

VILLAGE PRESIDENT
Ray Danford

VILLAGE CLERK
Jerry Menard

VILLAGE TRUSTEES
Mike Blaies
Steve Smith
Tony Miller
Rita Baker
Seth Speiser
Charlie Mattern

VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER
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VILLAGE ADMINISTRATOR
Dennis Herzing

VILLAGE TREASURER
Bryan A. Vogel

PUBLIC WORKS DIRECTOR
Ronald Dintelmann

POLICE CHIEF
Melvin E. Woodruff, Jr.

VILLAGE ATTORNEY
Weilmuenster Law Group, P.C

April 19, 2011

NOTICE

MEETING OF LEGAL AND ORDINANCE COMMITTEES (Annexation; Building; Zoning; Subdivision) Speiser/Baker/Mattern

A Legal and Ordinance Committee Meeting of the Village of Freeburg will be held at the Municipal Center, Executive Board Room, **Thursday, April 21, 2011, at 5:30 p.m.**

LEGAL AND ORDINANCE COMMITTEE MEETING AGENDA

I. Items to be Discussed:

A. Old Business

1. Material Requirements on Commercial Buildings

B. New Business

C. General Concerns

D. Public Participation

E. Adjourn

At said Legal and Ordinance Meeting, the Village Trustees may vote on whether or not to hold an Executive Session to discuss the selection of a person to fill a public office [5 ILCS, 120/2 - (c)(3)], litigation [5 ILCS, 120/2 - (c)(11)] personnel [5 ILCS, 120/2 - (c) (1) a.]; collective negotiating matters between the public body and its employees or their representatives [5 ILCS 120/2 (C)(2). or real estate transactions [5 ILCS, 120/2 - (c)(5)].

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Legal and Ordinance Committee Meeting
(Annexation; Building; Zoning; Subdivision)
(Speiser/Baker/Mattern)
Thursday, April 21, 2011 at 5:30 p.m.

The meeting of the Legal and Ordinance Committee was called to order at 5:35 p.m. by Chairman Seth Speiser on Thursday, April 21, 2011, in the Freeburg Municipal Center. Members attending were Chairman Seth Speiser, Trustee Charlie Mattern, Trustee Rita Baker, Village Clerk Jerry Menard, Village Administrator Dennis Herzing, Zoning Administrator Phil Borger and Office Manager Julie Polson. Plan Commission Members Present: Steve Woodward, Dale Klohr, Sam Nold and Bill Schwartz.

A. OLD BUSINESS:

1. Material Requirements on Commercial Buildings: Seth said we scheduled this meeting to discuss the material requirements on commercial buildings with members of the Plan Commission. He believes the ordinance did not pass because of some problems with the list of materials that won't be allowed in the zoning districts listed in the ordinance. A copy of the failed ordinance was provided to everyone. Dennis said there is a concern about listing zoning districts where this ordinance may be applied in areas that don't need to be. Dennis suggested limiting the requirements to only B-2 zoning district but that would create a problem area around Parrish where it is zoned I-1. Charlie thought we were only looking at implementing this requirement along Route 13/15. Dale thinks some of his questions should be answered by an architect. For instance, he thinks there are many material components we are eliminating that might be very attractive. Dale said you might have a problem if a chain store/restaurant wanted to locate in Freeburg and had certain material requirements that don't match the proposed ordinance. Charlie thought we were accepting the corporate standards for the chains coming in. Dennis said you can consider anything now upon review of the Zoning Administrator. He suggested language in the ordinance that would allow for exceptions and also said that we need to leave it as simple as possible.

To keep it simple, we could implement the requirements on Route 13/15, apply to the front of the building with the option for the zoning administrator to review each request. Dennis would include if the applicant is not happy with the zoning administrator's decision, he/she could take it to the Zoning Board of Appeals. Bill Schwartz said it is not good to put the decision on one person. Dale asked if this would apply to rehabbing an existing facility. That is taken care of in Exception #3. Charlie suggested it could apply only if the rehab was expanded by a certain percentage. Dennis said in our current building code, if a building is being remodeled by more than 50%, it needs to be brought up to code. Steve Woodward said he would want it to be done for any change and not based on a percentage.

Legal and Ordinance Committee Meeting
Thursday, April 21, 2011
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The committee agreed to have Dennis re-write the ordinance with the following revisions:

Under 155.311 first paragraph, it will read, "Any building, as defined in the Building Code, which is located abutting Route 13/15 in the highway right-of-way, shall have exterior finished walls and architectural design in accordance with the requirements with the requirements of this Section.

(A)3. Other materials may be allowed upon review by the Zoning Board of Appeals, (deleted Zoning Administrator);

Dennis will rework the language in paragraph 3 of the exceptions which would exempt an existing building that had a building permit issued prior to the effective date of this ordinance. It will also include language that would state any reconstruction or alteration would need review by the Plan Commission and approved by the Village Board.

C. GENERAL CONCERNS: None.

D. PUBLIC PARTICIPATION: None.

E. ADJOURN: *Trustee Rita Baker motioned to adjourn the meeting at 6:04 p.m. and Trustee Charlie Mattern seconded the motion. All voting aye, the motion carried.*



Julie Polson
Office Manager

ORDINANCE NO. 1364

AN ORDINANCE AMENDING TITLE XV, CHAPTER 155 OF THE REVISED
CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR
COUNTY, ILLINOIS (Zoning Code)

WHEREAS, the Plan Commission of the Village of Freeburg did, on the 29 th day of July 2010, hold and conduct a public hearing pursuant to notice in accordance with Section 155.407 of the Revised Code of Ordinances of The Village of Freeburg, and pursuant to statute, to discuss a proposed amendment of Title XV, Chapter 155 of the Revised Code of Ordinances of The Village of Freeburg adding Section 155.311 Exterior Building Material and Design: Business, Commercial and Industrial Districts; and

WHEREAS, at said hearing, the Plan Commission did not vote to recommend approval of the proposed amendment to the Village Board of The Village of Freeburg thus requiring a favorable vote of at least two-thirds of the Trustees to adopt the proposed amendment.

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, THAT:

TITLE XV, CHAPTER 155, Section 155.311 Exterior Building Material and Design: Business, Commercial and Industrial Districts is hereby added and shall read as follows:

**155.311 EXTERIOR BUILDING MATERIAL AND DESIGN:
BUSINESS, COMMERCIAL AND INDUSTRIAL DISTRICTS.**

Any building, as defined in the Building Code, which is located in a ~~B-2 Highway Business, B-1 Community Business, or I-1 Light Industrial District~~ shall have exterior finished walls and architectural design in accordance with the requirements of this Section.

*abutting RT13/15
Highway
ROW*

(A) Construction Materials and Exterior.

1. All exterior walls facing adjacent streets shall consist of masonry materials (brick, natural clay, natural stone and architectural concrete units, excluding smooth-faced block except when used as an accent) on their exterior face. All concrete masonry units shall be integrally colored.

2. Other materials allowed include synthetic or cast stone, glass, metal for detailing, copper slate and Exterior Insulation and Finishing Systems (EIFS).
3. Other materials may be allowed upon review by the Zoning Administrator. *Board of Appeals*
4. Visible exterior construction materials specifically not allowed are: Plaster stucco; Synthetic materials (i.e., vinyl siding, vinyl wrapped details, vinyl gutters and downspouts); Plastics; Corrugated metal and steel or aluminum siding; Unfinished concrete; Wood shingles; Rough sawn or treated lumber.

Exceptions:

1. Accessory buildings if otherwise permitted by Ordinance and approved by the Zoning Administrator;
2. Buildings specifically exempt from such requirement under provisions of a variance as granted by the Zoning Board of Appeals;
3. Any buildings legally existing on or for which building permits have been legally issued prior to the effective date of this Ordinance. *Any reconstruction thereof or any alterations and expansion thereof, if reviewed by the Plan Commission and approved by the Village Board. would require approval*
(exist b/c being repaired or expanded)
it says Any reconstruction or alterations need review

Needs to be written more clearly

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS

2 DAY OF August, 2010.

AYES *Seth Speiser*

NAYS _____

ABSENT *Steve Smith*

ABSTAIN _____

 Jerry Menard, Village Clerk