

MEMORANDUM

To: Chairman Wolfe and Members of the Plan Commission

From: Matt Dabrowski, Development Planner

Date: June 6, 2013

Subject: PC #13-010; Chapter 28 Text Amendment: Demolition of Structures

Background

In 2003, the Village Board adopted a code amendment that required Design Commission review and approval prior to demolition of structures in all residential districts and the B-5 downtown district. At that time all new construction for single family homes and B-5 properties were required to go before the Design Commission for review of the proposed redevelopment plan. However over the next two years, Village policy was modified to allow some administrative review and approval for homes in residential districts. Therefore in 2005 a text amendment was necessary to allow for administrative design review and approval prior to demolition being approved. However the text in 2005 did not accurately reflect the intent of the amendment. The language in the 2005 amendment Section 14.2-3 read "for projects that require Design Commission review" when it should have said "for projects that require design review".

Staff has interpreted the 2005 amendment to require either Design Commission review and approval or staff administrative review and approval prior to a demolition permit being issued. This was the intent of the 2003 and 2005 amendments. Attached is a memo dated May 4, 2005 which described the intent of the amendment to Section 14.2-3 (see second page).

The proposed language attached will clarify the longstanding requirement that design review and approval is required prior to issuance of a demolition permit and removes any ambiguity as well as clearly defining Design Commission and Administrative Review. A similar amendment to Chapter 23 of the Building regulations will be forwarded to the Village Board concurrent with this amendment to Chapter 28.

Ordinance Review Committee

On May 22, 2013, the proposed text amendment was presented to the Ordinance Review Committee for their consideration and recommendation. Pursuant to said meeting the following recommendation was made:

The Ordinance Review Committee made a motion to recommend to the full Plan Commission approval of the amendment to Chapter 28, Section 14.2-1 through 14.2-3. All were in favor. Motion carried.

Recommendation

The Staff Development Committee recommends approval of the proposed Chapter 28 text amendment regarding demolition of structures.

C: Bill Dixon, Village Manager
All Department Directors

Proposed Text Amendment to Chapter 28, Section 14.2-1 through 14.2-3

Additions are underlined and highlighted in yellow, deletions are struck through in red.

14.2 Design Commission Meetings. The procedures to be followed when considering developments shall be as follows:

(Ord. #05-037)

14.2-1 For developments where a public hearing is necessary before the Plan Commission or Zoning Board of Appeals, the design ~~Commission~~ review process should, if feasible, be completed by the time of the public hearing. Development proposals requiring rezoning, PUD or other Plan Commission approvals, shall be reviewed by the Design Commission for building and signage only.

14.2-2 For developments where no public hearing is necessary, the applicant for building permit shall be informed of design review: by either the Design Commission and the necessity for a public meeting or administrative design review. Developments that do not require a public hearing by the Plan Commission shall be reviewed by the Design Commission or by administrative design review for all elements under the Commission's responsibility.

(Ord. #03-067, #05-037)

14.2-3 For demolition in residential zoning districts ~~for projects that require Design Commission review~~ and all properties in the B-5 zoning district, ~~the design Commission review is required and~~ will evaluate the following, prior to a demolition permit being issued:

- a. A development plan; and
- b. An estimated time frame for demolition and subsequent redevelopment plan and timeline;
 1. Criteria for redevelopment plan and timeline for proceeding with demolition and redevelopment;
 - a. Proposed redevelopment is in character with the neighborhood and meets the criteria in the design guidelines.
 - b. Proposed redevelopment will not adversely affect the neighborhood.
- c. Submittal of materials needs to comply with Section 14.2-4.

(Ord. #03-067, #05-037)

14.2-4 In all cases, either at the time of filing a petition for the Plan Commission or Zoning Board of Appeals or at the time of applying for a building permit, the developer shall provide the Department of Planning & Community Development with eight copies of the following:

- a. If required, all necessary documentation to determine if a redevelopment is appropriate per Section 14.2-3.
- b. existing and proposed elevations of all building facades (renderings optional);
- c. detailed site plan including parking lot layout, building locations, driveways, site data, etc.;
- d. landscaping plans - including existing plant material, size and quantity of proposed material;
- e. any storm water control facilities and a site grading plan;
- f. specifications and rendering of signs;
- g. a statement or sample of all color, kind and texture of materials to be used;

h. location map with roads, parking, existing buildings and other significant features within approximately 250 feet from proposed building site; and

(Ord. #06-008, #06-078)

i. a one time fee for review as follows:

Single-Family District (Design Commission Review).....	\$200.00
Single-Family District (Administrative Approval Design Review).....	\$200.00
Multiple Family District.....	\$350.00 Commercial
District.....	\$500.00 Institutional
District.....	\$300.00
Sign Variation.....	\$300.00 Downtown Sign
Administrative Approval.....	\$ 50.00

14.2-5 The Department of Planning & Community Development shall be the administrative contact to the Design Commission responsible for reviewing all petitions, making recommendations for changes or modification in design and providing assistance in interpreting the Design Guidelines.

(Ord. #05-037)

14.2-5.1 The Design Commission will schedule a public meeting as soon as practicable after complete submittal and review by the Department of Planning & Community Development of the plans, at which time the developer will make a presentation on the project. A decision of approval, modification or denial will be made immediately upon consideration of the Design Guidelines following the applicant's presentation.

(Ord. #05-037)

14.2-5.2 Notice by Sign. For projects in residential districts requiring Design Commission review, a sign providing notice of the public meeting of the Design Commission shall be required to be posted by the applicant for a period not less than 15 days prior to the date before the public meeting, the applicant shall post a readable sign(s) on the property which is the subject of the public meeting, easily visible from the adjacent roadway. Sign(s) must be removed no later than seven days after completion of the public meeting. Petitioner shall provide proof of the posting of the sign, by photograph and a sworn statement verifying the posting of the sign.