

CHAPTER 4

BOARDS AND COMMISSIONS

ARTICLE I – PLAN COMMISSION

4-1-1 **ESTABLISHED.** A Plan Commission is hereby created under authority of the Illinois Compiled Statutes, Chapter 65, Sections 5/11-12-4 through 5/11-12-12.

4-1-2 **MEMBERSHIP.** The Plan Commission shall consist of **seven (7) members**; said members to be residents of the Village, appointed by the Mayor and the Village Board, on the basis of their particular fitness for their duty on the Plan Commission and subject to the approval of the Village Board.

4-1-3 **TERM OF OFFICE.** The members shall serve for a period of **five (5) years**. Vacancies shall be filled by appointment for the unexpired term only. All members of the Commission shall serve without compensation, except that if the Board deems it advisable, they may receive such compensation as provided by the Village Board by appropriation.

4-1-4 **PROCEDURE.** The Plan Commission shall elect such officers as it may deem necessary and adopt rules and regulations of organization and procedure consistent with the Village Code and State Law. The Commission shall keep written records of its proceedings. It shall be open at all times for and to the inspection of the public, and the Commission shall file an annual report with the Mayor and Village Board, setting forth its transactions and recommendations.

4-1-5 **POWERS AND DUTIES.** The Plan Commission shall have the following powers and duties:

(A) To prepare and recommend to the Village Board a comprehensive plan for the present and future development or redevelopment of the Village and contiguous unincorporated territory not more than **one and one-half (1 1/2) miles** beyond the corporate limits of the Village and not included in any other municipality. Such plan may be adopted in whole or in separate geographical or functional parts, each of which, when adopted, shall be the official comprehensive plan or part thereof of the Village. Such plan shall be advisory except as to such part thereof as has been implemented by ordinances duly enacted by the Village Board.

All requirements for public hearing, filing of notice of adoption with the County Recorder of Deeds, and filing of the plan and ordinances with the Village Clerk shall be complied with as provided for by law. To provide for the health, safety, comfort, and convenience of the inhabitants of the Village and contiguous territory, such plan or plans shall establish reasonable standards of design for subdivisions and for resubdivisions of unimproved land and of areas subject to redevelopment in respect to public improvements as herein defined and shall establish reasonable requirements governing the location, width, course, and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, street lights, parks, playgrounds, school grounds, size of lots to be used for residential purposes, storm water drainage, water supply and distribution, sanitary sewers, and sewage collection and treatment. The requirements specified herein shall become regulatory only when adopted by law.

(B) To designate land suitable for annexation to the Village and the recommended zoning classification for such land upon annexation.

(C) To recommend to the Village Board, from time to time, such changes in the comprehensive plan or any part thereof, as may be deemed necessary.

- (D) To prepare and recommend to the Village Board, from time to time, plans and/or recommendations for specific improvements in pursuance to the official comprehensive plan.
- (E) To give aid to the officials of the Village charged with the direction of projects for improvements embraced within the official plan or parts thereof, to further the making of such improvements and generally, to promote the realization of the official comprehensive plan.
- (F) To arrange and conduct any form of publicity relative to its activities for the general purpose of public understanding.
- (G) To cooperate with municipal or regional plan commissions and other agencies or groups to further the local plan program and to assure harmonious and integrated planning for the area subject to approval of the Village Board.
- (H) To exercise such other powers germane to the powers granted under authority of an act of the General Assembly of the State of Illinois, as may be conferred by the Village Board.

4-1-6 LAND SUBDIVISION OR RE-SUBDIVISION AND THE OFFICIAL MAP. At any time or times before or after the formal adoption of the official comprehensive plan by the corporate authorities, an official map may be designated by ordinance, which may consist of the whole area included within the official comprehensive plan or one or more geographical or functional parts and may include all or any part of the contiguous unincorporated area within **one and one-half (1 1/2) miles** from the corporate limits of the Village. All requirements for public hearing, filing notice of adoption with the County Recorder of Deeds and filing of the plan and ordinances, including the official map with the Clerk shall be complied with as provided for by law. No map or plat of any subdivision or re-subdivision presented for record affecting land within the corporate limits of the Village or within contiguous territory which is not more than **one and one-half (1 1/2) miles** beyond the corporate limits shall be entitled to record or shall be valid unless the subdivision shown thereon provides for standards of design and standards governing streets, alleys, public ways, ways for public service facilities, street lights, public grounds, size of lots to be used for residential purposes, and distribution, sanitary sewers, and sewage collection and treatment in conformity with the applicable requirements of the Code, including the official map. **(See 65 ILCS 5/11-12-12)**

4-1-7 IMPROVEMENTS. The Village Clerk shall furnish the Plan Commission for its consideration, a copy of all ordinances, plans and data relative to public improvements of any nature. The Plan Commission may report in relation thereto, if it deems a report necessary or advisable, for the consideration of the Village Board.

4-1-8 FURTHER PURPOSES. The Commission shall recommend the boundaries of districts for land use and shall recommend regulations to the corporate authorities for the following:

- (A) To regulate and limit the height and bulk of buildings hereafter to be erected.
- (B) To establish, regulate and limit the building or setback lines on or along the street, traffic way, drive, parkway, or storm or flood water runoff channel or basin.
- (C) To regulate and limit the intensity of the use of lot areas and to regulate and determine the area of open spaces, within and surrounding such buildings.
- (D) To classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential, and other uses.
- (E) To divide the entire municipality into districts of such number, shape, area, and of such different classes (according to use of land and buildings, height, and bulk of buildings, intensity of the use of lot area, area of open spaces, or other classification), as may be deemed best suited to carry out the purpose of this section.
- (F) To fix standards to which buildings or structures therein shall conform.
- (G) To prohibit uses, buildings, or structures incompatible with the character of such districts.
- (H) To prevent additions to and alteration or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations lawfully imposed under this Section.

4-1-9 EXPENDITURES. Expenditures of the Commission shall be at the discretion of the Village Board and if the Commission shall deem it advisable to secure technical advice or services, it shall be done upon authority of the Village Board and appropriations by the Village Board therefor. **(See 65 ILCS 5/11-12)**

ARTICLE II - ARCHITECTURAL REVIEW BOARD

4-2-1 ESTABLISHED. There is hereby established a board in and for the Village which shall be known as the Architectural Review Board.

Composition; terms; appointment; chairperson; removal; vacancies; meetings; minutes and records; votes.

(A) **Composition; terms.** The Architectural Review Board shall consist of **nine (9) members** who shall be citizens of the Village.

(B) Each member shall be appointed by the Mayor with the approval of a majority of the Village Board. Each member shall be appointed for a term of **two (2) years**, provided that of the first **nine (9) members** appointed, **three (3) members** shall have terms of **three (3) years**, **three (3) members** shall have terms of **two (2) years**, and **three (3) members** shall have a term of **one (1) year**.

(C) Members may be removed without cause at the will of the Mayor with the consent of a majority of the Village Board.

(D) The Board shall select from its membership a chairperson, vice-chairperson, secretary and such other officers as it may deem proper. These officers shall serve a **one (1) year** term.

(E) Vacancies shall be filled, for the unexpired term of any member whose position becomes vacant, by appointment by the Mayor with the approval of a majority of the Village Board.

(F) Meetings of the Board shall be held at the call of the Chairperson. **Five (5) members** shall constitute a quorum, and, in the absence of the chairperson, the vice-chairperson shall officiate meetings. All meetings of the Board shall be open to the public.

(G) The Board shall keep minutes of its proceedings showing the vote of each member upon each questions, or if absent or failing to vote, indicating such fact. The Board shall keep records of all its actions, all of which shall be filed in the office of the Village Clerk and shall be public records.

4-2-2 APPLICATIONS.

(A) Every application for a building permit for construction of any building shall be submitted to the Village for its review and approval based upon the criteria established in this Article, and upon the criteria established by the Architectural Review Board. This requirement shall not apply to:

Single-family residence; or alterations and repairs not affecting the outward appearance of a building.

(B) Each application shall be submitted with all plans, elevations, detail drawings and specifications. The application shall be in the form, and contain such additional information, as may be prescribed by regulation by the Architectural Review Board.

4-2-3 MEETING OF BOARD - APPROVAL. Within **fifteen (15) days** after a formal application shall have been referred to the Architectural Review Board, a hearing before the Board shall be held for the purpose of determining whether the proposed structure will conform to the requirements of the criteria for appearance specified herein, and to the criteria established by the Board. The criteria established by the Board must be approved by the Village Board before it becomes applicable. At the meeting the Board shall examine the plans and documents submitted with the application and shall hear the applicant and any other persons in reference thereto. If, in the opinion of a majority of the members of the Board the proposed structure will so conform, the Chairperson shall approve the application and return the same to the Village Clerk. If construction has not started within this time period a new application must be submitted.

4-2-4 DISAPPROVAL. If in the opinion of a majority of the Architectural Review Board members, the proposed structure will not conform to the requirements of the criteria for appearance specified herein, and to the criteria established by the Board, the Board shall disapprove the application and, within **five (5) days** after the disapproval, shall specify in writing the facts supporting the decision. The disapproval and supporting statement of facts shall be filed in the office of the Village Clerk and copies shall be delivered to the applicant.

4-2-5 APPEALS.
(A) The applicant may appeal a decision of the Architectural Review Board to the Village Board by filing a notice of appeal with the Village Clerk within **ten (10) days** of the date of the decision of the Board.

(B) The Village Board shall hold a hearing on the matter within **thirty (30) days** of the date of the filing of the notice of appeal with the Village Clerk. The Board shall hear testimony from the applicant or any other interested person and shall either approve or disapprove the application by a majority vote of the members voting thereon. In approving or disapproving the application the Board shall apply the criteria specified herein, and to the criteria established by the Board, in making its decision, and shall make findings of fact in support of its decision. The vote by the Board for approving or disapproving the application must be taken at the next meeting or within **three (3) weeks** whichever occurs first from the date of the hearing thereon otherwise the appeal shall be deemed upheld.

4-2-6 CRITERIA FOR APPEARANCE.

(A) **Building Design.**

- (1) Architectural style is not restricted, however, extremes of style not indigenous to the Village are not encouraged. Evaluation of appearance of a project shall be based on quality of its design and relationship to surroundings.
- (2) Buildings shall be in scale and harmonious with permanent neighboring developments.
- (3) Materials shall be in harmony with adjoining structures.
- (4) A minimum of different types of exterior wall materials should be used. Materials shall be selected for suitability to the type of building and design in which they are used.
- (5) Materials shall be of durable quality.
- (6) Exterior building components such as windows, doors, eaves, and parapets shall have balanced proportions.
- (7) All sides of a structure should receive design consideration. A facade unrelated to the rest of the building is not in keeping with acceptable design.
- (8) Colors shall be harmonious, and accents, if used, shall be compatible.
- (9) All projections and mechanical details such as louvers, exposed flashing, flues, vents, gutters and downspout are to be recognized as architectural features and are to be treated to match the color of the adjacent surface of an approved complementary color.
- (10) Mechanical equipment or other utility hardware on the roof, ground, or elevations shall, wherever possible, be located so as not to be visible from any public ways or adjacent residential areas. Where such limitation on location is not possible, the facilities shall be screened from the public view with materials harmonious with the building.
- (11) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways with materials harmonious with the building.

- (12) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual buildings may be used to prevent a monotonous appearance.
- (B) **Relationship of Buildings to Site.**
- (1) Projects shall reflect the character of the site upon which they are located. Compatibility to grade conditions, degree of exposure from passersby, the context of adjacent structures, exceptional views, tree masses, and size of the lot are some of the factors to be considered.
 - (2) The site shall be planned to accomplish a desirable transition with the streetscape, and to provide for adequate planting, safe pedestrian movement, and parking areas.
 - (3) Consideration of the appropriateness of providing setbacks and yards in excess of zoning restrictions is encouraged to enhance compatible relationships between buildings and adjacent streets.
 - (4) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms or other means so as to minimize the impact of parked vehicles on the view from public ways and adjacent residential areas.
 - (5) Fencing plans must be a part of the submittal at the earliest stages and should be consistent with the general plan for the site. Chain link fencing shall be discouraged.
 - (6) Newly installed utility services, and service revisions necessitated by exterior alternations, shall be underground.
- (C) **Relationship of Project to Adjoining Area.**
- (1) Designers shall demonstrate a harmony in texture, lines, and masses between all adjacent buildings. Monotony shall be avoided.
 - (2) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
 - (3) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, sight breaks and materials.
 - (4) Attractive landscape transition to adjoining properties shall be provided.
 - (5) Project features which may have negative impacts upon adjacent properties, such as parking lots, service entrances, loading zones, mechanical equipment, etc., shall be buffered from the adjacent properties.
- (D) **Landscape and Site Treatment.**
- (1) Modification to topography will be permitted where it contributes to good appearance.
 - (2) Each landscape plan shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, provisions for shade, energy conservation, sound absorption, dust abatement and reduction of glare.
 - (3) Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, and to provide shade.
 - (4) Unity of design shall be achieved by repetition of certain plant varieties and other materials, and by correlation with adjacent developments.
 - (5) Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants that are

- indigenous to the area and others that will be hardy, harmonious to the design, and of attractive appearance shall be used.
- (6) Parking areas and related trafficways shall be enhanced with landscaped areas, including trees or tree groupings.
 - (7) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
 - (8) Where landscaping is used as screening, it shall be equally effective in winter and summer.
 - (9) In areas where general planting will not prosper, other materials shall be used, such as: fences, walls, and pavings of wood, brick, stone, gravel, and cobbles. Suitable plants shall be combined with such materials where possible.
 - (10) Landscape screening shall be of a height and density so that it provides the full desired effect within **three (3) years** growing time.
- (E) **Signs.**
- (1) Every sign shall have appropriate scale in its design and in its visual relationship to buildings and surroundings and shall conform to the Sign Code of the Village of Valmeyer.
 - (2) Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
 - (3) The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- (F) **Lighting.**
- (1) All exterior lighting should balance the need for energy conservation with needs for safety, security and decoration.
 - (2) Where decorative exterior floodlighting is used, it shall consist of an appropriate composition of brightness relationships, textures, and restrained colors to dramatize a setting and extend the hours of the setting's usefulness. Floodlighting fixtures shall be located or shielded so that their presence is minimized.
 - (3) All exterior lighting shall be part of the architectural and landscape design concept. Fixtures, standards and all exposed accessories shall be concealed or harmonious with other project design materials.
 - (4) In general, the height of exterior lighting fixtures shall not exceed the predominant height of the principal building to which it relates.
 - (5) Exterior lighting shall not be designed to permit an adverse effect upon neighboring properties.

4-2-7 VIOLATIONS. If the Village determines that a building or structure is in violation of this Article a **Stop Order** may be issued against the violator. The Village may take further legal action as necessary to ensure the enforcement of this Article.

(Ord. No. 94-11; 05-17-94)