

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Ray Matchett, Jr.
Lisa Meehling
Denise Albers
Michael Heap
Bob Kaiser

VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster & Keck, P.C.

August 9, 2019

NOTICE

MEETING OF THE COMBINED PLANNING AND ZONING BOARD

The Combined Planning and Zoning Board meeting has been scheduled for **Tuesday, August 13, 2019 at 6:00 p.m.**

- I. Items to be Reviewed
 - PLAN COMMISSION:**
 - A. Old Business
 - 1. Approval of June 19, 2019 Minutes
 - B. New Business:
 - 1. Proposed Zoning Code Amendments

BOARD OF APPEALS:

- A. Old Business:
- B. New Business:
- C. General Concerns:
- D. Public Participation
- E. Adjourn

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Mike Blaies
Denise Albers
Bob Kaiser
Michael Heap
Lisa Meehling

VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster & Keck, P.C.

Combined Planning and Zoning Board
Wednesday, June 19, 2019 at 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 6:00 p.m. on Wednesday, June 19, 2019 in the Municipal Center by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Dirk Downen, Rita Green, Gary Henning, Gary Mack, Lee Smith, Zoning Administrator Matt Trout, Village and Office Manager Julie Polson. Guests present: Jessica Pollock, Mark White, Tom Reaka, Colleen Janssen, Trustee Mike Blaies and Trustee Mike Heap.

PLAN COMMISSION:

A. Old Business:

1. Approval of May 21, 2019 Minutes: Gary Mack motioned to approve the May 21, 2019 minutes with correction and Rita Green seconded the motion. All voting yea, the motion carried.

B. New Business:

1. Edison Estates Planned Use Development: Chairperson Steve Woodward read the notice and swore in those individuals wishing to speak. Mark White explained his development will include two duplexes, fourteen villas and sixteen estate lots. The villas will replicate the ones located on N. Edison but will be stand-alone residences. He further said they will work to accommodate seniors, and he is looking to go down that avenue with the universal design features. Zoning Administrator Matt Trout advised Tim Pruett has submitted an updated map, and Freeburg Development sent a letter of support for this development. Matt further said he and Mr. White have had some discussions regarding the restrictions. Mr. White stated the covenants have not yet been written. They will include snow removal and lawn maintenance for the SR-2 and MR-1 districts. Mark confirmed all the homes in this development will be owned, and an HOA will be in place. Dirk Downen asked if the covenants will determine the restrictions on what homes can be built? Mr. White said in the SR-2 area, there will be three plans to choose from but you can bring in your own builder. In the SR-1 district, you can build what you want within the restrictions with a builder of your choosing. Matt confirmed the specifics will be something this board will determine later on in the process.

Matt stated this hearing is to make sure any variance and rezoning issues are addressed, as well as the public being able to voice any concerns. Tom Reaka asked if the 23.6 acres is currently owned by Mr. Vollmer and Mr. White said yes. Mr. Reaka also asked if custom homes can be built on the SR-1 lots, and Mr. White said yes. Chairperson Woodward confirmed Mr. White can't change the lot sizes once this plan is approved. Mr. Reaka also asked if there will be any rental homes, and Mr. White reaffirmed all of the homes will be owned. This plan also connects Edison and Meadow Ridge Dr. Chairperson Woodward commented our code requires streets to be stubbed out for future connections.

*Gary Mack motioned to approve the planned development including a variance of the maximum percent coverage per lot from 25% to 30% in the SR-2 zoning district and the rezoning of the property from SR-1 to a Planned Development District containing SR-1, SR-2 and MR-1, and the rezoning will be contingent upon approval of the development plan and Gary Henning seconded the motion. **ROLL CALL VOTE:** Gary Mack – yea; Gary Henning – yea; Dirk Downen – yea; Rita Green – yea; Kevin Groth – yea; Lee Smith – yea; and Steve Woodward – yea. With seven yea votes, the motion carried.*

Gary Mack motioned to close the hearing at 7:11 p.m. and Lee Smith seconded the motion. All voting yea, the motion carried.

BOARD OF APPEALS:

A. Old Business: None.

B. New Business:

1. Jessica Pollock Special Use Permit Request: Chairperson Woodward swore in those individuals wishing to speak. Ms. Pollock advised she is certified to teach yoga and would like to operate a yoga business out of her home. She works at other locations like Cedar Trails and the Millstadt Senior Center. She would like to utilize her basement for the studio. She has 2.7 acres of land with a long, circular driveway and a concrete apron suitable for parking. She would like to hold a one-hour class at 5:00 a.m., Monday through Friday. She has a 35 x 13 walkout basement, and the setting is private. She would eventually like to have both a morning and evening class. Matt advised this is considered a home occupation because you have people traveling to and from the home. Ms. Pollock advised her neighbor is concerned about his lawn and not wanting any parking up by road. Ms. Pollock agreed and also stated she can make additional parking if needed. Matt confirmed there will not be any sign on the highway. Per our code, Ms. Pollock would only need four parking spots for the 465 square feet of studio space. Chairperson Woodward asked for the maximum number of people per session, and Ms. Pollock said that room could hold 20. Rita Green said maybe the number of vehicles should be limited rather than people. Chairperson Woodward's concern is that our job is to protect the integrity of the zoned area. This is an SR-1 district and this business will include traffic to the home. Matt confirmed she would have had to go through the same process if her property was in the county. Gary Mack felt with SR-1 zoning, this request was not compatible with the neighborhood under any circumstances.

*Gary Henning motioned to grant Jessica Pollock's Special Use Permit with the stipulation there shall be no more than twelve cars at one time and Gary Mack seconded the motion. **ROLL CALL VOTE:** Gary Henning – yea; Gary Mack – nay; Rita Green – nay; Dirk Downen – yea; Kevin Groth – nay; Lee Smith – yea; and Steve Woodward – no. With three yea votes and four nay votes, the motion does not pass.*

*Kevin Groth motioned to grant Jessica Pollock's Special Use Permit with the stipulation there shall be no more than six cars at each yoga session and no more than two sessions per day and Dirk Downen seconded the motion. **ROLL CALL VOTE:** Kevin Groth – yea; Dirk Downen – yea; Rita Green – nay; Gary Henning – yea; Gary Mack – nay; Lee Smith – yea; and Steve Woodward – no. With four yea votes, the motion carried.*

Gary Mack motioned to close the hearing at 6:49 p.m. and Rita Green seconded the motion. All voting yea, the motion carried.

C. General Concerns: Matt will begin sending out the changes to the zoning code to everyone. He stated there are three homes under construction in Meadow Pines.

D. Public Participation: See above.

E. Adjourn: *Gary Mack motioned to adjourn the meeting at 7:13 p.m. and Rita Green seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

VILLAGE PRESIDENT
Seth Speiser

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Ray Matchett, Jr.
Mike Blaies
Denise Albers
Bob Kaiser
Michael Heap
Lisa Meehling

VILLAGE TREASURER
Bryan A. Vogel

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
14 SOUTHGATE CENTER, FREEBURG, IL 62243
PHONE: (618) 539-5545 • FAX: (618) 539-5590
Web Site: www.freeburg.com

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

POLICE CHIEF
Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Weilmuenster & Keck, P.C.

NOTICE OF HEARING BEFORE THE
COMBINED PLANNING AND ZONING BOARD
AMEND ZONING CODE
19-03

TO WHOM IT MAY CONCERN:

Public Notice is hereby given to all persons in the Village of Freeburg, St. Clair County, Illinois, that a public hearing will be held on **Tuesday, August 13, 2019 at 6:00 p.m.**, in the Municipal Center, 14 Southgate Center, Freeburg, Illinois. This meeting is to review proposed amendments to the Zoning Code of the Village of Freeburg as follows:

1. Section 40-2-15, Accessory Uses: Add Paragraph (C) – Sheds & Storage Buildings; and Paragraph (D) – Garages & Carports
2. Add Section 40-2-20, Solar Energy Systems;
3. Section 40-3-13, Planned Development, Add the Schedule for Planned Development;
4. Revise Section 40-25-1, Penalty, to correct a clerical error in the dollar value.

Information is on file and available for examination in the office of the below named Board, Freeburg Municipal Center, 14 Southgate Center, Freeburg, Illinois.

All persons are invited to attend said hearing and be heard.

Dated at Freeburg, Illinois, this 18th day of July, 2019.

Steve Woodward, Chairman
Combined Planning and Zoning Board

40-2-15 ACCESSORY USES.

(C) SHEDS & STORAGE BUILDINGS

(1) A maximum of one incidental storage building such as a storage shed, potting shed, tool shed, etc. per unit shall be allowed as an accessory use per one and two family dwelling and shall be in compliance with the following.

(2) The appropriate building permit shall be obtained prior to the construction or placement of any storage building or shed.

(3) All types of metal shall be prohibited as a primary building material for sheds; however, "High Rib" metal roofing panels shall be allowed as an acceptable roofing material. The following shall be strictly prohibited:

(a) Prefabricated metal sheds.

(b) Pole barns.

(c) Railroad cars, cargo containers, truck trailers, and other transitory type containers

(4) A storage building or shed 200 sq ft or larger may be considered a garage, at the discretion of the building official, and shall be subject to the same requirements and restrictions as a garage.

(D) GARAGES & CARPORTS

(1) One detached garage or covered carport shall be allowed as an accessory structure per one and two family dwelling and shall be in compliance with the following.

(2) The appropriate building permit shall be obtained prior to the construction of any garage or carport.

(3) Said garage or carport shall adhere to the appropriate lot coverage restrictions for that zoning district. In no event shall the garage or carport exceed 30% of rear yard coverage absent an approved variance from the Combined Planning and Zoning Board. In no case shall the garage or carport be larger in square footage than the primary structure.

(4) The design, construction, building material(s) and color of the garage or carport shall be similar to or compatible with the design and construction of the primary structure.

(5) All types of metal shall be prohibited as a primary building material for garages and carports; however, High Rib metal roofing panels shall be allowed as an acceptable roofing material. The following shall be strictly prohibited:

(a) Prefabricated metal carports.

(b) Pole barns.

(c) Truck trailers, railroad cars, shipping/moving containers.

(6) Garages and carports shall be subject to the same setback requirements as the primary structure, unless accessed from an alley, in which case the setback shall be no less than 3 feet from the rear property line. Side setback requirements shall apply regardless of means of access.

40-2-20 SOLAR ENERGY SYSTEMS. The following sections shall apply to Solar Energy Systems. All definitions set forth of this Code shall apply when applicable and to the extent that they are not inconsistent with the definitions contained in this Section.

(A) **Solar Energy System.**

(1) **Purpose and Intent.** The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of Solar Energy Systems designed for on-site use that shall be used solely to reduce on-site consumption of utility power, but energy output may be delivered to a power grid to offset the cost of energy on-site. The intent of these regulations is to protect the public health, safety, and welfare without unduly restricting the development of the solar energy system.

(2) **Permitted Use.** Ground mounted solar energy systems shall be considered an accessory use to a principal permitted use or a granted special use in any zoning district.

(3) **Special Requirements.** Solar energy systems shall be subject to the requirements included in Sections 40-2-16 (Accessory Use Restrictions) and 40-2-17 (Area and Bulk Requirements) unless otherwise stated herein:

(a) **Ground Mounted Solar Energy System Height and Size.** Height shall not be greater than six feet at maximum tilt of the solar panel(s) as measured from the average grade at the base of the supporting structure to the highest edge of the system and the size shall not occupy more than thirty percent (30%) of square feet of ground in any zoning district.

(b) **Structure Mounted Solar Energy System Height.** Shall not be greater than the allowable height of any structure within the zoning district in which the solar energy system is to be installed.

(c) **Setbacks.** The personal solar energy system shall maintain perimeter setbacks of at least ten (10) feet. No personal solar energy system shall be permitted to be located in the required front or side yard.

(d) **Building Codes.** All village, county, state, and national construction codes shall be followed.

(e) **Use.** The solar energy system shall provide electricity for on-site use by the owner. This does not prohibit an owner from making excess power available through net metering.

(f) **Approved Solar Components.** Electric solar energy system components must have an Underwriters Laboratory (UL) listing or approved equivalent. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than thirty percent (30%) or shall be placed such that concentrated sunlight or glare shall not be directed onto aircraft or nearby properties or streets.

(g) **Screening.** Ground mounted solar energy systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings, or other architectural feature, or any combination thereof; provided however, that the screening shall not be required to be so dense, so tall, or so located as to render the equipment essentially non-functional.

(4) **Certificate of Compliance.** Before a building permit is issued for a solar energy system, the following shall be submitted to the Village of Freeburg for review:

(a) Net Metering Application Submitted.

(b) Site plan showing:

- owner;
- (i) Name, address, and phone number of the property
 - (ii) Property lines;
 - (iii) All structures;
 - (iv) Septic field (if any);
 - (v) Field tile location (if any);
 - (vi) Setback lines;
 - (vii) Location of all solar panels and associated equipment;
- and,
- (viii) Location of the electrical disconnect for the personal solar energy system.
 - (ix) Architectural stamped plans for all Structure Mount Solar Energy Systems.

(c) Evidence that the site plan has been submitted to the local fire protection district or department.
After an approved final inspection of the solar energy system and all building permits, a certificate of compliance shall be issued.

40-3-13 SCHEDULE. Every applicant for Planned Development approval shall comply with the schedule requirements of this Section.

- (A) The required procedures are as follows:
- (1) Filing development plan with the Zoning Administrator;
 - (2) Review of plans by Combined Planning and Zoning Board;
 - (3) Provision by the developer of adequate assurance for the completion of required improvements as per the development plan and subdivision regulations;
 - (4) Public hearing by the Combined Planning and Zoning Board as per the requirements of Section 40-19-1 et seq.;
 - (5) Recommendation of the Combined Planning and Zoning Board regarding approval/rejection of the development plan and advisory report;
 - (6) Approval of Village Board;
 - (7) Recording of development plan with the County Recorder of Deeds.

Every applicant for approval of a development plan shall submit to the Administrator, in narrative and/or graphic form, the items of information listed below.

(B) Written Documents

- _____ (1) Legal description of the total site proposed for development;
- _____ (2) Names and addresses of all owners of property within or adjacent to the proposed Planned Development;
- _____ (3) Statement of the planning objectives to be achieved by the PD through the particular approach proposed by the applicant, including a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
- _____ (4) Development schedule indicating the approximate date when construction of the PD or stages of the PD can be expected to begin and to be completed;
- _____ (5) Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the PD, such as land areas, dwelling units, and the like.
- _____ (6) Data indicating:
 - _____ (a) Total number and type of proposed dwelling units;
 - _____ (b) Gross and net acreage of parcel;
 - _____ (c) Acreage of gross and usable open space; and
 - _____ (d) Area of any commercial uses.

(C) Graphic Materials.

- _____ (1) Existing site conditions, including contours at ten (10) foot intervals and locations of watercourses, flood plains, unique natural features, and wooded areas. **Provide prior to the Final Plat being approved for the development;**
- _____ (2) Proposed lot lines and plot designs;
- _____ (3) Proposed location, size in square feet and general appearance of all existing and proposed buildings (both residential and nonresidential) and other structures and facilities;
- _____ (4) Location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites,

and similar public and semi-public uses;

_____ (5) Existing and proposed vehicular circulation system, including off-street parking and loading areas and major points of ingress and egress to the development (notations of proposed ownership--public or private--should be included where appropriate);

_____ (6) Existing and proposed pedestrian circulation system, including its relationship to the vehicular circulation system and proposed treatments of points of conflict;

_____ (7) Existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines. **Provide prior to the Final Plat being approved for the development;**

_____ (8) General landscape plan indicating the treatment of both private and common open spaces and the location of required buffer strips;

_____ (9) Enough information on land areas adjacent to the proposed PD to indicate the relationship between the proposed development and existing and proposed adjacent areas;

_____ (10) Any additional information required by the Village to evaluate the character and impact of the proposed PD.

_____ (11) Appropriate seals of the licensed surveyor, engineer, or architect.

(D) Residential Development. For Residential Planned Development proceed to Chapter 34, Subdivision Code of the Village of Freeburg Code of Ordinances.

40-25-1 PENALTY.

(A) Any person who is convicted of a violation of this Chapter shall be fined not less than **One Hundred Dollars (\$100.00)**, nor more than **Seven Hundred Fifty Dollars (\$750.00)**, plus costs. Each day on which a violation continues shall be considered a separate offense.

(B) Nothing contained in this Section shall prevent the Village from taking any other lawful action that may be necessary to secure compliance with this Chapter.

*A clean up of this section. The code currently says One Hundred Dollars (\$50.00). I just want to make sure this is correct if we need to write a ticket.