

**MINUTES OF UNIFIED DEVELOPMENT ORDINANCE  
ADVISORY COMMITTEE MEETING**

Thursday, August 18, 2022 6:30pm  
City Hall Conference Room  
800 Game Farm Road, Yorkville, IL

NOTE: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, the United City of Yorkville is encouraging social distancing by allowing remote attendance at the UDO Advisory Committee meeting due to the ongoing Covid-19 pandemic.

**Meeting Called to Order**

The meeting was called to order at 6:30pm by Chairman Chris Funkhouser and a quorum was established.

**Roll Call & Establishment of Quorum**

Committee Members:

Chris Funkhouser, Chairman/Alderman/in-person attendance  
Dan Transier, Alderman/in-person attendance  
Jeff Olson, PZC Chairman/remote attendance  
Deborah Horaz, PZC Member/remote attendance  
David Schultz, Engineer-HR Green/remote attendance

Others Present:

Krysti Barksdale-Noble, Community Development Director/remote attendance  
Jason Engberg, Senior Planner/in-person

**Previous Meeting Minutes** July 14, 2022

The minutes were approved as presented.

**Citizens Comments** None

**1. Introduction**

Mr. Engberg said Chapter 8 covers review and approval procedures. Most of the procedures have stayed the same, but some language has been added.

**2. Review of Materials**

**a. Chapter 8:** UDO Review and Approval Procedures

Mr. Engberg reviewed the changes made in the topics of this chapter. See #3 below for the combined comments made by him and the committee discussion.

**3. Committee Comments and Questions**

**10-8-1 Administrative Authorities:**

*Staff Comments:* This section identifies the administrative authorities and also defines the Plan Council, PZC and other departments that may provide input. It insures the UDO interpretations are considered by PZC after decisions made by the Zoning Administrator. No discussion.

### **10-8-2 General Application Requirements:**

*Staff Comments:* This section details the application requirements and what happens to dormant apps. No discussion.

### **10-8-3 Administrative Review and Action:**

*Staff Comments:* There was some language added for zoning review which codifies what is already done. A section for administrator exception was added to keep the development process moving. Some minor changes for small setback variances can be made by the Zoning Administrator to avoid going through the variance process. Lot consolidation and splits were added, but is under review by the City Attorney due to a state Plat Exemption Act that dictates how land can be subdivided. Language for temporary use permits was also added to ensure compatibility of use.

*Committee Discussion:* The Committee was OK with allowing the Zoning Administrator to give approval if there is a 5% or less change in a setback or height. Ms. Noble noted that the Consultant suggested 10%, but staff felt 5% would be more agreeable to the City Council. Temporary Use Permit information is new and provides more definition with 8-9 different criteria. Mr. Olson asked if insurance or bond is requested. That is covered in the subdivision section, said Ms. Noble.

### **10-8-4 Board/Commission General Review & Action Procedures:**

*Staff Comments:* This outlines different types of requests and notice standards, Special Uses, variations, Final Plats and appeal processes and is staying the same for now. Special uses become void after 3 years if no action occurs. The Consultant said many communities use the time frame 1-2 years and they requested committee input on this. There are new regulations for Special Use amendments, major and minor, with the minor changes being done administratively. The Special Use amendment is also being reviewed by Attorney Orr.

*Committee Discussion:* This section deals with different types of requests and the review process was kept the same. Requests go to EDC, PZC, then to City Council. The Special Use amendment is a new process. Mr. Transier asked if an applicant would have to submit a Special Use application to make a change. If there was a minor change, under the new language, the change could be allowed. He also asked if there a time restriction on how long the amended use would be allowed. It would be the same as the time frame of the special use permit, said Mr. Engberg. The Consultant recommended 1-2 years for expiration while committee members suggested a 1-year expiration and a one-year extension with Council approval. Ms. Horaz opined that 1 year is adequate since there have been some projects that did not start in a timely fashion.

### **10-8-6 Subdivision Procedures:**

*Staff Comments:* If someone comes in with a Final Plat, they must go before various committees. If there is no Public Hearing, recommendations go to City Council. The Consultant is asking if the Final Plat should go to Public Hearing or keep the present process. Consolidation or subdivision of 3 or less lots is a simple consolidation and does not require the process, 4-10 is a minor subdivision and anything above 10 is a major subdivision.

*Committee Discussion:* Mr. Engberg recapped the numbers saying 3 or fewer lots is a consolidation, 4-10 is a minor subdivision and more than 10 is a major subdivision. The Consultant asked if the committee is OK with these numbers. The Committee was OK with them, but Mr. Olson asked why a Public Hearing has not been standard and Ms. Noble replied that state law did not designate it as a type of land use requiring a Public Hearing. Ms. Noble suggested either all Public Hearings or all Public Meetings to avoid any scrutiny or allegations of unequal treatment. Mr. Transier asked if notifications are required for these cases and Ms. Noble replied no. For property splits, Mr. Schultz noted the Plat Act must be considered and that a petitioner cannot circumvent zoning regulations. Mr. Olson added that if the processes are going to be streamlined, then there should be no need for Hearings in these situations. The committee decided that since state law does not require a hearing, the UDO would not either. Mr. Engberg said most of the requirements for Final Plats remained the same, however, Engineer Brad Sanderson is still reviewing them.

### **10-8-7 Planned Unit Developments:**

*Staff Comments:* Currently a developer cannot do a PUD unless there are 4 or more acres. The Consultant is suggesting 3 acres if on a large enough property. The committee is being asked if the requirements should be lowered.

*Committee Discussion:* Mr. Transier asked how much development is possible on a 3 acre lot. Mr. Engberg said he is OK with 3 or 4. Ms. Noble said she would prefer 4 acres and cited an example of a recent PUD that required extra work. The consensus was there should be no automatic PUD and have it be an option.

### **10-8-8 Variations:**

*Staff Comments:* Currently, variations must be taken before many committees and then to City Council. There is a list of certain situations where PZC can approve outright. The Committee is being asked if there are any other variations that PZC can approve outright.

*Committee Discussion:* Mr. Engberg said he believes the language that should remain is the government-taking. He asked if there anything else PZC should have control over without going to City Council. He said the Administrator review has control over some decisions for bulk regulations. The idea is to reduce the time for the smaller variations to be a less lengthy process.

### **10-8-9 Appeals:**

*Staff Comments:* Currently, this goes to PZC who has final determination. The Consultant recommends these go to City Council for the final decision, to be consistent with other cases.

*Committee Discussion:* Appeals happen, though infrequently. Mr. Engberg cited a sign case that was appealed and won by the petitioner. The Consultant said appeals should go before City Council, however, Mr. Engberg asked the Committee if they wished it to be decided at the PZC level. It was recommended to keep it at PZC and forward to City Council as information.

### **10-8-10 Text Amendments:**

*Staff & Committee Discussion:* Consultant removed some redundancies in this section. Ms. Horaz asked to have the committee notified if any setback changes are made or requested. Staff does a year-end-review for PZC in February and can provide info to the Committee as well.

### **10-8-12 Annexations:**

*Staff Comments:* This is has mostly stayed the same, though Mr. Engberg noted that it should say annexations should go to City Council and have a Public Hearing. House numbering is addressed in this section, however, it needs to move to Development Standards. Brad Sanderson is also reviewing this section.

*Committee Discussion:* Alderman Funkhouser asked about flow charts to go along with the applications. Mr. Engberg will ask the consultants for additional visuals. Mr. Transier asked if there would be links to documents and Mr. Engberg said the SmartCode will direct users to the documents, definitions and forms. Mr. Olson asked about permit fees being in the code---there will be a way to link to a fee chart or redirect the user to the website. Mr. Transier suggested there should be a way to both pay on-line and submit digital applications. Ms. Noble noted the Finance module does not interface with the Building and Zoning processes at this time.

The Consultant, Houseal Lavigne, will attend the next meeting and suggested a possible date of September 29.

## **4. Adjournment**

There was no further business and the meeting adjourned at 7:22pm.

Minutes respectfully submitted by Marlys Young, Minute Taker/in-person attendance