

**Village of Indian Head Park  
201 Acacia Drive  
Indian Head Park, IL 60525  
MINUTES  
VILLAGE OF INDIAN HEAD PARK  
PLANNING AND ZONING COMMISSION  
WORKSHOP MEETING**

*“Pursuant to 5 ILCS 120/2.06 (3) minutes of public meetings shall include, but need not be limited to: a general description of all matters proposed, discussed, or decided, and a record of votes taken.”*

**Tuesday, April 8, 2014**

**7:30 P.M.**

**CALL TO ORDER – CHAIRMAN DENNIS SCHERMERHORN**

The regular scheduled Planning and Zoning Commission meeting was held on Tuesday, April 8, 2014, at the Municipal Facility, 201 Acacia Drive. The meeting was convened at 7:30 p.m. by Chairman Dennis Schermerhorn.

**ROLL CALL: PRESENT (AND CONSTITUTING A QUORUM):**

Chairman Dennis Schermerhorn  
Commissioner Diane Andrews  
Commissioner Timothy Kyzivat  
Commissioner Earl O’Malley  
Commissioner Robert Tantillo  
Commissioner Jack Yelnick

**ALSO PRESENT:**

Tom Hinshaw, Zoning Trustee

**NOT IN ATTENDANCE:**

Commissioner Noreen Costelloe

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Chairman Dennis Schermerhorn and the Planning and Zoning Commission members recited the Pledge of Allegiance to the Flag as follows: ***"I Pledge Allegiance to the Flag of the United States of America and to the republic for which it stands, one nation under God indivisible with liberty and justice for all"***.

**ZONING AGENDA ITEMS: (discussion and a possible vote may take place)**

**1. Commission Discussion Regarding Revisions to the Village of Indian Head Park Zoning Ordinance.**

Chairman Schermerhorn stated the purpose of the meeting this evening is to discuss possible revisions to the Village's zoning ordinance, Title 17, Zoning as well as the Village's planning document. He noted various sections of Title 17 Zoning were reviewed by the Commission and input was received from Commissioner members to determine if further modifications to the zoning need to be made. Chairman Schermerhorn stated he would like the Commission to vote on a document at the next meeting with those recommendations to be made to the Village Board.

Chairman Schermerhorn stated the Commission will review collectively various sections of Title 17, Zoning to discuss possible changes that can be incorporated into the zoning code for consideration by the Village Board of Trustees. Chairman Schermerhorn and the Commission members reviewed various pages of ***Title 17, Zoning. The following modifications were suggested:*** (1) replace references to "zoning board of appeals Commission" , and "planning commission" to "Planning and Zoning Commission" (2) when referencing the village with intent to mean Indian Head Park, capitalize "Village" (3) insert a phrase to wit: "Board" as used herein means the Board of Trustees of Indian Head Park, "Commission" means the Planning and Zoning Commission of Indian Head Park. **17.08.080 Buildable Area.** "Buildable Area" means, for the purpose of measuring lot width, the first forty feet of lot depth immediately in back of the front yard setback line. (Ord. 64-1 § III(B) (part))Replace with: ***"Buildable Area" means that portion of a lot remaining after applying the appropriate front, rear and side yard setback provisions of this ordinance. 17.08.130.***

**Building Height.** "Building height" means the vertical distance measured from the natural grade opposite the middle of the front of the building to the highest point of the underside of the of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. Chimneys, spires, towers, similar projections and cellars shall not be included in calculating the heights. (Ord. 64-1 § III(B) (part)) Replace with: "Building height" means the vertical distance measured from the natural grade ~~opposite level~~ at the middle of the front of the building to the highest point of the ~~underside of the of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip or gambrel roof.~~ structure. Chimneys, spires, towers, and other similar incidental non-liveable projections and cellars shall not be included in calculating the heights ~~of the structure.~~ Commissioner Yelnick pointed out that thirty-three feet (33') for height is generally accepted in neighboring communities, the height is determined from the front of the house at grade to the highest point of the structure in most towns and that is a workable number for construction purposes. He added for redevelopment purposes increasing the height requirement would increase property values and attract builders. Chairman Schermerhorn asked will the grade be determined somewhere in the middle of the buildable area, at the front line of the buildable area or to the highest point of the house at the front buildable line. Commissioner Yelnick stated generally the grade is determined from front to the middle of the lot in the buildable area. Trustee Hinshaw asked if the height is measured from side to side in the middle of the structure instead of front to back there may be one side lower than the other. Commissioner Yelnick stated his house is an example because the garages are off the side of the house, the elevation is higher on the side and there will always be different elevations so the height should be calculated from the front of the house to the middle. Trustee Hinshaw asked if the measurement for height would be at the highest point of the house. Commissioner Yelnick pointed out his home has many elevations and it is higher in the back of the house than the front so for building purposes the height should be taken from front to middle and it is difficult to work with different elevations. Commissioner Andrews suggested language be added that the height is calculated to the highest point of livable space. Commissioner Kyzivat asked if variances have been granted for homes being built that exceed the twenty-five feet (25'). Commissioner O'Malley stated

when his home was built the height had to be capped at twenty-five feet. The Commission noted some height variances have been granted from three to five feet over the twenty-five feet. **17.08.200 Cellar.** “Cellar”: means the portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground. (Ord. 64-1 § (B) (part)). Replace with: **17.08.310 Fence.** “Fence” means an enclosure or structure about a parcel of land, field or other space or about any object, any barrier such as a structure or wood, brick, stone, steel or the like that is intended to prevent straying from within or intrusion therein. Also any structure designed to mark or define an existing lot line or boundary. Also any fence-like structure including a trellis placed within the confines of a parcel of land even for decorative purposes. (Ord. 64-1 § III (B) (part)). *Reference §17.12.130 Housing for Domestic animals and §17.25.010 Provisions for handicapped and §17.12.120 Fencing.* **17.12.030 Scope of Regulations.** It is declared that the provisions of this title shall apply to all properties as hereinafter specifically provided: A. No building or structure or part thereof shall hereafter be erected, constructed, reconstructed, enlarged, moved or structurally altered, and no building, structure or land shall hereafter be used, occupied or arranged or designed for use or occupancy, nor shall any excavating or grading be commenced in connection with any of the above matters, except as permitted by the regulations of this title for the zoning district in which such building, structure or land is located. B. Except as may otherwise be provided, all structural alterations or relocation of existing buildings occurring hereafter and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations herein which are applicable to the zoning districts in which such buildings, uses or land shall be located. C. Not more than one principal detached residential building shall be located on a zoning lot, nor shall a principal attached single-family residential building be located on the same zoning lot with any other principal building, except in the case of planned unit developments and other special uses. D. More than one principal detached building, other than residential buildings, may be located on a zoning lot, provided the requirements of this title are met separately for each individual use. Lot area, or other criteria, used to satisfy one use cannot be counted again and used to satisfy a separate use, except in the case of planned unit developments. E. No land which is located in a residential district shall be used for driveway, walkway or access purposes to any land which is located in a commercial or industrial district, or used for any purpose not permitted in a

residential district, except in the case of planned unit developments. (Ord. 78-13 § 2 (part): Ord. 64-1 § IV (C). (F). **Sidewalk on Wolf Road.** This reference to be removed from the Zoning Ordinance and added to the Village planning document should the need arise to consider a sidewalk request. **17.12.080 Special Uses** A. To provide for the location of certain uses hereinafter specified, which are deemed desirable for the public welfare within a given district or districts, but which might have an adverse effect upon nearby properties or upon the character and future development of the district in which they are located, a classification of special use is established. Procedures for special uses are set forth in Chapter 17.32. **17.12.120 Fences.** Fences are prohibited except as follows: A. Those required for safety as determined and upon such terms and conditions as may be imposed following the procedures for variations in this title; or B. On residential lots located immediately adjacent to (or separated only by a street or public highway right-of-way from) a lot or parcel designated and zoned under a business district designation under Section 17.28.110 (B) of this code, but only upon the following conditions: 1. That the fence shall be constructed only along and within five-feet of the boundary of said lot which is adjacent to (or separated only by a street or public right-of-way from) the lot or parcel designated and zoned under a business district designation, 2. That the fence shall be no more than eight feet in height, 3. That the fence shall be constructed only of weather-resistant wood, including cedar redwood or treated lumber or similar low maintenance synthetic material. Chairman Schermerhorn stated Commissioner O'Malley mentioned there are some new materials that are maintenance-free so that could be incorporated. 4. That the materials and design of any repairs to or replacement of a fence shall be identical to those of the fence so repaired or replaced, but the height may not be altered. (Ord.96-13 § 1: Ord. 78-13 § 2 (part): Ord. 64-1 IV (L) 5. That the fence shall be screened from adjoining property with evergreen plants and shall be placed with the finished side facing out. Chairman Schermerhorn stated Commissioner Andrews made the suggestion about fencing to have the finished side facing out so that will be incorporated as a change. Reference §17.12.130 Housing for Domestic animals and §17.25.010 Provisions for handicapped and §17.08.310 Fence.

The Commission continued the discussion to consider the following modifications to Chapter 17.24 Administration as follows:

**17.24.030 ~~Plan Commission. Planning and Zoning Commission.~~** The ~~plan~~ Planning and Zoning eCommission (herein "Commission") shall ~~is the plan~~ commission of the Village. (A) ~~Jurisdiction.~~ The ~~plan commission~~ shall have the following duties under this title: A. to receive from the Village Clerk copies of all application for amendments or special uses which have been introduced into the Village Board, and submit reports to ~~the zoning board of appeals Commission~~ and the Village Board setting forth its findings and recommendations in the manner prescribed in this section for amendments and special uses; B. to initiate, direct and review from time to time studies of the provisions of this title, and to make reports of its recommendations to the Village Board ~~not less frequently than once a year~~; C. to hear and decide all matters upon which it is required to pass under this title. (Ord. 64-1 § VIII (C).

**17.24.040 ~~Zoning board of appeals Commission.Planning and Zoning Commission~~ Creation and Procedures.** (1) There is established a Planning and Zoning Commission for the Village. The Commission shall consist of seven members to serve respectively for the following terms: one for one year, one for two years, one for three years, one for four years, one for five years, one for six years and one for seven years. The successor to each member so appointed to serve for a term of five years; (2) All appointments to the ~~zoning board of appeals Commission~~ Planning and Zoning Commission shall be made by the Village Board. One of the members so appointed shall be named as chairman at the time of appointment. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of chairman is vacated for any reason, the Village Board shall immediately appoint, at its option, either one of the remaining members on the ~~zoning board of appeals Commission~~ Commission, or a member who is appointed to fill such vacancy on the board as the new chairman; (3) all meetings of the ~~zoning board of appeals Commission~~ shall be held at the call of the chairman, and at such other times as the ~~board~~ Commission may determine. All testimony by witnesses at any hearing provided for in this title shall be given under oath. The chairman, or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the ~~board~~ Commission shall be open to the public. The board shall keep minutes of proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating the fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, amendment or repeal thereof, and every

order, requirement, decision or determination of the board shall immediately be filed in the office of the Village Clerk and shall be of public record; (4) the ~~zoning board of appeals~~ Commission is designated as the proper commission or committee to post or publish notices as required by statute and this title pertaining to special uses and proposed amendments to the regulations imposed and the districts created by this title, and to make a written report and recommendation to the Village Board on any such proposed amendments or special uses. **(B) Jurisdiction and Authority.** The ~~zoning board of appeals~~ Commission is invested with the following jurisdiction and authority: (1) to hear and decide appeals from any order, requirements, decision or determination made by the building inspector under this title; (2) to hear and decide variations from the terms provided in this title in the manner and subject to the standards set forth in this section; (3) to hold public hearings in matters pertaining to applications for special uses, variations and amendments, and submit reports to the Village Board setting forth its findings and recommendations in the manner prescribed in this section for special uses and amendments; (4) to hear and decide all matters referred to it, or upon which it is required to pass under this title. (Ord. 64-1 § VII (D))

**17.24.050 Appeals. Authority.** The ~~zoning board of appeals~~ Commission shall hear and decide appeals from an administrative order, requirement decision or determination made by the building inspector or other authorized officials of the Village relating to regulation of this title. **Initiation.** An appeal may be taken to the ~~zoning board of appeals~~ Commission by any person, firm or corporation, or by any office, department, board, bureau or commission aggrieved by an administrative order, requirement, decision or determination under this title by the building inspector or other authorized official of the Village. **Processing.** An appeal in triplicate with the required fee shall be filed with the Village Clerk.

The Village Clerk shall forward such appeal to the ~~zoning board of appeals~~ Commission for processing in accordance with applicable statutes of the State of Illinois , forward one copy to the building inspector and retain one copy for the Village Clerk's files. **Decisions.** All decisions, after hearing of the ~~zoning board of appeals~~ Commission on appeals from one administrative order, requirement, decision or determination of the building inspector or other authorized official of the Village, shall in all instances, be final administrative determinations, and shall be subject to judicial review in accordance with

applicable statutes of the State of Illinois. (Ord. 64-1 § VII (E). **17.24.060 Variations. Authority.** The ~~zoning board of appeals~~ Commission shall decide variations of the provisions of this title in harmony with its general purpose and intent, and shall vary them only in the specific instances hereinafter set forth where the ~~zoning board of appeals~~ Commission shall have made a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardship in the way of carrying out the strict letter of the regulations of this title. **Initiation.** An application for a variation may be made by any person, firm or corporation, or by any office, department, board, bureau or commission requesting or intending to request application for a zoning certificate. **Processing.** (1) An application for a variation in triplicate with the required fee shall be filed with the Village Clerk. The Village Clerk shall forward such application to the zoning board of appeals Commission for processing in accordance with applicable statutes of the State of Illinois, forward one copy to the building inspector and retain one copy for the Village Clerk's file; (2) no variation shall be made by the ~~board of appeals~~ Commission unless there shall be notice of time and place of the hearing published at least once, not more than thirty nor less than fifteen days before the hearing, in one or more newspapers with a general circulation within Indian Head Park. **Decisions.** All final administrative decisions and findings of the ~~zoning board of appeals~~ Commission on variations arrived at after the hearing shall be final, subject only to judicial review in accordance with applicable statutes of the State of Illinois. **Standards.** The ~~zoning board of appeals~~ Commission shall not vary the provisions of this title as authorized in this section unless it shall have made findings based upon the evidence presented to it in the following specific cases: a. As to commercial properties, the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located. b. The plight of the owner is due to unusual circumstances. c. The variation, if granted, will not alter the essential character of the locality. For the purpose of supplementing the above standards, the ~~zoning board of appeals~~ Commission, in making its determination whenever there are practical difficulties or particular hardship shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence: a. The particular physical surroundings shape or topological conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the

regulation were to be carried out. b. The conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification, c. The purpose of the variation is not based exclusively upon a desire to make money out of the property. d. The alleged difficulty or hardship has not been created by any person presently having an interest in the property. e. 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. f. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood. The ~~zoning board of appeals~~ Commission may require such conditions and restrictions upon the premises benefitted by a variation as may be necessary to comply with the standards set forth in this section to reduce or minimize the injurious effect of such variation upon other property in the neighborhood, and to implement the general purpose and intent of this title. **Authorized Variations.** The variations from the regulations of this title may be decided by the ~~zoning board of appeals~~ Commission only in accordance with the standards set forth in this section, and only in the following instances and no others: (1) to permit a yard less than the yard required by the applicable regulations; (2) to permit the use of a lot not of record on the effective date of the ordinance codified in this title for a use otherwise prohibited solely because of the insufficient area of the lot, but in no event shall the area of the lot be less than ninety percent (90%) of the required lot area; (3) to permit parking lots to be illuminated between the hours of nine thirty p.m. and seven a.m.; (4) to permit the same off-street parking space to qualify as required parking spaces for two or more uses, provided that the maximum use of such facility by each user does not take place during the same hours or on the same days of the week; 5. To increase by not more ~~that~~ than twenty-five percent the maximum distance that required parking spaces are permitted to be located from the use served; 6. To allow any permitted nonresidential use in a residence district to exceed the floor area ratio imposed by the applicable regulations **17.24.070 Amendments.** Authority. The regulations imposed and the districts created under the authority of this title may be amended from time to time by ordinance in accordance with applicable statutes of the State of Illinois. An amendment shall be granted or denied by the Village Board only after a public hearing before the ~~zoning board of appeals~~ Commission, and a report of its

findings and recommendations has been submitted to the Village Board. Notice of the time and place of such public hearing shall be given, not more than thirty nor less than fifteen days before the hearing, by publishing a notice thereof at least once in one or more newspapers with a general circulation within Indian Head Park. **B. Initiation of Amendment.** Amendments may be proposed by the Village Board, by the ~~plan commission~~ Commission or by any resident of or owner of property in the Village. **Processing.** An application for an amendment in quadruplicate with the required fee, shall be filed with the Village Clerk and thereafter introduced into the Village Board by the Village Clerk to the ~~plan commission~~ Commission with a request for a report of its findings and recommendations of the ~~plan commission~~ Commission, and shall thereafter submit a report of its findings and recommendations of the ~~plan commission~~ Commission to the Village Board. A copy shall be forwarded to the building inspector and one copy retained for the Village Clerk's files. **Decisions.** The Village Board, upon report of the ~~zoning board of appeals~~ Commission and without further public hearing, may grant or deny any proposed amendment in accordance with applicable statutes of the State of Illinois, or may refer it back to the ~~zoning board of appeals~~ Commission for further consideration. (Ord. 95-3 § 3; Ord. 64-1 § VII (G)). **17.24.080 Special Uses.** Purpose. The development and execution of the zoning ordinance codified in this title is based upon the division of the Village into districts, within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which because of their unique character cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon public need for the particular use or the particular location. Such special uses fall into two categories: (1) uses operated by a public agency or publicly regulated utilities, or uses traditionally affected with a public interest; (2) uses entirely private in character, but of such a nature that the operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. **Authority.** Special uses shall be authorized or denied by the Village Board in accordance with statutes of the State of Illinois applicable to amendments of this title, and the regulations and conditions set forth in this title for special uses. No application for a special use shall be acted upon by the Village Board until after: (1) a written report is prepared ~~and forwarded to~~ prepared by the zoning board of appeals Commission ~~and the Village Board by~~

~~the plan commission~~ in a manner prescribed herein for amendments to this title; and (2) a public hearing has been held by the ~~zoning board of appeals~~ Commission, after due notice by publication, as provided by the statutes of the State of Illinois for amendments, and its findings and recommendations have been reported to the Village Board. **Initiation.** An application for a special use may be made by any person, firm or corporation or by any office, department, board, bureau or commission, requesting or intending to request a zoning certificate: (1) Petition to construct new unattached structures (a) filing of an application for permit, submission of construction plan(s) for the unattached structure, a plan of the property showing the location and orientation of the principal building as well as the unattached structure, and a list of owner names and addresses of each contiguous property; (b) fees and costs shall be as specified in Section 17.24.090 plus any applicable building fees if project proceeds to the construction phase, (c) review of request and all required documents by the ~~plan commission~~ Commission; (d) recommendation(s) by the ~~plan commission~~ Commission to the Village Board of Trustees, (e) referral by the Village Board of Trustees to the ~~zoning board of appeals~~ Commission to hold a public hearing, (f) recommendation(s) by the ~~zoning board of appeals~~ Commission to the Village Board of Trustees; (g) the Village Board of Trustees shall review all documents and render a final decision, (h) the Village Board of Trustees shall notify the building department of its decision and instruct the building department on the implementation of its decision; (2) Unattached structures in existence before May 15, 1984 on real estate parcels within the original boundaries of the Village on the date of incorporation and unattached structures in existence on real estate parcels annexed into the Village after April 1, 1964 shall be subject to provisions of Section 17.16.040 (H) and any requests for variances shall follow the procedures as specified: (a) filing of an application for a variance for permission to retain said unattached structure(s) in its (their) location(s), submission of a sketch showing present location(s) with dimensions relative to rear and side lot lines, and other documentation as requested on the application, (b) the Village shall waive the payment of all review and permit fees in this instance, (c) submission of a list of owner names and addresses of each adjacent property, (d) review of all documents by the zoning and building code enforcement officers shall assist the Village Board of Trustees in requesting the ~~zoning board of appeals~~ Commission to hold a public hearing on the matter; (e) recommendation(s) by the ~~zoning board of appeals~~ Commission to the Village Board of Trustees, (f) the Village Board of Trustees shall review all documents and render a final

decision specifying the course of action the owner must take, (g) the Village Board of Trustees shall notify the building department of its decision and instruct the building department on the implementation of its decision. (b) fees and costs shall be as specified in Section 17.24.090 plus any applicable building fees if project proceeds to the construction phase, (c) review of request and all required documents by the ~~plan~~ commission;(d) recommendation(s) by the plan commission to the Village Board of Trustees, (e) referral by the Village Board of Trustees to the ~~zoning board of appeals~~ Commission to hold a public hearing, (f) recommendation(s) by the ~~zoning board of appeals~~ Commission to the Village Board of Trustees; (g) the Village Board of Trustees shall review all documents and render a final decision, (h) the Village Board of Trustees shall notify the building department of its decision and instruct the building department on the implementation of its decision; (2) unattached structures in existence before May 15, 1984 on real estate parcels within the original boundaries of the Village on the date of incorporation and unattached structures in existence on real estate parcels annexed into the Village after April 1, 1964 shall be subject to provisions of Section 17.16.040 (H) and any requests for variances shall follow the procedures as specified: (a) filing of an application for a variance for permission to retain said unattached structure(s) in its (their) location(s), submission of a sketch showing present location(s) with dimensions relative to rear and side lot lines, and other documentation as requested on the application, (b) the Village shall waive the payment of all review and permit fees in this instance, (c) submission of a list of owner names and addresses of each adjacent property, (d) review of all documents by the zoning and building code enforcement officers shall assist the Village Board of Trustees in requesting the ~~zoning board of appeals~~ Commission to hold a public hearing on the matter; (e) recommendation(s) by the ~~zoning board of appeals~~ Commission to the Village Board of Trustees, (f) the Village Board of Trustees shall review all documents and render a final decision specifying the course of action the owner must take, (g) the Village Board of Trustees shall notify the building department of its decision and instruct the building department on the implementation of its decision. **Processing.** An application for a special use, in such form and accompanied by such information as shall be established from time to time by the ~~plan commission~~ Commission, shall be filed in triplicate with the required fee, with the Village Clerk and thereafter processed in the manner prescribed heretofore for applications and amendments. E. Decisions. The Village Board, upon report of the ~~zoning board~~

~~of appeals Commission and the plan commission~~ and without further hearing, may authorize or deny an application for a special use in accordance with the statutes of the State of Illinois applicable to amendments, or may refer it back to the ~~zoning board of appeals Commission and the plan commission~~ for further consideration. A special use shall not be authorized by the Village Board unless the special use: (1) is deemed necessary for public convenience at that location, (2) is so designed, located and proposed to be operated that the public health, safety and welfare will be protected; and (3) would not cause substantial injury to the value of other property in the neighborhood in which it is located. **F. Conditions.** The ~~Planning and Zoning~~ Commission may recommend, and the Village Board may provide, such conditions and restrictions upon the construction, location and operation of a special use, including, but not limited to, provisions for off-street parking and loading as may be deemed necessary to promote the general objectives of this ordinance and to minimize the injury to the value of the property in the neighborhood. **Planned Developments.** Planned developments are of such substantially different character from other special uses that specific and additional standards and exceptions are set out to govern the recommendations of the plan commission and the ~~zoning board of appeals Commission~~ and the action of the Village Board in all cases except R-6, general residence district. **a. Use Exceptions.** In the case of residential planned developments, the ~~plan commission and the zoning board of appeals Commission~~ may recommend, and the Village Board may authorize, that there be in part of the area of such development and for the duration of such development, specified uses not determined or permitted by the use regulations of the district in which said development is located, provided that the ~~zoning board of appeals Commission~~ shall find: (i) that the uses permitted by such exception are necessary and desirable and are appropriate with respect to the primary purpose of the development; (b) the uses permitted by such exception are not of such nature or so located as to exercise a detrimental influence on the surrounding neighborhood, and; (c) not more than twenty percent of the ground area or of the floor area of such development would be devoted to the uses permitted by said exceptions. **Bulk Regulations.** In the case of any planned development, the ~~plan commission and the zoning board of appeals Commission~~ may recommend, and the Village Board may authorize exceptions to the applicable bulk regulations of this title within the boundaries of such development, provided that the ~~zoning board of appeals Commission~~ shall find: (a) that such exception would be solely for the purpose of promoting a

unified site plan, (b) the overall floor area ratio of a residential planned development would not exceed by more than fifteen percent that prescribed in this title for the district in which it is located, (c) the minimum lot area per dwelling unit requirements of this ordinance would not be decreased by more than fifteen percent in any such development containing residential uses, and that there shall be available to each residential building and immediately adjacent thereto, including the land upon which it is erected, the minimum amount of land area required for such building under the lot area per dwelling unit provisions of this title, (d) spacing between principal buildings shall be at least equivalent to such spacing as would be required buildings similarly developed under the terms of this ordinance on separate lots, due consideration being given to the openness normally afforded by intervening streets and alleys, and (e) along the periphery of such planned developments, yards to be provided not less than those required by the regulations of the district in which said development is located. **Decisions.** The Village Board, upon report of the ~~zoning board of appeals~~ Commission and ~~the plan commission~~ and without further hearing, may authorize or deny an application for a special use in accordance with the statute of the State of Illinois applicable to amendments, or may refer it back to the ~~zoning board of appeals~~ Commission and ~~the plan commission~~ for further consideration. No special use shall be authorized by the Village Board, unless the special use: (1) is deemed necessary for the public convenience at that location; (2) is so designed, located and proposed to be operated that the public health, safety and welfare will be protected; (3) would not cause substantial injury to the value of other property in the neighborhood in which it is located. (Ord. 95-3 § 2 (B) and (C); Ord. 84-7 § 6; Ord. 77-13 § 3, Ord. 64-1 § VII (H)).

**17.36.040 Lot Width.** There shall be provided a lot width of not less than one hundred feet at the buildable area, except for those already subdivided at the date of the ordinance codified in this title, and for which subdivision plans have been filed and approved. (Ord. 64-1 § IX (B) (4)). **17.36.050 Floor Area Ratio - Non-Residential Permitted Uses and Special Uses.** The floor area ratio shall not exceed 0.6. The Commission members suggested that a number with square footage or percentage be used for floor areas ratio instead of 0.6. (Ord. 64-1 § IX (B) (5)). **17.36.060 Building Height - Single Family Dwelling Uses.** Building height shall not exceed two and one-half stories or twenty-five feet, whichever is lower (Ord. 64-1 § IX (B) (6)).

*Insert:* **Building Height - Single Family Dwelling Uses.** Building height shall not to exceed ~~two and one-half stories or twenty-five feet~~ thirty-three feet as measured in accordance with §17.08.130 Building Height, whichever is lower (Ord. 64-1 § IX (B) (6). **17.36.070 Building Width.** No building shall be greater than seventy-five percent (75%) of the lot width at the building setback lines, but not less than a total of twenty-five feet of combined side setback space allowance. Chairman Schermerhorn noted there are many 66' lots on Hiawatha Lane and most new homes on that street need a variance. Commissioner Andrews stated there is not much space between the side yards and she does not suggest a change to the requirement. Chairman Schermerhorn stated the setback line is taken from the street and most front yard setback lines are 40'. However, there may be some properties with a recorded 25' front yard setback in the Village in certain areas. Chairman Schermerhorn suggested a list be prepared regarding side yard variances that have been previously granted. Trustee Hinshaw mentioned a list was prepared previously regarding variances granted on Hiawatha Lane when the Commission had a public hearing about the last new home on that street that needed a side yard variance. He noted the following variances granted on Hiawatha, a 6.42' side yard variance and 38' rear yard variance. Chairman Schermerhorn stated the side yard requirement may work fine on a 100' lot but on a 66' lot it would be difficult. Commissioner Andrews stated there are many more lots that may have trouble building on the lots and they would need to come in for a variance because we do not want to have zero lot lines. Chairman Schermerhorn stated possibly a change could be made to the code that applies a different requirement for lots as narrow as 100' and a variance process would be needed for other lots. (Ord. 64-1 § IX (B). (7). **17.36.080 Ground Floor Area Per Dwelling.** Ground floor area of the dwelling, exclusive of one-story open porches and garages, shall not be less than ~~one thousand seven hundred fifty square feet (1,750~~ two thousand square feet (2000 s.f.) for a one-story residence., ~~and not less than one thousand square feet (1,000 s.f.) for a one and one half-story, two-story or two and one-half story residence.~~ Commissioner Yelnick stated the zoning ordinance has not been updated in many years and 1,750 square feet may need to be changed. He asked what would be the typical ground floor area for a new home. Commissioner Yelnick suggested the ground floor area be increased by 500 feet to encourage development. (Ord. 77-10 § 2:Ord. 64-1 § IX(B)(9)) The Commission members suggested increasing the ground floor area to a maximum of 2,000 square feet.

**17.36100 Side Yards-Single family dwelling uses.** There shall be provided two side yards having a combined width of at least twenty-five feet (25') and neither side yard shall be less than ten feet (10') in width, except on corner lots, a side yard adjoining a street shall not be less than thirty feet wide (30'). However, if a corner lot, subdivided and duly recorded on the effective date of the ordinance codified in this title, has sufficient width to provide such yard of thirty feet width and still maintain a buildable width, including the opposite side yards, then the side yard adjoining the street may be reduced in width by the instances necessary to maintain a buildable width, provided the side yard adjoining a street is not reduced in width no less than thirty percent of the width of the lot. *Add: If a lot subdivided and duly recorded on the effective date of the ordinance codified in this title, does not have sufficient width to provide such side yard of twenty-five feet total width and still maintain a buildable width, then the side yards may be lessened to a minimum of 30% of the lot width with no side yard less than eight feet (8') in width.***17.36.110 Rear Yard - Single Family Dwellings** There shall be provided a rear yard of not less than forty percent (40%) of the average of the lot depth. (Ord. 64-1 § IX (B) (11). *Insert: There shall be provided a rear yard of not less than forty percent (40%) of the average of the lot depth or 100', whichever is less.* The Commission discussed Hiawatha Lane lots that have 66' narrow lots as well as some other areas of the Village that may have unusual buildable lots such as the vacant lot on Blackhawk Trail and possibly a few more lots in the Village including the four vacant lots on Plainfield Road that were subdivided. (Ord. 64-1 § IX (B) 11). **17.36.120 Off Street Parking.** There shall be provided off-street parking spaces in accordance with provisions set forth in Chapter 17.20 (Ord. 64-1 § IX (B) (12). **17.36.130 Permitted Obstructions of Single Family Detached Structures in Required Yards.** Any obstructions not specifically stated in the aforementioned yards will not be permitted except by variation. **(A) In Interior Side Yards.** Lot width at front yard setback line one hundred feet or greater - none. Lot width at front yard setback line less than one hundred feet - chimneys, steps necessary for access to the building no more than four feet above grade with landing platform no more than four feet from the building and eight feet wide, overhanging roof eaves, gutters and awnings adjoining the principal buildings. However, none of the permitted obstructions may come within ten feet of any lot line.

**(B) Front Yards and Side Yards.** Abutting the Street. Overhanging roof eaves and gutters up to two feet into the yard; awnings up to four feet into the yard; steps necessary for access to the building no more than four feet above grade with landing platforms no more than four feet from the building and eight feet wide with landing platforms no more than four feet from the building and eight feet wide; one story bay windows no more than two feet into the yard and a maximum width of ten feet. **Rear Yards.** Overhanging roof eaves and gutters may extend no more than two feet into the yard; awnings no more than four feet into yard; chimneys no more than two feet into the yard; steps necessary for access to the building no more than four feet above grade with landing platforms no more than four feet from the building and eight feet wide; one story bay windows no more than two feet into the yard and a maximum width of ten feet; gas or electric grills for cooking only and outside kitchens and firepits, maximum size ten feet into yard. (Ord. 78-13 § 3; Ord. 77-10 §. Commissioner Andrews states some people are putting up large outdoor fireplaces. She asked if that needs to be addressed in the code as well.

## **2. Commission Discussion Regarding Revisions to the Village of Indian Head Park Planning Documents.**

Chairman Schermerhorn suggested the Comprehensive Plan be reviewed at the next meeting.

### **PUBLIC COMMENTS FROM THE AUDIENCE**

There were no public comments from the audience.

### **APPROVAL OF PLANNING AND ZONING COMMISSION MEETING MINUTES**

After review of the minutes from the meeting held February 4, 2014 Commissioner Yelnick moved, seconded by Commissioner Tantillo, to approve the February 4, 2014 meeting minutes, as amended. Carried by unanimous voice vote (5/0/1). After review of the minutes from the meeting held March 4, 2014 Commissioner Andrews moved, seconded by Commissioner O'Malley, to approve the March 4, 2014 meeting minutes, as presented. Carried by unanimous voice vote 5/0/1.

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**ADJOURNMENT**

There being no further business to discuss before the Commission, Commissioner Andrews moved, seconded by Commissioner Kyzivat, to adjourn the meeting at 8:45 p.m. Carried by unanimous voice vote (5/0/1).

Minutes prepared and submitted by,  
Kathy Leach, Recording Secretary  
Planning and Zoning Commission