



PUBLIC MEETING NOTICE AND AGENDA
PLANNING AND ZONING COMMISSION MEETING

FEBRUARY 14, 2022
7:30 P.M.

1. Call to Order
2. Roll Call
3. Consent Agenda
 - A. Motion to accept and place on file the minutes of the December 13, 2021 Planning and Zoning Commission meeting.
4. New Business
 - A. Zoning Text Amendments to Section 3, Definitions, and Section 17, Home Occupations
5. Old Business--None
6. Item for Discussion--None
7. Staff Report
 - A. December 2021 Board of Trustees meeting
8. Audience Participation
9. Trustee Liaison Report
10. Next Planning & Zoning meeting is scheduled for March 14, 2022
11. Adjournment

**Village of Lake in the Hills
600 Harvest Gate
Lake in the Hills, IL 60156**

The Village of Lake in the Hills is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations so that they can observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the Village's facilities, should contact the Village's ADA Coordinator at 847-960-7414 (TDD 847-658-4511) promptly to allow the Village to make reasonable accommodations for those persons.

Posted by:

Date:

Time:



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

DECEMBER 13, 2021

Call to Order

The meeting was called to order at 7:30 p.m.

Roll call was answered by Commissioners Walker, Murphy, Bolton, Dixon, Swanlund, and Chairman Esposito. Absent was Commissioner Siakel.

Also present were Community Development Director Josh Langen, Trustee Bill Dustin, and Recording Secretary Laura Pekovic.

Approval of Meeting Minutes

Motion to accept the Planning and Zoning Commission meeting minutes of October 18, 2021 was made by Commissioner Walker and seconded by Commissioner Dixon. On a roll call vote, Commissioners Walker, Murphy, Bolton, Dixon and Chairman Esposito voted Aye. No Nays. Motion carried 5-0.

New Business

A. Conditional Use for a Religious Use at 9233 South Illinois Route 31

Commissioner Esposito confirmed with staff that the public was given proper notice regarding the public hearing.

Staff Report

Director Langen opened the public hearing at 7:32 p.m. and reviewed the Request for Commission Action dated December 13, 2021. He summarized that El Santuario was granted a Conditional Use in January 2017 to operate a church operation for five years. The term limit has expired, so the owner applied for another conditional use to continue operation. Director Langen reviewed all the findings of fact, and he said that they have all been met.

Discussion and Comments by the Public, Staff, and the Planning and Zoning Commission
Applicant, Heraclio Ramirez, thanked Director Langen for his comprehensive staff report and had no further comment. Director Langen responded to Commissioner Dixon's question regarding the traffic assessment. Director Langen clarified that it was his assessment based upon what was approved by the County in the past.

There were no public comments, and Director Langen closed the public hearing at 7:43 p.m.

Motion to recommend approval to the Village Board for a Conditional Use for a Religious Use at 9233 South Illinois Route 31, was made by Commissioner Walker and seconded by Commissioner Bolton. On a roll call vote, Commissioners Walker, Murphy, Bolton, Dixon, Swanlund, and Chairman Esposito voted Aye. No Nays. Motion carried 6-0.



Village of Lake in the Hills

600 Harvest Gate, Lake in the Hills, Illinois 60156

PLANNING AND ZONING COMMISSION

DECEMBER 13, 2021

Item for Discussion

None

Staff Report

Director Langen reported that in November 2021, the Village Board of Trustees approved the request for a zoning variation at 6 Carl Court.

Audience Participation

None

Trustee Liaison report

Trustee Dustin had nothing to report. There was discussion between Trustee Dustin and Director Langen regarding the new marketing materials that are now on the Village's website.

Adjournment

A motion to adjourn the meeting was made by Commissioner Swanlund and seconded by Commissioner Walker. On a roll call vote, Commissioners Walker, Murphy, Bolton, Dixon, Swanlund, and Chairman Esposito voted Aye. No Nays. Motion carried 6-0.

There being no further business to discuss, the meeting of the Lake in the Hills Planning & Zoning Commission was adjourned at 7:47 p.m. The next Planning and Zoning Commission meeting is scheduled for January 17, 2022.

Submitted by,

A handwritten signature in black ink, appearing to read "Laura Pekovic".

Laura Pekovic
Recording Secretary



REQUEST FOR PUBLIC HEARING AND COMMISSION ACTION

PLANNING AND ZONING COMMISSION

MEETING DATE: February 14, 2022

DEPARTMENT: Community Development

SUBJECT: Zoning Text Amendments to Section 3, Definitions, and Section 17, Home Occupations

EXECUTIVE SUMMARY

Currently, Day Care Centers are permitted with a conditional use permit in all business zoning districts. However, for home day care operations, there are no regulations beyond the home occupation restrictions. The home occupation restrictions do not allow for home day care operations because they maintain the business be restricted to the principal structure, not generate noise, and limit gatherings to 4 times per month. As home day care operations need to allow for outdoor activity, these limits do not allow for children to play outside, nor to the regulations allow for daily gathering of children.

To remedy these home occupations and to clarify how home day care operations may function, Section 3-Definitions will need to be amended to include a definition of home day care. Home day care operations are intended to be for lesser activity than day care centers. Also, Section 17-Home Occupations, will need to be amended to allow for outdoor play and daily operation.

For consideration, attached is the proposed amendments to Section 3-Definitions, and Section 17-Home Occupations, of the Zoning Ordinance.

ATTACHMENTS

1. Proposed amendments to Section 3, Definitions, and Section 17, Home Occupations

RECOMMENDED ACTION

Commission recommends approval to the Village Board to amend Section 3, Definitions and Section 17, Home Occupations to define home day cares and to allow for outdoor and daily operation.

SECTION 3

DEFINITIONS

Child Care Institution: A child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

Any State-operated institution for child care established by legislative action;

Any juvenile detention or shelter care home established and operated by any county or by any public body or agency.

Any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act (210 ILCS 45/1-101)et seq.

Any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or taught in public elementary schools, high schools, or both elementary and high schools, and which operates on a regular academic school year basis. Any facility licensed as a "group home" as defined in this Zoning Code.

Day Care Center: Any child care facility which regularly provides day care for less than 24 hours per day for (1) more than 8 children in a family home, or (2) more than 3 children in a facility other than a family home, including senior citizen buildings. The term does not include (a) programs operated by public or private elementary schools or secondary level schools or institutions of higher learning which serve children who shall have attained the age of 3 years; (b) programs or that portion of the program which serves children who shall have attained the age of 3 years and which are recognized by the State Board of Education; (c) educational program or program or

programs serving children who shall have attained the age of 3 years and which are operated by a school which is registered with the State Board of Education and which is recognized or accredited by a recognized national or multi-state educational organization or association which regularly recognizes or accredits schools; (d) programs which exclusively serve, or that portion of the program which serves, handicapped children who shall have attained the age of 3 years but are less than 21 years of age and which are registered and approved as meeting standards of the State Board of Education; (e) facilities operated in connection with a shopping center or service, religious services, or other similar facility, where transient children are cared for temporarily while parents or custodians of the children are occupied on the premises and readily available; (f) any type of day care center that is conducted on federal government premises; (g) special activities programs, including athletics, crafts instruction and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations; (h) part day childcare facilities, as defined in Section 2.10 of State act; or (i) programs or that portion of the program which (1) serves children who shall have attained the age of 3 years, (2) is operated by churches or religious institutions as described in Section 501(c)(3) of the Federal Internal Revenue Code (26 U.S.C.A. 501) (3) receives no governmental aid, (4) is operated as a component of a religious, nonprofit elementary school, (5) operates primarily to provide religious education, and (6) meets appropriate state or local health and fire safety standards. For the purposes of (a), (b), (c), (d), and (i) of this definition, "children who shall have attained the age of 3 years" shall mean children who are 3 years of age, but less than 4 years of age, at the time of enrollment in the program.

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Day Care, Home: An owner-occupied residence where care, protection and supervision are provided for less than 24 hours a day for more than 3 children, but not to exceed 8 children, under the age of 12. The total number of children shall include the family's biological and/or adopted children under the age of 12.

SECTION 17

HOME OCCUPATIONS

17.1 PURPOSES:

The purpose of the home occupation standards and requirements is to allow occupations to be conducted in a dwelling unit which are compatible with the neighborhoods in which they are located and which do not interfere with the rights of the surrounding property owners to enjoy the residential character of the neighborhood.

17.2 CERTAIN HOME OCCUPATIONS AUTHORIZED:

Subject to the limitations of this Section 17, a home occupation shall be permitted in a dwelling unit.

17.3 USE LIMITATIONS:

17.3-1 *Structural Limitations:*

- A. No alteration of any kind shall be made to the dwelling unit where a home occupation is conducted that would change its residential character as a dwelling unit, including the enlargement of public utility services beyond that customarily required for residential use. A home occupation shall not have lighting, advertising or other facilities which would indicate its use for purposes other than that of private dwelling.
- B. No separate entrance shall be provided in connection with the conduct of any home occupation.
- C. All activity associated with a home occupation must be conducted within a closed structure.

17.3-2 *Operational Limitations:*

- A. A home occupation shall be conducted only by members of the family residing in the dwelling unit, and not more than one additional non-resident assistant or employee on the premises. An off-street parking space shall be provided while the employee is on the premises.
- B. Goods that are subject of the home occupation may be fabricated or produced on the premises, as well as manufactured elsewhere, subject, however, to further regulations herein. No article or stock-in-trade shall be displayed such that it is visible from the exterior of the dwelling unit. Direct sales of products from the dwelling unit are prohibited unless public access to the home occupation has been by invitation only, but a person may pick up an order placed earlier.
- C. The attendance of up to four persons at any one time, and no more than eight persons per day, may be allowed for the purpose of receiving private instruction or training in any subject or skill except singing, dance or musical instrument. Individual instruction in singing, dance or musical instrument shall be limited to no more than two pupils at any one time, and no more than four pupils per day, and shall only be permitted in the single family detached or attached dwelling.
- D. No outdoor storage or display shall be allowed in connection with any home occupation.
- E. No refuse in excess of the amount customary for regular residential pick-up shall be generated by any home occupation.
- F. Motor vehicle traffic generated by the home occupation shall be prohibited from visiting the premises between the hours of 11:00 p.m. and 6:00 a.m. except for child-home day care operations. Vehicles used in connection with any home

occupation shall be subject to the requirements of Section 18, Off-Street Parking and Loading, of this Zoning Code.

- G. There shall be no signs on the premises for home occupations other than those permitted for Residence Districts under this Zoning Code.
- H. The receipt or delivery of merchandise, goods, or supplies for use in a home occupation shall be limited to the United States Postal Service, UPS, or any other licensed parcel delivery service that would normally be expected in a residential area.
- I. Home occupations shall not involve the use of any accessory building.
- J. Any activity resulting in noise, fumes, traffic, light or odor, to such extent that it is noticeable that the property is being used for non-residential purposes, shall not constitute a home occupation. Home day care home occupations, as defined in Section 3 - Definitions, are exempted from this requirement, to the extent that noise and traffic are consistent with reasonable activities related to home day care operations.
- K. A home occupation shall be confined to the principal structure and not exceed 25% of the gross floor area of the building or 600 square feet, whichever is less. Home day care home occupations, as defined in Section 3 - Definitions, are exempted from the gross floor area limitation and are exempted from being confined to the principal structure, to the extent reasonably necessary to allow children the ability to go outside for activities related to home day care operations.
- L. Occasional gatherings, meetings or classes associated with home occupations are permissible. The gatherings, meetings or classes shall in no case be held more than four times per month and vehicles shall in no way impede the safety and

flow of traffic within the neighborhood.

- M. Every home-based business shall be subject to applicable business licensing and inspection requirements, and shall comply with all applicable federal, state and local laws and regulations.

17.3-3 Home Kitchen Operations:

The use of a home occupation as a home kitchen operation is specifically permitted, as defined in 410 ILCS 625/3.6, as may be amended, and subject to the regulations prescribed by all applicable state, federal, and local law, including without limitation the Food Handling Regulation Enforcement Act, 410 ILCS 625/0.01 et seq., as may be amended, and all requirements of the Zoning Ordinance, including this Section 17.