

AGENDA
PARK FOREST PLANNING AND ZONING COMMISSION

Park Forest Village Hall
Board Room

7:00 P.M.

TUESDAY
October 25, 2022

1. Planning and Zoning Commission Call to Order
2. Review of Minutes
 - a. September 13, 2022, Regular Planning and Zoning Commission Meeting
3. Petitions - None
4. Audience to Visitors
5. New Business
 - a. Public Hearing: Text Amendment to Table III-2-A. (Use Table), Section III-3 (Use Standards), and Section XII-2 (Definition of Terms) to the UDO to define and permit Retail Tobacco Store and Smoking Lounges within C-2 and C-3 zoning districts with use standards.
 - b. Public Hearing: Text Amendment to Section XII-2 (Definition of Terms) to the UDO to define Drive-Through Facility in combination with Gas Station.
6. Old Business
 - a. Planning and Zoning Commission Technical Training
 - b. Code of Conduct for Planning and Zoning Commission
 - c. Sexual Harassment Prevention Training
7. Communications
 - a. Member Communications
 - b. Trustee Comments
 - c. Staff Communications
8. Adjournment

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the Village Manager's Office at least 48 hours in advance of the scheduled meeting. The Village Manager's Office can be reached via telephone at (708) 283-5605 or via email at athurston@vopf.com. Every effort will be made to allow for meeting participation.

**Park Forest
Planning and Zoning Commission Meeting Minutes
Park Forest Board Room
Tuesday, September 13, 2022**

Present: Chair Vernita Wickliffe Lewis; Vice Chair Marguerite Hutchins; Commissioners Samuel Brooks, Cynthia Burton-Prete, Denise Poston, Doug Price; Trustee Liaison Maya Hardy

Staff: Andrew Brown, Planner; Tom Mick, Village Manager

Absent: None

Visitors: Alisha

Call to Order: Meeting was called to order at 7:02 pm

Review of Minutes July 12, 2022: Within the second paragraph of page two, the sentence states “Brown wanted to make sure to all training is approved.” The second word “to” should be removed. The third paragraph of page two states “the Commission is required to sign due to the signing a previous document.” Remove the second “the” so it will read “...the Commission is required to sign due to signing a previous document...”

On page three under Member Communications the minute’s state “Burton-Prete then inquired about new zoning applications for the Commission.” Add “to review” after “Commission.” Also on page three under Trustee Comments the minute’s state “The Commission agreed that adding one more member to help be a tiebreaker.” The word “help” should be removed.

A motion was made to approve the minutes with corrections by Hutchins. Seconded by Burton-Prete. All in favor.

Petitions: None

Audience to Visitors: None. Visitor joined the meeting after Audience to Visitors was provided.

New Business:

a. Planning and Zoning Commission Sexual Harassment Training

A motion to suspend the agenda and move to item B under old business was made by Burton-Prete. Seconded by Price. All in favor.

Brown reviewed the requirement for sexual harassment prevention training. Brown stated the training will be completed online. The training program will provide a PDF certificate of training which can be printed or saved to a computer. The training will need to be completed and the certificate sent to Brown by November 30, 2022. Brown will send email instructions to the

Commission on how to log on to take the training. They can email or print the certificate of completion to him and he will submit it to the Village's human resource department.

Old Business:

a. Planning and Zoning Commission Technical Training

Brown talked about the different types of training the Commission could receive. Brown stated Illinois American Planning Association could provide a two and a half hour training seminar. The cost is \$500.00. If the Commission wanted to add a land use attorney to participate in the training, it will cost an additional \$500.00. Brown mentioned the Planning and Zoning Commissioners could join Commissioners from Economic Development and Advisory Group (EDAG) and receive the training together too. Brown also gave the option of having the South Suburban Land Bank and Development Authority (SSLBDA) attorney come in and talk to the commission about what they do in Park Forest and the south suburbs.

All of the Commissioners expressed interest in the SSLBDA to provide an overview of their services in the south suburbs and in Park Forest. The Commission said there was potential for a joint meeting with EDAG. Brown stated he will begin coordination to have a meeting with the SSLBDA in October or November.

b. Code of Conduct for Planning and Zoning Commission

The floor was handed over to Manager Mick to review the code of conduct volunteer commissioners are being asked to sign. Mick and Brown could not find any code of conduct filed by the previous Planner, Kingma. Mick provided an overview and some background about the code of conduct to provide clarity on why it was developed. Mick stated it was developed to eliminate people from using excuses like "I didn't know the rules." Mick then highlighted main points from the code of conduct.

Commissioners expressed some concerns and ask questions for clarity. Price stated that any commission member serves at the pleasure of the Board of Trustees and commissioners were appointed by the Village. However, Price wanted to know the Village's authority to remove a volunteer commissioner if they were to violate the rules and Price asked if any further authority is given to the Village by signing the code of conduct? Mick stated the Village already has the authority to remove any volunteer commissioner and the Mayor, at his discretion, can dismiss a commissioner. The code of conduct does not give additional authority to the Village, but it does describe expectations for volunteer commissioners so that they cannot say they weren't aware.

Burton-Prete inquired about who will be "policing" those volunteers who are not meeting code of conduct requirements? Mick stated the Trustee Liaison, Staff Liaison, and the Commission Chair will be in charge of enforcing the code of conduct. These people will know when someone has overstepped.

Wickliffe Lewis asked what due process rights are for an individual who is being recommended for dismissal. Mick stated that there is a Local Volunteer Board Removal Act that is already in

place. If there was a situation, the Village Board would first look at when it happened and how soon the term of the offender ends. If their term is almost up, they will not be reappointed. If they have six (6) months or more on their term, information will be gathered to determine immediate removal for said commissioner.

Communications:

- a. **Member Communications:** Burton-Prete gave an update on the last DownTown Master Plan meeting. Burton-Prete gave an update about the Forest Preserve event “Party in the Preserves” from 11:00 am to 3:00 pm on September 24, 2022. The announcement was not in the Village water bill but was placed on the Village’s website and the Cook County Forest Preserve Board website. However, not much detail was given. Brooks asked about a company who made a deposit on land in the DownTown to build an apartment building. Brown stated that they will have to go through a special use permit to develop it. They are still working on the application.
- b. **Trustee Comments:** Hardy explained that Trustee Graham’s grandmother recently passed away. The services occurred the previous Saturday. The Art Fair will be this weekend from 10:00 am to 5:00 pm on Saturday and Sunday in DownTown Park Forest. A Tuskegee Airman display will be at Prairie State College from September 14-18, 2022. The Village is going to have a community wide garage sale September 24-25, 2022. If residents would like to participate they just need to register with the Village. Lastly, Hardy stated that Fire Prevention week will be October 10-14, 2022.
- c. **Staff Communications:** No developments applications have been submitted yet. The Aging in Place strategic guide for seniors was finalized. Since CMAP developed it, the Village did not incur any cost. The guide will be available online. The Board approved the sale of 182 Washington and 307 Neola. The Village received 13 offers for 307 Neola and four (4) for 182 Washington.

Adjournment: A motion to adjourn was made by Burton-Prete, seconded by Hutchins. All in favor. The meeting was adjourned at 8:59 pm.

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Andrew Brown, AICP
Planner

DATE: October 18, 2022

RE: NEW BUSINESS – Planning & Zoning Commission Meeting October 25, 2022 Public Hearing to consider a Text Amendment to Table III-2-A. (Use Table), Section III-3 (Use Standards), and Section XII-2 (Definition of Terms) of the Unified Development Ordinance

Background

Tobacco Shops are referred to in the in the December 11, 2017, version of the Uniform Development Ordinance (UDO), Section XII-2 (Definition of Terms) to better define a “Retail Goods Establishment” (see page 353). However, “Tobacco Shops” are not defined in the UDO, are not included in Table III-2-A - Use Table, and subsequently do not have Use Standards which would be found in Section XII-2. Further, the term “Tobacco Shop” is not a referenced phrase in Village’s Code of Ordinances. Instead, the phrase “Retail Tobacco Store” is used.

Retail tobacco store is defined in Chapter 50, Health and Sanitation, Article III. Smoking, Section 50-98, Definitions as “any retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental and where no one under 18 is permitted.”

Retail tobacco dealers are defined in Chapter 22, Business, Article II Business Registration Certificates, Division 11, Section 22-401, as “any person selling, offering for sale, exposing for sale, or keeping with the intention of selling or exchanging at retail cigarettes or tobacco in any form or any alternative nicotine product or electronic cigarette.” Section 22-402 also requires a retail tobacco dealer to apply for a tobacco license through the village clerk.

While smoking is prohibited in public places, it is allowed in the following areas:

- 1) Private residences or a home-based business of any kind open to the public except when used as a licensed childcare, adult day care facility or health care facility.
- 2) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms provided, however, that not more than 25 percent of the rooms rented to guests in a hotel or motel may be so designated.
- 3) Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed or to remain, as the case may be, in a room where smoking is permitted.
- 4) Private clubs or lodges

For more context, the process to become a licensed tobacco dealer is as follows: applicants pay a \$75 fee and complete an application packet. They must have a valid business registration. Once this is completed – *and pending a complete packet* - the Department of Economic Development and Planning provides the applicant their tobacco license. Currently, five tobacco licenses are active in Park Forest.

Public Hearing Requirements

As required by the UDO, notice of this public hearing was published in the *Daily Southtown Newspaper* on October 9, 2022. No other notice is required for text amendments. Any additional comments received prior to the Public Hearing will be reported at the Planning and Zoning Commission meeting.

This request is being considered by the Planning and Zoning Commission pursuant to Article VIII-3.E. of the UDO (Zoning Text and Map Amendments), which provides that the Planning and Zoning Commission shall hold public hearings on all requests for text amendments and shall make its recommendations to the Board of Trustees. A text amendment may be granted by the Board only after the Planning and Zoning Commission and the Village Board have evaluated the application and made specific written findings based on the Standards for Zoning Amendments established by Article VIII-3.E.3.

The required standards for zoning amendments are noted below, and a worksheet has been attached to assist the Planning and Zoning Commission in drafting its findings related to the requested amendment. Note that these standards are written to apply to both text and map amendments, and the standard for a recommendation for approval is “based on a balance of the standards”. This is a lower standard than that established for a recommendation for approval of a variation, which is “based on each of the standards”.

- a) The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
- b) The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.
- c) The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.
- d) The proposed amendment makes it more feasible to develop property relative to the present zoning classification of the property.
- e) The proposed amendment addresses the community need for a specific use.
- f) The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
- g) The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities.
- h) The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, this Unified Development Ordinance, and the other land use policies of the Village.

Proposed Text Amendment

The proposed text amendment will amend three parts of the UDO: Section XII-2 (Definition of Terms), Section III-3 (Use Standards); and Table III-2-A (Use Table). These are purposefully introduced in a reverse order to encourage a foundation of the definition of the use prior to describing proposed Use Standards and permitted Zoning Districts

Definition of Terms

The proposed text amendment will remove the phrase Tobacco Shop within the Definition of Terms and instead introduce and define Retail Tobacco Store and Smoking Lounge. This change is to better align this use with other parts of the Village Code of Ordinances where the phrase retail tobacco store is used. This will reduce ambiguity between terms and the need for interpretation by Village Staff or Elected Officials.

The definition of Retail Tobacco Store is proposed as follows: “A retail establishment that derives more than eighty (80) percent of its gross revenue from the sale of loose tobacco and cigars, cigarettes, pipes, electronic cigarettes, electronic hookahs, and other smoking devices for burning and/or heating tobacco and related smoking accessories and in which the sale of other products is merely incidental. Retail Tobacco Store does not include a tobacco department or section of a Retail Goods Establishment, grocery store, clothing store, jewelry store, appliance store, electronics store, furniture store, office supply store, bookstore, or sporting goods store. A “Retail Tobacco Store” does not include “Adult Use,” “Medical Marijuana Dispensary,” or any establishment with any type of liquor, food, or restaurant license.”

The definition of Smoking Lounge is proposed as follows: “A business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances, including but not limited to establishments known variously as cigar lounges, tobacco clubs, tobacco bars, etc. [collectively referred to as "smoking lounge(s)"]. A “Smoking Lounge” must derive eighty (80) percent of its gross revenue from the sale of loose tobacco, cigars, cigarettes, pipes, and other smoking devices for the explicit burning of tobacco and related smoking accessories and in which the sale of other products is merely incidental. Hookah bars, hookah cafes, hookah lounges, and cannabis cafes are not included in this definition.”

Use Standards

This text amendment will also define Use Standards for Retail Tobacco Stores and Smoking Lounges within Section III-3. Use Standards for Retail Tobacco Stores and Smoking Lounges would prohibit the location of these uses within 100 feet of the property line of a pre-existing public or private preschool or elementary school, a public or private secondary school, a day care center, or a day care home. Additionally, Smoking Lounges should be developed and/or built in a manner that neutralizes or eliminates any odor or smoke from leaving the property and/or premises.

Use Table

These two uses would be permitted within C-2 Mixed-Use Commercial Districts and C-3 Corridor Commercial Districts.

The following is the specific text amendment proposed and how it may appear. Underlined language is proposed to be added.

* * * *

Article III: Uses

§ III-2 Use Table

- A. Use Table. Table III-2-A. Use Table establishes the uses allowed in each zoning district. Each use is given one of the following designations for each zoning district.
1. Permitted Use (“P”). A “P” indicates that the use is allowed by right within the designated district provided that it meets all applicable use standards set forth in § III-3 (Use Standards).
 2. Special Use (“S”). An “S” indicates that the use requires the approval of a special use permit (refer to § VIII-3.C (Special Use Permit)) in order to be allowed within the designated district provided that it meets all applicable use standards set forth in § III-3 (Use Standards).
 3. No Designation. The absence of a letter (a blank space) or the absence of the use from the table indicates that the use is not allowed within the designated district.
- B. Use Standards. Uses that are designated as “Permitted Uses” or “Special Uses” may have use standards that must be met, as established in § III-3 (Use Standards).

Table III-2-A. Use Table

Commercial	C-1	C-2	C-3	M	R-1	R-2	R-3	R-4	
Retail Tobacco Store		<u>P</u>	<u>P</u>						See § III-3.EE
Smoking Lounge		<u>P</u>	<u>P</u>						See § III-3.FF

§ III-3 Use Standards

The following standards apply to uses as designated in the “Use Standards” column of Table III-2-A. Use Table.

EE. Retail Tobacco Store

1. Location. No retail tobacco store may be located within 100 feet of the property line of a pre-existing public or private preschool or elementary school, a public or private secondary school, a day care center, or a day care home for persons under the age of 18 years (“protected uses”). In multi-tenant buildings, the property line is defined as the building walls of the protected use, including any outdoor area set aside for the protected use.
2. Sales. Licensed dealer must provide annual sales and percentage of sales derived from the sale of loose tobacco, cigars, cigarette, pipes, et cetera.

FF. Smoking Lounge

1. Location.
 - a. No smoking lounge may be located within 100 feet of the property line of a pre-existing public or private preschool or elementary school, a public or private secondary school, a day care center, or a day care home for persons under the age of 18 years (“protected uses”). In multi-tenant buildings, the property line is defined as the building walls of the protected use, including any outdoor area set aside for the protected use.
 - b. No entrance shall be located within 15 feet of any entrance to an enclosed area in which smoking is prohibited.
2. Sales. Licensed dealer must provide annual sales and percentage of sales derived from the sale of loose tobacco, cigars, cigarette, pipes, et cetera.

3. On-Site Consumption. On-site consumption of tobacco products may occur if the business is in good standing with a valid business registration and valid tobacco dealer license. Building codes for proper ventilation must be followed. All efforts should be made by the smoking lounge operator to neutralize odor and smoke from leaving the premises.

Article XII: Definitions

§XII-2 Definition of Terms

Retail Tobacco Store: A retail establishment that derives more than eighty (80) percent of its gross revenue from the sale of loose tobacco and cigars, cigarettes, pipes, electronic cigarettes, electronic hookahs, and other smoking devices for burning and/or heating tobacco and related smoking accessories and in which the sale of other products is merely incidental. Retail Tobacco Store does not include a tobacco department or section of a Retail Goods Establishment, grocery store, clothing store, jewelry store, appliance store, electronics store, furniture store, office supply store, bookstore, or sporting goods store. A “Retail Tobacco Store” does not include “Adult Use,” “Medical Marijuana Dispensary,” or any establishment with any type of liquor, food, or restaurant license.

Smoking Lounge: A business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances, including but not limited to establishments known variously as cigar lounges, tobacco clubs, tobacco bars, etc. [collectively referred to as "smoking lounge(s)"]. A “Smoking Lounge” must derive eighty (80) percent of its gross revenue from the sale of loose tobacco, cigars, cigarettes, pipes, and other smoking devices for the explicit burning of tobacco and related smoking accessories and in which the sale of other products is merely incidental. Hookah bars, hookah cafes, hookah lounges, and cannabis cafes are not included in this definition.

* * * *

Staff Recommendation

Staff recommends approval of the text amendments related to Table III-2-A. (Use Table), Section III-3 (Use Standards), and Section XII-2 (Definition of Terms) of the Unified Development Ordinance.

Planning and Zoning Commission Action

After conducting the public hearing, the Planning and Zoning Commission is asked to consider this proposal for a Text Amendment to Table III-2-A. (Use Table), Section III-3 (Use Standards), and Section XII-2 (Definition of Terms) of the Unified Development Ordinance, and make a recommendation to the Board of Trustees on this proposal.

**ZONING TEXT AND MAP AMENDMENT
STANDARDS FOR ZONING AMENDMENTS
WORKSHEET**

The Unified Development Ordinance requires that the Zoning Administrator, the Planning and Zoning Commission, and the Board of Trustees evaluate requests for zoning amendments based on a balance of the Standards established by the Ordinance. This worksheet is provided to assist the Planning and Zoning Commission with drafting a response to each of the standards for text amendments that will be sent to the Board of Trustees with a recommendation on the requested amendment. The standards are as follows:

1. *The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.*

2. *The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.*

3. *The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.*

4. *The proposed amendment makes it more feasible to develop property relative to the present zoning classification of the property.*

5. *The proposed amendment addresses the community need for a specific use.*

6. *The proposed amendment corrects an error, adds clarification, or reflects a change in policy.*

7. *The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities.*

8. *The proposed amendment is consistent with the intent of the elements of the Comprehensive Plan, the UDO, and other land use policies of the Village.*

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Andrew Brown, AICP
Planner

DATE: October 18, 2022

RE: NEW BUSINESS – Planning & Zoning Commission Meeting October 25, 2022 Public Hearing to consider a Text Amendment to Section XII-2 (Definition of Terms) of the Unified Development Ordinance

Background

A drive-through facility is permitted in C-3 zoning districts within the Unified Development Ordinance (UDO). Additionally, gas stations are permitted in C-3 zoning districts and can be permitted within C-2 zoning districts through a special use permit. Each of these uses are permitted provided the developments meet use standards found in article III-3.I and article III-3.J. The use standards do not separate or state these use cannot be combined.

The UDO defines drive-through facilities as follows “A facility used to provide products or services through a window, attendant, or automated machine to people in motor vehicles. A “Drive-Through Facility” may be established in combination with other uses, such as a “Financial Institution,” “Personal Services Establishment,” “Restaurant,” or “Retail Goods Establishment.” A “Drive-Through Facility” shall not be considered to be established in combination with a “Car Wash,” “Gas Station,” or “Motor Vehicle Repair and/or Service.”

The UDO defines gas station’s as “A business where motor vehicle fuel, including non-petroleum fuel, is stored and dispensed from fixed equipment into motor vehicles. “Gas Station” does not include “Motor Vehicle Repair and/or Service.”

Through the definition of drive-through facilities the UDO prohibits the combination of a gas station and a drive-through. Yet, this distinction is not made in the use standards for either use or made in the definition of a gas station. The combination of these circumstances makes it seem that prohibiting gas stations to be developed in combination with drive-through facilities was made in error.

The frequency of developers finding value in the combination of drive-through facilities with gas stations is on the rise. Developers are finding that the combination of car-centric uses make the use of their developments more efficient for users and thereby more valuable.

The combination of these uses would increase the intensity of land use. However, this increase must occur on corner lots due to gas station use standard requirements. The increase in the intensity of use for a corner lot zoned as C-3 makes sense from a land use perspective and for a resident or Village visitor. Combining these two uses makes land use more efficient and is already permitted through the UDO use table as both uses are permitted in C-3 zoning districts.

Whether the definition of a drive-through facility was made purposefully or by error is irrelevant to this text amendment. Allowing the combination of these uses would allow for a more efficient use of land where the Village would like to see more intense uses - corner lots.

Public Hearing Requirements

As required by the UDO, notice of this public hearing was published in the *Daily Southtown Newspaper* on October 9, 2022. No other notice is required for text amendments. Any additional comments received prior to the Public Hearing will be reported at the Planning and Zoning Commission meeting.

This request is being considered by the Planning and Zoning Commission pursuant to Article VIII-3.E. of the UDO (Zoning Text and Map Amendments), which provides that the Planning and Zoning Commission shall hold public hearings on all requests for text amendments and shall make its recommendations to the Board of Trustees. A text amendment may be granted by the Board only after the Planning and Zoning Commission and the Village Board have evaluated the application and made specific written findings based on the Standards for Zoning Amendments established by Article VIII-3.E.3.

The required standards for zoning amendments are noted below, and a worksheet has been attached to assist the Planning and Zoning Commission in drafting its findings related to the requested amendment. Note that these standards are written to apply to both text and map amendments, and the standard for a recommendation for approval is “based on a balance of the standards”. This is a lower standard than that established for a recommendation for approval of a variation, which is “based on each of the standards”.

- a) The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
- b) The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.
- c) The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.
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- e) The proposed amendment addresses the community need for a specific use.
- f) The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
- g) The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities.
- h) The proposed variation is consistent with the intent of the elements of the Comprehensive Plan, this Unified Development Ordinance, and the other land use policies of the Village.

Proposed Text Amendment

The proposed text amendment will amend one parts of the UDO: Section XII-2 (Definition of Terms).

Definition of Terms

The proposed text amendment will remove the phrase "Gas Station" from the definition of Drive-Through Facility. Drive-Through Facility will be defined as follows: "Drive-Through Facility: A facility used to provide products or services through a window, attendant, or automated machine to people in motor vehicles. A "Drive-Through Facility" may be established in combination with other uses, such as a "Financial Institution," "Personal Services Establishment," "Restaurant," or "Retail Goods Establishment." A "Drive-Through Facility" shall not be considered to be established in combination with a "Car Wash" or "Motor Vehicle Repair and/or Service."

The following is the specific text amendment proposed and how it may appear. Underlined language is proposed to be used as the definition for Drive-Through Facility. The phrase "Gas Station," has been removed from the definition.

* * * *

Article XII: Definitions

§XII-2 Definition of Terms

Drive-Through Facility: A facility used to provide products or services through a window, attendant, or automated machine to people in motor vehicles. A "Drive-Through Facility" may be established in combination with other uses, such as a "Financial Institution," "Personal Services Establishment," "Restaurant," or "Retail Goods Establishment." A "Drive-Through Facility" shall not be considered to be established in combination with a "Car Wash" or "Motor Vehicle Repair and/or Service."

* * * *

Staff Recommendation

Staff recommends approval of the text amendment related to XII-2 (Definition of Terms) of the Unified Development Ordinance.

Planning and Zoning Commission Action

After conducting the public hearing, the Planning and Zoning Commission is asked to consider this proposal for a Text Amendment to Section XII-2 (Definition of Terms) of the Unified Development Ordinance, and make a recommendation to the Board of Trustees on this proposal.

**ZONING TEXT AND MAP AMENDMENT
STANDARDS FOR ZONING AMENDMENTS
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- 2. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.*

- 3. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.*

- 4. The proposed amendment makes it more feasible to develop property relative to the present zoning classification of the property.*

5. *The proposed amendment addresses the community need for a specific use.*

6. *The proposed amendment corrects an error, adds clarification, or reflects a change in policy.*

7. *The proposed amendment rectifies existing nonconformities and, if so, the extent of such nonconformities.*

8. *The proposed amendment is consistent with the intent of the elements of the Comprehensive Plan, the UDO, and other land use policies of the Village.*
