



**PLANNING AND ZONING & HISTORIC COMMISSION
SPECIAL MEETING AGENDA**

Monday, August 14, 2023

6:00 PM

**East Dundee Police Station, 2nd Floor Meeting Room
115 E. 3rd Street, East Dundee, IL 60118**

CALL TO ORDER

ROLL CALL / DECLARATION OF QUORUM

PUBLIC COMMENT

NEW BUSINESS

HISTORIC COMMISSION

1. Discussion and Motion to Issue/Deny Certificate of Appropriateness for Proposed Fascia Boards and Roof Alterations: 210 N. River St.
 - a. Modify fascia boards for gutters and remove three inoperative masonry chimneys prior to re-roofing.
2. Continued Discussion and Motion to Issue/Deny Certificate of Appropriateness for Proposed New Restaurant: 309 Meier St.
 - a. Addition of overhead garage door, exterior ramp, façade treatment, signage and opening of outdoor seating area.

OTHER BUSINESS

1. Discussion and Crafting of Language Regarding Special Use Permit Ordinance Conditions Placed on Restaurants, Taverns, and Brew Pubs with Live Entertainment for the Village Board to Consider.

ADJOURNMENT

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Assistant to the Village Administrator

Subject: Application for a Certificate of Appropriateness – 210 N. River St.

Date: August 14, 2023

Action Requested:

Staff requests the Planning and Zoning & Historic Commission (“PZHC”) discuss and issue/deny a certificate of appropriateness for Clifford Surges at 210 N. River St. for proposed fascia boards and roof alterations.

Background and Summary:

The request is to modify the fascia boards to square them off for gutters which will make them comparable to other buildings within the historic district, and to remove three inoperative masonry chimneys prior to his re-roofing project.

As the property is located within the Village's Historic District, the application requires review and approval/denial by PZHC in compliance with Chapter 153 of the Village Code Historic District. The proposed modifications should be reviewed according to Section 153.37 of the Village Code:

CRITERIA AND STANDARDS.

(A) In making a determination whether to issue or deny a certificate of appropriateness, the Commission shall consider, among other things, the purpose of this chapter and the effect if the issuance upon the historic, aesthetic or architectural values, characteristics and significance of the District or any building or structure within the District. The criteria to be used by the Commission in making its determination shall include, but are not limited to architectural style of the proposed construction, alteration, extension or repair with the prevalent architectural style or styles within the District; the compatibility of the general design, arrangement, texture or material of the construction, alteration, extension or repair with the historic aesthetic or architectural values, characteristics and significance of the District or any building or structure within the District; and the relationship of the location of the construction, alteration, extension or repair to the streets and structures within the District.

(B) The Commission shall adopt detailed architectural standards for its use in making a determination pursuant to the above criteria. For any building or structure undergoing

construction, alteration, extension or repair within the District, these architectural standards should include, but are not limited to the following elements:

- (1) The appropriate height;
 - (2) The proper proportions of the front facade;
 - (3) The proper proportions of windows, doors or other openings;
 - (4) The appropriate bulk and density;
 - (5) The appropriate textures, materials and shapes for roofs;
 - (6) The appropriate landscaping and proper location and design of accessory buildings, structures and uses;
 - (7) The appropriate directional expression of front elevations and general scale of any building and structure;
 - (8) Other appropriate standards for architectural details; and
 - (9) Methods to evaluate the economic reasonableness of any criteria of standard utilized by the commission in making a determination to issue or deny a certificate of appropriateness.
- (C) If an applicant shows that failure to issue a certificate of appropriateness will cause an imminent threat to life or property, the certificate shall be issued.

Attachments:

Certificate of Appropriateness Redacted Application and Renderings

Photo References

C.O.A. Village Code



Village of East Dundee

120 Barrington Avenue, East Dundee, IL 60118

(847) 426-2822

www.eastdundee.net

Planning and Zoning & Historic Commission Certificate of Appropriateness

Background and Instructions on How to Apply

According to Section 153.35 of the East Dundee Municipal Code, a certificate of appropriateness issued by the Planning and Zoning & Historic Commission (PZHC) shall be required before the construction or demolition, or moving of any building or structure or part thereof within the Historic District (District) that is, or will be, visible from a public way. A certificate of appropriateness issued by the PZHC for an extension, alteration, or repair which does not constitute a construction or demolition, shall be required whenever the building inspector determines that a building or structure will be altered, extended, or repaired in a manner as to produce a major change in exterior appearance of the building or structure.

The criteria and standards to be used to determine the certificate of appropriateness can be found under Section 153.37. The criteria to be used by the PZHC in making its determination shall include, but are not limited to:

- i) architectural style of the proposed construction, alteration, extension or repair with the prevalent architectural style or styles within the District;
- ii) the compatibility of the general design, arrangement, texture or material of the construction, alteration, extension or repair with the historic aesthetic or architectural values, characteristics and significance of the District or any building or structure within the District; and
- iii) the relationship of the location of the construction, alteration, extension or repair to the streets and structures within the District.

Please submit this application to the building department along with supporting documents (*one [1] original and twelve [12] copies*). Your application will be reviewed by the PZHC within 35 days of receipt of application date per to Section 153.39. You are strongly urged to attend the relevant PZHC meeting in person.

If you would like assistance with the preparation of this application, or if you have any questions concerning your request or review procedure, call the village office at 847-426-2822.

Application Information

Address of proposed work: 210 N. Linn St

If known, original date of building: 1986

Applicant name: Clifford Stages

Applicant phone number: [REDACTED]

Applicant email: [REDACTED]

Property owner phone (N/A if same as applicant): _____

Property owner email (N/A if same as applicant): _____

Nature of proposed change (check all that apply):

- ☐ New Construction ☐ Extensive Renovation ☒ Minor Renovation, Repair(s), or Alteration(s)
☐ Sign* ☐ Demolition ☐ Façade
☐ Other / Describe Sign lettering and style: _____

*Sign: Must include the lettering style and size.

Describe all changes proposed for the structure's exterior. Include plans, photographs, and any other information as needed. Provide the size, style, and precise location of lettering, if any; and any other information that will assist the PZHC in their deliberations. Use attachments, as necessary, and include a date when the project will be completed:

FASCIA BOARDS

Modify fascia boards for gutters and remove three inoperative masonry chimneys prior to re-roofing.

Circle one, or more, of the East Dundee Historic Code Provisions that apply:

- N/A
- A. The historic or architectural value and significance of the district and the surrounding area will not be lessened.
- B. The relationship of any architectural features of the building and the surrounding area will be positively affected.
- C. The general design, arrangement, and materials proposed to be used will be maintained.

I, the undersigned, hereby state that all the information presented in this application is true and complete, to the best of my knowledge.

Signature: [Signature] Date: 8/1/2023

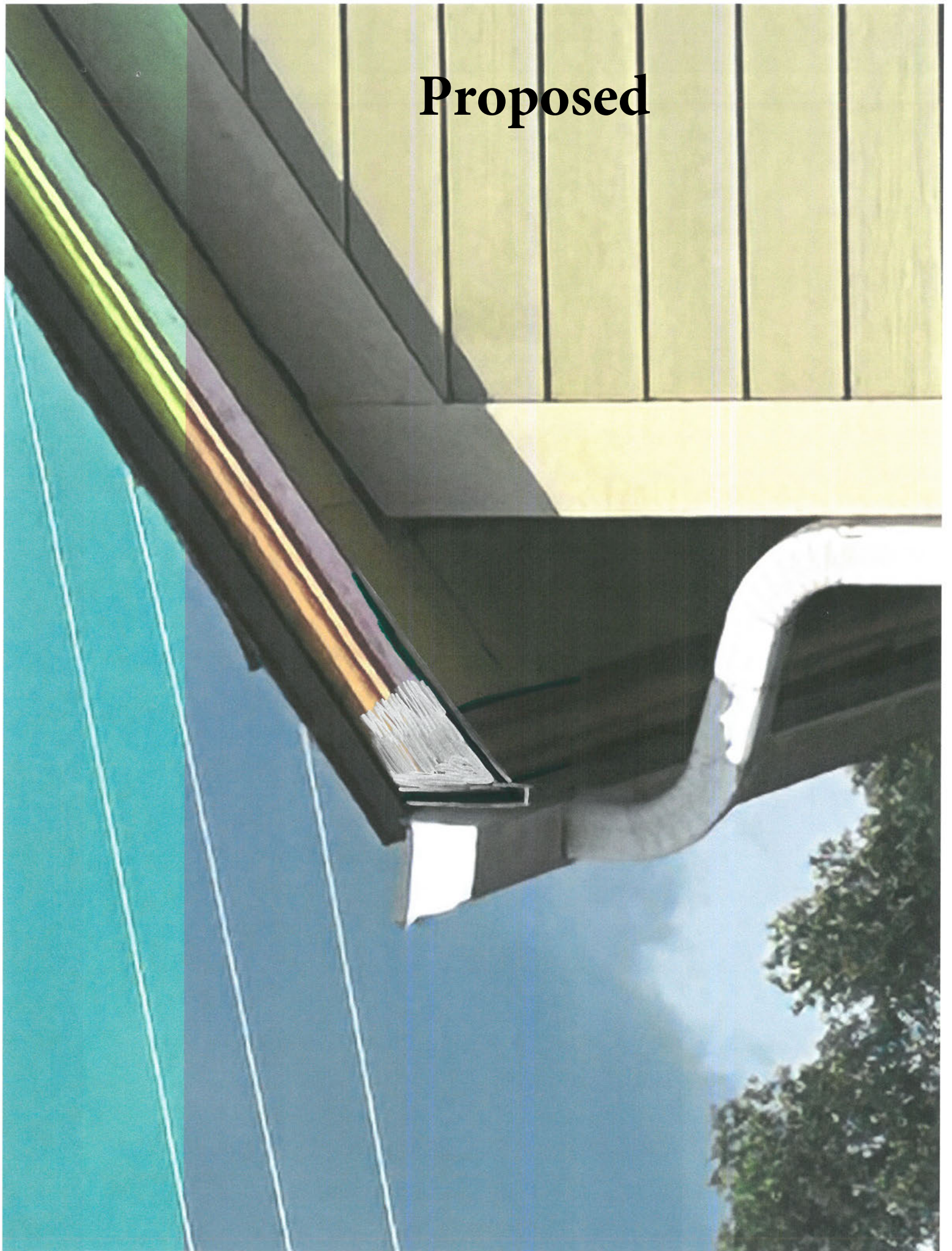
Office Use Only

Receipt Date of Application: _____

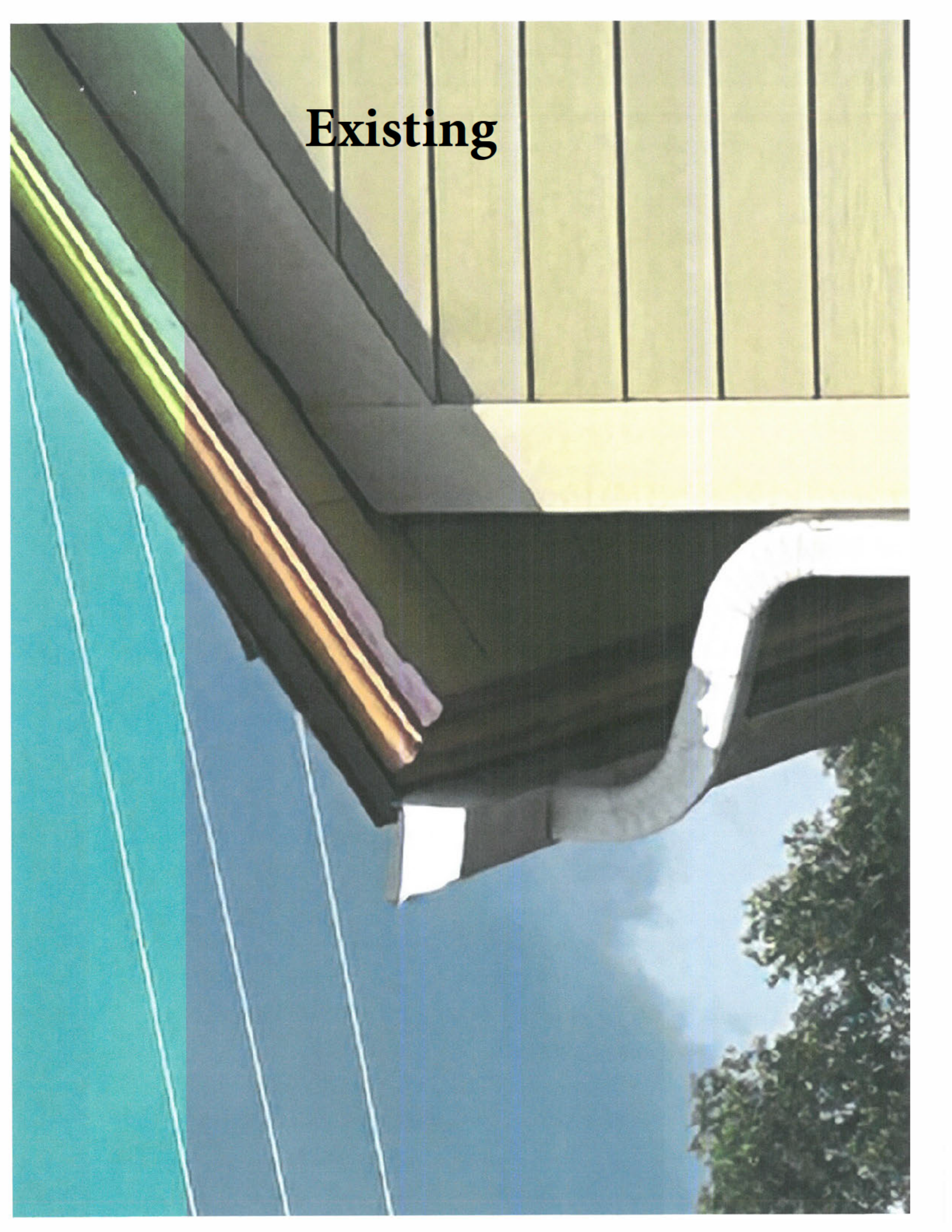
Date of PZHC Meeting: _____

Approved or Denied: _____

Proposed



Existing



206 N. River



Subject property 210 N River



202 N. River



CERTIFICATE OF APPROPRIATENESS

§ 153.35 CERTIFICATE REQUIRED.

(A) A certificate of appropriateness issued by the Commission, shall be required before the construction or demolition, or moving of any building or structure or part thereof within the District that is or will be visible from a public way. A certificate of appropriateness issued by the Commission for an extension, alteration or repair which does not constitute a construction or demolition shall be required whenever the Building Inspector, within his or her discretion, determines that a building or structure will be altered, extended or repaired in a manner as to produce a major change in exterior appearance of the building or structure.

(B) A major change includes, but is not limited to the enclosure, addition or removal of a porch; the alternation of a roof line; the addition of a dormer, canopy or room; the addition of siding; the removal or addition of decorative trim; and any significant alternation, extension or repair which would result in either excessive similarity or dissimilarity of design in relation to any other building or structure or for which a permit has been issued within a distance of 1,000 feet of the proposed alternation, extension or repair which would result in inappropriateness of design and building materials in relation to the aesthetic, architectural or historic character of any other building or structure in the District.

(1981 Code, § 39.04)

§ 153.36 ORDINARY REPAIRS EXEMPT.

Ordinary maintenance and repairs to buildings or structures pursuant to appropriate provisions of the Building Code may be made without application for a certificate of appropriateness or other notice to the Commission.

(1981 Code, § 39.04)

§ 153.37 CRITERIA AND STANDARDS.

(A) In making a determination whether to issue or deny a certificate of appropriateness, the Commission shall consider, among other things, the purpose of this chapter and the effect if the issuance upon the historic, aesthetic or architectural values, characteristics and significance of the District or any building or structure within the District. The criteria to be used by the Commission in making its determination shall include, but are not limited to architectural style of the proposed construction, alteration, extension or repair with the prevalent architectural style or styles within the District; the compatibility of the general design, arrangement, texture or material of the construction, alteration, extension or repair with the historic aesthetic or architectural values, characteristics and significance of the District or any building or structure within the District; and the relationship of the location of the construction, alteration, extension or repair to the streets and structures within the District.

(B) The Commission shall adopt detailed architectural standards for its use in making a determination pursuant to the above criteria. For any building or structure undergoing construction, alteration, extension or repair within the District, these architectural standards should include, but are not limited to the following elements:

- (1) The appropriate height;
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- (3) The proper proportions of windows, doors or other openings;
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(5) The appropriate textures, materials and shapes for roofs;

(6) The appropriate landscaping and proper location and design of accessory buildings, structures and uses;

(7) The appropriate directional expression of front elevations and general scale of any building and structure;

(8) Other appropriate standards for architectural details; and

(9) Methods to evaluate the economic reasonableness of any criteria of standard utilized by the commission in making a determination to issue or deny a certificate of appropriateness.

(C) If an applicant shows that failure to issue a certificate of appropriateness will cause an imminent threat to life or property, the certificate shall be issued.

(1981 Code, § 39.04)

§ 153.38 APPLICATION.

(A) An application for a certificate of appropriateness shall be made at the Village Hall on forms to be provided by the Building Inspector. Each application shall be accompanied by such plans and specifications as required by Chapter 151 of this code of ordinances. No fee shall be required for application for a certificate of appropriateness. The Building Inspector, within five working days, shall submit copies of all applications to the Commission.

(B) No application for a construction or demolition permit within the District shall be approved by the Building Inspector unless a certificate of appropriateness has been issued for the same work.

(C) (1) During the course of their review, the Commission may submit the certificate of appropriateness to the Village Engineer, Village Attorney and/or other technical consultant in order to obtain assistance for the proper review of the plan.

(2) The applicant shall be notified that technical assistance has been sought in accordance with these regulations.

(3) The Village Engineer, Village Planner, Village Attorney and/or other technical consultant shall submit their itemized bill for services to the village which shall transmit a bill to the applicant. The bill for service shall be set by the village at a rate normally charged for professional services and shall include all travel and other expenses normally charged to the village.

(4) The applicant shall pay the village for the services rendered within ten days after the submission of the bill from the village.

(1981 Code, § 39.04) (Am. Ord. 96-07, passed 2-21-1996)

§ 153.39 ACTION ON APPLICATION.

(A) Within 35 days after receipt of the application for a certificate of appropriateness, the Commission shall meet and shall either issue the certificate or disapprove the application. The Commission shall inform applicants of the date and time of the meeting when their applications will be considered. Applicants shall attend the meeting to discuss their proposal. Upon approval of an application, the certificate of appropriateness shall be dated and signed by the Commission Chairperson, Vice-Chairperson, Secretary or such other person designated by the Commission to sign certificates on its behalf. Copies of the certificate shall be forwarded to the applicant, the Village Clerk and the Building Inspector. As an ex officio member of the Commission, the Building Inspector shall advise the Commission in its review of every application of likely modifications to the plans and specifications that may be made in the course of the plan review procedures required by Chapter 151 of this code of ordinances.

(B) If the applicant for a certificate of appropriateness makes an application for a building permit prior to the date of issuance of the certificate of appropriateness, the issuance date of the certificate shall be utilized as of the date of application for the building permit. Any certificate of appropriateness issued by the Commission shall become invalid if the building permit issued for the same work becomes invalid under the appropriate sections of Chapter 151 of this code of ordinances.

(C) Failure on the part of the Commission to act within 35 days of receipt of an application for a certificate of appropriateness shall constitute approval of the application.

(D) Upon disapproval of an application, the Commission shall notify the applicant, in writing, of the disapproval and shall recommend changes in the application with the respect to the criteria and standards set forth herein, which is made, would make the application acceptable to the Commission. Within 15 days of receipt of the notification of disapproval, the applicant must either file a written modification of his or her application in conformity with the Commission's recommended changes or request, in writing, that the Commission schedule a public hearing on his or her application.

(E) Within 35 days of the receipt of a written modification or request for public hearing, the Commission must either issue the certificate of appropriateness or hold a public hearing.

(1) Notice of the hearing shall be given to the applicant, the Village Attorney and the President and Board of Trustees of the village and to the public by announcement in a newspaper of general circulation and to any interested parties who shall file with the Village Clerk a request to receive the notices.

(2) The Chairperson shall conduct the hearing and the Commission shall receive oral and written testimony from all interested parties. The applicant or any other interested party may be represented by counsel. The Commission and applicant shall have the right to introduce evidence and cross-examine witnesses. The Commission shall vote, announce its decision, in writing, and file the determination with the Village Clerk and the Building Inspector within 15 working days after the conclusion of the public hearing unless the time is extended by mutual agreement between the Commission.

(3) The factors to be considered and standards for the issuance or denial of a certificate of appropriateness upon public hearing shall be those set forth herein.

(4) The applicant for a public hearing shall include with the written notification a fee payable to the village as set forth in the village's annual fee schedule.

(1981 Code, § 39.04) (Am. Ord. 92-9, passed 9-21-1992; Am. Ord. 96-07, passed 2-21-1996)

§ 153.40 APPEAL FROM DETERMINATION OF COMMISSION.

An applicant aggrieved by a decision of the Commission may, within 20 days after the filing by the Commission of the notice of the decision with the Village Clerk, appeal the decision of the Commission to the Board of Trustees whose decision in this matter shall be final subject only to judicial review as provided by general law. The Village Board shall consider the appeal at the first regular meeting held more than five days from the filing of the appeal with the Village Clerk.

(1981 Code, § 39.04)

§ 153.41 MAINTENANCE AND REPAIR OF PROPERTIES IN DISTRICT.

(A) All buildings, structures, real estate or improvement thereon within the area officially described as the District, whether owned or controlled privately or by any public body, shall receive reasonable care, maintenance and upkeep appropriate for the preservation, protection, perpetuation or use in conformity with the purposes of this chapter and Chapter 151 of this code of ordinances.

(B) Neither the owner of, nor the person in charge of, a building, structure, real estate or improvement thereon, within the area officially described as the District, shall permit the structure to fall into a state of disrepair, which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce or tend to produce in the judgement of the Historic Commission, a detrimental effect upon the character of the District as a whole, or the life and character of the structure in question, including, but not limited to:

(1) The deterioration of exterior walls or other vertical supports;

(2) The deterioration of roofs or other horizontal members;

(3) The deterioration of exterior chimneys;

(4) The deterioration or crumbling of exterior walls, roofs and foundations, including broken windows and doors;

(5) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows and doors; and

(6) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

(1981 Code, § 39.04)

§ 153.99 PENALTY.

(A) Any person who fails to perform any act required within 30 days of written notice of the failure or performs any act prohibited herein shall be fined, upon conviction, not less than \$250, nor more than \$750, exclusive of court costs and administrative fees established by statute, and the costs of prosecution for each offense. Each day a violation shall constitute a separate violation and separate offense.

(B) In addition to the penalty provided above, the village may bring an appropriate action in the Circuit Court to enjoin any action by any person in violation of this chapter and to restore any property to its condition prior to the unauthorized action.

(1981 Code, § 39.04) (Am. Ord. 92-3, passed 3-18-1992; Am. Ord. 92-9, passed 9-21-1992; Am. Ord. 96-07, passed 2-21-1996)

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Assistant to the Village Administrator

Subject: Continued Application for a Certificate of Appropriateness – 309 Meier St.

Date: August 14, 2023

Action Requested:

Staff requests the Planning and Zoning & Historic Commission (“PZHC”) discuss and issue/deny a certificate of appropriateness for Colin Hegarty at 309 Meier St. for proposed new restaurant.

Background and Summary:

The request is to add an overhead garage door, exterior ramp, façade treatment, signage and opening of outdoor seating area. As the property is located within the Village's Historic District, the application requires review and approval/denial by PZHC in compliance with Chapter 153 of the Village Code Historic District. The proposed modifications should be reviewed according to Section 153.37 of the Village Code:

CRITERIA AND STANDARDS.

(A) In making a determination whether to issue or deny a certificate of appropriateness, the Commission shall consider, among other things, the purpose of this chapter and the effect if the issuance upon the historic, aesthetic or architectural values, characteristics and significance of the District or any building or structure within the District. The criteria to be used by the Commission in making its determination shall include, but are not limited to architectural style of the proposed construction, alteration, extension or repair with the prevalent architectural style or styles within the District; the compatibility of the general design, arrangement, texture or material of the construction, alteration, extension or repair with the historic aesthetic or architectural values, characteristics and significance of the District or any building or structure within the District; and the relationship of the location of the construction, alteration, extension or repair to the streets and structures within the District.

(B) The Commission shall adopt detailed architectural standards for its use in making a determination pursuant to the above criteria. For any building or structure undergoing construction, alteration, extension or repair within the District, these architectural standards should include, but are not limited to the following elements:

- (1) The appropriate height;

- (2) The proper proportions of the front facade;
 - (3) The proper proportions of windows, doors or other openings;
 - (4) The appropriate bulk and density;
 - (5) The appropriate textures, materials and shapes for roofs;
 - (6) The appropriate landscaping and proper location and design of accessory buildings, structures and uses;
 - (7) The appropriate directional expression of front elevations and general scale of any building and structure;
 - (8) Other appropriate standards for architectural details; and
 - (9) Methods to evaluate the economic reasonableness of any criteria of standard utilized by the commission in making a determination to issue or deny a certificate of appropriateness.
- (C) If an applicant shows that failure to issue a certificate of appropriateness will cause an imminent threat to life or property, the certificate shall be issued.

Attachments:

Certificate of appropriateness application and updated rendering(s)
COA Village Code Section

Application Information

Address of proposed work: 309 Meier St East Dundee, IL 60118
If known, original date of building: _____
Applicant name: Colin Hegarty
Applicant phone number: [REDACTED]
Applicant email: _____
Property owner name (N/A if same as applicant): _____
Property owner phone (N/A if same as applicant): _____
Property owner email (N/A if same as applicant): _____

Nature of proposed change (check all that apply):
☐ New Construction ☐ Extensive Renovation ☐ Minor Renovation, Repair(s), or Alteration(s)
☐ Sign* ☐ Demolition ☒ Façade
☐ Other / Describe Sign lettering and style: _____

*Sign: Must include the lettering style and size.

Describe all changes proposed for the structure's exterior. Include plans, photographs, and any other information as needed. Provide the size, style, and precise location of lettering, if any; and any other information that will assist the PZHC in their deliberations. Use attachments, as necessary, and include a date when the project will be completed:

Attached in the email thread is the
current proposed changes to the exterior of
the building

Circle one, or more, of the East Dundee Historic Code Provisions that apply:

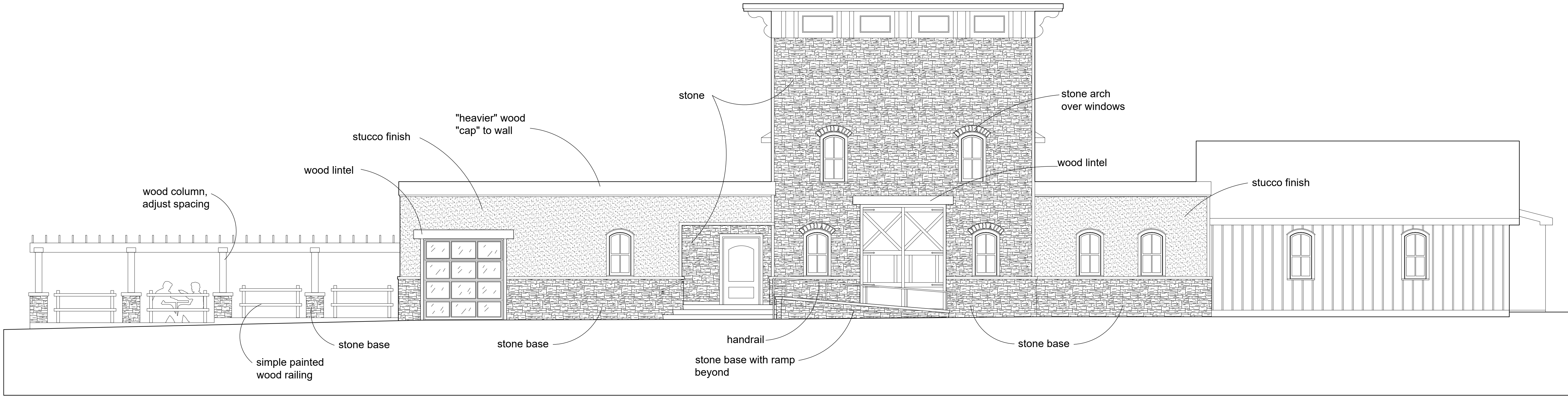
- A. The historic or architectural value and significance of the district and the surrounding area will not be lessened.
- B. The relationship of any architectural features of the building and the surrounding area will be positively affected.
- C. The general design, arrangement, and materials proposed to be used will be maintained.

I, the undersigned, hereby state that all the information presented in this application is true and complete, to the best of my knowledge.

Signature: [Signature] Date: 7/10/23

Office Use Only

Receipt Date of Application: _____
Date of PZHC Meeting: _____
Approved or Denied: _____

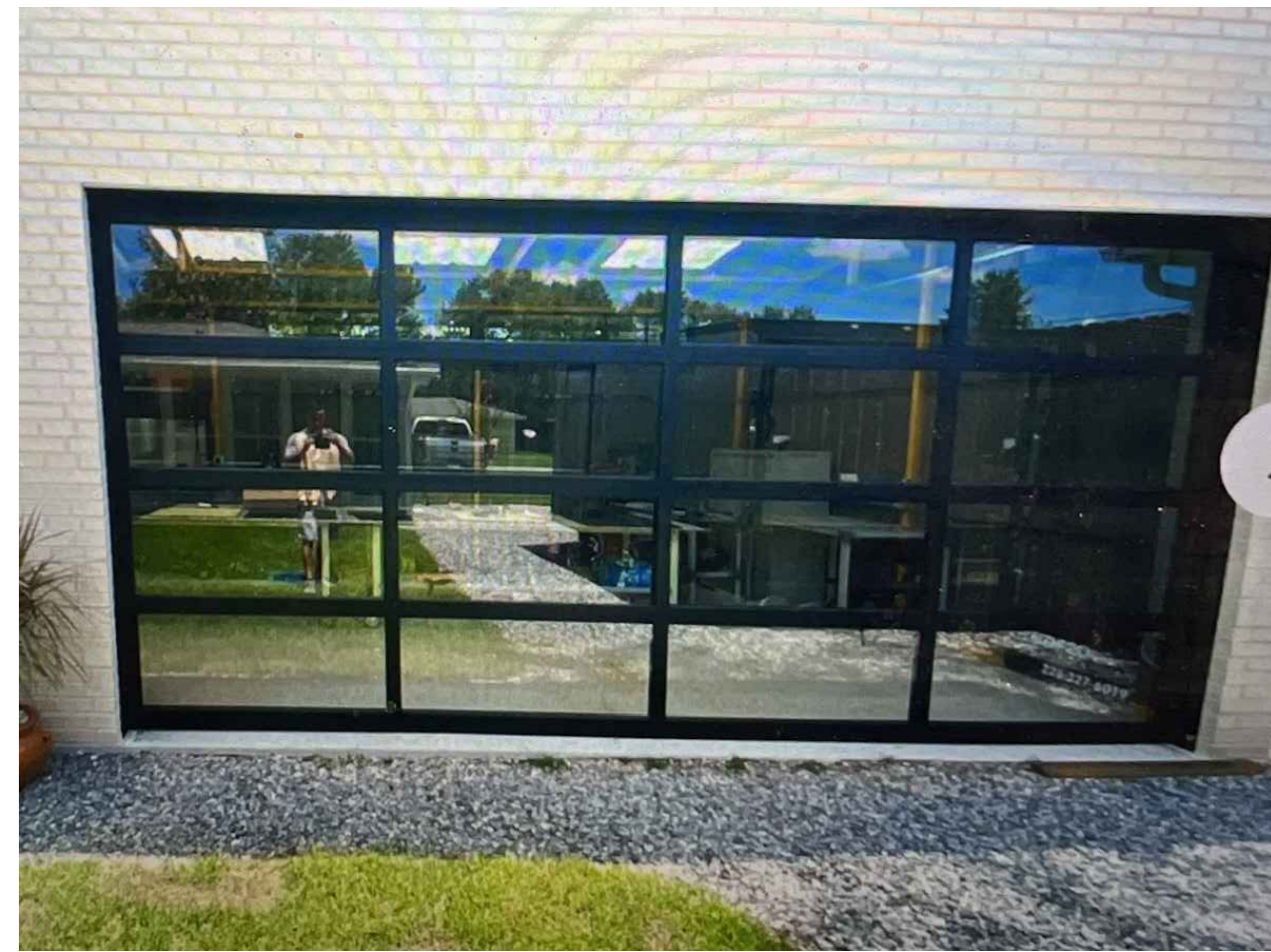


EAST ELEVATION
SCALE: 3/16" = 1'-0"

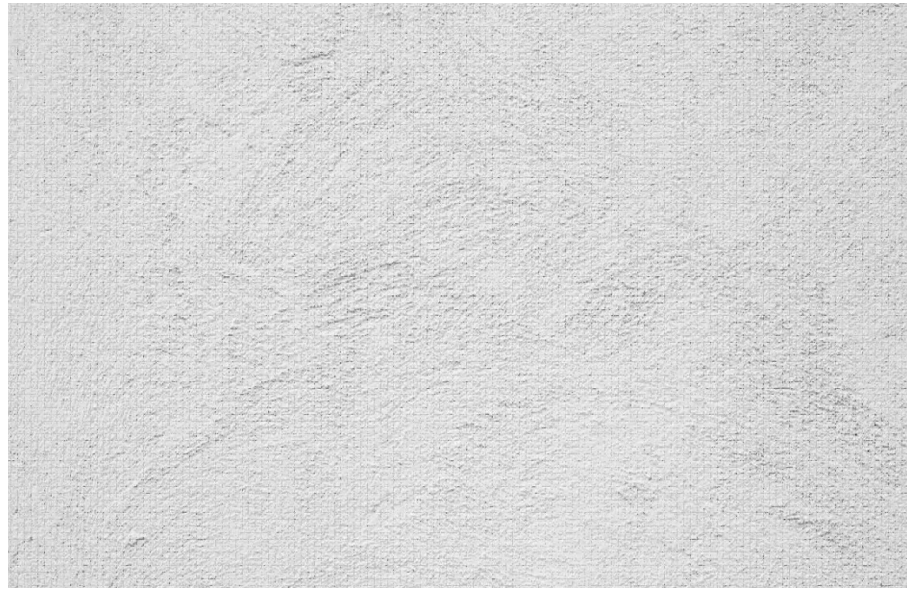


STONE

GEN STONE: Northern Slate, Light Grey with Charcoal and Tan Highlights
Measuring 42" wide and 12" tall, the GenStone stacked stone panel features a 1" shiplap edge along the top and right side of the panel making attaching the next panel not only seamless but also watertight. Each panel is cast from real stone into 4 unique molds to eliminate repetition.



GLASS OVERHEAD DOOR, BLACK FRAME

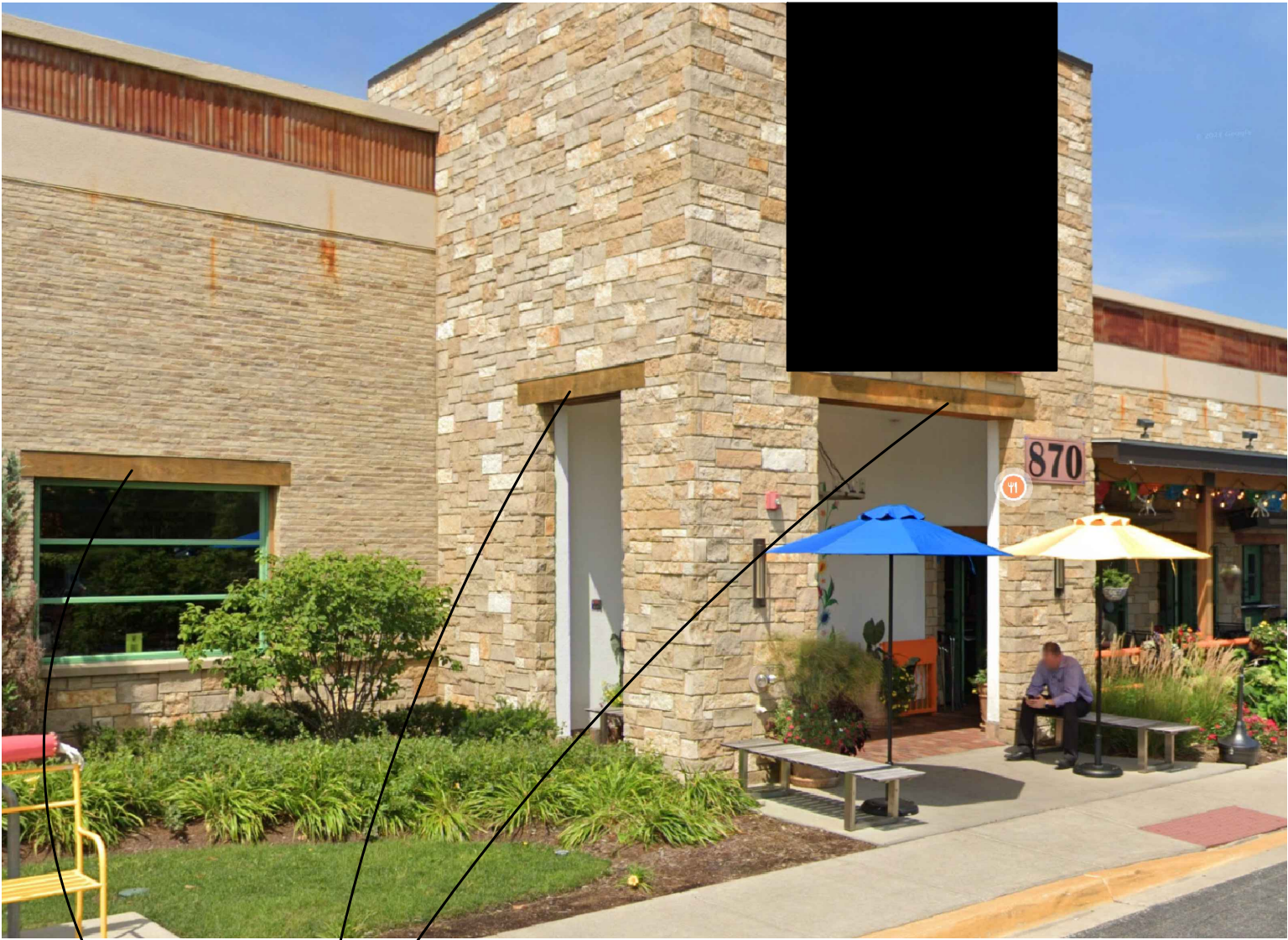


STUCCO

FINISH: SAND COLOR: WHITE

Sand stucco is also known as a float finish because of the tool used to finish the texturing. Additionally, this stucco appears as though it contains beach sand, hence the name. Actually, sand is added to the stucco mix, giving it a fine, grainy texture.

Because it is versatile, easy to apply, and easy to patch, sand finishes are pretty popular. This is another texture useful in hiding surface flaws and can be fine, medium, or coarse, depending on preference.



WOOD LINTEL



HEAVY WOOD "CAP"

PAINTED RAILING AT
OUTDOOR SEATING

ISSUANCE	DATE				

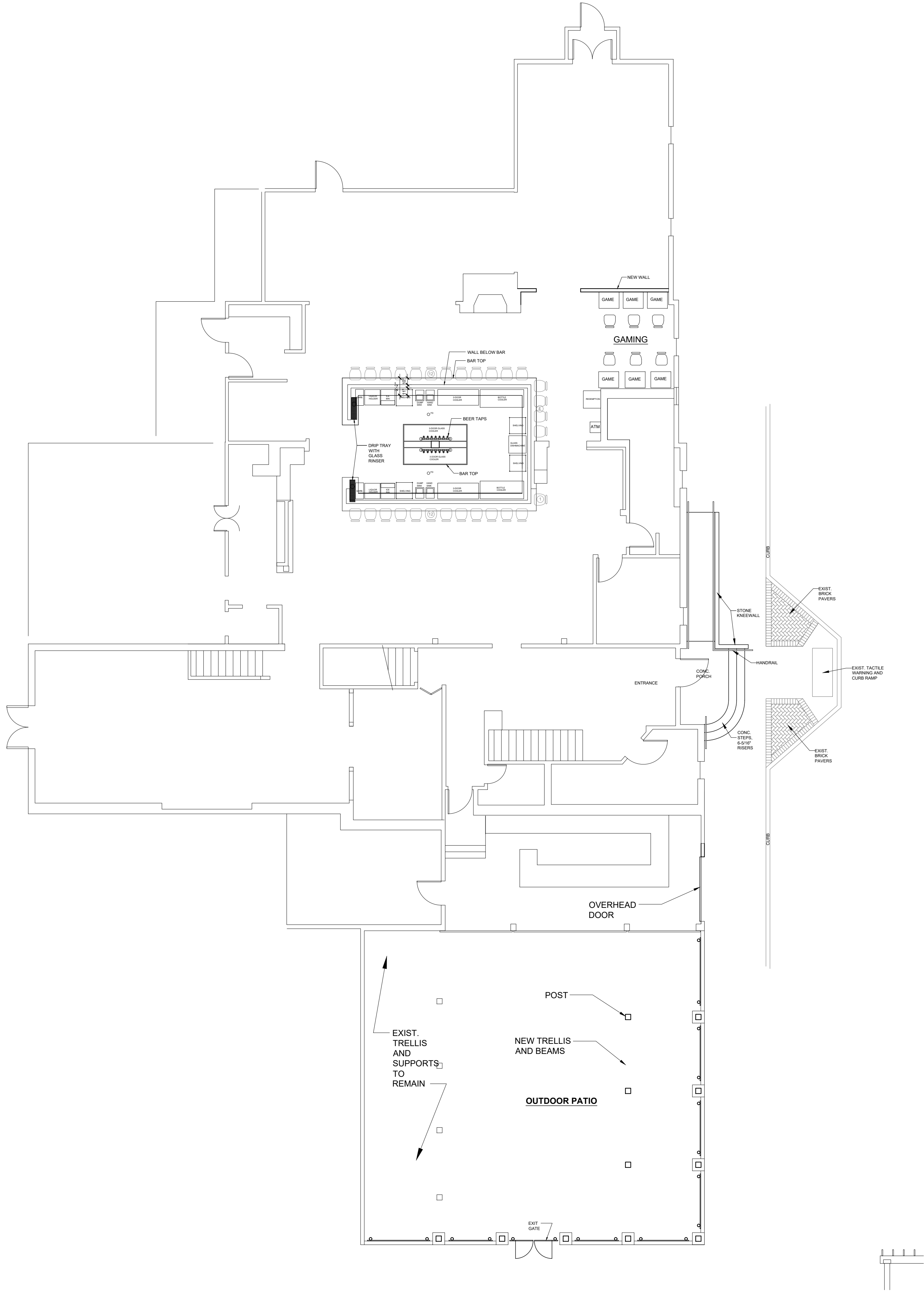
DRAWN BY:	PROJECT NUMBER:
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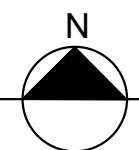
PROJECT: RESTAURANT RENOVATION 309 MEIER STREET EAST DUNDEE, IL. 60118
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SHEET CONTENTS: CONCEPT ELEVATION MATERIAL EXAMPLES

SHEET NO. A2.0



2
A1.0
FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



ISSUANCE	DATE				

DRAWN BY:	PROJECT NUMBER:

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PROJECT: RESTAURANT RENOVATION 309 MEIER STREET EAST DUNDEE, IL. 60118
--

SHEET CONTENTS: FLOOR PLAN

SHEET NO. A1.0

CERTIFICATE OF APPROPRIATENESS

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(1981 Code, § 39.04)

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(7) The appropriate directional expression of front elevations and general scale of any building and structure;

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(9) Methods to evaluate the economic reasonableness of any criteria of standard utilized by the commission in making a determination to issue or deny a certificate of appropriateness.

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§ 153.38 APPLICATION.

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(C) (1) During the course of their review, the Commission may submit the certificate of appropriateness to the Village Engineer, Village Attorney and/or other technical consultant in order to obtain assistance for the proper review of the plan.

(2) The applicant shall be notified that technical assistance has been sought in accordance with these regulations.

(3) The Village Engineer, Village Planner, Village Attorney and/or other technical consultant shall submit their itemized bill for services to the village which shall transmit a bill to the applicant. The bill for service shall be set by the village at a rate normally charged for professional services and shall include all travel and other expenses normally charged to the village.

(4) The applicant shall pay the village for the services rendered within ten days after the submission of the bill from the village.

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§ 153.39 ACTION ON APPLICATION.

(A) Within 35 days after receipt of the application for a certificate of appropriateness, the Commission shall meet and shall either issue the certificate or disapprove the application. The Commission shall inform applicants of the date and time of the meeting when their applications will be considered. Applicants shall attend the meeting to discuss their proposal. Upon approval of an application, the certificate of appropriateness shall be dated and signed by the Commission Chairperson, Vice-Chairperson, Secretary or such other person designated by the Commission to sign certificates on its behalf. Copies of the certificate shall be forwarded to the applicant, the Village Clerk and the Building Inspector. As an ex officio member of the Commission, the Building Inspector shall advise the Commission in its review of every application of likely modifications to the plans and specifications that may be made in the course of the plan review procedures required by Chapter 151 of this code of ordinances.

(B) If the applicant for a certificate of appropriateness makes an application for a building permit prior to the date of issuance of the certificate of appropriateness, the issuance date of the certificate shall be utilized as of the date of application for the building permit. Any certificate of appropriateness issued by the Commission shall become invalid if the building permit issued for the same work becomes invalid under the appropriate sections of Chapter 151 of this code of ordinances.

(C) Failure on the part of the Commission to act within 35 days of receipt of an application for a certificate of appropriateness shall constitute approval of the application.

(D) Upon disapproval of an application, the Commission shall notify the applicant, in writing, of the disapproval and shall recommend changes in the application with the respect to the criteria and standards set forth herein, which is made, would make the application acceptable to the Commission. Within 15 days of receipt of the notification of disapproval, the applicant must either file a written modification of his or her application in conformity with the Commission's recommended changes or request, in writing, that the Commission schedule a public hearing on his or her application.

(E) Within 35 days of the receipt of a written modification or request for public hearing, the Commission must either issue the certificate of appropriateness or hold a public hearing.

(1) Notice of the hearing shall be given to the applicant, the Village Attorney and the President and Board of Trustees of the village and to the public by announcement in a newspaper of general circulation and to any interested parties who shall file with the Village Clerk a request to receive the notices.

(2) The Chairperson shall conduct the hearing and the Commission shall receive oral and written testimony from all interested parties. The applicant or any other interested party may be represented by counsel. The Commission and applicant shall have the right to introduce evidence and cross-examine witnesses. The Commission shall vote, announce its decision, in writing, and file the determination with the Village Clerk and the Building Inspector within 15 working days after the conclusion of the public hearing unless the time is extended by mutual agreement between the Commission.

(3) The factors to be considered and standards for the issuance or denial of a certificate of appropriateness upon public hearing shall be those set forth herein.

(4) The applicant for a public hearing shall include with the written notification a fee payable to the village as set forth in the village's annual fee schedule.

(1981 Code, § 39.04) (Am. Ord. 92-9, passed 9-21-1992; Am. Ord. 96-07, passed 2-21-1996)

§ 153.40 APPEAL FROM DETERMINATION OF COMMISSION.

An applicant aggrieved by a decision of the Commission may, within 20 days after the filing by the Commission of the notice of the decision with the Village Clerk, appeal the decision of the Commission to the Board of Trustees whose decision in this matter shall be final subject only to judicial review as provided by general law. The Village Board shall consider the appeal at the first regular meeting held more than five days from the filing of the appeal with the Village Clerk.

(1981 Code, § 39.04)

§ 153.41 MAINTENANCE AND REPAIR OF PROPERTIES IN DISTRICT.

(A) All buildings, structures, real estate or improvement thereon within the area officially described as the District, whether owned or controlled privately or by any public body, shall receive reasonable care, maintenance and upkeep appropriate for the preservation, protection, perpetuation or use in conformity with the purposes of this chapter and Chapter 151 of this code of ordinances.

(B) Neither the owner of, nor the person in charge of, a building, structure, real estate or improvement thereon, within the area officially described as the District, shall permit the structure to fall into a state of disrepair, which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce or tend to produce in the judgement of the Historic Commission, a detrimental effect upon the character of the District as a whole, or the life and character of the structure in question, including, but not limited to:

- (1) The deterioration of exterior walls or other vertical supports;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of exterior chimneys;
- (4) The deterioration or crumbling of exterior walls, roofs and foundations, including broken windows and doors;
- (5) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows and doors; and
- (6) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

(1981 Code, § 39.04)

§ 153.99 PENALTY.

(A) Any person who fails to perform any act required within 30 days of written notice of the failure or performs any act prohibited herein shall be fined, upon conviction, not less than \$250, nor more than \$750, exclusive of court costs and administrative fees established by statute, and the costs of prosecution for each offense. Each day a violation shall constitute a separate violation and separate offense.

(B) In addition to the penalty provided above, the village may bring an appropriate action in the Circuit Court to enjoin any action by any person in violation of this chapter and to restore any property to its condition prior to the unauthorized action.

(1981 Code, § 39.04) (Am. Ord. 92-3, passed 3-18-1992; Am. Ord. 92-9, passed 9-21-1992; Am. Ord. 96-07, passed 2-21-1996)

Memorandum



To: Planning and Zoning & Historic Commission

From: Franco Bottalico, Assistant to the Village Administrator

Subject: Discussion of Live Entertainment Condition Language as a Special Use

Date: August 14, 2023

Action Requested:

Discussion and Crafting of Language Regarding Special Use Permit Ordinance Conditions Placed on Restaurants, Taverns, and Brew Pubs with Live Entertainment for the Village Board to Consider.

Background and Summary:

At the May 15, 2023 Village Board meeting, the Board passed ordinance 23-23 (attached) which created the following definition for live entertainment:

Shall consist of live music, dancing and/or singing performances, floor shows, D.J. shows and other amplified entertainment performances, whether or not an admission fee is charged. Live entertainment shall not include subtle ambient or incidental background music provided for guests or patrons by musicians such as unamplified background music, piano player, harpist, strolling violinist, traditional juke box, karaoke, or guitarist. However, if there is an admission charge requirement to observe or attend such subtle ambient or incidental background music or entertainment, it shall be considered live entertainment.

Staff has communicated with certain establishments that meet the criteria of a restaurant, brew pub, or tavern with live entertainment, that they will need to apply for a special use permit as stated in Section 157.050(F)(1) of the Village Code. The Board has directed staff to make this special use application process effortless for the applicants, as their establishing of a business without a special use permit is not the fault of the individual business, but an oversight of previous administrations. The Board has asked staff and the PZHC to craft certain language to be used as a condition(s) on these special use permit ordinances that can be used as a blanket condition. This condition(s) can be used to regulate a business' live entertainment hours of operation and frequency, and other conditions the PZHC would see fit to recommend to the Board.

Attachment:

Ordinance 23-23

ORDINANCE NUMBER 23- 23

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE
COUNTIES, ILLINOIS, AMENDING VARIOUS SECTIONS OF THE VILLAGE OF
EAST DUNDEE VILLAGE CODE REGARDING LIVE ENTERTAINMENT**

WHEREAS, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village desires to amend the Village of East Dundee Village Code (“Village Code”) to provide rules and regulations relating to live entertainment; and

WHEREAS, the President and Board of Trustees have determined it to be in the best interest of the Village to amend the Village Code to allow for live entertainment under certain circumstances; and

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That the recitals above shall be and are hereby incorporated as Section 1 as if restated herein.

SECTION 2: Amendments. That the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

AMENDMENT ONE:

Section 157.003 of the Village Code, entitled “Rules and Definitions” is hereby amended to add the following definitions in their proper alphabetical order:

LIVE ENTERTAINMENT. Shall consist of live music, dancing and/or singing performances, floor shows, D.J. shows and other amplified entertainment performances, whether or not an admission fee is charged. Live entertainment shall not include subtle ambient or incidental background music provided for guests or patrons by musicians such as unamplified background music, piano player, harpist, strolling violinist, traditional juke box, karaoke, or guitarist. However, if there is an admission charge requirement to observe or attend such subtle ambient or incidental background music or entertainment, it shall be considered live entertainment.

TAVERN. A place of business that primarily serves alcoholic beverages with a legally approved village liquor license and may include a limited food service for human consumption. A Tavern with live entertainment requires a special use permit.

AMENDMENT TWO:

Section 157.050(F)(1) of the Village Code, entitled “General Requirements; Allowable Use of Land or Buildings; Allowable Uses Table” is hereby amended to add or amend the following uses in their proper alphabetical order:

Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit	Downtown Business District (B-1)	Community Business District (B-2)	Service Business District (B-3)	Automotive Service Business District (B-4)	Office District (O-D)
(d) Clubs, restaurants, taverns and lodging uses.					

2. Restaurants, specialty foods and taverns.					
Brew pub	P	P	P		
<u>Brew pub; with live entertainment</u>	<u>S</u>	<u>S</u>	<u>S</u>		
Delicatessen	P	P	P	P	S
Ice cream shop	P	P	P	P	S
Restaurant; no live entertainment or dancing	P	P	P	P	S
Restaurant; with live entertainment or dancing	S	S	S	P <u>S</u>	
Restaurant; drive-in or drive-through facilities	<u>S</u>	S	S	P	
Taverns	P	P	P		S
<u>Taverns; with live entertainment</u>	<u>S</u>	<u>S</u>	<u>S</u>		

AMENDMENT THREE:

Section 157.065(A)(1) of the Village Code, entitled "General Requirements; Allowable Use of Land or Buildings; Allowable Uses Table" is hereby amended to add or amend the following uses in their proper alphabetical order:

Allowable uses of land and buildings: P: Permitted by-right S: Permitted by special use permit	Limited Manufacturing District (M-1)	Limited Manufacturing District (M-2)
(d) Clubs, restaurants, taverns and lodging uses.		
1. Clubs, lodges and meeting halls		
2. Restaurants, specialty foods and taverns		
Restaurant – no live entertainment or dancing	P	P
Restaurant - with live entertainment or dancing	P <u>S</u>	P <u>S</u>
Restaurant - drive-in or drive-through facilities	P	P
Taverns	P	P
<u>Taverns - with live entertainment</u>	<u>S</u>	<u>S</u>

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid and unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

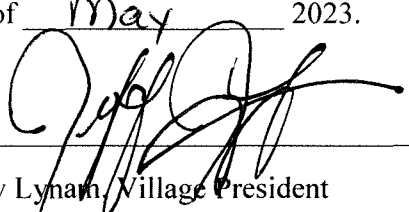
PASSED this 15th day of May 2023 pursuant to a roll call vote as follows:

AYES: Mahony, Kunze, Saviano, Brittin, Treiber and Sauder

NAYES: Ø

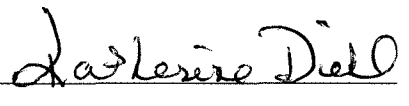
ABSENT: Ø

APPROVED by me this 15th of May 2023.



Jeffrey Lynam, Village President

ATTEST:



Katherine Diehl, Village Clerk