 bring [3] - 15:21, 16:5, 16:11 build [1] - 6:23 building [8] - 8:13, 9:20, 14:21, 15:5, 15:8, 15:24, 16:10, 17:16 Buildings [4] - 5:6, 6:4, 8:23, 9:3 built [4] - 6:9, 7:15, 7:16, 7:18 business [1] - 6:18 Business [1] - 5:14 buy [1] - 17:19	CHEING-MEI [1] - 11:14 chose [1] - 17:9 Christine [2] - 20:3, 20:20 CITY [1] - 1:6 City [3] - 5:7, 7:24, 10:19 clad [2] - 9:23 cladding [1] - 10:6 clarify [2] - 11:23, 12:22 classification [1] - 5:9 clean [2] - 10:4 clearly [1] - 3:16 close [1] - 18:23 closed [1] - 19:16 columns [1] - 10:10 combined [1] - 7:1 Commercial [3] - 5:11, 5:12, 6:7 commercial [2] - 13:1, 15:3 commission [2] - 3:11, 18:6 COMMISSION [1] - 1:10 Commission [1] - 3:7 common [1] - 14:6 community [2] - 8:21, 8:22 company [5] - 6:5, 6:8, 7:22, 8:24, 9:2 complete [1] - 20:8 computer [1] - 20:8 computer-generated [1] - 20:8 conference [2] - 9:8, 9:10 considered [2] - 3:11, 14:10 consistent [1] - 8:18 constructed [1] - 12:10 construction [12] - 6:8, 6:24, 7:10, 7:13, 7:16, 7:19, 11:22, 12:6, 15:17, 15:18, 16:16, 16:17 contingent [1] - 17:20 contract [1] - 17:18 control [1] - 20:15 copies [2] - 20:12, 20:14 corporate [1] - 8:16 correct [2] - 15:10, 20:7 correctly [3] - 6:22, 12:13, 12:15 Council [1] - 10:19	country [3] - 6:12, 8:18, 11:4 COUNTY [1] - 20:2 County [1] - 5:8 cover [2] - 12:23, 18:7 crew [2] - 9:12, 15:4 crews [3] - 7:11, 7:16, 16:5 CSR [2] - 20:20, 20:20 curve [4] - 7:6, 9:15, 13:14 customer [1] - 15:16 cut [1] - 9:20
1	1 [1] - 20:6 100 [1] - 9:2 110-year-old [1] - 8:23 14 [3] - 6:21, 6:22, 12:21 15 [3] - 6:21, 6:22, 12:20 1995 [2] - 12:14, 13:3			
2	20 [1] - 20:7 2015 [2] - 13:10, 14:18 2019 [2] - 1:22, 20:17 2019-10 [3] - 4:12, 5:5, 5:16			
3				
31st [1] - 20:17				
4		C		
42 [1] - 9:4 47 [2] - 13:9, 14:16		Caledonia [1] - 13:5 case [1] - 8:15 center [8] - 6:8, 6:24, 7:13, 7:20, 10:20, 10:21, 15:17, 15:18 certain [1] - 13:4 certificate [1] - 20:10 certification [1] - 20:16 Certified [1] - 20:3 certified [1] - 20:12 certify [2] - 20:4, 20:10 Chairman [1] - 2:2 CHAIRMAN [21] - 3:4, 4:3, 4:15, 4:22, 5:1, 5:3, 5:20, 9:18, 10:13, 11:7, 11:17, 15:9, 17:24, 18:2, 18:5, 18:9, 18:14, 18:20, 19:3, 19:8, 19:15 Champaign [3] - 10:21, 17:11 change [1] - 13:21 CHEING [1] - 11:14		
5	5:30 [1] - 16:22			
6	6:30 [1] - 16:21			
7	7:00 [1] - 1:23			
8	8 [1] - 1:22 800 [1] - 1:17			
A	A.D [1] - 20:17 absolutely [1] - 17:4			
	B			
	B-3 [8] - 5:14, 13:5, 13:7, 13:9, 13:14, 13:17, 14:11, 14:17 base [1] - 16:18 Bauer [2] - 5:5, 6:3 BAUER [21] - 5:19, 5:23, 6:2, 9:21, 10:14, 11:20, 12:1, 12:4, 12:7, 12:11, 12:19, 15:1, 15:11, 16:17, 16:21, 17:4,			
	D			
	Dakota [1] - 11:1 Danny [1] - 2:6 deal [1] - 7:21 Deborah [1] - 2:3 delivered [5] - 15:10, 15:11, 15:18, 15:20, 16:6 deliveries [1] - 7:8 delivery [1] - 15:14 design [3] - 9:8, 10:17, 10:23 Despite [1] - 17:5 detail [1] - 14:20 development [8] - 6:7, 8:6, 8:11, 12:24, 13:2, 14:3, 14:5, 16:13 different [2] - 10:22, 11:3 direction [1] - 20:15 discussion [1] - 5:4 disrupt [2] - 7:10, 7:13 district [2] - 13:16, 17:6 District [1] - 5:15 Donald [1] - 2:5 done [2] - 6:24, 15:5 down [1] - 17:10 drive [1] - 13:1 Drive [3] - 5:11, 5:12, 6:7 driveway [3] - 7:5, 7:12, 15:21 driveways [1] - 15:13 duly [2] - 5:24, 11:15 during [3] - 3:19, 4:4, 15:5			
	E			
	east [1] - 13:13 effort [1] - 6:13			

<p>employee [2] - 9:2, 9:3 employee-owned [2] - 9:2, 9:3 ended [1] - 13:10 Engberg [1] - 2:9 ENGBERG [3] - 12:22, 14:2, 18:11 entered [2] - 18:13, 18:17 equipment [2] - 7:17, 16:9 event [1] - 8:3 excessive [1] - 16:4 excuse [1] - 10:21 Excuse [1] - 11:5 expired [2] - 12:16, 13:11 explain [1] - 8:9 exterior [1] - 10:5</p> <p>F</p> <p>facility [3] - 7:15, 14:17, 15:2 fact [3] - 14:12, 17:5, 18:10 facts [2] - 18:12, 18:17 Falls [1] - 10:24 far [1] - 8:19 Farm [1] - 1:17 favor [2] - 4:6, 18:3 feet [1] - 13:23 fence [1] - 16:7 fenced [1] - 16:4 fenced-in [1] - 16:4 few [1] - 6:9 file [1] - 9:12 filed [1] - 5:6 findings [1] - 18:10 fine [1] - 5:21 first [3] - 5:24, 6:9, 11:15 fit [3] - 8:10, 8:13, 8:19 fit-out [1] - 8:13 fit-outs [1] - 8:19 fits [1] - 7:3 five [1] - 11:3 flow [2] - 7:10, 14:1 following [2] - 3:1, 5:4 follows [3] - 4:5, 6:1, 11:16 foot [1] - 16:6 footprint [1] - 7:3 footprints [1] - 16:8 foregoing [1] - 20:6 four [3] - 7:16, 7:19, 11:3 front [4] - 9:6, 13:8, 17:14, 17:15</p>	<p>fronts [1] - 14:16</p> <p>G</p> <p>Game [1] - 1:17 General [1] - 5:14 general [1] - 14:7 generated [1] - 20:8 ghosting [1] - 10:2 glare [1] - 10:1 grand [1] - 8:1 gray [1] - 10:5</p> <p>H</p> <p>half [2] - 6:16, 7:1 hand [3] - 3:22, 20:13, 20:17 Hardie [1] - 10:9 heard [3] - 3:14, 8:24, 14:20 HEARING [1] - 1:11 hearing [13] - 3:3, 3:6, 3:20, 4:4, 4:11, 5:3, 11:19, 12:2, 18:18, 18:24, 19:15, 19:16, 19:19 hearings [1] - 17:21 heavy [1] - 14:9 help [1] - 12:22 hence [1] - 14:11 heralded [1] - 8:3 hereby [1] - 20:4 hereto [1] - 20:11 hereunto [1] - 20:16 highway [1] - 17:15 home [2] - 16:18, 16:22 HORAZ [6] - 4:18, 16:20, 16:24, 18:8, 19:2, 19:14 Horaz [3] - 2:3, 4:17, 19:13 hum [2] - 12:4, 12:7</p> <p>I</p> <p>identify [1] - 6:17 ILLINOIS [2] - 1:7, 20:1 Illinois [5] - 1:18, 5:8, 6:17, 8:17, 20:20 impact [1] - 13:24 inclusive [1] - 20:7 Incorporated [1] - 5:6 increase [1] - 13:23 industrial [1] - 14:9 infrastructure [1] -</p>	<p>13:24 inhibit [1] - 7:7 inside [3] - 15:7, 16:6, 16:13 interior [2] - 8:13, 8:19 intersection [1] - 5:12 invite [1] - 3:9 item [1] - 3:5 itself [1] - 7:14</p> <p>J</p> <p>Jason [1] - 2:9 Jeff [1] - 2:2 job [3] - 15:6, 15:12, 15:15</p> <p>K</p> <p>Kendall [1] - 5:8 kind [2] - 8:12, 14:20</p> <p>L</p> <p>land [1] - 7:1 landed [1] - 6:21 LASALLE [1] - 20:2 last [1] - 10:19 leave [2] - 15:23, 16:21 light [2] - 14:10, 14:24 limit [2] - 12:9, 12:11 limited [1] - 14:6 Limited [1] - 5:15 load [1] - 15:22 located [1] - 5:10 locations [2] - 6:15, 11:4 look [5] - 9:11, 10:3, 10:7, 11:24, 16:12 looked [1] - 17:11 looks [1] - 8:19 low [3] - 9:22, 9:24, 10:15</p> <p>M</p> <p>M-1 [12] - 5:15, 12:20, 13:5, 13:7, 13:10, 13:13, 13:16, 13:20, 13:22, 14:6, 14:11, 14:17 M-2 [2] - 14:6, 14:8 manager [1] - 6:4 manufacturing [5] - 14:6, 14:9, 14:24, 15:2, 17:6</p>	<p>Manufacturing [1] - 5:15 MARCUM [5] - 4:20, 17:2, 17:5, 17:17, 19:6 Marcum [3] - 2:5, 4:19, 19:5 Marlys [1] - 2:10 match [1] - 8:16 material [6] - 7:8, 15:14, 15:15, 15:17, 16:4, 16:9 materials [3] - 15:9, 15:11, 16:7 matter [1] - 14:12 means [1] - 5:20 meeting [5] - 3:7, 3:8, 10:19, 19:20, 20:6 MEI [1] - 11:14 member [1] - 3:20 members [1] - 3:9 mentioned [2] - 6:2, 15:12 met [2] - 8:5, 17:11 might [1] - 16:5 Minute [1] - 2:10 mm-hum [2] - 12:4, 12:7 month [1] - 9:4 Morton [5] - 5:5, 6:3, 8:17, 8:23, 9:3 mostly [1] - 13:9 motion [4] - 4:10, 4:16, 18:23, 19:4 move [1] - 3:4 moved [2] - 4:13, 19:1 MR [36] - 4:13, 4:14, 4:20, 4:24, 5:2, 5:19, 6:2, 9:21, 10:14, 11:20, 12:1, 12:4, 12:7, 12:11, 12:19, 12:22, 14:2, 15:1, 15:11, 16:15, 16:17, 16:21, 17:2, 17:4, 17:5, 17:8, 17:17, 17:20, 17:23, 18:1, 18:11, 18:19, 19:1, 19:6, 19:10, 19:12 MS [25] - 4:17, 4:18, 4:19, 4:21, 4:23, 11:5, 11:18, 11:21, 12:2, 12:5, 12:8, 12:18, 13:21, 14:19, 16:20, 16:24, 17:22, 18:8, 19:2, 19:5, 19:7, 19:9, 19:11, 19:13, 19:14</p>	<p>N</p> <p>name [2] - 3:16, 6:3 need [5] - 3:24, 11:9, 11:10, 11:13, 18:9 new [5] - 6:7, 6:23, 9:24, 11:22, 12:6 next [2] - 3:5, 11:2 nice [1] - 16:13 night [3] - 10:19, 16:22, 16:23 normally [2] - 6:23, 7:5 northwest [1] - 5:11 nothing [1] - 17:4 number [2] - 4:11, 13:23</p> <p>O</p> <p>o'clock [1] - 16:23 occasion [1] - 15:13 OF [3] - 1:6, 20:1, 20:2 off-load [1] - 15:22 office [6] - 7:14, 8:14, 8:17, 9:6, 10:8, 10:12 offices [1] - 9:9 Olson [3] - 2:2, 4:21, 19:7 OLSON [21] - 3:4, 4:3, 4:15, 4:22, 5:1, 5:3, 5:20, 9:18, 10:13, 11:7, 11:17, 15:9, 17:24, 18:2, 18:5, 18:9, 18:14, 18:20, 19:3, 19:8, 19:15 on-site [1] - 16:16 One [1] - 12:12 one [20] - 3:5, 3:16, 6:8, 7:4, 7:12, 7:18, 7:19, 9:15, 10:18, 10:24, 12:12, 12:13, 13:17, 13:19, 14:21, 14:22, 16:1, 16:2, 16:24, 17:8 open [1] - 4:10 opening [1] - 8:1 operation [1] - 16:18 operations [3] - 7:14, 8:14, 9:13 operator [1] - 7:17 opposition [1] - 4:8 order [1] - 4:3 orientation [1] - 10:23 original [2] - 12:17, 20:11 outs [1] - 8:19</p>
--	--	---	--	---

outside [4] - 9:19, 9:21, 16:8, 16:9 overall [1] - 9:11 overview [1] - 9:14 own [1] - 17:17 owned [2] - 9:2, 9:3	product [3] - 9:24, 10:1, 10:2 properties [3] - 13:8, 13:9, 17:18 property [4] - 5:10, 6:4, 10:23, 14:15 proposed [3] - 3:10, 5:18, 13:15 proposing [1] - 6:6 proud [1] - 9:4 PUBLIC [1] - 1:11 public [13] - 3:3, 3:5, 3:9, 3:20, 3:21, 4:4, 4:11, 5:3, 18:18, 18:21, 18:24, 19:15, 19:19 purchases [1] - 17:23 purpose [1] - 3:8 put [7] - 6:13, 6:20, 13:19, 15:13, 15:21, 16:3 PZC [3] - 4:11, 5:5, 5:16	representatives [1] - 7:19 reproduced [1] - 20:14 request [5] - 3:10, 3:13, 3:14, 5:18, 18:3 requesting [3] - 5:8, 5:13, 12:19 requests [1] - 15:16 response [1] - 18:4 responsibility [1] - 20:13 retention [1] - 17:13 reverted [2] - 12:15, 12:16 rezone [1] - 13:20 rezoned [2] - 12:20, 14:17 rezoning [7] - 5:8, 5:14, 11:19, 11:24, 12:3, 12:9, 18:10 Richard [1] - 2:4 Road [1] - 1:17 roam [1] - 5:22 ROBERT [1] - 5:23 Robert [1] - 6:3 Roger [2] - 5:5, 9:18 roll [2] - 4:15, 19:3 roof [2] - 10:13, 10:14 room [4] - 9:9, 9:10, 9:12, 9:13 Route [1] - 13:9	20:12 similarly [1] - 14:15 Sioux [1] - 10:24 site [6] - 12:12, 15:6, 15:10, 15:12, 15:16, 16:16 situations [1] - 17:1 six [2] - 16:6, 16:22 six-foot [1] - 16:6 six-to-10-year [1] - 6:11 sleek [1] - 9:8 small [3] - 9:9, 9:10, 15:19 so-called [1] - 14:24 so.. [1] - 16:14 soften [1] - 10:15 sort [1] - 16:15 South [1] - 10:24 special [1] - 7:17 split [1] - 13:7 square [1] - 13:23 SS [1] - 20:1 stamping [1] - 17:3 stand [2] - 3:21, 3:24 Stand [1] - 5:21 state [1] - 3:16 STATE [1] - 20:1 steel [6] - 8:14, 9:22, 9:23, 10:7, 10:14, 10:15 stone [2] - 10:10, 10:11 storage [3] - 14:16, 15:3, 15:23 stored [1] - 16:7 street [1] - 14:16 structure [2] - 11:23, 12:6 subdivision [1] - 13:6 submitted [2] - 18:13, 18:14 SUEN [11] - 11:5, 11:14, 11:18, 11:21, 12:2, 12:5, 12:8, 12:18, 13:21, 14:19, 17:22 swear [3] - 4:1, 11:10, 11:13 sworn [3] - 4:2, 5:24, 11:15	testify [1] - 3:15 testimony [4] - 3:9, 4:4, 18:21, 18:23 texture [1] - 10:6 thereof [2] - 20:12, 20:16 three [1] - 8:6 throughout [2] - 6:12, 8:18 tight [3] - 12:12, 13:18, 16:2 today [1] - 9:1 together [1] - 6:20 tonight [3] - 3:11, 3:24, 5:4 tonight's [4] - 3:6, 3:19, 18:18, 19:16 total [1] - 13:23 traditional [1] - 10:7 traffic [2] - 7:7, 7:10 transcribed [1] - 20:4 transcript [2] - 20:8, 20:11 trucks [3] - 7:9, 15:4, 16:11 true [1] - 20:7 truth [1] - 4:1 try [1] - 8:8 trying [4] - 8:3, 8:15, 9:8, 10:15 two [10] - 6:21, 7:1, 7:2, 9:1, 9:15, 14:12, 15:13, 16:2, 17:9 type [2] - 10:17, 14:5 types [1] - 14:11
P	Q	S	U	
p.m [1] - 1:23 packet [2] - 9:17, 9:20 Pages [1] - 20:6 panel [1] - 10:8 panels [1] - 17:3 paper [1] - 7:24 parcel [2] - 13:12, 13:13 park [1] - 15:7 part [1] - 6:11 parts [1] - 13:4 people [1] - 6:19 percent [1] - 9:2 permanent [1] - 13:12 permitted [1] - 13:16 persons [1] - 3:15 petition [2] - 4:11, 18:22 petitioner [7] - 3:14, 3:20, 4:5, 5:6, 5:13, 5:16, 18:6 pick [1] - 15:19 picture [2] - 9:16, 9:19 place [2] - 6:18, 20:9 plan [2] - 3:19, 6:12 planned [3] - 13:1, 14:2, 14:4 Planner [1] - 2:9 PLANNING [1] - 1:10 Planning [1] - 3:6 podium [5] - 3:19, 5:21, 6:1, 11:9, 11:16 pond [1] - 17:14 poor [1] - 9:16 portion [2] - 19:16, 19:19 prepared [1] - 5:17 PRESENT [2] - 2:1, 2:8 present [2] - 3:12, 5:17 presentation [5] - 4:6, 4:7, 4:8, 5:17, 8:8 presented [1] - 12:5 presenting [1] - 11:21 pretty [3] - 8:3, 9:16, 10:4 proceedings [4] - 3:2, 19:18, 20:5, 20:9	R R-2 [2] - 13:5 R-3 [1] - 12:17 raise [1] - 3:21 real [1] - 5:10 really [3] - 10:4, 12:11, 17:7 reasons [2] - 16:1, 17:9 receiving [1] - 4:4 reception [1] - 9:7 record [2] - 18:13, 18:18 recording [1] - 20:5 redevelopment [1] - 6:12 referred [1] - 17:6 regarding [3] - 3:10, 3:14, 18:21 rendering [1] - 9:19 reopening [1] - 8:1 repeat [1] - 3:22 report [1] - 12:23 Reporter [1] - 20:4 represent [3] - 3:17, 8:20, 8:21	T sales [4] - 7:19, 9:9, 9:10, 9:11 scale [1] - 14:4 scheduled [1] - 3:6 second [3] - 4:14, 7:5, 19:2 see [1] - 17:16 semi [1] - 15:20 Senior [1] - 2:9 set [4] - 9:13, 13:12, 20:16 setting [1] - 14:14 setup [1] - 16:16 sewage [1] - 14:1 sheen [3] - 9:22, 9:24, 10:15 shop [1] - 9:14 short [1] - 15:15 Shorthand [1] - 20:3 sided [1] - 10:9 sign [3] - 3:18, 11:9, 17:15 signed [2] - 11:12,	V vehicle [1] - 15:3 vehicles [2] - 15:7, 16:12 vestibule [1] - 10:9	

VICE ^[21] - 3:4, 4:3, 4:15, 4:22, 5:1, 5:3, 5:20, 9:18, 10:13, 11:7, 11:17, 15:9, 17:24, 18:2, 18:5, 18:9, 18:14, 18:20, 19:3, 19:8, 19:15 VICE-CHAIRMAN ^[21] - 3:4, 4:3, 4:15, 4:22, 5:1, 5:3, 5:20, 9:18, 10:13, 11:7, 11:17, 15:9, 17:24, 18:2, 18:5, 18:9, 18:14, 18:20, 19:3, 19:8, 19:15 view ^[3] - 17:10, 17:12, 17:15 VINYARD ^[4] - 4:14, 4:24, 19:1, 19:10 Vinyard ^[3] - 2:4, 4:23, 19:9 Vitosh ^[2] - 20:3, 20:20 vote ^[2] - 4:15, 19:3	5:7, 6:7, 6:17, 8:1, 10:18, 10:20 YOUNG ^[9] - 4:17, 4:19, 4:21, 4:23, 19:5, 19:7, 19:9, 19:11, 19:13 Young ^[1] - 2:10 Z zoned ^[4] - 6:22, 12:13, 12:14, 14:17 ZONING ^[1] - 1:10 zoning ^[2] - 12:17, 13:11 Zoning ^[1] - 3:7
W	
wainscot ^[1] - 10:11 walk ^[1] - 9:7 warehouse ^[5] - 7:13, 9:23, 10:6, 14:22, 15:3 water ^[1] - 14:1 weathered ^[1] - 10:5 Wednesday ^[1] - 1:22 weeks ^[1] - 8:6 west ^[1] - 13:13 WHEREUPON ^[1] - 3:1 whole ^[2] - 12:24, 13:1 WILLIAMS ^[4] - 4:13, 5:2, 16:15, 19:12 Williams ^[3] - 2:6, 5:1, 19:11 wish ^[3] - 3:12, 4:6, 4:8 wishes ^[1] - 18:3 wishing ^[1] - 3:15 witness ^[1] - 4:2 wrapped ^[1] - 10:10	
Y	
year ^[2] - 6:16, 11:2 years ^[3] - 6:10, 9:1, 9:4 YORKVILLE ^[2] - 1:6, 1:7 Yorkville ^[7] - 1:18,	



Memorandum

To: Planning and Zoning Commission
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: July 1, 2019
Subject: **PZC 2019-15 E Van Emmon and Benjamin Rezone Request**

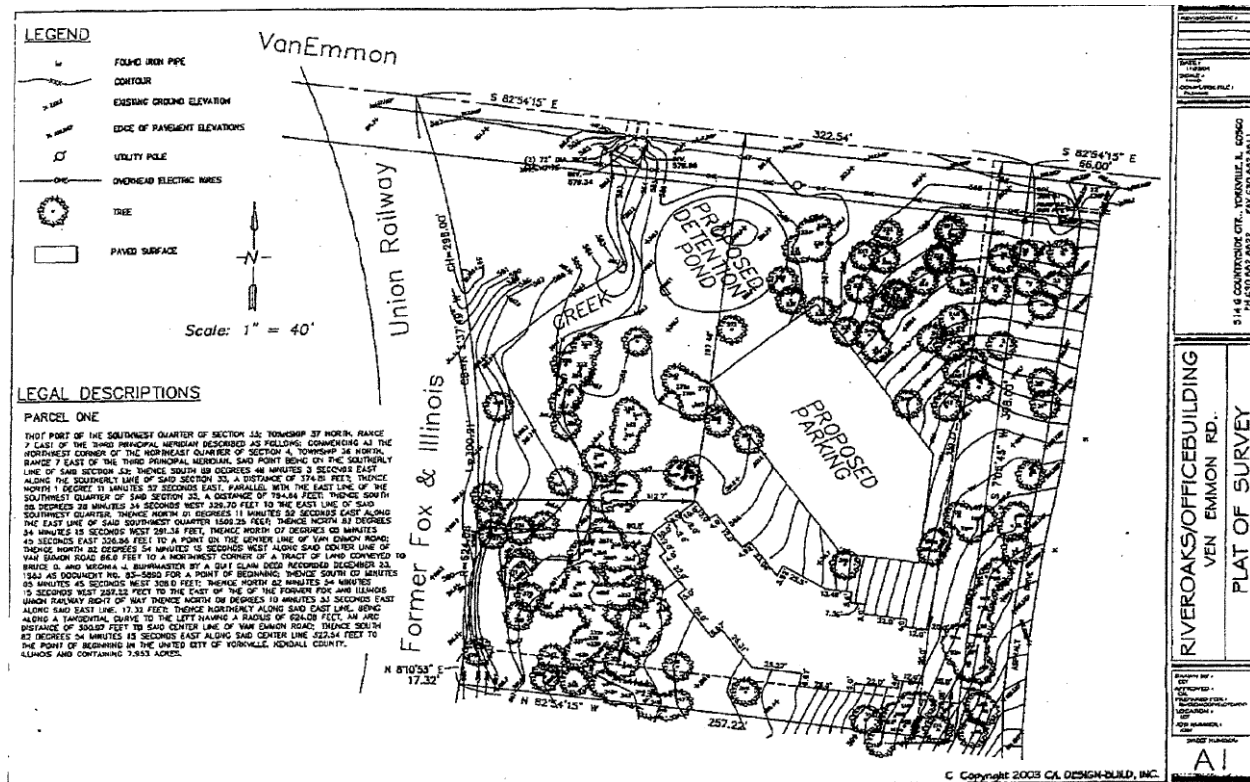
PROPOSED REQUEST:

The petitioner, Ivaylo Gramatikov, is seeking rezoning approval for the parcels located at the southwest and southeast corner of the E Van Emmon Street and Benjamin Street intersection. The petitioner is requesting rezoning approval from B-2 Retail Commerce Business District to R-1 Single-Family Suburban Residence District for the property at the southwest corner of the intersection and rezoning approval from O Office District to R-1 Single-Family Suburban Residence District for the property at the southeast corner of the intersection. The total proposed area to be rezoned consists of approximately 3.47 acres of vacant land. The petitioner is requesting the rezone to market them as large single-family home sites and has no current plans to build on the properties.



PROPERTY BACKGROUND:

The property at the southwest corner of E Van Emmon Street and Benjamin Street is the former River Oaks development. The River Oaks project had a conceptual plan to be a multi-use building containing offices, personal services, and loft apartments on the southwest parcel. A development agreement was adopted in 2010 (Ordinance 2010-27) which approved a concept plan and rezoned the both properties from R-1 One Family Residence District to B-2 General Business District. A term of 5 years for development was established at the time the agreement was adopted. Therefore, the agreement expired in 2015 and now the subject property owners must meet all current ordinances, regulations, and codes. Although, the development agreement and its provisions have expired, the zoning classification must remain, as zoning is not subject to timeframes and the adopted ordinance officially rezoned the parcels.



Original River Oaks Conceptual Site Plan (now expired)

SITE ANALYSIS:

The following are the current immediate surrounding zoning and land uses:

	Zoning	Land Use
North	M-1 Limited Manufacturing OS-2 Open Space Active	Single-Family Homes, Light Industrial, Baseball Field
South	R-2 Single-Family Traditional Residence District	Vacant Residential Lots (Kendallwood Estates)
East	R-2 One Family Residential (Kendall County)	Single-Family Homes
West	R-2 Single-Family Traditional Residence District B-4 Service Business District	Single-Family Homes, Light Industrial

Land Use

The petitioner has been attempting to sell these properties but is having trouble with the current zoning classification. He has received inquiries from potential buyers if a single-family home may be permitted but must deny them due to the B-2 district and O district zoning classifications. Therefore, he wants to rezone the properties to market them accurately and attempt to sell them as single-family lots. Single-family detached homes are permitted in the R-1 Single-Family Suburban Residence District.

Comprehensive Plan (Future Land Use)

The subject properties' future land use is classified as "Suburban Neighborhood." This land use category is designated to generally provide detached single-family residential dwellings on larger lots with street connectivity within the existing development fabric. The overall intent in this land use classification is to create well-designed, walkable neighborhoods that incorporate open space and appropriate linkages to surrounding areas. The proposed R-1 zoning classification is in line with the Comprehensive Plan's future land use designation. Additionally, the size and location of these lots is much more suitable for residential homes and providing connections between residential use as opposed to commercial uses as stated in the Comprehensive Plan.

FINDINGS OF FACT FOR REZONING:

Section 10-4-10-B of the City's Zoning Ordinance establishes criteria for findings of fact related to rezoning (map amendment) requests. No rezoning shall be recommended by the Planning and Zoning Commission without each of the following considered:

1. The existing uses and zoning of nearby property.
2. The extent to which the property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of the property values of plaintiff promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
5. The suitability of the subject property for the zoned purpose.
6. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
7. The community need for the proposed use.
8. The care to which the community has undertaken to plan its land use development.

The Petitioner has provided written responses to these map amendment standards as part of their application and requests inclusion of those responses into the public record at the July 10, 2019 Planning and Zoning Commission meeting.

STAFF COMMENTS:

Staff is generally supportive of this request as it is appropriate for the existing surrounding uses in the area as well as aligning with the recommendations in the 2016 Comprehensive Plan.

PROPOSED MOTION:

In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the properties stated in the staff memorandum dated July 1, 2019 from B-2 Retail Commerce Business District to R-1 Suburban Residence District and from O Office District to R-1 Suburban Residence District and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

ATTACHMENTS:

1. Application with attachments
2. Legal Description
3. Public Hearing Notice



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR REZONING

INTENT AND PURPOSE:

An application for Map Amendment, or commonly referred to as "rezoning", is a request to reclassify a property from one zoning designation to within another zoning district. Requests for rezoning must not be merely arbitrary, but has to have validity as to the appropriate zoning classification for the existing or proposed land use in consideration of certain factors such as: the existing land use and zoning of the surrounding properties; suitability of the land use within the current zoning district; the trend of development in the general area; impact the proposed rezoning would have on traffic; the potential diminishment of property values due to the rezoning; and the promotion of public health, safety, morals or general welfare of the public as a result of the proposed rezoning.

This packet explains the process to successfully submit and complete an Application for Rezoning. It includes a detailed description of the process and the actual application itself. Please type the required information in the application on your computer. The application will need to be printed and signed by the petitioner. The only item that needs to be submitted to the city from this packet is the application. The rest of the packet is to help guide you through the process unto completion.

For a complete explanation of what is legally required throughout the Rezoning Request process, please refer to "Title 10, Chapter 14, Section 7 Amendments" of the Yorkville, Illinois City Code.

APPLICATION PROCEDURE:



STAGE 1: APPLICATION SUBMITTAL

The following must be submitted to the Community Development Department:

- One (1) original signed application with legal description.
- Three (3) 11" x 17" copies each of the exhibits, proposed drawings, location map, and site plan. Large items must be folded to fit in a 10" x 13" envelope.
- Appropriate filing fee.
- One (1) CD or portable USB drive containing one (1) electronic copy (pdf) of each of the following: signed application (complete with exhibits), proposed drawings, location map, and site plan. A Microsoft Word document with the legal description is also required.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. These materials must be submitted a minimum of forty five (45) days prior to the targeted Planning and Zoning Commission meeting. An incomplete submittal could delay the scheduling of the project.

Petitioner will be responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The petitioner will be required to establish a deposit account with the city to cover these fees. The Petitioner Deposit Account/Acknowledgement of Financial Responsibility form is attached to this document and must be submitted with the application.



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APPLICATION FOR REZONING

STAGE 2: PLAN COUNCIL

Petitioner must present the proposed plan to the Plan Council. The Plan Council meets on the 2nd and 4th Thursday of the month. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. Upon recommendation by the Plan Council, petitioner will move forward to the Planning and Zoning Commission hearing.

STAGE 3: ECONOMIC DEVELOPMENT COMMITTEE

Applicant must present the proposed plan to the Economic Development Committee. Economic Development Committee meets at 7:00 p.m. on the 1st Tuesday of each month. This session is to discuss and consider recommendations prior to full City Council considerations and provide informal feedback. The Economic Development Committee will submit its recommendation to City Council.

STAGE 4: PLANNING AND ZONING COMMISSION

Petitioner will attend a public hearing conducted by the Planning and Zoning Commission. The Planning and Zoning Commission meets on the 2nd Wednesday of the Month at 7:00pm. Notice will be placed in the Kendall County Record by the United City of Yorkville. The petitioner is responsible for sending certified public hearing notices to adjacent property owners within five hundred (500) feet of the subject property no less than fifteen (15) days and no more than thirty (30) days prior to the public hearing date. Twenty four (24) hours prior to the public hearing, a certified affidavit must be filed by the petitioner with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified. The Planning and Zoning Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council. No rezoning shall be recommended by the Planning and Zoning Commission unless it follows the standards set forth in City's Zoning Ordinance. The Certified Mailing Affidavit form is attached to this document and must be submitted prior to the scheduled Planning and Zoning Commission meeting.

STAGE 5: CITY COUNCIL

Petitioner will attend the City Council meeting where the recommendation of the rezoning will be considered. The City Council meets on the 2nd and 4th Tuesdays of the month at 7:00pm. City Council will make the final approval of the rezoning.



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APPLICATION FOR REZONING

DORMANT APPLICATIONS

The Community Development Director shall determine if an application meets or fails to meet the requirements stated above. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The applicant has not responded in writing to a request for information or documentation from the initial plan commission review within six (6) months from the date of that request.
- The applicant has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant. (Ord. 2011-34, 7-26-2011)



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APPLICATION FOR REZONING

INVOICE & WORKSHEET PETITION APPLICATION			
CONCEPT PLAN REVIEW	<input type="checkbox"/> Engineering Plan Review deposit	\$500.00	Total: \$
AMENDMENT	<input type="checkbox"/> Annexation <input type="checkbox"/> Plan <input type="checkbox"/> Plat <input type="checkbox"/> P.U.D.	\$500.00 \$500.00 \$500.00 \$500.00	Total: \$
ANNEXATION	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres Acres over 5 Amount for Extra Acres Total Amount		Total: \$
REZONING	<input checked="" type="checkbox"/> \$200.00 + \$10 per acre for each acre over 5 acres <i>If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee</i> _____ - 5 = _____ x \$10 = _____ + \$200 = \$ _____ # of Acres Acres over 5 Amount for Extra Acres Total Amount		Total: \$ 200
SPECIAL USE	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres Acres over 5 Amount for Extra Acres Total Amount		Total: \$
ZONING VARIANCE	<input type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$
PRELIMINARY PLAN FEE	<input type="checkbox"/> \$500.00		Total: \$
PUD FEE	<input type="checkbox"/> \$500.00		Total: \$
FINAL PLAT FEE	<input type="checkbox"/> \$500.00		Total: \$
ENGINEERING PLAN REVIEW DEPOSIT	<input type="checkbox"/> Less than 1 acre <input type="checkbox"/> Over 1 acre, less than 10 acres <input type="checkbox"/> Over 10 acres, less than 40 acres <input type="checkbox"/> Over 40 acres, less than 100 acres <input type="checkbox"/> Over 100 acres	\$5,000.00 \$10,000.00 \$15,000.00 \$20,000.00 \$25,000.00	Total: \$
OUTSIDE CONSULTANTS DEPOSIT	<i>Legal, land planner, zoning coordinator, environmental services</i> For Annexation, Subdivision, Rezoning, and Special Use: <input type="checkbox"/> Less than 2 acres <input checked="" type="checkbox"/> Over 2 acres, less than 10 acres <input type="checkbox"/> Over 10 acres		Total: \$ 2500
TOTAL AMOUNT DUE:			\$ 2700



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APPLICATION FOR REZONING

DATE: 3/28/19	PZC NUMBER:	DEVELOPMENT NAME: FRONTAGE OF MENDALL WOODS ^{separate entity}
PETITIONER INFORMATION		
NAME: IVAYLO GRAMATIKOV	COMPANY: N/A	
MAILING ADDRESS: 2931 Majestic Oaks Drive		
CITY, STATE, ZIP: St Charles IL 60537	TELEPHONE: 630 802 6918	
EMAIL: ivaylong@yahoo.com	FAX: N/A	
PROPERTY INFORMATION		
NAME OF HOLDER OF LEGAL TITLE: IVAYLO GRAMATIKOV		
* IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN: N/A		
PROPERTY STREET ADDRESS: SWC VANEMMON #2 SEC VANEMMON		
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION: TR LYG SW1/4 SEC 33-37-7 - attached		
CURRENT ZONING CLASSIFICATION: B2	REQUESTED ZONING CLASSIFICATION: R1	
COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION: Suburban neighborhood	TOTAL ACREAGE: 1.95 + 1.52 = 3.47	
ZONING AND LAND USE OF SURROUNDING PROPERTIES		
NORTH: M1 + 052		
EAST: R2		
SOUTH: R2		
WEST: R2 + B4		
KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)		
SWC	02-33-376-015	VANEMMON
SEC	02-33-376-015	VANEMMON



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APPLICATION FOR REZONING

ATTORNEY INFORMATION

NAME: DJ KRAMER COMPANY: KRAMERLAW
MAILING ADDRESS: 1107 Bridge St
CITY, STATE, ZIP: YORKVILLE, IL 60560 TELEPHONE: 630 553 9500
EMAIL: dj@dan.kramer.law.com FAX:

ENGINEER INFORMATION

NAME: COMPANY:
MAILING ADDRESS:
CITY, STATE, ZIP: TELEPHONE:
EMAIL: FAX:

LAND PLANNER/SURVEYOR INFORMATION

NAME: COMPANY:
MAILING ADDRESS:
CITY, STATE, ZIP: TELEPHONE:
EMAIL: FAX:

ATTACHMENTS

Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".

Petitioner must list the names and addresses of any adjoining or contiguous landowners within five hundred (500) feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".



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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE EXISTING ZONING CLASSIFICATION(S) AND USES OF THE PROPERTY WITHIN THE GENERAL AREA OF THE PROPOSED REZONED PROPERTY:

B2
→ Residential Development

PLEASE STATE THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, WHICH HAVE TAKEN PLACE SINCE THE DAY THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION:

Residential Development
Park near

PLEASE STATE THE EXTENT TO WHICH PROPERTY VALUES ARE DIMINISHED BY THE PARTICULAR ZONING RESTRICTIONS:

Diminishes chances for future land use
Beneficial to plan a Suburban neighborhood

PLEASE STATE THE EXTENT TO WHICH THE DESTRUCTION OF PROPERTY VALUES OF PETITIONER PROMOTES THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE PUBLIC:

Vacant + not as aesthetic + pleasing to the eye
Having Residents - Bring in more Revenue to Community



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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS ZONED CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE SUBJECT PROPERTY:

ALWAYS - AS LONG AS AWARE

PLEASE STATE THE COMMUNITY NEED FOR THE PROPOSED LAND USE:

Comprehensive
Suburban plan

WITH RESPECT TO THE SUBJECT PROPERTY, PLEASE STATE THE CARE WITH WHICH THE COMMUNITY HAS UNDERTAKEN TO PLAN ITS LAND USE DEVELOPMENT:

Development for potential growth
Kendallwood Subdivision
Streets,

PLEASE STATE THE IMPACT THAT SUCH RECLASSIFICATION WILL HAVE UPON TRAFFIC AND TRAFFIC CONDITIONS ON SAID ROUTES; THE EFFECT, IF ANY, SUCH RECLASSIFICATION AND/OR ANNEXATION WOULD HAVE UPON EXISTING ACCESSES TO SAID ROUTES; AND THE IMPACT OF ADDITIONAL ACCESSSES AS REQUESTED BY THE PETITIONER UPON TRAFFIC AND TRAFFIC CONDITIONS AND FLOW ON SAID ROUTES (ORD. 1976-43, 11-4-1976):

N/A



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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE RELATIVE GAIN TO THE PUBLIC AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNER:

Community Tax &
PROMOTE HOUSING Community - Kindell Woods

PLEASE STATE THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE ZONED PURPOSES:

1 ALREADY IN R1 Status in past on 1 of lots
DUE TO DEVELOPMENT BEHIND SAID LOTS
that are already establish as Residential - It
makes sense for it to Blend & equally be Residential

AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

G. P. Williams
PETITIONER SIGNATURE

3-28-19
DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

OWNER SIGNATURE

DATE

**THIS APPLICATION MUST BE
NOTARIZED PLEASE NOTARIZE HERE:**



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
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Website: www.yorkville.il.us

PETITIONER DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS:
APPLICATION/APPROVAL TYPE (check appropriate box(es) of approval requested):		
<input type="checkbox"/> CONCEPT PLAN REVIEW	<input type="checkbox"/> AMENDMENT (TEXT)	<input type="checkbox"/> ANNEXATION
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MILE AND 1/2 REVIEW	<input type="checkbox"/> ZONING VARIANCE
<input type="checkbox"/> FINAL PLANS	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT	<input type="checkbox"/> FINAL PLAT
<input checked="" type="checkbox"/> REZONING		
<input type="checkbox"/> PRELIMINARY PLAN		
PETITIONER DEPOSIT ACCOUNT FUND: It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the INVOICE & WORKSHEET PETITION APPLICATION . This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.		
ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY		
NAME: <u>IVAYLO GRAMATIKOV</u>	COMPANY:	
MAILING ADDRESS: <u>2931 Majestic Oaks Dr</u>		
CITY, STATE, ZIP: <u>St Charles, IL 60174</u>	TELEPHONE: <u>630-802-6918</u>	
EMAIL:	FAX:	
FINANCIALLY RESPONSIBLE PARTY: I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/ Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.		
PRINT NAME: <u>IVAYLO GRAMATIKOV</u>	TITLE: _____	
SIGNATURE: <u>GRAMATIKOV</u>	DATE: <u>3-28-2019</u>	
ACCOUNT CLOSURE AUTHORIZATION		
DATE REQUESTED: _____	<input type="checkbox"/> COMPLETED	<input type="checkbox"/> INACTIVE
PRINT NAME: _____	<input type="checkbox"/> WITHDRAWN	<input type="checkbox"/> COLLECTIONS
SIGNATURE: _____	<input type="checkbox"/> OTHER	
DEPARTMENT ROUTING FOR AUTHORIZATION:	<input type="checkbox"/> COM. DEV.	<input type="checkbox"/> BUILDING
	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> FINANCE
	<input type="checkbox"/> ADMIN.	

SCHEDULE A

First American Title Insurance Company

Name and Address of Title Insurance Company:
First American Title Insurance Company
27775 Diehl Road
Warrenville, IL 60555

File No.: **2134299**

Policy No.: **2134299**

Amount of Insurance: \$69,000.00

Date of Policy: December 01, 2011

1. Name of Insured:

Ivaylo Gramatikov and Stella Marie S. Gramatikov

2. The estate or interest in the Land that is insured by this policy is:

Fee Simple

3. Title is vested in:

Ivaylo Gramatikov and Stella Marie S. Gramatikov, as joint tenants with rights of survivorship

4. The Land referred to in this policy is described as follows:

Real property in the City of Yorkville, County of KENDALL, State of Illinois, described as follows:

Parcel One:

That part of the Southwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 4, Township 36 North, Range 7 East of the Third Principal Meridian, said point being on the Southerly line of said Section 33; thence South 89 degrees 46 minutes 03 seconds East along the Southerly line of said Section 33, a distance of 374.81 feet; thence North 01 degrees 11 minutes 52 seconds East, parallel with the East line of the Southwest Quarter of said Section 33, a distance of 794.66 feet; thence 88 degrees 28 minutes 34 seconds West 329.70 feet to East line of said Southwest Quarter; thence North 01 degrees 11 minutes 52 seconds along the East line of said Southwest Quarter 1509.25 feet; thence North 82 degrees 54 minutes 15 seconds West 291.36 feet; thence North 07 degrees, 05 minutes, 45 seconds East 326.86 feet to the point on the center line of Van Emmon Road; thence North 82 degrees 54 minutes 15 seconds West along said center line of Van Emmon Road, 66.0 feet to a Northwest corner of a tract of land conveyed to Bruce O. and Virginia J. Buhrmaster by a Quit Claim Deed recorded December 23, 1983 as Document Number 83-5890 for a point of beginning; thence South 07 degrees 05 minutes 45 seconds West 308.0 feet; thence North 82 degrees 54 minutes 15 seconds West 257.22 feet to the East line of the former Fox and Illinois Union Railway right of Way; thence North 08 degrees 10 minutes 53 seconds East along said East line 17.32 feet; thence Northerly along said East line, being along a tangential curve to the left having a radius of 624.08 feet, an arc distance of 300.91 feet to said center line of Van Emmon Road; thence South 82 degrees 54 minutes 15 seconds East along said center line 322.54 feet to the point of beginning in the United City of Yorkville, Kendall County, Illinois.

Parcel Two:

That part of the Southwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwest corner of the Northeast

Quarter of Section 4, Township 36 North, Range 7 East of the Third Principal Meridian, said point being on the Southerly line of said Section 33; thence South $89^{\circ} 46' 03''$ East along the Southerly line of said Section 33, a distance of 374.81 feet; thence North $01^{\circ} 11' 52''$ East parallel with the East line of the Southwest Quarter of said Section 33, a distance of 794.66 feet; thence South $88^{\circ} 28' 34''$ West 329.70 feet to the East line of said Southwest Quarter; thence North $01^{\circ} 11' 52''$ East along the East line of said Southwest Quarter 1509.25 feet to a Northeast Corner of a tract of land conveyed to Bruce O. and Virginia J. Buhrmaster by a Quit Claim Deed recorded on December 23, 1983 as Document 83-5890 for a point of beginning; thence North $82^{\circ} 54' 15''$ West 291.36 feet; thence North $07^{\circ} 05' 45''$ East 326.86 feet to a point on the center line of Van Emmon Road; thence South $82^{\circ} 54' 15''$ East along said center line of Van Emmon Road 161.94 feet; thence South $10^{\circ} 27' 25''$ West 202.20 feet; thence South $76^{\circ} 52' 34''$ East 130.50 feet to said East line; thence South $01^{\circ} 11' 52''$ West along said East line 111.89 feet to the point of beginning in the United City of Yorkville, Kendall County, Illinois.

**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2019-15**

NOTICE IS HEREBY GIVEN THAT Ivaylo Gramatikov, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification. The real properties are located at the southwest and southeast corner of the E Van Emmon Street and Benjamin Street intersection. The petitioner is requesting rezoning approval from B-2 Retail Commerce Business District to R-1 Single-Family Suburban Residence District for the property at the southwest corner of the intersection and rezoning approval from O Office District to R-1 Single-Family Suburban Residence District for the property at the southeast corner of the intersection.

The legal description is as follows:

That part of the Southwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 4, Township 36 North, Range 7 East of the Third Principal Meridian, said point being on the Southerly line of said Section 33; thence South 89 degrees 46 minutes 03 seconds East along the Southerly line of said Section 33, a distance of 374.81 feet; thence North 01 degrees 11 minutes 52 seconds East, parallel with the East line of the Southwest Quarter of said Section 33, a distance of 794.66 feet; thence 88 degrees 28 minutes 34 seconds West 329.70 feet to East line of said Southwest Quarter; thence North 01 degrees 11 minutes 52 seconds along the East line of said Southwest Quarter 1509.25 feet; thence North 82 degrees 54 minutes 15 seconds West 291.36 feet; thence North 07 degrees, 05 minutes, 45 seconds East 326.86 feet to the point on the center line of Van Emmon Road; thence North 82 degrees 54 minutes 15 seconds West along said center line of Van Emmon Road, 66.0 feet to a Northwest corner of a tract of land conveyed to Bruce O. and Virginia J. Buhrmaster by a Quit Claim Deed recorded December 23, 1983 as Document Number 83-5890 for a point of beginning; thence South 07 degrees 05 minutes 45 seconds West 308.0 feet; thence North 82 degrees 54 minutes 15 seconds West 257.22 feet to the East line of the former Fox and Illinois Union Railway right of Way; thence North 08 degrees 10 minutes 53 seconds East along said East line 17.32 feet thence Northerly along said East line, being along a tangential curve to the left having a radius of 624.08 feet, an arc distance of 300.91 feet to said center line of Van Emmon Road; thence South 82 degrees 54 minutes 15 seconds East along said center line 322.54 feet to the point of beginning in the United City of Yorkville, Kendall County, Illinois.

That part of the Southwest Quarter of Section 33, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northwest corner of the Northeast Quarter of Section 4, Township 36 North, Range 7 East of the Third Principal Meridian, said point being on the Southerly line of said Section 33; thence South 89° 46' 03" East along the Southerly line of said Section 33, a distance of 374.81 feet; thence North 01 ° 11' 52" East parallel with the East line of the Southwest Quarter of said Section 33, a distance of 794.66 feet; thence South 88° 28' 34" West 329.70 feet to the East line of said Southwest Quarter; thence North 01 ° 11' 52" East along the East line of said Southwest Quarter 1509.25 feet to a Northeast Corner of a tract of land conveyed to Bruce O. and Virginia J. Buhrmaster by a Quit Claim Deed recorded on December 23, 1983 as Document 83-5890 for a point of beginning; thence North 82° 54' 15" West 291.36 feet; thence North 07° 05' 45" East 326.86 feet to a point on the center line of Van Emmon Road; thence South 82° 54' 15" East along said center line of Van Emmon Road 161.94 feet; thence South 10° 27' 25" West 202.20 feet; thence South 76° 52' 34" East 130.50 feet to said East line; thence South 01 ° 11' 52" West along said East line 111.89 feet to the point of beginning in the United City of Yorkville, Kendall County, Illinois.

A copy of the application is available for review during normal City business hours at the office of the Community Development Department.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a Public Hearing on said application on **Wednesday, July 10, 2019 at 7 p.m.** at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

LISA PICKERING
City Clerk



Memorandum

To: Planning and Zoning Commission
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: July 1, 2019
Subject: **PZC 2019-17 701 N Bridge Street Rezone and Variance Requests**

PROPOSED REQUEST:

The petitioner, Margaret LeGrand is seeking rezoning classification and bulk regulation variance approval for 701 N Bridge Street. The property is located on the west side of N Bridge Street south of the Apple Tree Court intersection and north of the E Park Street intersection. The petitioner is requesting rezoning approval from B-1 Local Commerce Business District to R-2 Single-Family Traditional Residence District. Additionally, the petitioner is requesting variance approval for minimum lot size, lot coverage, and front yard setback requirements within the R-2 Single-Family Traditional Residence District to allow the existing dwelling to remain on the property without any non-conformities.



PROPERTY BACKGROUND:

The structure on the subject property was originally built as a single-family home site (Kendall County data states it was built in 1930). The property was used as a residential use until 2002 when the property was rezoned to the B-1 zoning district (Ordinance 2002-41). The property's overall lot size and front lot line were reduced in 2015 due to the IDOT expansion of State Route 47.

SITE ANALYSIS:

The following are the current immediate surrounding zoning and land uses:

Zoning		Land Use
North	R-2 Single-Family Traditional Residence District	Multi-Family Dwelling
South	B-1 Local Commerce Business District	Small Business (Counselor)
East	R-2 Single-Family Traditional Residence District R-3 Multi-Family Attached Residence District	Accessory Garage, Multi-Family Dwelling
West	R-2 Single-Family Traditional Residence District	Yorkville Public Works Facilities

Land Use Request

The petitioner is requesting that this property be rezoned to a residential district, so she may live in the existing house. She has no plans of running a business or home occupation at this location. The R-2 Single-Family Traditional Residence District permits single-family detached homes as well as accessory garages. The R-2 District is the most appropriate residential district due to the size of the lot, dwelling unit density, and proximity to other R-2 zoned properties.

It should be noted that the petitioner is currently living in the house during this rezoning process. They are aware that if rezoning to the R-2 District is not approved, they will not be compliant with the Yorkville Zoning Code.

Bulk Regulations

The following are the bulk regulations for the R-2 District compared to the petitioner's actual measurements:

	Min. Lot Size	Max. Lot Coverage	Min. Front Yard Setback	Min. Side Yard Setback	Min. Rear Yard Setback
Required Regulations	12,000 sq. ft.	45%	30 ft.	10 ft.	40 ft.
Petitioner's Measurements	11,041 sq. ft.	48%	10.1 ft.	27 ft.	49 ft.

The three highlighted measurements are not in compliance with the R-2 District. The petitioner is requesting to vary these regulations to the existing measurements so the structure will be compliant in the zoning district. The following lists the requested variances:

Minimum Lot Size to be reduced to 11,041 square feet

The petitioner is requesting to reduce the minimum lot size by 959 square feet (8%). Before the State Route 47 expansion in 2015, the 12,000 square foot minimum lot size would have been met and the only reason to apply for a variance is because of that expansion.

Minimum Front Yard Setback to be reduced to 10.1 feet

The petitioner is requesting to reduce the required front yard setback by 19.9 feet (66%). Before the State Route 47 expansion in 2015, the structure was set back 27 feet to the front property line. The front yard setback in the B-1 District is also 30 feet, which means even before the expansion, this property was legally non-conforming. With a 10.1-foot front yard setback, this property contains a legally non-conforming structure and the requested variance would make this structure legally conforming.

Maximum Lot Coverage to be increased to 48 percent

The petitioner is requesting to increase the maximum allowable lot coverage by three (3%) percent. The existing structures and paved surfaces take up 48 percent of the property. The petitioner has no intention to add any additional structures or accessories that will increase their lot coverage ratio.

Section 10-4-7-D of the Yorkville Zoning Ordinance lists authorized variances which the Planning and Zoning Commission may approve without City Council review. Of the three requested variances, only the reduction in minimum lot size is an authorized variance. Section 10-4-7-D-h states:

“To exceed any of the authorized variations allowed under this subsection when a lot of record or a zoning lot, vacant or legally used on the effective date hereof, is, by reason of the exercise of the right of eminent domain by any authorized governmental domain proceeding, reduced in size so that the remainder of said lot of record or zoning lot or structure on said lot does not conform with one or more of the regulations of the district in which said lot of record or zoning lot or structure is located.”

Since the sole reason for the request to reduce the minimum lot size requirement is the result of IDOT’s widening of Route 47, this request will be authorized by the Planning and Zoning Commission. The other two variance requests must be reviewed and approved by the City Council. The front yard setback is not an authorized variance because the structure was already non-conforming to the 30 foot required front yard setback and the widening did not cause the non-conformity. Additionally, there are no authorized variations in the code which address lot coverage variances.

Comprehensive Plan (Future Land Use)

The subject property’s future land use is classified as “Traditional Neighborhood Residential.” This land use category is designated to generally provide detached single-family homes with existing or enhanced infrastructure. This category emphasizes maintaining existing densities and preserving or rehabilitating existing housing. The proposed land use and R-2 zoning classification are in line with the Comprehensive Plan’s future land use designation for this property.

FINDINGS OF FACT FOR REZONING:

Section 10-4-10-B of the City’s Zoning Ordinance establishes criteria for findings of fact related to rezoning (map amendment) requests. No rezoning shall be recommended by the Planning and Zoning Commission without each of the following considered:

1. The existing uses and zoning of nearby property.
2. The extent to which the property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of the property values of plaintiff promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
5. The suitability of the subject property for the zoned purpose.
6. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
7. The community need for the proposed use.
8. The care to which the community has undertaken to plan its land use development.

STANDARDS FOR GRANTING A VARIANCE:

The Planning and Zoning Commission must base its decision to vary, or recommend varying, the Petitioner's request for relief of the Zoning Ordinance regulation upon the following standards (Section 10-4-7-C):

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.
2. The conditions upon which the petition for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The alleged difficulty or hardship is caused by this title and has not been created by any person presently having an interest in the property.
4. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
5. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger to the public safety, or substantially diminish or impair property values within the neighborhood.
6. The proposed variation is consistent with the official comprehensive plan and other development standards and policies of the city.

The petitioner has provided written responses to these standards as part of their application (see attached) and requests inclusion of those responses into the public record at the July 10, 2019 Plan Commission meeting.

PROPOSED MOTIONS:

Motion for Rezoning

In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the property stated in the staff memorandum dated July 1, 2019 from B-1 Local Commerce Business District to R-2 Single-Family Traditional Residence District and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Motion for Lot Size Variance

In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the findings of fact, the Planning and Zoning Commission authorizes approval of a request to vary the minimum lot size for the R-2 District contained in Section 10-7-1 of the United City of Yorkville Zoning Code from 12,000 square feet to 11,041 square feet as stated in the staff memorandum dated July 1, 2019 and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Motion for Front Yard Setback Variance

In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request to vary the minimum front yard setback for the R-2 District contained in Section 10-7-1 of the United City of Yorkville Zoning Code from 30 feet to 10.1 feet as stated in the staff memorandum dated July 1, 2019 and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

Motion for Lot Coverage Variance

In consideration of testimony presented during a Public Hearing on July 10, 2019 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request to vary the maximum lot coverage for the R-2 District contained in Section 10-7-1 of the United City of Yorkville Zoning Code from 45 percent to 48 percent as stated in the staff memorandum dated July 1, 2019 and further subject to {insert any additional conditions of the Planning and Zoning Commission}...

ATTACHMENTS:

1. Rezoning Application
2. Variance Application
3. Plat of Survey
4. Public Hearing Notice

4-19-64 7-10



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR REZONING

INTENT AND PURPOSE:

An application for Map Amendment, or commonly referred to as "rezoning", is a request to reclassify a property from one zoning designation to within another zoning district. Requests for rezoning must not be merely arbitrary, but has to have validity as to the appropriate zoning classification for the existing or proposed land use in consideration of certain factors such as: the existing land use and zoning of the surrounding properties; suitability of the land use within the current zoning district; the trend of development in the general area; impact the proposed rezoning would have on traffic; the potential diminishment of property values due to the rezoning; and the promotion of public health, safety, morals or general welfare of the public as a result of the proposed rezoning.

This packet explains the process to successfully submit and complete an Application for Rezoning. It includes a detailed description of the process and the actual application itself. Please type the required information in the application on your computer. The application will need to be printed and signed by the petitioner. The only item that needs to be submitted to the city from this packet is the application. The rest of the packet is to help guide you through the process unto completion.

For a complete explanation of what is legally required throughout the Rezoning Request process, please refer to "Title 10, Chapter 14, Section 7 Amendments" of the Yorkville, Illinois City Code.

APPLICATION PROCEDURE:



STAGE 1: APPLICATION SUBMITTAL

The following must be submitted to the Community Development Department:

- One (1) original signed application with legal description.
- Three (3) 11" x 17" copies each of the exhibits, proposed drawings, location map, and site plan. Large items must be folded to fit in a 10" x 13" envelope.
- Appropriate filing fee.
- One (1) CD or portable USB drive containing one (1) electronic copy (pdf) of each of the following: signed application (complete with exhibits), proposed drawings, location map, and site plan. A Microsoft Word document with the legal description is also required.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. These materials must be submitted a minimum of forty five (45) days prior to the targeted Planning and Zoning Commission meeting. An incomplete submittal could delay the scheduling of the project.

Petitioner will be responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The petitioner will be required to establish a deposit account with the city to cover these fees. The Petitioner Deposit Account/Acknowledgement of Financial Responsibility form is attached to this document and must be submitted with the application.



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APPLICATION FOR REZONING

STAGE 2: PLAN COUNCIL

Petitioner must present the proposed plan to the Plan Council. The Plan Council meets on the 2nd and 4th Thursday of the month. The members of the Council include the Community Development Director, City Engineer, the Building Department Official, the Public Works Director, the Director of Parks and Recreation, a Fire Department Representative, and a Police Department Representative. Upon recommendation by the Plan Council, petitioner will move forward to the Planning and Zoning Commission hearing.

STAGE 3: ECONOMIC DEVELOPMENT COMMITTEE

Applicant must present the proposed plan to the Economic Development Committee. Economic Development Committee meets at 7:00 p.m. on the 1st Tuesday of each month. This session is to discuss and consider recommendations prior to full City Council considerations and provide informal feedback. The Economic Development Committee will submit its recommendation to City Council.

STAGE 4: PLANNING AND ZONING COMMISSION

Petitioner will attend a public hearing conducted by the Planning and Zoning Commission. The Planning and Zoning Commission meets on the 2nd Wednesday of the Month at 7:00pm. Notice will be placed in the Kendall County Record by the United City of Yorkville. The petitioner is responsible for sending certified public hearing notices to adjacent property owners within five hundred (500) feet of the subject property no less than fifteen (15) days and no more than thirty (30) days prior to the public hearing date. Twenty four (24) hours prior to the public hearing, a certified affidavit must be filed by the petitioner with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified. The Planning and Zoning Commission will conduct a public hearing on the request, take public comments, discuss the request, and make a recommendation to City Council. No rezoning shall be recommended by the Planning and Zoning Commission unless it follows the standards set forth in City's Zoning Ordinance. The Certified Mailing Affidavit form is attached to this document and must be submitted prior to the scheduled Planning and Zoning Commission meeting.

STAGE 5: CITY COUNCIL

Petitioner will attend the City Council meeting where the recommendation of the rezoning will be considered. The City Council meets on the 2nd and 4th Tuesdays of the month at 7:00pm. City Council will make the final approval of the rezoning.



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APPLICATION FOR REZONING

DORMANT APPLICATIONS

The Community Development Director shall determine if an application meets or fails to meet the requirements stated above. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The applicant has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The applicant has not responded in writing to a request for information or documentation from the initial plan commission review within six (6) months from the date of that request.
- The applicant has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the applicant has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the applicant's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the applicant. (Ord. 2011-34, 7-26-2011)



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APPLICATION FOR REZONING

INVOICE & WORKSHEET PETITION APPLICATION			
CONCEPT PLAN REVIEW	<input type="checkbox"/> Engineering Plan Review deposit	\$500.00	Total: \$
AMENDMENT	<input type="checkbox"/> Annexation <input type="checkbox"/> Plan <input type="checkbox"/> Plat <input type="checkbox"/> P.U.D.	\$500.00 \$500.00 \$500.00 \$500.00	Total: \$
ANNEXATION	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres # of Acres - 5 = Acres over 5 x \$10 = Amount for Extra Acres + \$250 = \$ Total Amount		Total: \$
REZONING	<input checked="" type="checkbox"/> \$200.00 + \$10 per acre for each acre over 5 acres <i>If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee</i> # of Acres - 5 = Acres over 5 x \$10 = Amount for Extra Acres + \$200 = \$ Total Amount		Total: \$ 200
SPECIAL USE	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres # of Acres - 5 = Acres over 5 x \$10 = Amount for Extra Acres + \$250 = \$ Total Amount		Total: \$
ZONING VARIANCE	<input type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$ 85
PRELIMINARY PLAN FEE	<input type="checkbox"/> \$500.00		Total: \$
PUD FEE	<input type="checkbox"/> \$500.00		Total: \$
FINAL PLAT FEE	<input type="checkbox"/> \$500.00		Total: \$
ENGINEERING PLAN REVIEW DEPOSIT	<input type="checkbox"/> Less than 1 acre <input type="checkbox"/> Over 1 acre, less than 10 acres <input type="checkbox"/> Over 10 acres, less than 40 acres <input type="checkbox"/> Over 40 acres, less than 100 acres <input type="checkbox"/> Over 100 acres	\$5,000.00 \$10,000.00 \$15,000.00 \$20,000.00 \$25,000.00	Total: \$
OUTSIDE CONSULTANTS DEPOSIT	<i>Legal, land planner, zoning coordinator, environmental services</i> For Annexation, Subdivision, Rezoning, and Special Use: <input checked="" type="checkbox"/> Less than 2 acres <input type="checkbox"/> Over 2 acres, less than 10 acres <input type="checkbox"/> Over 10 acres		Total: \$ 1,000
TOTAL AMOUNT DUE:			\$ 1,285



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APPLICATION FOR REZONING

DATE: 4-8-19	PZC NUMBER:	DEVELOPMENT NAME:	
PETITIONER INFORMATION			
NAME: MARGARET LEGRAND	COMPANY:		
MAILING ADDRESS: 701 N. BRIDGE ST.			
CITY, STATE, ZIP: YORKVILLE IL 60560	TELEPHONE: 630-217-0718		
EMAIL: peggie311@gmail.com	FAX:		
PROPERTY INFORMATION			
NAME OF HOLDER OF LEGAL TITLE:			
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN: MARGARET LEGRAND IN TRUST OF LEGRAND GRANDCHILDREN TRUST DATED 12-9-11 RALPH J LEGRAND IN TRUST OF LEGRAND GRANDCHILDREN TRUST 12-9-11			
PROPERTY STREET ADDRESS: 701 N BRIDGE ST. YORKVILLE IL 60560			
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION: LOT 2 IN NORTH BRIDGE STREET SUBDIVISION, EXCEPTING THEREFORE THAT PART OF LAND GRANTED TO DEPT OF TRANSPORTATION STATE OF IL. BY COURT ORDER ENTERED IN CASE NO 11ED25 IN THE CIRCUIT COURT OF KENDALL COUNTY, ILLINOIS * RECORDED 12-9-2011 DOCUMENT NUMBER 2011-20603 IN YORKVILLE KENDALL COUNTY ILLINOIS			
CURRENT ZONING CLASSIFICATION: B-1	REQUESTED ZONING CLASSIFICATION: R-2		
COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:		TOTAL ACREAGE:	
ZONING AND LAND USE OF SURROUNDING PROPERTIES			
NORTH: RES			
EAST: RES RES-Comm			
SOUTH: RES - Comm			
WEST: Comm			
KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)			



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APPLICATION FOR REZONING

ATTORNEY INFORMATION

NAME: COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP: TELEPHONE:

EMAIL: FAX:

ENGINEER INFORMATION

NAME: COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP: TELEPHONE:

EMAIL: FAX:

LAND PLANNER/SURVEYOR INFORMATION

NAME: COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP: TELEPHONE:

EMAIL: FAX:

ATTACHMENTS

Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".

Petitioner must list the names and addresses of any adjoining or contiguous landowners within five hundred (500) feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".



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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE EXISTING ZONING CLASSIFICATION(S) AND USES OF THE PROPERTY WITHIN THE GENERAL AREA OF THE PROPOSED REZONED PROPERTY:

R-Z

B-1

PLEASE STATE THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, WHICH HAVE TAKEN PLACE SINCE THE DAY THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION:

BOTH COMM. + RES.

PLEASE STATE THE EXTENT TO WHICH PROPERTY VALUES ARE DIMINISHED BY THE PARTICULAR ZONING RESTRICTIONS:

THEY ARE NOT

PLEASE STATE THE EXTENT TO WHICH THE DESTRUCTION OF PROPERTY VALUES OF PETITIONER PROMOTES THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE PUBLIC:

NONE



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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS ZONED CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE SUBJECT PROPERTY:

NOT Vac.

PLEASE STATE THE COMMUNITY NEED FOR THE PROPOSED LAND USE:

EXSISTING NEAR BY USES

WITH RESPECT TO THE SUBJECT PROPERTY, PLEASE STATE THE CARE WITH WHICH THE COMMUNITY HAS UNDERTAKEN TO PLAN ITS LAND USE DEVELOPMENT:

FUTURE LAND USE RESIDENTIAL

PLEASE STATE THE IMPACT THAT SUCH RECLASSIFICATION WILL HAVE UPON TRAFFIC AND TRAFFIC CONDITIONS ON SAID ROUTES; THE EFFECT, IF ANY, SUCH RECLASSIFICATION AND/OR ANNEXATION WOULD HAVE UPON EXISTING ACCESSES TO SAID ROUTES; AND THE IMPACT OF ADDITIONAL ACCESSES AS REQUESTED BY THE PETITIONER UPON TRAFFIC AND TRAFFIC CONDITIONS AND FLOW ON SAID ROUTES (ORD. 1976-43, 11-4-1976):

NONE



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APPLICATION FOR REZONING

REZONING STANDARDS

PLEASE STATE THE RELATIVE GAIN TO THE PUBLIC AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNER:

NONE

PLEASE STATE THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE ZONED PURPOSES:

ALREADY House

AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

Margaret Legend

PETITIONER SIGNATURE

4/9/19

DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

Margaret Legend

OWNER SIGNATURE

4/9/19

DATE

**THIS APPLICATION MUST BE
NOTARIZED PLEASE NOTARIZE HERE:**

OFFICIAL SEAL
ANDREA M WEINERT
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES: 12/27/22



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: www.yorkville.il.us

PETITIONER DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: <i>701 N BRIDGE ST YORKVILLE</i>
APPLICATION/APPROVAL TYPE (check appropriate box(es) of approval requested):		
<input type="checkbox"/> CONCEPT PLAN REVIEW	<input type="checkbox"/> AMENDMENT (TEXT)	<input type="checkbox"/> ANNEXATION
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MILE AND 1/2 REVIEW	<input type="checkbox"/> ZONING VARIANCE
<input type="checkbox"/> FINAL PLANS	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT	<input type="checkbox"/> FINAL PLAT
<input checked="" type="checkbox"/> REZONING		
<input type="checkbox"/> PRELIMINARY PLAN		
PETITIONER DEPOSIT ACCOUNT FUND: It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the INVOICE & WORKSHEET PETITION APPLICATION . This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.		
ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY		
NAME: <i>MARGARET LEGRAND</i>	COMPANY:	
MAILING ADDRESS: <i>701 N BRIDGE ST</i>		
CITY, STATE, ZIP: <i>YORKVILLE, IL</i>	TELEPHONE: <i>630-217-0718</i>	
EMAIL: <i>peggie311@gmail.com</i>	FAX:	
FINANCIALLY RESPONSIBLE PARTY: I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/ Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.		
PRINT NAME: <i>MARGARET LEGRAND</i>		TITLE: _____
SIGNATURE: <i>Margaret Legrand</i>		DATE: _____
ACCOUNT CLOSURE AUTHORIZATION		
DATE REQUESTED: _____	<input type="checkbox"/> COMPLETED	<input type="checkbox"/> INACTIVE
PRINT NAME: _____	<input type="checkbox"/> WITHDRAWN	<input type="checkbox"/> COLLECTIONS
SIGNATURE: _____	<input type="checkbox"/> OTHER	
DEPARTMENT ROUTING FOR AUTHORIZATION:	<input type="checkbox"/> COM. DEV.	<input type="checkbox"/> BUILDING
	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> FINANCE
	<input type="checkbox"/> ADMIN.	



United City of Yorkville
800 Game Farm Road
Yorkville, Illinois, 60560
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Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

INTENT AND PURPOSE:

The purpose of a variance is to provide relief from certain regulations of the zoning ordinance to permit the use of land in a way that is not otherwise permitted under the ordinance. A variance is granted when the terms of the zoning ordinance, if literally applied, would create an unreasonable hardship on the landowner, making the property virtually useless.

This packet explains the process to successfully submit and complete an Application for a Variance Request. It includes a detailed description of the process and the actual application itself. Please type the required information in the application on your computer. The application will need to be printed and be signed by the petitioner. The only item that needs to be submitted to the city from this packet is the application. The rest of the packet is to help guide you through the process unto completion.

For a complete explanation of what is legally required throughout the Variance Request process, please refer to "Title 10, Chapter 4, Section 7 Variations" of the Yorkville, Illinois City Code.

APPLICATION PROCEDURE:



STAGE 1: APPLICATION SUBMITTAL

The following must be submitted to the Community Development Department:

- One (1) original signed application with legal description.
- Three (3) 11" x 17" copies each of the exhibits, proposed drawings, location map, and site plan. Large items must be folded to fit in a 10" x 13" envelope.
- Appropriate filing fee.
- One (1) CD or portable USB drive containing one (1) electronic copy (pdf) of each of the following: signed application (complete with exhibits), proposed drawings, location map, and site plan. A Microsoft Word document with the legal description is also required.

Within one (1) week of submittal, the Community Development Department will determine if the application is complete or if additional information is needed. These materials must be submitted a minimum of forty five (45) days prior to the targeted Planning and Zoning Commission meeting. An incomplete submittal could delay the scheduling of the project. The Kendall County Soil and Water Conservation District requires Natural Resource Inventory (NRI) applications from petitioners seeking variances. A copy of this application can be found on the District's website (www.KendallSWCD.org).

Petitioner will be responsible for payment of recording fees and public hearing costs, including written transcripts of the public hearing and outside consultant costs (i.e. legal review, land planner, zoning coordinator, environmental, etc.). The petitioner will be required to establish a deposit account with the city to cover these fees. The Petitioner Deposit Account/Acknowledgment of Financial Responsibility form is attached to this document and must be submitted with the application.



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APPLICATION FOR VARIANCE

STAGE 2: PLANNING AND ZONING COMMISSION

Petitioner will attend a public hearing conducted by the Planning and Zoning Commission. The Planning and Zoning Commission meets on the 2nd Wednesday of the Month at 7:00pm. Notice will be placed in the Kendall County Record by the United City of Yorkville. The petitioner is responsible for sending certified public hearing notices to adjacent property owners within five hundred (500) feet of the subject property no less than fifteen (15) days and no more than thirty (30) days prior to the public hearing date. Twenty four (24) hours prior to the public hearing, a certified affidavit must be filed by the petitioner with the Community Development Department containing the names, addresses and permanent parcel numbers of all parties that were notified. The Certified Mailing Affidavit form is attached to this document and must be submitted prior to the scheduled Planning and Zoning Commission meeting.

If the Planning and Zoning Commission decides that the requested variance adheres to the standards set forth by the Illinois municipal code, then the variance may be granted under these instances and no others:

- To permit any yard or setback less than the yard or setback required by the applicable regulations, but by no more than twenty-five percent (25%).
- To permit the use of a lot or lots for a use otherwise prohibited solely because of insufficient area or widths of the lot or lots but in no event shall the respective area and width of the lot or lots be less than ninety percent (90%) of the required area and width. The percentage set forth in this subsection is not to be reduced by any other percentage for minimum lot width and area set forth in this title.
- To permit the same off street parking facility to qualify as required facilities for two (2) or more uses provided the substantial use of such facility by each use does not take place at approximately the same hours of the same days of the week.
- To reduce the applicable off street parking or loading facilities required by not more than one (1) parking space or loading space, or twenty percent (20%) of the applicable regulations, whichever number is greater.
- To increase by not more than twenty five percent (25%) the maximum distance that required parking spaces are permitted to be located from the use served.
- To allow for the deferment, or land banking, of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- To increase by not more than ten percent (10%) the maximum gross floor area of any use so limited by the applicable regulations.
- To exceed any of the authorized variations allowed under this subsection when a lot of record or a zoning lot, vacant or legally used on the effective date hereof, is, by reason of the exercise of the right of eminent domain by any authorized governmental domain proceeding, reduced in size so that the remainder of said lot of record or zoning lot or structure on said lot does not conform with one or more of the regulations of the district in which said lot of record or zoning lot or structure is located.

If the Planning and Zoning Commission decides the requested variance follows the Illinois standards but is not included in the list of instances above, then the variance must be approved by City Council.

STAGE 3: CITY COUNCIL

If necessary, the petitioner will attend a City Council public hearing where the Planning and Zoning Commission decision will be discussed and reviewed. The City Council meets on the 2nd and 4th Tuesdays of the month at 7:00pm. Variations other than those listed above may be granted by the City Council, but only after a public hearing for an authorized variation. The concurring vote of two-thirds (2/3) of all members of the City Council shall be necessary to reverse the recommendations of the Planning and Zoning Commission.



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APPLICATION FOR VARIANCE

DORMANT APPLICATIONS

The Community Development Director shall determine if an application meets or fails to meet the requirements stated above. If the Director determines that the application is incomplete it will become dormant under these circumstances:

- The petitioner has been notified of such deficiencies and has not responded or provided a time line for completing the application within ninety (90) days from the time of notification.
- The petitioner has not responded in writing to a request for information or documentation from the initial plan commission review within six (6) months from the date of that request.
- The petitioner has not responded to a request for legal or engineering deposit replenishment for city incurred costs and fees within ninety (90) days from the date of the request.

If the Community Development Director has sent the required notice and the petitioner has not withdrawn their application or brought it into compliance, then the director shall terminate the application. After termination, the application shall not be reconsidered except after the filing of a completely new application.

Withdrawal or termination of an application shall not affect the petitioner's responsibility for payment of any costs and fees, or any other outstanding debt owed to the city. The balance of any funds deposited with the city that is not needed to pay for costs and fees shall be returned to the petitioner. (Ord. 2011-34, 7-26-2011)



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APPLICATION FOR VARIANCE

INVOICE & WORKSHEET PETITION APPLICATION			
CONCEPT PLAN REVIEW	<input type="checkbox"/> Engineering Plan Review deposit	\$500.00	Total: \$
AMENDMENT	<input type="checkbox"/> Annexation <input type="checkbox"/> Plan <input type="checkbox"/> Plat <input type="checkbox"/> P.U.D.	\$500.00 \$500.00 \$500.00 \$500.00	Total: \$
ANNEXATION	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres Acres over 5 Amount for Extra Acres Total Amount		Total: \$
REZONING	<input type="checkbox"/> \$200.00 + \$10 per acre for each acre over 5 acres <i>If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee</i> _____ - 5 = _____ x \$10 = _____ + \$200 = \$ _____ # of Acres Acres over 5 Amount for Extra Acres Total Amount		Total: \$
SPECIAL USE	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres Acres over 5 Amount for Extra Acres Total Amount		Total: \$
ZONING VARIANCE	<input type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$
PRELIMINARY PLAN FEE	<input type="checkbox"/> \$500.00		Total: \$
PUD FEE	<input type="checkbox"/> \$500.00		Total: \$
FINAL PLAT FEE	<input type="checkbox"/> \$500.00		Total: \$
ENGINEERING PLAN REVIEW DEPOSIT	<input type="checkbox"/> Less than 1 acre <input type="checkbox"/> Over 1 acre, less than 10 acres <input type="checkbox"/> Over 10 acres, less than 40 acres <input type="checkbox"/> Over 40 acres, less than 100 acres <input type="checkbox"/> Over 100 acres	\$5,000.00 \$10,000.00 \$15,000.00 \$20,000.00 \$25,000.00	Total: \$
OUTSIDE CONSULTANTS DEPOSIT	<i>Legal, land planner, zoning coordinator, environmental services</i> For Annexation, Subdivision, Rezoning, and Special Use: <input type="checkbox"/> Less than 2 acres <input type="checkbox"/> Over 2 acres, less than 10 acres <input type="checkbox"/> Over 10 acres		\$1,000.00 \$2,500.00 \$5,000.00 Total: \$
TOTAL AMOUNT DUE:			



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Yorkville, Illinois, 60560
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Fax: 630-553-7575
Website: www.yorkville.il.us

APPLICATION FOR VARIANCE

DATE:	PZC NUMBER:	DEVELOPMENT NAME:
PETITIONER INFORMATION		
NAME: <u>MARGARET LEGRAND</u>	COMPANY:	
MAILING ADDRESS: <u>701 N. BRIDGE ST.</u>		
CITY, STATE, ZIP: <u>YORKVILLE IL 60560</u>	TELEPHONE: <u>630-217-0718</u>	
EMAIL: <u>peggie311@gmail.com</u>	FAX:	
PROPERTY INFORMATION		
NAME OF HOLDER OF LEGAL TITLE:		
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN: <u>MARGARET LEGRAND + RALPH LEGRAND</u> <u>TRUSTEE OF LEGRAND TRUSTEE OP.</u> <u>GRANDCHILDREN TRUST 2-9-11 GRANDCHILDREN TRUST 2-9-11</u>		
PROPERTY STREET ADDRESS: <u>701 N. BRIDGE ST YORKVILLE, IL 60560</u>		
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION: <u>LOT 2 IN NORTH BRIDGE STREET SUBDIVISION, EXCEPTING THEREFORE THAT PART OF</u> <u>LAND GRANTED TO DEPT OF TRANSPORTATION STATE OF IL BY COURT ORDER ENTERED IN CASE NO. 11E025</u> <u>IN CIRCUIT COURT OF KENDALL COUNTY ILLINOIS & RECORDED 12-9-2011 DOCUMENT NO. 2611-20 603</u> <u>IN YORKVILLE KENDALL COUNTY ILLINOIS</u>		
CURRENT ZONING CLASSIFICATION: <u>B-1</u>		
ZONING AND LAND USE OF SURROUNDING PROPERTIES		
NORTH: <u>RES</u>		
EAST: <u>RES COMM</u>		
SOUTH: <u>RES COMM</u>		
WEST: <u>COMM</u>		
KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)		



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APPLICATION FOR VARIANCE

ATTORNEY INFORMATION	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
ENGINEER INFORMATION	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
LAND PLANNER/SURVEYOR INFORMATION	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
ATTACHMENTS	
<p>Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".</p> <p>Petitioner must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".</p>	
VARIANCE STANDARDS	
<p>PLEASE CONFIRM THE PROPOSED VARIATION IS CONSISTENT WITH THE OFFICIAL COMPREHENSIVE PLAN AND OTHER DEVELOPMENT STANDARDS AND POLICIES OF THE CITY.</p>	



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APPLICATION FOR VARIANCE

VARIANCE STANDARDS

PLEASE STATE THE VARIANCE REQUESTED AND THE CITY ORDINANCE INCLUDING THE SECTION NUMBERS TO BE VARIED:

R-2

Front yard
Lot size
Lot coverage

PLEASE STATE HOW THE PARTICULAR SURROUNDINGS, SHAPE OR TOPOGRAPHICAL CONDITIONS OF THE SPECIFIC PROPERTY INVOLVED, A PARTICULAR HARDSHIP TO THE OWNER WOULD RESULT, AS DISTINGUISHED FROM A MERE INCONVENIENCE, IF THE STRICT LETTER OF REGULATIONS WAS CARRIED OUT:

NONE

PLEASE STATE HOW THE CONDITIONS UPON WHICH THE APPLICATION FOR A VARIATION IS BASED ARE UNIQUE TO THE PROPERTY FOR WHICH THE VARIATION IS SOUGHT AND ARE NOT APPLICABLE, GENERALLY, TO OTHER PROPERTY WITHIN THE SAME ZONING CLASSIFICATION:

NONE

PLEASE STATE HOW THE ALLEGED DIFFICULTY OR HARDSHIP IS CAUSED BY THIS TITLE AND HAS NOT BEEN CREATED BY ANY PERSON PRESENTLY HAVING AN INTEREST IN THE PROPERTY:



United City of Yorkville
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Yorkville, Illinois, 60560
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APPLICATION FOR VARIANCE

VARIANCE STANDARDS

PLEASE STATE HOW THE GRANTING OF THE VARIATION WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOOD IN WHICH THE PROPERTY IS LOCATED:

NONE - ALREADY RES. ZONED AREA

PLEASE STATE HOW THE PROPOSED VARIATION WILL NOT IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY, OR SUBSTANTIALLY INCREASE THE CONGESTION IN THE PUBLIC STREETS, OR INCREASE THE DANGER TO THE PUBLIC SAFETY, OR SUBSTANTIALLY DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD:

NONE

AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.


PETITIONER SIGNATURE

DATE

4/8/19

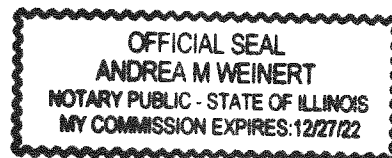
OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.


OWNER SIGNATURE

DATE

4/9/19

**THIS APPLICATION MUST BE
NOTARIZED PLEASE NOTARIZE HERE:**



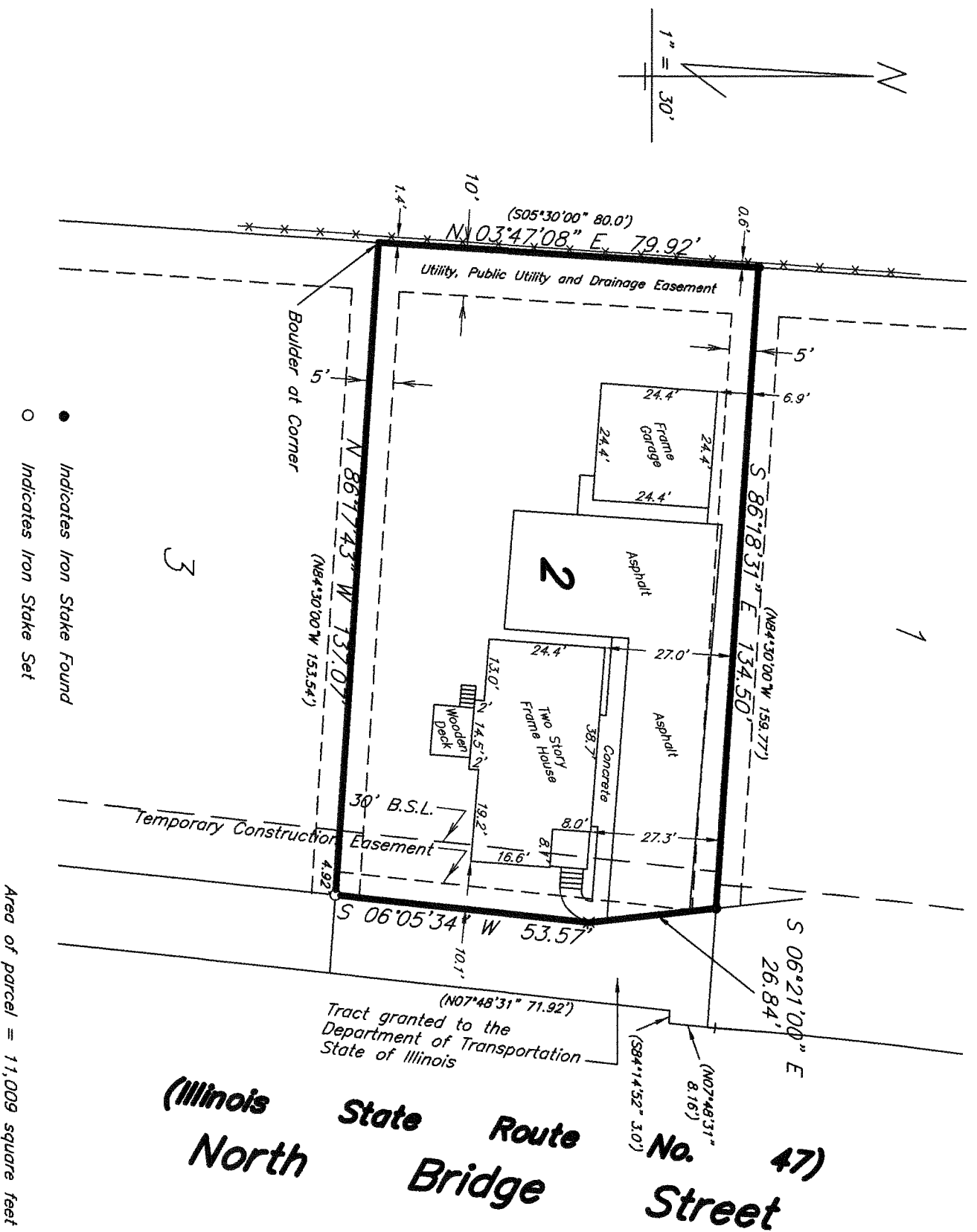


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PETITIONER DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: <u>701 N BRIDGE ST YORKVILLE</u>
APPLICATION/APPROVAL TYPE (check appropriate box(es) of approval requested):		
<input type="checkbox"/> CONCEPT PLAN REVIEW	<input type="checkbox"/> AMENDMENT (TEXT)	<input type="checkbox"/> ANNEXATION
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MILE AND 1/2 REVIEW	<input checked="" type="checkbox"/> ZONING VARIANCE
<input type="checkbox"/> FINAL PLANS	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT	<input type="checkbox"/> FINAL PLAT
PETITIONER DEPOSIT ACCOUNT FUND: It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the INVOICE & WORKSHEET PETITION APPLICATION . This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.		
ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY		
NAME: <u>MARGARET LEGRAND</u>	COMPANY:	
MAILING ADDRESS: <u>701 N BRIDGE ST</u>		
CITY, STATE, ZIP: <u>YORKVILLE IL 60560</u>	TELEPHONE: <u>630-217-0718</u>	
EMAIL: <u>peggie311@gmail.com</u>	FAX:	
FINANCIALLY RESPONSIBLE PARTY: I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/ Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.		
<u>MARGARET LEGRAND</u> PRINT NAME	<u>OWNER</u> TITLE	
<u>Margaret Legrand</u> SIGNATURE	<u>4-8-19</u> DATE	
ACCOUNT CLOSURE AUTHORIZATION		
DATE REQUESTED: _____	<input type="checkbox"/> COMPLETED	<input type="checkbox"/> INACTIVE
PRINT NAME: _____	<input type="checkbox"/> WITHDRAWN	<input type="checkbox"/> COLLECTIONS
SIGNATURE: _____	<input type="checkbox"/> OTHER	
DEPARTMENT ROUTING FOR AUTHORIZATION:	<input type="checkbox"/> COM. DEV.	<input type="checkbox"/> BUILDING
	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> FINANCE
	<input type="checkbox"/> ADMIN.	

Plat of Survey of
North Bridge Street Subdivision
Yorkville Kendall County Illinois



Legal Description:

Lot 2 in North Bridge Street Subdivision, excepting therefrom that part of land granted to the Department of Transportation State of Illinois by Court Order entered in Case No. 11ED25 in the Circuit Court of Kendall County, Illinois, and recorded December 9, 2011 as Document Number 2011-20603, in Yorkville, Kendall County, Illinois.

State of Illinois:

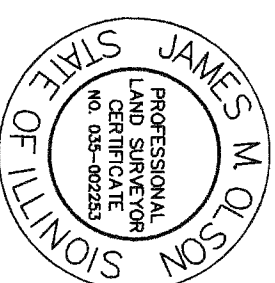
:SS

County of Kendall:

This is to certify that I, James M. Olson, an Illinois Professional Land Surveyor employed by James M. Olson Associates, Ltd., have surveyed and located improvements on the foregoing described property as shown by the plat hereon drawn which is a correct representation of said survey. This professional service meets the current Illinois Minimum Standards for a Boundary Survey. The field work was completed December 26, 2014.

Dated at Yorkville, Illinois January 2, 2015.

James M. Olson
Illinois Professional Land Surveyor No. 2253
License expires November 30, 2016
James M. Olson Associates, Ltd.
107 West Madison Street
Yorkville, Illinois 60560
(630) 553-0050



**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2019-17**

NOTICE IS HEREBY GIVEN THAT Margaret LeGrand, petitioner, has filed applications with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification and bulk regulation variance approval. The real property is located at 701 N Bridge Street on the west side of N Bridge Street south of the Apple Tree Ct intersection and north of the E Park Street intersection. The petitioner is requesting rezoning approval from B-1 Local Commerce Business District to R-2 Single-Family Traditional Residence District. Additionally, the petitioner is requesting variance approval for minimum lot size, lot coverage, and front yard setback requirements within the R-2 Single-Family Traditional Residence District to allow the existing dwelling to remain on the property.

The legal description is as follows:

PIN: 02-28-351-028

Lot 2 in North Bridge Street Subdivision, excepting therefrom that part of land granted to the Department of Transportation State of Illinois by Court Order entered in Case No. 11ED25 in the Circuit Court of Kendall County, Illinois, and recorded December 9, 2011 as Document Number 2011-20603, in Yorkville, Kendall County, Illinois.

A copy of the application is available for review during normal City business hours at the office of the Community Development Department.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a Public Hearing on said application on **Wednesday, July 10, 2019 at 7 p.m.** at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

LISA PICKERING
City Clerk



Memorandum

To: Planning and Zoning Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: June 11, 2019
Subject: **PZC 2019-18 Accessory Buildings and Structures**
Text Amendment

Summary

Last month, the City of Yorkville received a building permit application for the installation of a basketball court on a vacant parcel within an existing residential subdivision. The applicant owns two (2) adjacent lots, with their home on one lot and the other lot is utilized as open space/yard. Current zoning regulations are unclear regarding the construction of accessory structures on lots where no primary structure exists. Therefore, staff is proposing to amend certain sections of the zoning ordinance to outright permit contiguous lots under single ownership to build one (1) accessory building or structure on a vacant parcel, as long as the building or structure is located within the rear, corner or side yard setback as required for the zoning district. Additionally, staff is recommending sidewalks and parkway trees be required to be installed prior to the issuance of any accessory building or structure which requires a building permit.

Zoning Analysis

Previous requests by homeowners to utilize adjacent vacant parcels for permanent accessory structures such as sheds, garages and basketball courts have been far, and few in between, as most used the additional yard for open space. However, when staff was approached by a homeowner seeking to construct permanent structures on an adjacent lot, they were often encouraged to consolidate the lots; as it was the long-held interpretation by staff that lots must have a primary use on the parcel prior to permitting accessory buildings or structures to ensure all zoning and bulk regulations were being met. When this applicant requesting to install the basketball court expressed concern that the added cost to consolidate the lot and record the new plat with Kendall County was prohibitive, it was determined a review and potential amendment to the code was needed.

Review of Accessory Buildings and Structures

Section 10-3-5 of the Zoning Ordinance lists the criteria for permitted accessory buildings and structures. Included in the criteria are provisions related to the type, location, time of construction and height. The types of accessory buildings and structures permitted on a lot include: sheds, toolrooms or similar buildings for domestic or agricultural storage, gazebos, greenhouses, playground equipment, pools, recreational courts, playhouses, stables, and garages. These structures can be located no closer than five feet (5') from any side or rear property line and no closer than ten feet (10') to any main building. Accessory structures also may not be closer to the public way than the principal building on the lot.

However, it is the provision regarding the time of construction where the Zoning Ordinance stipulates the primary building must be built first if the accessory structure requires connection to city water. This regulation implies accessory structure maybe built first if city water is not needed for the building, but a primary structure will eventually be built on the lot. In the instance of the owner with

the adjoining lot, the basketball court would be the only structure and no future primary structure would be built.

Review of Definitions

In further consideration of the request, staff felt a review of the Zoning Ordinance's definitions was needed since the provisions in Section 10-3-5 required accessory buildings and structures to be built on a lot. In staff's review of the Zoning Ordinance, we found that the definition of "lot" and "zoning lot" were used interchangeably throughout the ordinance but had clearly distinctive meanings which impacted how the regulations for accessory buildings and structures were interpreted. Per Section 10-2-3: Definitions, a "**lot**" is defined as "a parcel of land legally described as a distinct portion or piece of land of record" while a "**zoning lot**" is defined as "a plot of ground made up of one or more parcels which are or may be occupied by a use, building or buildings, including the yards and open spaces required by this title."

The definition of a "lot" clearly applies to a single parcel, while the definition of a "**zoning lot**" implies multiple parcels may be utilized for a building or use. This is further evident in the following two (2) sections of the Zoning Ordinance where multiple parcels may be viewed as a single zoning lot:

- Section 10-3-3-A: Contiguous Parcels: *When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one **zoning lot** for such use.*
- Section 10-3-4: Number of Buildings on a Zoning Lot: *Except in the case of a planned unit development, not more than one principal detached residential or commercial building shall be located on a **zoning lot**, nor shall a principal detached residential or commercial building be located on the same **zoning lot** with any other principal building.*

It is in the definition of "lot" where staff feels constrained to not allow owners of adjacent vacant parcels to install accessory structures without having a principle building. However, the definition of a "zoning lot" offers the option to consider more than one plot of land with one or more buildings as a qualifying parcel for zoning purposes. This is where staff feels more clarity to the Zoning Ordinance can occur by amending the text to acknowledge those instances where contiguous parcels share a single owner and the placement of accessory structures are viewed in the context of entire land area and not just the individual lots.

Proposed Revisions

In order to add clarity to the Zoning Ordinance and resolve the issues regarding accessory structures on vacant adjacent parcels, staff is recommending text amendments to the Zoning Ordinance. The first amendment proposed is Section 10-2-3: Definitions, revising the definition for "Lot, Zoning" to read "*a plot of ground made up of one or more **contiguous** parcels which are **under single ownership** and may be occupied by a use, building or buildings, including the yards and open spaces required by this title.*" Staff is also proposing to amend Section 10-3-5-B: Location and Section 10-3-5-C Time of Construction to refer to a "zoning lot" rather than a "lot" when regulating accessory buildings and structures.

Finally, staff proposes to amend Section 10-3-3-A: Contiguous Parcels to add “*Further, no more than one (1) accessory structure or building may be located on a zoning lot consisting of two (2) or more parcels of contiguous land under single ownership is permitted when a principle building exists, and the accessory structure or building is located within the rear, corner or side yard setback as stipulated in the zoning ordinance for that district. Sidewalks and parkway trees will be required prior to the issuance of an accessory structure which requires a building permit.*” The proposed text amendments will clarify the intent of the code and allow for the future construction of a principal structure on the parcel with just the accessory structure, at any time, by the current owner or if the lot were ever sold.

Other Communities

Staff canvassed other local communities to determine if their zoning ordinances permit the construction accessory structures on adjacent vacant parcels under single ownership. Below is table of the responses received:

Municipality	Permits Accessory Structures on Adjacent Vacant Parcels under Single Ownership (Y/N)
City of Plano	No
Village of Sugar Grove	No
Village of Montgomery	No, but are in the process if updating their Zoning Ordinance and likely to permit.
Village of Oswego	Yes, but subject to the following stipulations: <ul style="list-style-type: none"> i. The accessory structure(s) shall not exceed one hundred forty-four (144) square feet in size; ii. No more than one (1) structure of any type shall be allowed or a total of more than two (2) accessory structures; iii. The accessory structure shall not have a foundation with footing walls; iv. No access drives shall be installed to an accessory structure; v. The lot on which the accessory structure is located is directly adjacent and substantially contiguous to the lot with the principal structure or principal use served; vi. The lot on which the accessory structure is located is under the same ownership as the lot with the principal structure or principal use served; vii. The accessory structure is located entirely within a single lot and is not constructed on the shared property line(s). viii. The accessory structure complies with all other applicable Village regulations. ix. If it is in a new subdivision, sidewalks and parkway trees are required prior to permitting the accessory use.
Village of Plainfield	Yes, but requires a case-by-case review

The City of Plano and the Village of Sugar Grove currently do not allow accessory structures to be built on adjacent vacant parcels under single ownership. While the Village of Montgomery currently does not permit it, they are actively updating their zoning ordinance which will likely allow accessory structures to be built on contiguous lots under single ownership. Likewise, the Village of Oswego updated their zoning ordinance in 2014 allowing for accessory structures to be built on vacant parcels subject to the provisions listed above. The proposed text amendment staff is seeking was closely modeled after the Village of Oswego.

Staff Recommendation

Staff believes these changes to the Zoning Ordinance will be beneficial to staff and property owners. By amending the text to allow accessory structures and buildings to be constructed on adjacent parcels under single ownership, it will allow the permitting process to be more efficient as well as provide homeowners flexibility with their homesites. Further, the parameters established by staff with regards to placement on site (setbacks) and the existence of a principle structure on one parcel limits this provision harming the local community character.

Proposed Motion for Amendments

In consideration of testimony presented during a Public Hearing on July 10, 2019, the Planning and Zoning Commission recommends approval to the City Council of a request to amend the United City of Yorkville Zoning Ordinance as presented by staff in a memorandum dated June 11, 2019 and further subject to {insert any additional conditions of the Planning and Zoning Commission} ...

Attachments

1. 10-2-3: Definitions
2. 10-3: General Provisions
3. Public Hearing Notice

Chapter 2

RULES AND DEFINITIONS

10-2-1: GENERAL:

In the construction of this title, the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise. (Ord. 2014-73, 11-25-2014)

10-2-2: RULES:

- A. Words used in the present tense shall include the future; words used in the singular number shall include the plural number, and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "plot", "piece", "parcel"; and the phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- E. All measured distances shall be expressed in feet, unless otherwise indicated, and shall be calculated to the next integral foot.
- F. If any calculation results in a fraction, the next integral number shall be taken.
- G. In cases where there is a conflict between the text of the zoning ordinance and a table or figure of this zoning ordinance, the provisions that are expressed in the text shall apply.
- H. Words or terms contained in this title which are not defined hereinafter, shall assume definitions as prescribed in the most current edition of the Merriam-Webster unabridged dictionary. (Ord. 2014-73, 11-25-2014)

10-2-3: DEFINITIONS:

The following words and terms, wherever they occur in this title, shall be interpreted as herein defined:

ABUTTING: To have a common property line or zoning district.

ACCESSORY BUILDING OR USE: One which:

- A. Is subordinate to and serves a principal building or principal use.
- B. Is subordinate in area, extent or purpose to the principal building or principal use served.
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
- D. Is located on the same lot and in the same zoning district as the principal use.

ACRE: A measure of land containing forty three thousand five hundred sixty (43,560) square feet.

ACREAGE: Any tract or parcel of land having an area of one acre or more which has not been subdivided or platted.

AGRICULTURAL SALES AND SERVICE: A use primarily engaged in sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies and farm machinery repair services that are accessory to the principal use.

AGRICULTURAL USE: The employment of land for the primary purpose of raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, furbearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticulture use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows.

AIRPORT: Any area of land designated, set aside, used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas and uses such as airport buildings or other airport facilities, including approach zones.

ALCOHOLIC BEVERAGE: Any beverage that is the product of distillation of fermented liquids, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

ALLEY: A public way, not more than thirty feet (30') wide, which affords only a secondary means of access to abutting property.

AMPHITHEATER: A commercial structure with tiers of spectator seating rising around a field or court, intended primarily for use of viewing musical, theatrical, sporting or other similar entertainment events and specifically designed as a place of assembly.

AMUSEMENT PARK: A commercially operated facility which may include structures and buildings, with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages and similar activities.

ANIMAL HOSPITAL: Any building, or portion thereof, designed or used for the care, observation or treatment of domestic animals.

ANTIQUE SALES: A building or areas within a building to provide space for the sale of antiques by antique dealers, for items such as clocks, lamps, clothing, rugs, toys, furniture, and similar household goods.

AUCTION HOUSE: A structure, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

AUTOMOBILE RENTAL: Leasing or renting of automobiles, motorcycles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. This definition excludes commercial truck and trailer rental.

AUTOMOBILE REPAIR: Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair and painting of vehicles including incidental repairs, replacement of parts, and motor service to automobiles. Automobile repair excludes repair to semi-trucks as defined in this section.

BAKERY, RETAIL: An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on or off site.

BAKERY, WHOLESALE: A bakery in which there is permitted the production and/or wholesaling of baked goods, excluding retail bakery.

BANK: A building for the custody, loan, or exchange of money, for the extension of credit and for facilitating the transmission of funds. This definition includes credit unions, savings and loan facilities, payday loans, personal loan agencies.

BASEMENT: That portion of a building that is partly or completely below grade.

BED AND BREAKFAST INN (B&B): A private, owner/operator occupied residence with guestrooms, providing overnight accommodations and a morning meal for compensation to transients/travelers. A bed and breakfast inn is operated primarily as a business.

BILLIARD PARLOR: A business establishment for a principal use as a billiard facility.

BLOCK: A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

BOAT SALES AND RENTAL: A marine retail sales and service use in which boats are rented or sold.

BOAT STORAGE: A facility where boats are stored including indoor and outdoor. Outdoor facilities shall be enclosed by an opaque fence or wall a minimum six feet (6') in height.

BOWLING ALLEY: A business establishment with a principal use for the sport of tenpin bowling which may include incidental food services.

BREWERY: An establishment that engages in the manufacture of beer as such terms are defined in the Liquor Control Act of 1934, as amended, and has obtained a liquor license from the City.

BREW PUB: See definition of microbrewery or brewpub.

BUFFER: A strip of land, including landscaping, berms, walls, and fences, that is located between land uses of different character and is intended to physically and visually separate one use area from another.

BUILDABLE AREA: The space remaining on a building lot after the minimum yard requirements of this title have been complied with.

BUILDING: Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are not communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

BUILDING, DETACHED: A building surrounded by open space on the same zoning lot.

BUILDING HEIGHT: The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and the ridge of a gable, hip or gambrel roof; provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building. (See section [10-2-4](#) of this chapter for diagram.)

BUILDING INSPECTOR: The designated City official responsible for inspecting buildings within the City.

BUILDING LINE: A line or lines, including the building setback line, on the horizontal surface of a lot, parallel to the front, side and rear lot lines, and located at a distance prescribed by the yard regulations of this title beyond which no portion of a building may extend except as provided by this title. (See section [10-2-4](#) of this chapter for diagram.)

BUILDING, MATERIAL SALES: Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures.

BUILDING, NONCONFORMING: Any building which does not conform to the regulations of this title prescribing the use, required yards, lot coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

BUILDING, PRINCIPAL: A nonaccessory building in which the principal use of the zoning lot on which it is located is conducted.

BUILDING SETBACK LINE: A line parallel to the street line of a distance from it, regulated by the front yard requirements set up in this title. (See section [10-2-4](#) of this chapter for diagram.)

BUILDING, TEMPORARY: Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

BULK: The term used to describe the size and mutual relationships of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the centerlines of the streets, to other walls of the same buildings, and to other buildings or structures, and to all open spaces relating to the building or structure.

BUSINESS: Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

CAMPGROUND: Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, travel trailers, and/or tents.

CAR WASH: A building or portion thereof containing facilities for washing more than two (2) motor vehicles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. Coin operated devices operated on a self-service basis shall be construed to be the same.

CARPORT: An automobile shelter with two (2) or more sides open.

CEMETERY: Land used or dedicated to the interment of human or animal remains or cremated remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operating within the boundary of such cemetery.

CITY: The United City Of Yorkville or the city of Yorkville.

CITY COUNCIL: The city council of the city of Yorkville.

CLUB OR LODGE, PRIVATE: A for profit or nonprofit association of persons who are bona fide members paying annual dues which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable local, federal and state laws, and county ordinances¹.

COLLEGE: A private or public college or technical institution which provides full time or part time education beyond high school that grants associate, baccalaureate, or higher degrees.

COMMERCIAL FEEDING: A land use or facility used for the confined feeding operation for fish, poultry, swine or livestock.

COMMERCIAL SCHOOL, TRADE SCHOOL: A school established to provide for the teaching of industrial, clerical, managerial, artistic skills or alternative education. This definition applies to schools that are owned and operated privately for profit or not for profit. Such schools may not contain an auditorium, gymnasium, or any other sort of recreational facilities.

COMMUNITY CENTER: A building or structure used as a place of meeting, recreation or social activity, generally open to the public and designed to accommodate and serve significant segments of the community.

CONFORMING BUILDING OR STRUCTURE: A building or structure which:

A. Complies with all the regulations of this title or of any amendment hereto governing bulk of the district in which said building or structure is located; and

B. Is designed or intended for a permitted or special use as allowed in the district in which it is located.

CONTRACTOR FACILITY: A facility where a construction contractor maintains its principal office or a permanent business office including outdoor storage incidental to the business and enclosed with an opaque fence or wall a minimum of six feet (6') in height.

CONTRACTOR OFFICES: A building used for conducting contracting business that does not use any exterior storage area.

COURT: An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

CULTIVATION CENTER: A facility registered by the Department of Agriculture to perform activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act².

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one (1) street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level".

DANCE HALL: A place of assembly, open to the public and operated for profit, where dances, parties, receptions and other gatherings are held.

DATUM POINT: Any reference point of known or assumed coordinates from which calculation or measurements may be taken.

DAYCARE FACILITY: Any childcare facility licensed by the State Department of Children and Family Services (DCFS) which regularly provides daycare for less than twenty four (24) hours per day for more than three (3) children under the age of twelve (12) in a facility other than a family home³.

DAYCARE FACILITY, ADULT: Any facility, public or private, regulated by the State of Illinois in accordance with the Older Adult Services Act which provides care for less than twenty four (24) hours per day for older adults (seniors) such as nutritious meals, planned program of activities, and social and health related services.

DAYCARE FACILITY, PART DAY: Any facility licensed by the state department of children and family services (DCFS) and which is conducted by a church, religious organization or social service agency in which individual children are provided care, on an intermittent basis, for up to ten (10) hours per seven (7) day week. Any facility which provides intermittent care for up to ten (10) hours per seven (7) day week shall not provide such care for more than eight (8) hours in any given day during the seven (7) day week. Any facility which provides intermittent care for up to ten (10) hours per seven (7) day week shall provide at least one caregiver per twenty (20) children⁴.

DAYCARE HOME, GROUP: Any in home childcare service licensed by the state department of children and family services (DCFS) which regularly provides care for less than twenty four (24) hours per day for more than three (3) and up to a maximum of sixteen (16) children under the age of twelve (12) in a family home. The number of children allowed includes the family's natural or adopted children and all other persons under the age of twelve (12)⁵.

DAYCARE, IN HOME: Any in home childcare service licensed by the state department of children and family services (DCFS) which regularly provides care for less than twenty four (24) hours per day for more than three (3) and up to a maximum of twelve (12) children under the age of twelve (12) in a family home. The term does not include facilities which receive only children from a single household⁶.

DECIBEL (dB): A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the

intensity of sound are calibrated in "decibels".

DENSITY, GROSS: A ratio of the total number of dwelling units on a site, divided by the total acreage of the site, to include streets, schools, parks, etc., expressed as dwelling units per acre.

DENSITY, NET: A ratio of the total number of dwelling units on a site, divided by the number of acres used exclusively for a residential type acreage not to include schools, parks, streets, etc., expressed as dwelling units per acre.

DEPARTMENT STORE: A retail business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the consumer for whom the goods and services are furnished.

DISPLACEMENT (Earth): The amplitude or intensity of an earthborn vibration measured in inches. The displacement or amplitude is one-half ($\frac{1}{2}$) the total earth movement.

DISTRICT: A section or part of the unincorporated portion of the city for which the use regulations are uniform.

DRIVE-THROUGH SERVICE ESTABLISHMENT: A business or establishment which provides all or some of its services through a building opening or window to its patrons who remain in their vehicles.

DRIVEWAY: A paved or unpaved private roadway providing vehicular access between the right of way of the street and a parking space, garage, dwelling or other structure.

DRY CLEANING ESTABLISHMENT: An establishment or business maintained for the pick up and delivery of dry cleaning and/or laundry without the operation of any laundry or dry cleaning equipment or machinery on the premises.

DRY CLEANING PLANT: A building, or portion of a building or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in cleaning solvents including, but not limited to, nonflammable solvents and/or class I and above combustible liquid solvents.

DWELLING: A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including single-family dwelling units, duplex dwelling units, townhomes and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

DWELLING, DUPLEX: A building designed or altered to provide dwelling units for occupancy by two (2) families within a single structure on separate lots, each of which has independent living quarters with direct access to the outside.

DWELLING, GROUP: A group of two (2) or more single-family, duplex, townhome and/or multiple-family dwellings occupying a parcel of land under a single ownership and having a yard or court in common, excluding hotels and motels.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof, designed or altered for occupancy by two (2) or more families living independently of each other within a single or attached structure on one lot, which may or may not share common entrances or other spaces and includes apartments, group homes, and condominiums.

DWELLING, SINGLE-FAMILY: A dwelling unit designed exclusively for use and occupancy by one family which is detached from any other dwelling unit and surrounded on all sides by open space on the same lot.

DWELLING, TOWNHOUSE: A single-family dwelling unit constructed in a group of three (3) or more attached units on separate lots in which each unit extends from foundation to roof and with a yard or public way on at least two (2) sides.

DWELLING UNIT: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT: A grant by a property owner for the use of a parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

EFFICIENCY UNIT: A dwelling unit consisting of one principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove, directly off the principal room.

EQUIVALENT OPACITY: The shade on the Ringelmann chart that most closely corresponds to the density of smoke, other than black or gray.

ERECT: The act of placing or affixing a component of a structure upon the ground or upon another such component.

ESTABLISHMENT, BUSINESS: A separate place of business having the following three (3) characteristics:

- A. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.

B. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment".

C. There is no direct public access from within such establishment to any other such establishment.

When adjacent places of business lack any one of the aforesaid characteristics with respect to one another, they shall then be considered as a single "business establishment" for the purpose of this title.

FAMILY: One or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household.

FENCE: A structure, including gates, or tree or shrub hedge which is a barrier and used as a boundary or means of protection or confinement.

FENCE, OPEN: A fence which has over its entirety at least fifty percent (50%) of the surface area in open space as viewed at right angles from the fence; except, that the required open space in louver type fences may be viewed from any angle.

FENCE, SOLID: A fence which conceals from view, from adjoining properties, streets or alleys, activities conducted behind it.

FLOOR AREA, GROSS (For Determining Floor Area Ratio): The sum of the gross horizontal areas of the several floors, including also the basement floor of a building, measured from the exterior faces of the exterior walls or from the centerlines of walls separating two (2) buildings. The "floor area" shall also include the horizontal areas on each floor devoted to:

A. Elevator shafts and stairwells.

B. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers.

C. Habitable attic space as permitted by the building code.

D. Interior balconies and mezzanines.

E. Enclosed porches.

F. Accessory uses.

The "floor area" of structures used for bulk storage of materials, i.e., grain elevators and petroleum tanks, shall also be included in the "floor area" and such "floor area" shall be determined on the basis of the height of such structures with one floor for each ten feet (10') of structure height and if such structure measures less than ten feet (10') but not less than five feet (5') over such floor height intervals, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off street parking and off street loading facilities shall not be included in the "floor area".

"Floor area" when prescribed as the basis of measurement for off street parking spaces and off street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off street parking facilities and the horizontal areas to the basement floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

FLOOR AREA, LIVABLE: Any floor area within outside walls of a residential building exclusive of areas in basements, lookout basements, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.

FLOOR AREA RATIO: The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot. (See section [10-2-4](#) of this chapter for diagram.)

FOOT-CANDLE: A unit of illumination, equivalent to the illumination at all points which are one foot (1') distant from a uniform point source of one candlepower.

FOOT-LAMBERT: A unit of brightness, usually of a reflecting surface. A diffusion surface of uniform brightness reflecting or emitting the equivalent of the light from one candle at one foot (1') distant over one square foot has a brightness of one foot-lambert.

FREQUENCY: The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

GARAGE, BUS: Any building used or intended to be used for the storage of three (3) or more passenger motor buses or motor coaches used in public transportation, excluding school buses.

GARAGE, PRIVATE: An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided, that not more than one-half ($\frac{1}{2}$) of the space may be rented for the private vehicles of persons not resident on the premises; except, that all the space in a garage of one or two (2) car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle and the load capacity of such vehicle shall not exceed five (5) tons.

GASOLINE SERVICE STATION: A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and the services of automobiles, mechanical or manual washing of automobiles, but not including major automobile repairs. Gasoline service stations shall not include sale or storage of automobiles or trailers (new or used).

GOLF COURSE: A facility providing a private or public golf recreation area designed for regulation play along with accessory golf support facilities including golf related retail sales, restaurant, golf driving range but excluding miniature golf.

GOLF DRIVING RANGE: An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting which may include incidental retail sales and food services, but excludes miniature golf.

GRADE: The established grade of the street or sidewalk. Where no such grade has been established, the grade shall be the elevation of the sidewalk at the property line. Where no sidewalks exist, the grade shall be the average elevation of the street adjacent to the property line. Except in cases of unusual topographic conditions, as determined by the director of public works, grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure based upon any technical advice that the director of public works deems necessary.

GROCERY STORE: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products.

GROUP HOME: A single-family dwelling housing not more than eight (8) service dependent or developmentally disabled people living with professional care staff.

GUEST, PERMANENT: A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel or motel accommodation as his domicile and place of permanent residence.

HEALTH AND FITNESS CLUB/CENTER: A facility which provides for individual or group exercise activities. Programs may include but are not limited to aerobics, calisthenics, weight training, running, swimming, court games, studio lessons and all types of instructional classes related to physical fitness. Health and fitness clubs/centers may offer a variety of recreational and fitness amenities such as weightlifting machines, free weights, swimming pools, gymnasiums, studios, sport courts, shower and changing areas and may include incidental uses such as childcare facilities, food services, saunas, and pro shops oriented towards customers during their use of the club/center.

HOME OCCUPATION: An accessory use of a residential dwelling unit which complies with the requirements of section [10-3-9](#) of this title.

HOSPITAL: An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty four (24) hours in any week, of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions. The term "hospital", as used in this title, does not apply to institutions operating solely for the treatment of mentally ill or chemically dependent persons, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

HOTEL, MOTEL, OR INN: An establishment containing lodging accommodations designed for use by transients, or travelers, or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service, restaurants, cocktail lounges, meeting rooms and ancillary retail uses, provided access to such uses are from the exterior of the principal use.

HOUSEHOLDER: The occupant of a dwelling unit who is either the owner or lessee thereof.

IMPACT NOISE: A short duration sound such as those from a forging hammer or punch press.

INCOMBUSTIBLE: A material which will not ignite nor actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred degrees Fahrenheit (1,200°F).

KENNEL, COMMERCIAL: Any lot or premises or portion thereof on which more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept for sale, or on which more than two (2) such animals are boarded for compensation.

LABORATORY, COMMERCIAL: A place devoted to experimental study such as testing and analyzing. Manufacturing assembly or packaging of products is not included within this definition.

LAND BANKING: Land that is part of a single lot or development that is set aside or reserved for a later approved use or development.

LAUNDRY: A business that provides coin operated, self-service type washing, drying, dry cleaning and ironing facilities; provided that:

A. Not more than four (4) persons, including owners, are employed on the premises; and

B. No pick up or delivery service is maintained.

LIBRARY: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

LOADING AND UNLOADING SPACE, OFF STREET: An open, hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, twenty five feet in length and fourteen feet in height (10' x 25' x 14'), exclusive of access aisles and maneuvering space.

LOOKOUT BASEMENT: A story having more than one-half ($1/2$) of its height below the curb level or below the highest level of the adjoining ground. A lookout basement shall not be counted as a story for the purposes of height measurement.

LOT: A parcel of land legally described as a distinct portion or piece of land of record. (See section [10-2-4](#) of this chapter for diagram of lot types.)

LOT AREA: The area of a horizontal plane bounded by the front, side and rear lot lines.

LOT, CORNER: A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty five degrees (135°) or less. (See section [10-2-4](#) of this chapter for diagram.)

LOT COVERAGE: The area of a zoning lot occupied by the principal building or buildings, accessory buildings and all other impervious areas such as driveways, roads, sidewalks, parking lots and structures, and any area of concrete asphalt.

LOT DEPTH: The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

LOT, FLAG: A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow driveway or strip of land between abutting lots, thereby not meeting the minimum lot frontage requirements. (See section [10-2-4](#) of this chapter for diagram.)

LOT FRONTAGE: The front of a lot shall be that boundary of a lot along a public or private street; for a corner lot, the front shall be the narrowest side of the lot fronting upon a street; provided that the owner may orient the building toward either street but once frontage is established it shall be maintained.

LOT, INTERIOR: A lot other than a corner lot or reversed corner lot. (See section [10-2-4](#) of this chapter for diagram.)

LOT LINE: A property boundary line of any lot held in single or separate ownership; except, that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

LOT LINE, FRONT: A lot line which abuts a street shall be the front lot line. For corner lots, the narrowest side of the lot fronting upon a street shall be considered the front of the lot; provided that the owner may orient the building toward either street but once frontage is established it shall be maintained.

LOT LINE, INTERIOR: A side lot line common with another lot.

LOT LINE, REAR: The rear lot line is the lot line or lot lines most nearly parallel to and more remote from the front lot line.

LOT LINE, SIDE: Lot lines other than front or rear lot lines are side lot lines.

LOT OF RECORD: A lot which is a part of a subdivision or a parcel of land described by deed and where both the map and the deed were recorded in the office of the county recorder.

LOT, REVERSED CORNER: A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not. (See section [10-2-4](#) of this chapter for diagram.)

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. (See section [10-2-4](#) of this chapter for diagram.)

LOT WIDTH: The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area.

LOT, ZONING: A plot of ground made up of one or more parcels which are or may be occupied by a use, building or buildings,

including the yards and open spaces required by this title.

MANUFACTURER, FIREARMS AND AMMUNITION: Any person or entity in: a) the business of transporting, shipping and receiving firearms and ammunition for the purpose of sale or distribution, b) selling firearms at wholesale or retail, c) repairing firearms or making or fitting special barrels, stocks or trigger mechanisms to firearms and operating under the provisions of the applicable local, State and Federal licenses.

MANUFACTURING ESTABLISHMENT: An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products.

MARINA: A facility for secure mooring of boats, including facilities for storage and repair of boats and sale of boating supplies and fuel.

MASSAGE ESTABLISHMENT: Any establishment having a source of income or compensation derived from the practice of "massage" as defined in section 10 of the Massage Licensing Act⁷ and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities defined in [title 3, chapter 9](#), "Massage Establishments", of this Code.

MEDICAL CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualified patients in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act⁸.

MEDICAL CLINIC: An establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians or dentists and their professional associates, practicing medicine together.

MICROBREWERY OR BREWPUB: A restaurant-brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one hundred fifty five thousand (155,000) gallons per calendar year. One U.S. barrel is equivalent to thirty one (31) gallons.

MICRODISTILLERY: A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on site. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off site distribution of the alcoholic beverages shall be consistent with State law.

MICROWINERY: Combination retail, wholesale and small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves wine for sale on or off site, and produces no more than one hundred thousand (100,000) gallons per year. The microwinery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off site distribution of the vinous beverages shall be consistent with State law.

MINIATURE GOLF COURSE: A novelty version of golf played with a putter and golf ball on a miniature course, typically theme oriented with artificial playing surfaces and including obstacles such as bridges and tunnels.

MOBILE HOME: A manufactured home structure transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length or when erected on site is three hundred twenty (320) square feet or more and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems that may be contained therein; except that such term shall include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary (HUD) and complies with the standards established under this title. For manufactured homes built prior to June 15, 1976, a label certifying compliance to the standard for mobile homes, NFPA 501, in effect at the time of manufacture is required.

MOBILE HOME PARK: A lot, parcel or tract of land developed with facilities for accommodating two (2) or more mobile homes, provided each mobile home contains a kitchen, flush toilet and shower or bath; and such park shall be for use only by nontransient dwellers remaining continuously for more than one month, whether or not a charge is made. It shall not include a sales lot in which automobiles or unoccupied mobile homes or other trailers are parked for the purpose of inspection or sale, except mobile homes located on a site in the mobile home park which are occupied or vacant for not more than ninety (90) days after occupancy may be sold or offered for sale.

MODULAR CONSTRUCTION: A structure not built on site, but which is placed on a permanent foundation and meets building code requirements.

MOTELS, MOTOR LODGES, TOURIST COURTS: A group of attached or detached buildings containing individual sleeping units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels or motor lodges, but not including mobile homes.

MOTOR FREIGHT TERMINAL: A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

MOTOR VEHICLE: A passenger vehicle, truck, truck trailer, trailer or semitrailer propelled or drawn by mechanical power.

NONCONFORMING USE: Any building, structure or land lawfully occupied by use or lawfully established which does not conform to

the current regulations of the zoning ordinance.

NOXIOUS MATTER: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical, social or economic well being of human beings.

NURSERY: Retail business whose principal activity is the selling of plants and having outdoor storage, growing and/or display of plants.

NURSING HOME: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

OCTAVE BAND: A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

OCTAVE BAND FILTER: An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals. (American Standard For Sound-Level Meters/ASA - no. 224.3 - 1944)

ODOR THRESHOLD: The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM method D 1391-57, "Standard Method For Measurement Of Odor In Atmospheres (Dilution Method)".

ODOROUS MATTER: Any material that produces an olfactory response among human beings.

OFFICE: A place, such as a building, room or suite, in which services, clerical work, professional duties or the like are carried out.

OPEN SALES LOT: Any land used or occupied for the purpose of buying and selling new or secondhand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, etc., and for the storing of same prior to sale.

OUTDOOR MUSIC VENUE: A property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls or roof.

PARAPET: An architectural feature of a building where that portion of an exterior wall extends above the roof deck.

PARKING AREA, PRIVATE: An open, hard surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building or buildings for which the parking area is developed and is accessory.

PARKING AREA, PUBLIC: An open, hard surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half ($1\frac{1}{2}$) tons' capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

PARKING SPACE, AUTOMOBILE: Space within a public or private parking area designed in conformance with section [10-16-3](#) of this title, exclusive of access drives, or aisles, ramps, columns or office and work areas, for the storage of one passenger automobile or commercial vehicle under one and one-half ($1\frac{1}{2}$) tons' capacity.

PARKING STRUCTURE: An attached or detached structure that is fully or partially enclosed with one or more levels and is used exclusively for the parking or storage of motor vehicles. This does not include private one-story garages for single-, two-, or multiple-family residential uses. Parking structures may either be above or below grade.

PARTICULATE MATTER: Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

PARTY WALL: An interior wall of adjoining structures extending from its footing to the underside of the roof, and which separates and is in common use by such adjoining structures.

PAWNBROKER/PAWNSHOP: Any person who lends money on deposit or pledge of personal property, or deals in the purchase of personal property on condition of selling the same back at a stipulated price, or who publicly displays at his or her place of business the sign generally used by pawnbrokers to denote the pawnbroker's business, or who publicly displays a sign which indicates, in substance, a business on the premises which "loans money for personal property, or deposit or pledge". The business of a pawnbroker shall not include the lending of money on deposit or pledge of title to property.

PERFORMANCE STANDARD: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

PHILANTHROPIC INSTITUTION: Any building or group of buildings devoted to and supported by charity.

PLAN COMMISSION: The plan commission of the city of Yorkville.

PLANNED UNIT DEVELOPMENT: A tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings, and which is at least four (4) acres in area, except for planned developments operated by a municipal

corporation which shall be at least two (2) acres in area, and planned unit developments in manufacturing districts which shall be at least ten (10) acres in area.

PORCH: A roofed over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

PREFERRED FREQUENCIES: A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA standard N. S1.6-1960, "Preferred Frequencies For Acoustical Measurements".

PRINCIPAL USE: The main use of land or buildings as distinguished from a subordinate or accessory use.

PROFESSIONAL SERVICES: A business that offers any type of professional service to the public which requires, as a condition precedent to the rendering of such service, the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, engineers, chiropractors, dentists, physicians, podiatrists, architects, veterinarians, attorneys at law, physical therapists and insurance agents.

PUBLIC OPEN SPACE: Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

PUBLIC UTILITY: Any person, firm, corporation or municipal department duly authorized to furnish, under public regulation, to the public, electricity, gas, steam, telephone, sewers, transportation or water.

RAILROAD PASSENGER STATION: A facility for the boarding of passengers and related ticketing sales and offices.

RAILROAD RIGHT OF WAY: A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

RECREATION CENTER: A building or structure used as a place of recreation, generally open to the public and designed to accommodate and serve significant segments of the community.

RECREATIONAL CAMP - PRIVATE: An establishment consisting of permanent buildings used periodically by an association of persons where seasonal accommodations for recreational purposes are provided only to the members of such association and not to anyone who may apply.

RECREATIONAL VEHICLE: Any type of vehicle used primarily for recreational pleasure or bearing recreational vehicle registration license plates. Examples include, but are not limited to, motor homes, boats, snowmobiles, and all-terrain vehicles.

REFUSE: All waste products resulting from human habitation, except sewage.

RELIGIOUS INSTITUTION, LARGE: A building, having four hundred (400) or more seats or larger than eight thousand (8,000) square feet of total gross floor area, wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes church, synagogue, temple, mosque or other such place for worship and religious activities.

RELIGIOUS INSTITUTION, SMALL: A building, having four hundred (400) or fewer seats or no larger than eight thousand (8,000) square feet of total gross floor area, wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes church, synagogue, temple, mosque or other such place for worship and religious activities.

RESALE DEALER: Any individual, firm, corporation or partnership engaged in the business of operating a business for profit which buys, sells, possesses on consignment for sale or trades jewelry, stamps, audio-video equipment or any precious metals which may have been previously owned by a consumer; or which derives more than thirty five percent (35%) of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares or merchandise which have previously been owned by a consumer, including, but not limited to, furniture, appliances, clothing, automobile accessories, books or metals, whether in bulk or manufactured state.

A. The term "resale dealer" shall include, but not be limited to, businesses commonly known as swapshop operators, stamp dealers, coin dealers and jewelers that purchase and resell items from persons other than dealers and suppliers and engage in disassembling, melting and otherwise altering jewelry. The term "resale dealer" shall not include pawnbrokers.

B. The fact that any business does any of the following acts shall be prima facie proof that such business is a resale dealer:

1. Advertise in any fashion that it buys or sells used items. Such advertisements shall include, but not be limited to, media advertisements, websites, telephone listings, and signs whether in the exterior or interior of business.
2. Devotes a significant segment or section of the business premises to the purchase or sale of used items.

RESEARCH LABORATORY: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENCE: The act or condition of residing or dwelling in a place.

REST HOME: See definition of Nursing Home.

RESTAURANT: Any land, building or part thereof where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunchroom, drive-in stand, tearoom and dining room, and including the serving of alcoholic beverages when served with and incidental to the serving of meals, where permitted.

RESTAURANT, CONVENIENCE: An establishment commonly referred to as "fast casual" dining with the following characteristics: a) limited menu items are made to order and are prepared only upon request; b) food is either ordered and picked up at a counter or served at the patron's table in a limited dine in area; and c) usually part of a chain or franchise establishment.

RESTAURANT, FAST FOOD: A quick service restaurant with the following characteristics: a) typically includes drive-through service; b) limited menu items consisting of prepackaged or quickly prepared food items; c) food is ordered and picked up at a counter with no table service provided; d) limited dine in area; and e) usually part of a chain or franchise establishment.

RETAIL STORE: A building or portion of a building providing area for the selling of new or used goods, wares, and merchandise directly to the consumer for whom the goods are furnished.

RINGELMANN CHART: A chart which is described in the U.S. bureau of mines information circular 6888, and on which are illustrated graduated shades of gray for use in estimating the light obscuring capacity of smoke.

RINGELMANN NUMBER: The number of the area on the Ringelmann chart that coincides most nearly with the visual density of smoke emission.

ROADSIDE STAND: A temporary structure which is used solely for the display or sale of farm produce and related materials. No roadside stand shall be more than three hundred (300) square feet in ground area and there shall be no more than one (1) roadside stand on any one (1) premises.

ROADWAY: That portion of a street which is used or intended to be used for the travel of motor vehicles.

RUNWAY: A strip or area of pavement used exclusively for the landing and taking off of aircraft, or for the movement of vehicles incidental to such use.

SALVAGE YARD: An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto, farm implements and machinery, and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

SCHOOL: Elementary, high school or college, public or private, or nonprofit junior college, college or university, other than trade, commercial and business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees. These schools typically contain an auditorium, gymnasium, cafeteria, or other recreational facilities.

SEMI-TRUCK: A tractor unit which is used to tow or move semi-trailers. A semi-truck typically has two (2) or three (3) axles and is built for hauling large amounts of products, goods, and heavy machinery.

SEMI-TRUCK REPAIR: Engine rebuilding or major reconditioning of worn or damaged semi-trucks; collision service, including body, frame or fender straightening or repair and painting including incidentals repairs, replacement of parts and motor service to semi-trucks.

SETBACK: The minimum distance maintained between a street right-of-way and the nearest supporting member of any structure on the lot, except where otherwise regulated in this title.

SETBACK, ESTABLISHED: When forty percent (40%) or more of the lots fronting on one (1) side of a street within a block are improved, the existing setbacks of such improved lots shall be the "established setback" for determining the depth of the required front yards for the remainder of the lots along such street frontage, as regulated in this title.

SETBACK LINE, BUILDING: See definition of building setback line.

SHOOTING GALLERY/GUN RANGE, INDOOR: An enclosed facility, public or private, specifically for the purpose of providing a place in which to discharge various types of firearms, shoot air guns and/or archery equipment at designated targets and designed to contain all projectiles fired within the confines of the building. Auxiliary training and instructional classroom facilities may also be provided, as well as ancillary retail sales of firearms, ammunition and associated products upon proof of applicable local, State and Federal licensure.

SKATING RINK: An establishment that provides facilities for participant skating.

SMOKE: Small gasborne particles other than water that form a visible plume in the air.

SMOKE UNIT: The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of smoke units observed during the total period under observation.

SOUND LEVEL METER: An electronic instrument which includes a microphone, an amplifier and an output meter which measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

SOUND PRESSURE LEVEL: The intensity of a sound measured in decibels mathematically described as twenty (20) times the logarithm to the base-10 of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

STABLE, PRIVATE: Any building which is located on a lot on which a dwelling is located and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

STABLE, PUBLIC (RIDING OR BOARDING STABLE): A building and grounds which are designed, arranged, used or intended to be used for the storage, boarding or breeding of horses, including accessory uses which may include riding and horsemanship instructions and the hire of riding horses.

STACKING REQUIREMENTS: The number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

STADIUM: Any facility, building, corral, arena, or structure of any kind designed for use as either a sports facility (including animal sports, i.e., rodeos, horseraces, etc.), entertainment facility, whether for profit or not, where activities are to be undertaken generally for the entertainment of others. Said description includes ball fields, when any type of structure is involved, skating rinks, racetracks, football or soccer fields, softball fields, gymnasiums, swimming facilities, music halls, theaters, stages or any other type of field or facility.

STORY: That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and ceiling next above it. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof.

STORY, HALF: That portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half feet ($4\frac{1}{2}'$) above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three (3) stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this title. In the case of multiple-family dwellings three (3) or more stories in height, a half story shall be counted as a story.

STREET: A way other than an alley which affords a primary means of access to abutting property.

STREET LINE: A line separating an abutting lot, piece or parcel from a street.

STRUCTURAL ALTERATIONS: Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams and girders.

STRUCTURE: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

TATTOO AND BODY PIERCING ESTABLISHMENTS: Any establishment which performs or provides services for tattooing and/or body piercing as defined in [title 3, chapter 10](#) of this code.

TAVERN OR LOUNGE: A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

TAXICAB BUSINESS: A service that offers transportation in passenger automobiles and vans to persons in return for remuneration. The business may include facilities for servicing, repair, and fueling the taxicabs or vans.

TERRACE, OPEN: A level and rather narrow plane or platform which, for the purpose of this title, is located adjacent to one or more faces of the principal structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

THEATER: A structure used for dramatic, operatic, motion pictures for admission to which money is received. Such establishments may include related services such as food and beverage sales and other concessions.

TITLE: Reference to "title" herein shall be construed to be the Yorkville zoning ordinance.

TOXIC MATERIALS: Substances (liquid, solid or gaseous) which are inherently harmful and likely to destroy life or impair health or capable of causing injury to the well being of persons or damage to property.

TRAILER: A vehicle without motive power, designed to be towed by another vehicle but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer or cargo trailer.

TRAILER, CAMPING: A trailer designed and constructed for temporary dwelling purposes which does not contain built in sanitary facilities and has a gross floor area of less than one hundred thirty (130) square feet.

TRAILER HOUSE OR MOBILE HOME: See definition of Mobile Home.

TRAILER, TRAVEL: A trailer designed and constructed for dwelling purposes which may contain cooking, sanitary and electrical facilities and has a gross floor area of one hundred thirty (130) square feet or more but less than three hundred twenty (320) square feet.

TREATMENT CENTER: One or more buildings designed and used for the medical and surgical diagnosis and treatment. This definition excludes hospitals and nursing homes.

TRUCK AND TRAILER RENTAL: Leasing or renting of trucks and trailers, including incidental parking and servicing of vehicles for rent or lease.

TRUCK STORAGE YARD: Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, and which exceed one and one-half ($1\frac{1}{2}$) tons in capacity.

USABLE OPEN SPACE: Ground area of a lot, landscaping and recreational facilities may qualify as usable open space provided that it is an area unobstructed from the ground to the sky and which:

- A. Is not devoted to public or private roadways or driveways and off street parking and loading;
- B. Is accessible and available only to occupants of dwelling units on the premises, except balconies;
- C. Is not covered by buildings, except not more than five percent (5%) of the required open space may be recreational facilities enclosed within a building for the use of occupants of the dwelling units on the premises;
- D. Has not less than ten feet (10') at its narrowest dimension between either a lot line and an area not qualifying as usable open space; and
- E. Is developed, landscaped and maintained suitable for pedestrian, recreational and leisure use.

USE: The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

USE, LAWFUL: The use of any building, structure or land that conforms with all of the regulations of this title and which conforms with all of the codes, ordinances and other legal requirements as existing when the structure or land is being examined.

USE, NONCONFORMING: See definition of Nonconforming Use.

USE, PERMITTED: Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this title for the district in which such use is located.

USE, PRINCIPAL: The dominant use of land or buildings as distinguished from a subordinate or accessory use.

USE, SPECIAL: A use that has unusual operational, physical or other characteristics that may be different from those of the predominant permitted uses in a district, but which is a use that complements and is otherwise, or can be made, compatible with the intended overall development within a district. Compliance with special standards not necessarily applicable to other permitted or conditional uses in the district shall be required as regulated in this title.

VACANT LAND: A lot or parcel of land on which no improvements or structures have been constructed or actively used for any land use purpose.

VIBRATION: The periodic displacement, measured in inches, of earth at designated frequency cycles per second.

WAREHOUSE: A structure, part thereof, or an area used principally for the storage of goods and merchandise for wholesale or distribution, excluding bulk storage of materials that are inflammable or explosive or that present hazards.

YARD: An open area on a lot which is unobstructed from its lowest level to the sky, except as otherwise provided in this title.

YARD, FRONT: A yard extending along the full width of a front lot line between the side lot lines, and has a depth between the front lot

line and the front yard line.

YARD, INTERIOR SIDE: A side yard which adjoins another lot or an alley separating such side yard from another lot.

YARD LINE: A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard. A building, structure or other obstruction shall not encroach into the area between the "yard line" and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this title. (See section [10-2-4](#) of this chapter for diagram.)

YARD, REAR: A yard extending along the width of the rear lot line between the side lot lines, and from the rear lot line to the rear yard line in depth.

YARD, SIDE: A yard extending along the length of a side lot line between the rear yard line and front yard line, from the side yard line to the side lot line in width.

YARD, SIDE - ADJOINING A STREET: A yard which is bounded by the front lot line, side yard adjoining a street line and rear lot line.

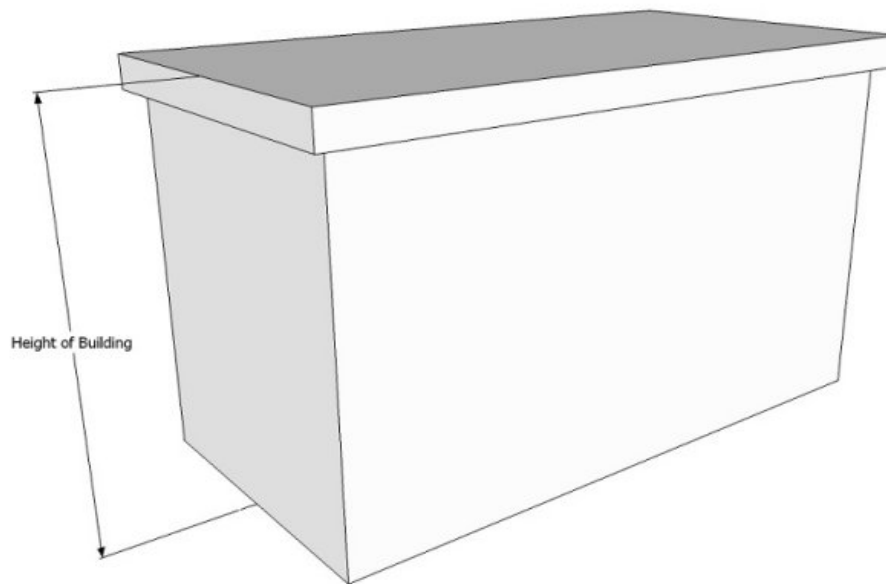
YARD, TRANSITIONAL: A yard that must be provided on a lot in a business district which adjoins a lot in a residential district as a buffer and subject to regulations provided in the landscape ordinance.

ZONE: A "district", as defined in this section.

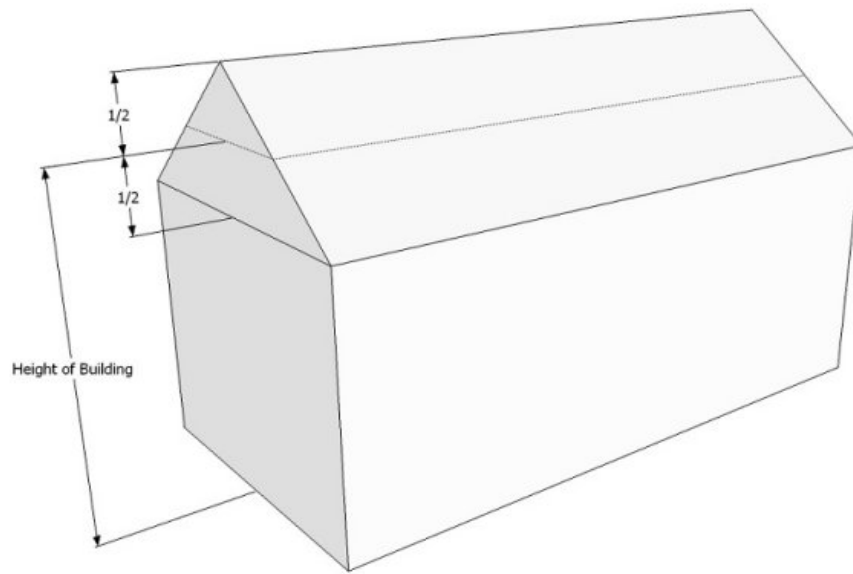
ZONING BOARD OF APPEALS: See [title 2, chapter 2](#) of this Code. (Ord. 2014-73, 11-25-2014; amd. Ord. 2015-32, 6-9-2015; Ord. 2016-35, 4-26-2016; Ord. 2017-02, 1-24-2017; Ord. 2017-32, 5-23-2017; Ord. 2019-08, 1-29-2019)

10-2-4: DIAGRAMS:

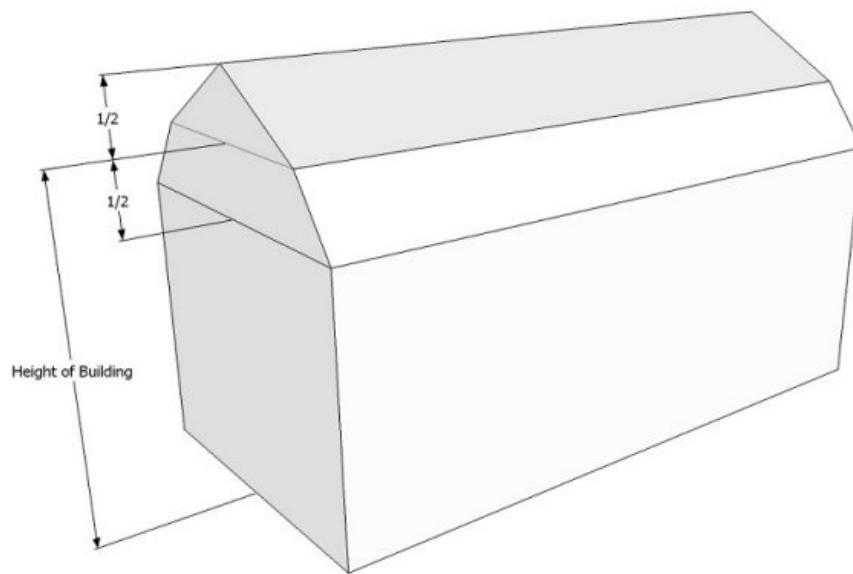
BUILDING HEIGHTS



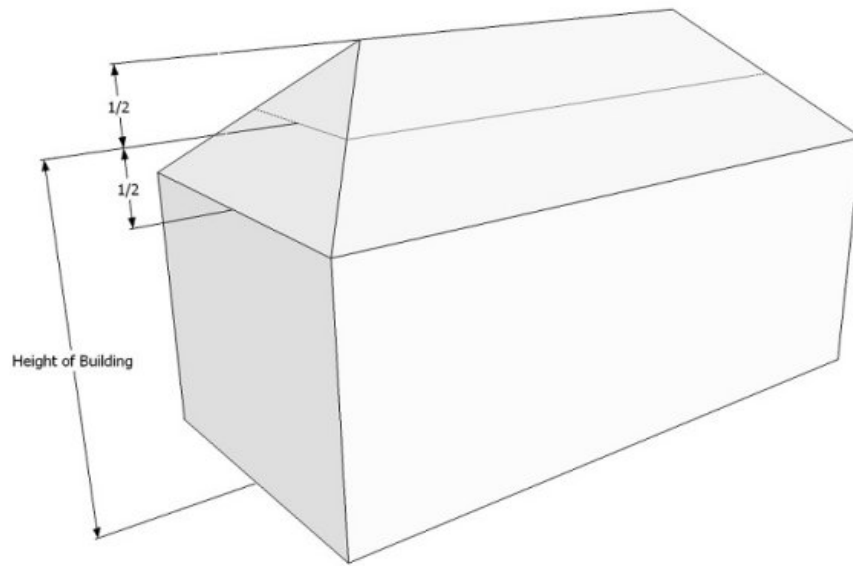
Flat Building Height



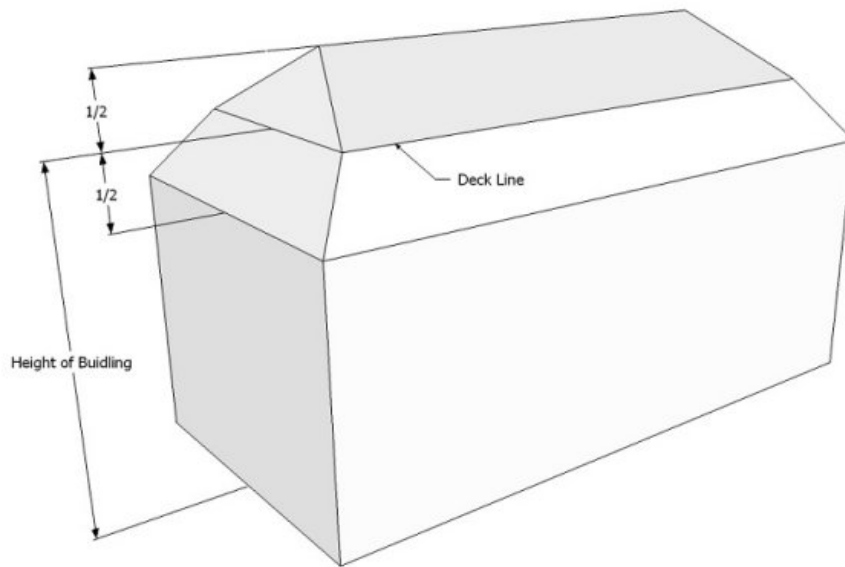
Gable Building Height



Gambrel Building Height

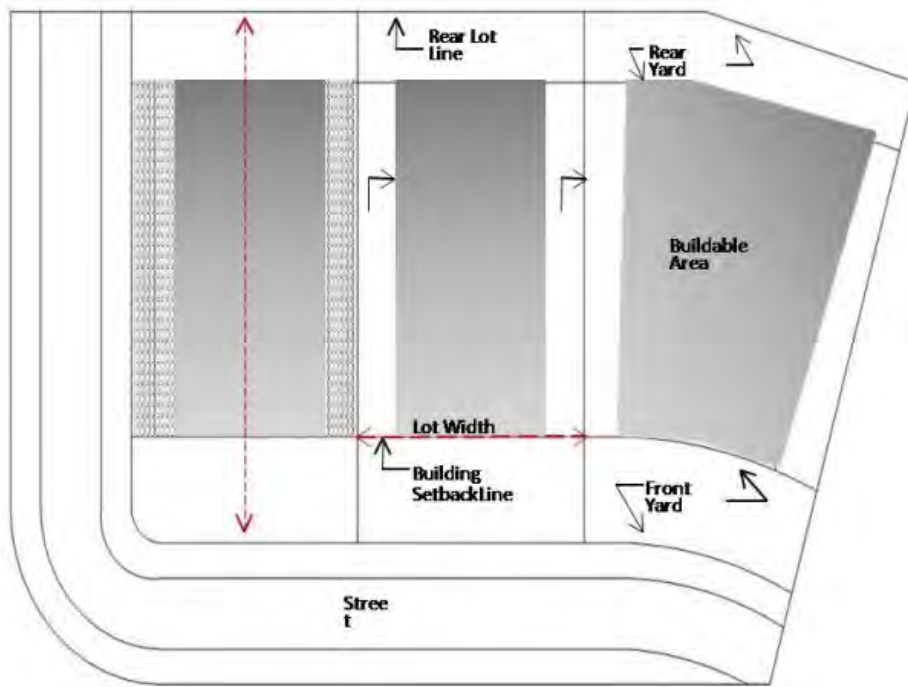


Hip Building Height



Mansard Building Height

YARD AND BUILDING LINES



FLOOR AREA RATIO

Floor Area Ratio

$$\text{Floor Area Ratio (FAR)} = \frac{\text{Gross Building Area (All Floors)}}{\text{Lot Area}}$$

0.5 FAR



1 Story
(50% Lot Coverage)



2 Stories
(25% Lot Coverage)

1.0 FAR



1 Story
(100% Lot Coverage)



2 Stories
(50% Lot Coverage)



4 Stories
(50% Lot Coverage)

2.0 FAR



2 Stories
(100% Lot Coverage)

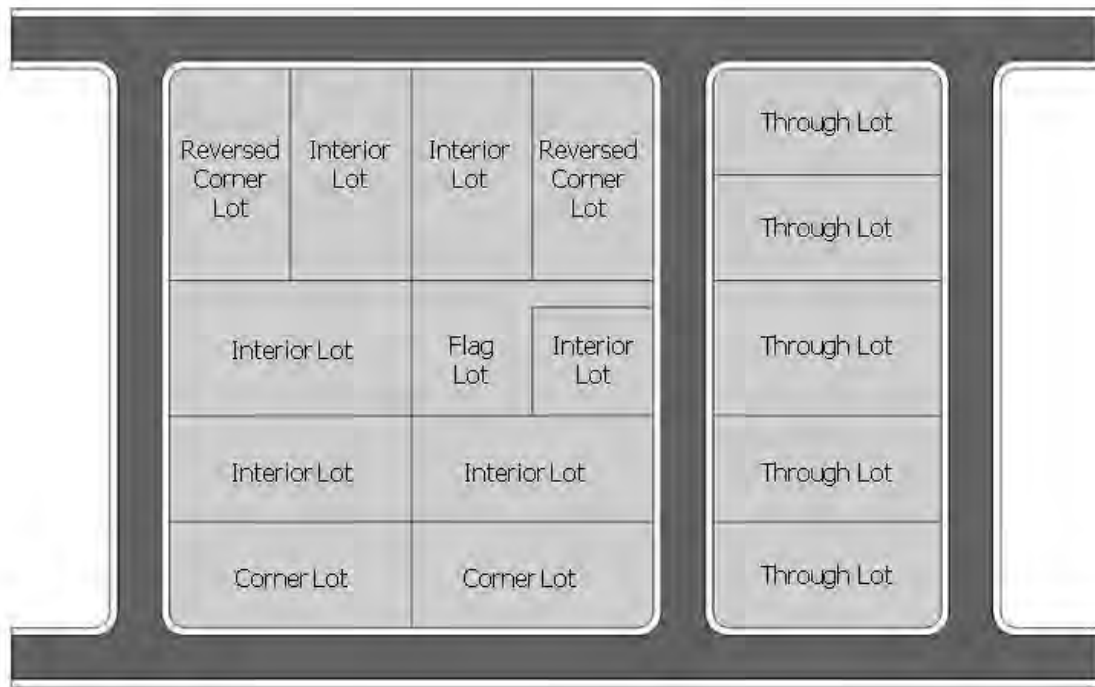


4 Stories
(50% Lot Coverage)



8 Stories
(25% Lot Coverage)

TYPES OF LOTS



(Ord. 2014-73, 11-25-2014)

10-3-3: LOT AREA AND DIMENSIONS:

- A. Contiguous Parcels: When two (2) or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use district in which they are located, are contiguous and are held in one ownership, they shall be used as one zoning lot for such use.
- B. Lots Or Parcels Of Land Of Record: Any single lot or parcel of land held in one ownership which was of record at the effective date hereof that does not meet the requirements for minimum lot width and area may be utilized for a permitted use; provided, that yards, courts or usable open spaces are not less than seventy five percent (75%) of the minimum required dimensions or areas, except as provided in section [10-15-5](#) of this title. (Ord. 2014-73, 11-25-2014)

10-3-4: NUMBER OF BUILDINGS ON A ZONING LOT:

Except in the case of a planned unit development, not more than one principal detached residential or commercial building shall be located on a zoning lot, nor shall a principal detached residential or commercial building be located on the same zoning lot with any other principal building. (Ord. 2014-73, 11-25-2014)

10-3-5: ACCESSORY BUILDINGS AND STRUCTURES:

- A. Enumeration: Permitted accessory buildings and structures shall include: sheds; toolrooms; similar buildings or structures for domestic or agricultural storage; gazebos; greenhouses; playground equipment; pools; recreational courts; playhouses; stables; garages and parking structures. Refer to section [10-3-12](#), table 10.03.01, "Permitted Accessory Buildings, Structures And Obstructions", of this chapter.
- B. Location: No part of any accessory building or structure shall be located closer than five feet (5') from any side or rear property line. No accessory building or structure shall be closer than ten feet (10') to any main building or closer to the public way than the principal building on the lot.
- C. Time Of Construction: No accessory building or structure with a connected water supply shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- D. Height Of Accessory Buildings Or Structures In Required Rear Yards: No accessory building or structure or portion thereof located in a required rear yard shall exceed fifteen feet (15') in height.
- E. On Reversed Corner Lots: On a reversed corner lot in a residence district and within fifteen feet (15') of any adjacent property to the rear in a residence district, no accessory building or structure or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to sixty percent (60%) of the least depth which would be required under this title for the front yard on such adjacent property to the rear. Further, in the above

instance, no such accessory building or structure shall be located within five feet (5') of any part of a rear lot line which coincides with a side lot line or portion thereof of property in a residence district. (Ord. 2014-73, 11-25-2014)

10-3-12: PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND OBSTRUCTIONS:

TABLE 10.03.01
PERMITTED ACCESSORY BUILDINGS, STRUCTURES AND OBSTRUCTIONS

Key:	
	P = Permitted
	- = Not permitted

Building, Structure Or Obstruction	Required Yards			
	All Required Yards	Required Front Yards	Required Rear Yards	Required Side Yards
Open terraces and decks ¹	P	P	P	P
Awnings and canopies ²	P	P	P	P
Steps ³	P	P	P	P
Chimneys ⁴	P	P	P	P
Arbors and trellises	P	P	P	P
Landscaping	P	P	P	P
Flagpoles	P	P	P	P
Fences ⁵	P	P	P	P
One-story bay windows ⁶	-	P	-	-
Ornamental light standards	-	P	-	P
Overhanging eaves and gutters ⁶	-	P	P	P ⁷
Enclosed, attached or detached off street parking	-	-	P	-
Open off street parking	-	-	P	-
Accessory buildings and structures	-	-	P	-

Balconies, breezeways, open porches and one-story bay windows ⁶	-	-	P	-
Recreational equipment and clotheslines/racks	-	-	P	-
Air conditioning units ⁸	-	-	-	P

Notes:

1. Not over 4 feet above the average level of the adjoining ground but not including a permanently roofed over terrace or porch.
2. Adjoining a principal structure not exceeding 3 feet or less into required yard.
3. 4 feet or less above grade which are necessary for access to zoning lot from a street or alley.
4. Projecting 18 inches or less into the yard.
5. Fences shall not extend beyond the front plane of the building facade.
6. Projecting 3 feet or less into the yard.
7. Projecting into a required yard for a distance not exceeding 40 percent of the required yard width, but in no case exceeding 30 inches.
8. For a distance not exceeding 10 percent of the required yard width, but in no case exceeding 12 inches.

(Ord. 2014-73, 11-25-2014)

PUBLIC NOTICE OF A HEARING BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2019-18

NOTICE IS HEREWITH GIVEN THAT the United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to two Chapters of the United City of Yorkville Zoning Ordinance including “Chapter 2: Definitions” and “Chapter 3: General Zoning Provisions.” The amendment to Chapter 2 revises the definition for a “Zoning Lot” to include contiguous parcels under single ownership. The Chapter 3 amendment will provide that accessory buildings or uses located on a contiguous zoning lot which have an existing primary structure and is under single ownership, are permitted, as long as the building or use is located within the rear, corner or side yard setback as stipulated in the zoning ordinance for that district.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing at a meeting on said amendments on Wednesday, July 10, 2019 at 7 p.m. at the Yorkville City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

LISA PICKERING
City Clerk

PLANNING AND ZONING COMMISSIONER TRAINING SERIES



BASIC DRAINAGE AND SITE ENGINEERING

Planning & Zoning Commission
July 10, 2019

800 Game Farm Road
Yorkville, IL 60560