
VILLAGE OF METTAWA

BEFORE THE ZONING, PLANNING, AND APPEALS COMMISSION

In the Matter of Text Amendments to)
the Zoning Ordinance Proposed by)
the President and Board of Trustees)
of the Village of Mettawa,)
)
Applicant)

REPORT

Findings of Fact

A. Application and Notice. The President and Board of Trustees of the Village of Mettawa (the "Applicant"), asked that text amendments to the Village of Mettawa Zoning Ordinance ("Zoning Ordinance") be considered by the Village's Zoning, Planning, and Appeals Commission ("ZPA"), regarding the following matters: 1) large stable regulations, 2) impervious surface ratios, 3) definition of commercial uses, 4) minimum house sizes, 5) short term rentals, 6) amortization rules (cleanup from previous changes), and 7) zoning application fees (cleanup from professional fees change). The ZPA considered these matters, along with others addressed below that arose during the course of its consideration, in ZPA docket 17-TA-1.

Legal notice of the public hearing on the proposed text amendments was published in the *Daily Herald* on August 17, 2017, being a date at least fifteen (15) but not more than thirty (30) days prior to the September 5, 2017 initial hearing date. [Transcript of September 5, 2017 public hearing, attached hereto as **Exhibit A**, made a part hereof, and referred to herein as "1TR.", p. 13-14; Commission's Exhibit 1] Notice of the hearing was also given by the Village by posting the agenda and proposed Zoning Ordinance amendments on the Village website on August 16, 2017, by emailing it to the Village's email list on August 16, 2017, and by mailing the agenda and proposed Zoning Ordinance amendments to large stables owners by certified and regular mail on August 17, 2017. [*Id.*] The Commission held workshop meetings on the proposed Zoning Ordinance amendments prior to the public hearing on December 6, 2016, February 16, 2017, March 17, 2017, June 28, 2017 and July 26, 2017. The public hearing was held on September 5, 2017, continued to October 3, 2017 (the transcript of which is attached hereto in **Exhibit B**, made a part hereof, and referred to herein as "2TR."), and continued to and completed on November 7, 2017 (the transcript of which is attached hereto as **Exhibit C**, made a part hereof, and referred to herein as "3TR.").

At the public hearing, members of the public testified about the proposed text amendments, which statements are included in the record. Please refer to the transcript record for the contents of the statements by the public.

At the conclusion of the public hearing, the ZPA voted unanimously to recommend approval of the text amendments set forth in **Exhibit D** attached hereto and made a part hereof.

B. The Applicant. The Applicant is the President and Board of Trustees of the Village of Mettawa.

C. Findings of Fact on the Text Amendments.

1. Residential Lot Coverage.

The ZPA considered whether the current residential lot coverage requirements in the Zoning Ordinance were adequate. The ZPA heard testimony regarding this matter and deliberated on it. [1TR. p. 21-29, 111-113, 116-117, 167] As reflected in **Exhibit D**, the ZPA recommends that the definitions of accessory building, building, principal structure and structure be updated, that maximum lot coverage for accessory buildings be reduced to 3% from 5%, and that a maximum of three (3) accessory buildings be allowed on a lot, unless a special use permit is first obtained.

2. Minimum House Size.

The ZPA considered whether a minimum house size should be reinstated into the Zoning Ordinance. The ZPA heard testimony regarding this matter and deliberated on it. [1TR. p. 20, 30-31, 117-119] As reflected in **Exhibit D**, the ZPA recommends that dwellings be required to have a total livable floor area of not less than two thousand (2,000) square feet in addition to a garage with a total ground floor area of not less than four hundred (400) square feet.

3. Short Term Residential Rental Regulations.

The ZPA considered whether the Village should regulate and/or prohibit short term residential rentals. The ZPA heard testimony regarding this matter and deliberated on it. [1TR. p. 31-37, 119-120] As reflected in **Exhibit D**, the ZPA recommends that short term rentals be defined as rentals for a period less than ninety (90) consecutive days, and that such rentals be prohibited in the Village.

4. Amortization of Non-Conforming Uses.

The ZPA considered whether cleanups should be made to the regulations on the amortization of non-conforming uses, and whether the requirements for the mandatory cessation of non-conforming uses should be clarified and made more liberal in favor of property owners' rights. The ZPA heard testimony regarding this matter and deliberated on it. [1TR. p. 12, 20, 38-49, 114-116, 120-130, 158-160] As reflected in **Exhibit D**, the ZPA recommends that the amortization of non-conforming uses be modified as set forth therein.

5. Zoning Application Fees.

The ZPA considered whether zoning application fees should be set at a standard \$250, regardless of application type, given that the Village has mandatory professional fees recovery. The ZPA also considered whether the costs of renting audio visual equipment should be paid by the Village or the person requesting it. The ZPA heard testimony regarding this matter and deliberated on it. [1TR. p. 20, 49-53, 130-131] As reflected in **Exhibit D**, the ZPA recommends that all zoning application fees be set at \$250, and that the costs of audio visual equipment be paid by the person requesting it.

6. Time Limit For Appeal From Zoning Administrator's Decision.

The ZPA considered whether a reference to the 45 day time limit for appeals from a decision of the Zoning Administrator should be added to the Zoning Ordinance, and whether the Village should post zoning application on the Village's website and email applications to an email list maintained by the Village. The ZPA heard testimony regarding this matter and deliberated on it. [1TR. p. 53-56, 131-132] As reflected in **Exhibit D**, the ZPA recommends that a reference to the 45 day time limit be added to the Zoning Ordinance, and that zoning applications be posted on the Village's website and sent to recipients of an email list maintained by the Village.

7. Variations For Places Of Public Assembly With Existing Special Use Permits.

The ZPA decided to table the issue of variations for places of public assembly with existing special use permits and to not address this issue at this time. The ZPA will take up this issue if and when an application is filed requesting a text amendment related thereto. [1TR. p. 56-57]

8. Horses and Large Stable Requirements.

The ZPA spent a considerable amount of time determining whether and how the Zoning Ordinance's treatment of horses and large stables should be changed. The ZPA heard extensive testimony regarding these matters and deliberated on it at length. [1TR. p. 20-21, 26, 39-44, 57-113, 132-166; 2TR. p. 9-58; 3TR. p. 12-74, 81-94, 99-108] As reflected in **Exhibit D**, the ZPA recommends (i) that the Village prohibit new large stables from being established, (ii) that the Village clean-up its current regulations on horses by removing references to "horse ranching," "semiprivate stables," (iii) regulations on manure and bedding be updated to require screening and that the Village Board study and regulate composting of horse manure and bedding, (iv) that no more than 5 horses be allowed on a lot, except for holders of special use permits, (v) that horses only be allowed on lots on which an occupant is a resident, except for holders of special use permits, (vi) that existing large stable special use permit holders be prohibited from expanding their horse-related uses and structures going forward, (vii) that an adequate number of fire extinguishers be kept in large stables, (viii) that the Village Board consider a licensing requirement for operators of large stables, and so on.

9. Definition Of Commercial Use And Regulations On Commercial Use In Residential Districts.

The ZPA considered whether commercial uses should be defined and regulated. The ZPA heard testimony regarding this matter and deliberated on it. [1TR. p. 20; TR3. p. 94-99] As reflected in **Exhibit D**, the ZPA recommends that "commercial use" be defined and prohibited in all residential districts, except as otherwise permitted.

10. Increase In Maximum Accessory Structure Size Without A Special Use Permit.

The ZPA decided to table the issue of increasing the maximum accessory structure that may be built without a special use permit.

11. Move Requirements From Sections 15.105 and 15.106 Into The Zoning Districts Chapters.

As reflected in **Exhibit D**, the ZPA recommends that requirements from Sections 15.105 and 15.106 of the Zoning Ordinance be moved and inserted into the relevant Zoning District Chapters of the Zoning Ordinance.

12. Add A "Use It Or Lose It" Requirement For Special Uses.

The ZPA considered whether special use permits should have an automatic expiration period, also known as a "use it or lose it" requirement. The ZPA heard testimony regarding this matter and deliberated on it. [1TR. p. 12; TR3. p. 74-79] As reflected in **Exhibit D**, the ZPA recommends that special use permits expire on the timelines set forth therein, and with the Village President and Board of Trustees having the discretion to grant extensions to the timelines if good cause is shown.

13. Height Of Structures In The R-1 And R-2 Zoning Districts.

The ZPA considered whether the height of structures in the R-1 and R-2 Zoning Districts should be changed. The ZPA heard testimony regarding this matter and deliberated on it. [1TR. p. 12, 29, 30, 32; 2TR. P. 52-53] As reflected in **Exhibit D**, the ZPA recommends that the maximum

height of principal buildings and structures be lowered from 45' to 40', and that a maximum height for accessory structures of 25' be made.

Recommendations

After deliberation, it is the unanimous recommendation of the Zoning, Planning and Appeals Commission members present [Pursuant to a 7-0 vote taken on November 7, 2017: Commissioners Clark, Hirsch, Leonard, Meluso, Murphy, and Pickell, and the undersigned Chairman Krusinski voting aye] is that the President and Board of Trustees of the Village of Mettawa amend the text of the Zoning Ordinance as set forth in Exhibit D, with insertions underlined and deletions struck through.

Respectfully submitted,

ZONING, PLANNING, AND APPEALS COMMISSION
VILLAGE OF METTAWA


Joseph Krusinski, Chairman

Dated: 1/11-2018