

**HELD ON JUNE 18, 2024, IN THE CITY COUNCIL CHAMBERS
204 PULASKI ROAD, CALUMET CITY, ILLINOIS**

ROLL CALL

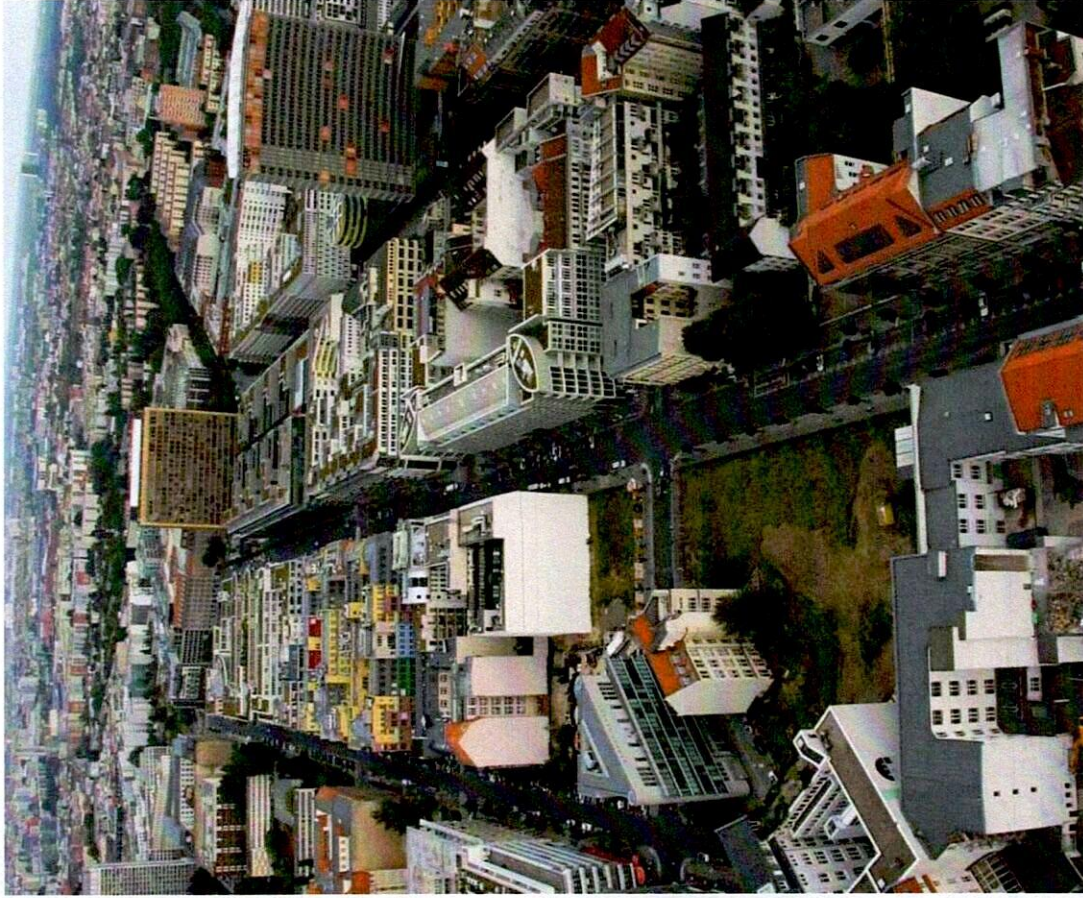
ABSENT: 0 ALDERMEN: NONE

CALL TO ORDER The Zoning Board was called to order at 6:12 p.m. by Board President Wosczyński.

ABSENT: 2 BOARD MEMBERS: Nykowski, Cavalier

Building and Zoning Presentation Attorney Marissa Spencer presented on the Open Meeting Act, Municipal Planning and Zoning, and the Illinois Municipal Code. Attorney Spencer presented on the Building and Zoning rules, guidelines and procedures.

Special Meeting June 18, 2024



Planning & Zoning Basics

Marissa Spencer

Peterson, Johnson & Murray

Illinois Open Meetings Act 5 ILCS 120/1 et. seq.

Sec. 1. Policy. It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that **the actions of public bodies be taken openly and that their deliberations be conducted openly.**

The General Assembly further declares it to be the public policy of this State that its **citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way.** Exceptions to the public's right to attend exist only in those limited circumstances where the General Assembly has specifically determined that the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

To implement this policy, the General Assembly declares:

- (1) it is the intent of this Act to protect the citizen's right to know; and
- (2) the provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

5 ILCS 120/1, emphasis added.

5 ILCS 120/1.02

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

5 ILCS 120/1.02

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities and Services Review Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act, an ethics commission acting under the State Officials and Employees Ethics Act, a regional youth advisory board or the Statewide Youth Advisory Board established under the Department of Children and Family Services Statewide Youth Advisory Board Act, or the Illinois Independent Tax Tribunal.

Illinois Open Meetings Act

BASICS



Post schedule of meetings

Must annually post schedule of regular meetings at the beginning of each calendar or fiscal year



Public comment

Public bodies must allow time for public comment at meetings



Post Agendas

Agendas must be posted at least 48 hours in advance of meetings, at the location and online



Final Action

All final action must be in open session



Training

Members of the public body must complete training within 90 days of taking oath or assuming duties



Post IMRF Compensation

Within six days of approving a budget, you must post IMRF compensation packages

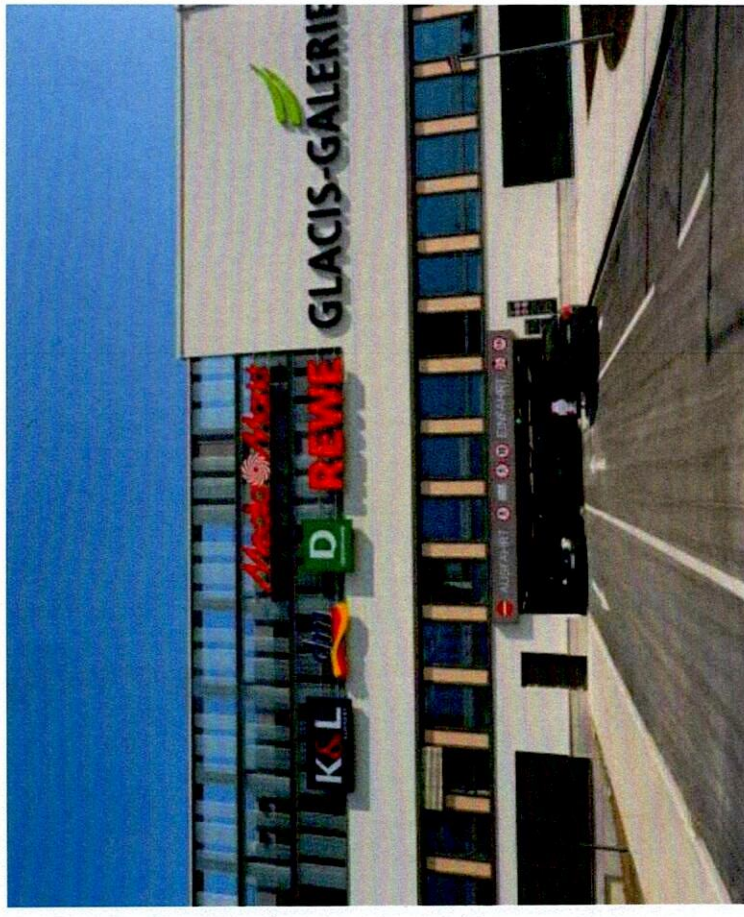
The Illinois Open Meetings Act aims to ensure transparency in government by requiring public bodies to hold open meetings.

Municipal Planning & Zoning

- Authority comes from:
 - Illinois Municipal Code
 - Illinois Constitution
- Calumet City's Development Regulations:
 - City Building Code
 - City Zoning Code
 - City's Zoning Map
- When establishing Development regulations, consider:
 - Land Use, Environment, Public Facilities, private utilities, Transportation, Historic Preservation, urban design, Housing, Economic Development, Sustainability

Purpose of Regulations

- Health, safety, welfare of the Community
- Community character & economic development
- Objective codes applied consistently
- Predictable, fair, timely process



Section 12.5 of the Zoning Ordinance (Appendix B, Article XII, Section 12.5)

Jurisdiction.

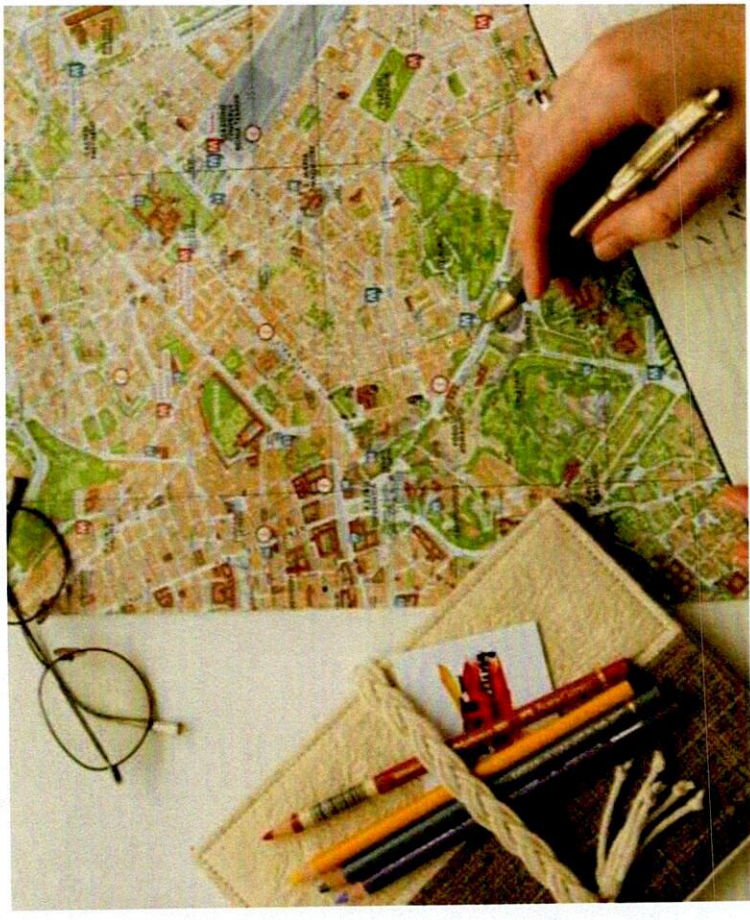
- (a) To hear and decide **appeals** from any order, requirement, decision or determination made by the *zoning* administrator under this ordinance;
- (b) To hear applications for **variations** from the terms provided in this *zoning* ordinance in the manner prescribed by, and subject to, the standards established herein, and make recommendations to the city council regarding such applications.
- (c) To review and make recommendations to the city council on certain **proposed site plans** and **landscape plans** in accord with subsection 12.9 and 12.10 of this ordinance.

Section 12.5 of the Zoning Ordinance Cont.
(Appendix B, Article XII, Section 12.5)

Purpose. The *zoning board* of appeals, after a public hearing, **may recommend that the city council vary the regulations of this ordinance** in harmony with their general purpose and intent, **only in the specific instances hereinafter set forth and only where the board of appeals made findings of fact in accordance with the standards** hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of **carrying out the strict letter of the regulations of this ordinance.**

Role of Zoning Board of Appeals

- Zoning Amendments
- Variance Requests
- Special Use Petitions
- Building Board of Appeals
- Appeals regarding deconversion decisions
- Preliminary approval of new plats of subdivisions



Standards for Variations.

The *zoning board* of appeals shall not recommend a variance in the regulations of this ordinance, unless it shall make findings based upon the evidence presented to it in each specific case that each and all the standards for hardships set forth in the Illinois Municipal Code are complied with and specifically that:

(a) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were carried out.

(b) The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same *zoning* classification.

(c) The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.

(d) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. (e) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Authorized variation.

The *zoning board of appeals* shall not recommend a variance in the regulations of this ordinance, unless it shall make findings based upon the evidence presented to it in each specific case that each and all the standards for hardships set forth in the Illinois Municipal Code are complied with and specifically that:

(a) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if a strict letter of regulations were carried out.

(b) The conditions upon which the petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.

(c) The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.

(d) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(e) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Special Use Standards

No special use shall be recommended by the *zoning board* of appeals unless said *zoning board* of appeals shall find:

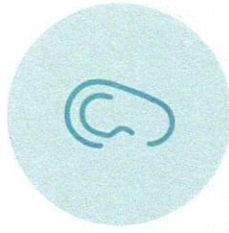
- (a) That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- (b) That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (c) That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (d) That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided;
- (e) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets;
- (f) That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of the *zoning board* of appeals.

(General) Standards for Planned Use Development

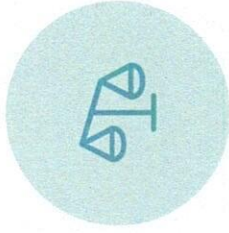
Standards. No planned development shall be authorized by the city council unless the plan commission shall find and recommend, in addition to those standards established herein for special uses, that the following standards will be met:

- (1) The uses permitted by such exceptions as may be requested or recommended are necessary or desirable and appropriate to the purpose of the development.
- (2) The uses permitted in such development are not of such nature or so located as to exercise an undue detrimental influence or effect upon the surrounding neighborhood.
- (3) That any industrial park areas established in the planned development conform to all requirements therefore as set forth elsewhere in this ordinance.
- (4) That all minimum requirements pertaining to commercial, residential, institutional, or other uses established in the planned development shall be subject to the requirements for each individual classification as established elsewhere in this ordinance, except as may be specifically varied in the ordinance granting and establishing a planned development use.
- (5) When private streets and common driveways are made a part of the planned development or private common open space or recreation facilities are provided, the applicant shall submit as part of the application, the method and arrangement whereby these private facilities shall be operated and maintained. Such arrangements for operating and maintaining private facilities shall be subject to the approval of the mayor and city council.

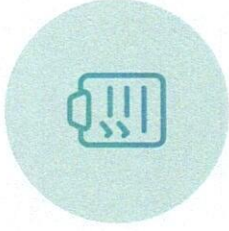
The Hearing Process



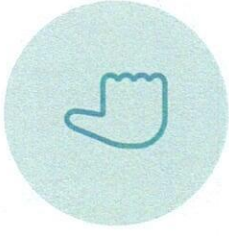
Listen to the Evidence



Weigh the Evidence



Make Findings of Fact



Vote/Make a
Recommendation

Listen to the Evidence

- Public Comment
- Sworn Testimony of Applicant
- Staff Testimony
- Application (plats, maps, documents, drawings)



Weigh the Evidence



- Public comment or sworn testimony
- Source of information
 - Blog
 - Scientific Study
 - Hypotheticals
 - Opinions
 - Facts
- Does it relate to a standard?
- Beware of irrelevant information that does not relate to the standards

Questions to ask yourself when weighing the evidence:

- Is there any conflicting evidence?
- Is this a reliable source?
- Is this information relevant according to our ordinance?
- Is this opinion, speculation or fact?

Only Consider RELEVANT Evidence

- Cannot consider the type of resident for housing (low-income, rental, senior, rehab/substance abuse.)
- Your job is not to determine what the residents in that neighborhood want.
- Your job is to determine whether the application can meet the standards set out in the zoning Code.
- What residents would rather have is not relevant because that isn't what is up for review in front of the board.
- Should be considering what is best for the community; not necessarily what a neighborhood or select group of individuals wants.

Findings of Fact

- Apply facts specific to each petition to the same standards
- Using the standards set in the Code ensures all applicants are treated the same and held to the same standards.
- Helps the Board make sure decisions are consistent with the Code
- Helps reduce or eliminate bias, prejudice, emotional and personal opinions from influencing decisions.
- Provide information as to why the application was approved or denied.
- Ensures that the petition was considered on its merits
- Sets a clear record for the Board's decision/recommendation.

Drafting Findings of Fact

To ensure CONSISTENT and FAIR decisions you must:

1. Look at the relevant code/ordinance.
2. Look at the evidence.
3. Weigh the evidence.
4. Make a decision that considers the code/ordinance and is consistent with evidence presented.

Final Decision/Recommendation

- Findings of fact should guide your decision and make sure it is consistent with the code.
- Decision should consider **the best interest of the whole Calumet City community**, not just the opinion of a group, or the members present at the Hearing.



Council's Action on ZBA Recommendations

After reviewing the application, transcript of the Hearing and the ZBA's findings of facts and recommendations, the City Council may:

- 1) Accept the recommendation of the ZBA and therefore adopt their findings of fact.
- 2) Reject their recommendation and make their own findings of fact in order to vote against their recommendations.

Just as the ZBA has to make findings of fact to support their decision, so does the City Council.

Special Use Conditions & Guarantees

Prior to granting any special use, the mayor and city council shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of a special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and required requirements specified herein, or as may be from time to time required. In all cases in which special uses are granted, the mayor and city council shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

Petition for Zoning Amendment

Within forty-five (45) days after the close of the hearing on a proposed amendment, the *zoning board* of appeals shall make written findings of fact and shall submit same, together with its recommendations to the mayor and city council. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the ZBA shall make findings based upon the evidence presented with respect to the following matters:

- (1) Existing uses of property within the general area of the property in question;
- (2) The *zoning* classification of property within the general area of the property in question;
- (3) The suitability of the property in question to the uses permitted under the existing *zoning* classification; and
- (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present *zoning* classification.

Ethics Basics

- Conduct yourself in a professional manner
- Do not talk to Petitioners outside of the Hearing
- Listen to the evidence, do not consider your personal biases or prejudices
- Uphold your duty to serve the public interest
- Do not accept gifts from petitioners/applicants which are meant to influence your decision
- Do not participate in hearings which you have an interest, potential benefit, or possible conflict of interest
- If you have any questions don't hesitate to ask staff
- File your annual disclosure statement (required by law)



Marissa Spencer

m Spencer@pjmlaw.com

Motion for Closed Session

Alderman Williams moved, seconded by Alderman Patton to enter into executive session at 6:41 p.m.

Motion for Closed Session

Board Member Wosczynski moved, seconded by Board Member Walker to enter into executive session at 6:41 p.m.

MOTION CARRIED

Executive Session

The city council and zoning board members met in executive session from 6:41 p.m. to 6:56 p.m.

Return to Regular Order

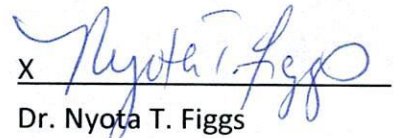
Alderman Patton moved, seconded by Alderwoman Williams to return to the regular order of business at 6:56 p.m.

MOTION CARRIED

Adjournment

Alderman Patton moved to adjourn, seconded by Alderman Williams at 6:56 p.m.

MOTION CARRIED

X 

Dr. Nyota T. Figgs

City Clerk