

**LEGAL NOTICE:
SPECIAL MEETING OF THE VILLAGE OF RIVERSIDE
PRESERVATION COMMISSION**

Notice is hereby given that the Preservation Commission of the Village of Riverside, Cook County, Illinois, will hold a **Special Meeting commencing at the hour of 9:00 a.m. on Tuesday, January 14, 2020 in Room 4 of the Riverside Township Hall**, 27 Riverside Road, Riverside, Illinois, for the purpose of reviewing a proposed text amendment to the Zoning Code related to existing gravel driveways. The Agenda for the Special Meeting follows:



**SPECIAL MEETING
A G E N D A
Tuesday, January 14, 2020 9:00 a.m.
Riverside Township Hall - Room 4
27 Riverside Rd., Riverside, IL 60546**

1. Call to Order
2. Roll Call
3. New Business:
 - a. Discussion and Recommendations to Staff and Village Board regarding a proposed Zoning Code Amendment related to existing gravel driveways.
4. Public Comment
5. Adjourn

Residents and visitors are welcome to all meetings of the Preservation Commission. Public comments are welcome on any topic related to the business of the Public Body at Regular and Special Meetings. Comments may be made at any time. Individuals who wish to comment must be recognized by the Chairperson and then speak at the podium, beginning by identifying themselves by name and address.

Any individual with a disability requiring a reasonable accommodation in order to participate in the meeting should contact Village Manager Jessica Frances at least five working days in advance of the next scheduled meeting at (708) 447-2700 ext. 254.



MEMORANDUM—COMMUNITY DEVELOPMENT DEPARTMENT

To: Chairperson Pipal & Members of the Preservation Commission
From: Sonya Abt, AICP, Community Development Director
CC: Jessica Frances, Village Manager
Re: Proposed Text Amendment Related to Existing Gravel Driveways
Date: January 9, 2020

Background

The Village has submitted an application for a zoning text amendment to amend Section 10-7-3(E) (Driveways) to revise and/or clarify permitted driveway materials and regulations related to gravel driveways and amend Section 10-10-7 (Nonconforming Residential Driveways) to revise and/or clarify conformance timelines relative to existing residential gravel driveways.

During the public hearing for a variation for 124 & 128 Barrypoint, the Planning and Zoning Commission noted that the 2005 Code provisions regarding gravel driveways were ambiguous, confusing and unclear. As part of the Commission's recommendation on this petition, the Commission members recommended to the Village Board that the intent of the Zoning Code provisions relative to gravel driveways be clarified and the Code made explicit relative to the ability to maintain gravel driveways going forward.

At the Village Board's October 17, 2019 meeting, the Trustees tabled the Barrypoint driveway variation and requested Staff prepare a text amendment relative to gravel driveways for the Planning and Zoning Commission to review and conduct a public hearing on. They requested that it be clarified that gravel driveways need to be replaced and that the text amendment should address amortization.

Staff prepared a text amendment that explicitly states that existing gravel driveways are a non-conforming driveway. It also clearly states that the only exception is decorative pea gravel driveways for homes that are designated historic landmarks and approved by the Village Board. The amendment also revises the non-conforming residential driveways section to state that residential gravel driveways, other than those authorized by 10-7-3(E)7(a)(6) (*decorative pea gravel only for homes that are designated historic landmarks and approved by the Village Board*), must be replaced with a permitted driveway material by January 31, 2023. This would provide a 3-year period to replace gravel driveways. This Proposed Text Amendment was reviewed by the Planning and Zoning Commission and a public hearing conducted at December 16, 2019 meeting.

There are currently approximately 29 existing gravel driveways in the Village. Several residents with gravel driveways were in attendance at the meeting and expressed concerns about the cost of replacing their driveways as well as the short timeframe. Some were also concerned about the aesthetics of a concrete or asphalt driveway vs. a gravel driveway saying that the concrete or asphalt driveways would have a negative impact on the historical and architectural integrity of their homes. Concern about stormwater and drainage were also expressed.



MEMORANDUM—COMMUNITY DEVELOPMENT DEPARTMENT

The Planning and Zoning Commission considered the public input and discussed various options. The Planning and Zoning Commission voted 5-0 to recommend approval of the proposed text amendments to the Village Board with certain changes outlined below:

- To allow existing gravel driveways to remain until the property is sold
- To require the gravel driveway to be replaced with an approved driveway material within one year of the sale of the property
- To require existing gravel driveways to be maintained to the existing maintenance standards
- To revise the current maintenance standards to only require edging for decorative pea gravel driveways

Recommendation

The Preservation Ordinance states that all proposed amendments to the zoning ordinance be submitted to the Preservation Commission for review and comment as to the effect of such proposal on the historic landmark designation of the Village or on the general plan of Riverside. These comments are to be submitted to the Village Board. Please review the proposed amendments and their effect, if any, on the Village's historic landmark or the general plan of Riverside.

A redline version of the proposed amendment is attached for your review and consideration.

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE VILLAGE OF RIVERSIDE ZONING ORDINANCE RELATIVE TO GRAVEL DRIVEWAYS

WHEREAS, existing provisions of the Riverside Zoning Ordinance (the “Zoning Ordinance”) include various provisions relative to gravel driveways; and

WHEREAS, a recent petition for a variation to maintain a gravel driveway in spite of language in the Zoning Ordinance suggesting all such driveways were to be removed by 2010 resulted in a Board recommendation to review and clarify the existing Zoning Ordinance provisions regarding gravel driveways; and

WHEREAS, as a result of such review, certain amendments to the text of the Zoning Ordinance relative to the ability to maintain existing gravel driveways within the Village (the “Proposed Text Amendments”) have been filed by the Village of Riverside (“Petitioner”); and

WHEREAS, the Petition has been referred to the Planning and Zoning Commission of the Village (“PZC”), and has been processed in accordance with the Village of Riverside Zoning Ordinance (“Zoning Ordinance”), as amended; and

WHEREAS, on December 16, 2019, the PZC held a public hearing on the Proposed Text Amendments pursuant to notice thereof given in the manner required by law, and, after considering all of the testimony and evidence presented at the public hearing, unanimously recommended approval of the Proposed Text Amendments, with various revisions and amendments, all as set forth in the Findings and Recommendation of the PZC in this matter (“Findings and Recommendation”), a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, the President and Board of Trustees of the Village have duly considered the Findings and Recommendation of the PZC, and all of the materials, facts and circumstances affecting the Proposed Text Amendments, as amended; and

WHEREAS, the Village of Riverside (the “Village”) is an Illinois non-home rule municipality, having all of the powers and authority granted to such municipalities pursuant to law, including the powers set forth in Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.) relative to zoning within the Village; and

WHEREAS, pursuant to the authority granted under Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1 et seq.), the President and Board of Trustees of the Village of Riverside approve the Proposed Text Amendments to the Zoning Ordinance, as amended by the PZC and set forth below, and find the adoption of the Proposed Text Amendments to be in the best interests of the Village.

BE IT ORDAINED by the President and Board of Trustees of the Village of Riverside, Cook County, Illinois, as follows:

SECTION 1: Each whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: The Board of Trustees of the Village of Riverside approve and adopt the Findings and Recommendation of the PZC and incorporate such Findings and Recommendation by reference as if fully set forth herein. A copy of the PZC Findings and Recommendation is attached hereto as **Exhibit A** and made a part hereof.

SECTION 3: Section 10-7-3 (Accessory Structures and Uses), subsections (E)(7) and (8) of the Village of Riverside Zoning Ordinance, is amended to read in its entirety as follows:

10-7-3: ACCESSORY STRUCTURES AND USES:

(E) Driveways

7. Permitted And Prohibited Driveway Materials:

(a) The following are permitted construction materials for driveways:

- (1) Asphalt.
- (2) Concrete.
- (3) Brick or decorative stamped pavers.
- (4) Permeable pavers.
- (5) Grasscrete or similar material.
- (6) Decorative pea gravel only for homes that are designated historic landmarks and approved by the village board.

(b) The following are prohibited construction materials for driveways:

(1) Dirt.

(2) Gravel (other than decorative pea gravel driveways as authorized by subsection 10-7-3(E)(7)(a)(6) above)~~(existing gravel driveways are allowed to continue subject to subsection (E)8, "Existing Residential Gravel Driveways", of this section).~~

(3) Crushed limestone.

(4) Other aggregate, except that approved for designated historic landmark homes.

8. Existing Residential Gravel Driveways:

~~(a) Existing~~All residential gravel driveways shall conform to the following maintenance standards~~are allowed to continue provided they comply with the following maintenance standards:~~

~~(a)~~ (1) The surface of the driveway or parking area shall consist of a uniform layer of gravel evenly distributed from edge to edge, and shall be free of bare spots and vegetation.

~~(b)~~ (2) The depth of the gravel layer shall be an average of two inches (2") and a minimum of one inch (1").

~~(c)~~ (3) The material used for a gravel driveway or parking area shall be crushed granite or crushed stone not more than one inch (1") in diameter, and shall not contain dirt, sticks, construction debris or other foreign material. Sand, rock powder or other similar material less than one-eighth inch ($1/8$ ") in diameter is prohibited.

~~(d)~~ (4) Decorative pea gravel driveways as authorized by subsection 10-7-3(E)(7)(a)(6) ~~Gravel driveways~~ shall be contained within steel edging or concrete or brick borders.

(b) Existing residential gravel driveways, other than decorative pea gravel driveways authorized by subsection 10-7-3(E)(7)(a)(6), are nonconforming and shall be brought into conformance when required by section 10-10-7(a).

SECTION 3: Section 10-10-7 (Nonconforming Residential Driveways) of the Village of Riverside Zoning Ordinance is amended to read in its entirety as follows:

10-10-7: NONCONFORMING RESIDENTIAL DRIVEWAYS:

(A) Nonconforming rResidential gravel driveways must, after January 2020, be replaced with a permitted driveway material listed in 10-7-3(E)(7)(a) within one (1) year of the

~~sale of the property they serve. do not conform to the maintenance standards of subsection 10-7-3(E)8, "Existing Residential Gravel Driveways", of this zoning ordinance are required to comply within five (5) years of the date hereof.~~

(B) Residential driveways located directly on a side lot line, in violation of the required side lot line setback, shall be considered a legal nonconforming use.

(C) Existing circular driveways in residential districts shall be considered a legal nonconforming use provided they comply with the provisions of subsection 10-7-3(E)6, "Limitation On Residential Curb Cuts", of this zoning ordinance.

(D) Existing residential driveways that are wider than permitted by this zoning ordinance may be reconstructed. (Ord. 2550, 12-19-2005)

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: Except as to the Zoning Ordinance Text Amendments set forth above in this Ordinance, all Chapters and Sections of the Village of Riverside Zoning Ordinance and Village Code, as amended, shall remain in full force and effect.

SECTION 7: This Ordinance shall be in full force and effect from and after its adoption, approval, and publication in the manner provided by law.

ADOPTED this _____ day of _____, 2020, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2020, and attested to by the Village Clerk this same day.

VILLAGE PRESIDENT

ATTEST:

VILLAGE CLERK

EXHIBIT A

**FINDINGS OF FACT AND RECOMMENDATION
OF THE PLANNING AND ZONING COMMISSION**

(attached)

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Cathy Haley, Clerk of the Village of Riverside, in the County of Cook and State of Illinois, do hereby certify that the attached and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE VILLAGE OF RIVERSIDE ZONING ORDINANCE RELATIVE TO GRAVEL DRIVEWAYS

which Ordinance was passed by the Board of Trustees of the Village of Riverside at a Regular Village Board Meeting on the ___ day of _____, 2020, at which meeting a quorum was present, and approved by the President of the Village of Riverside on the ___ day of _____, 2020.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Riverside was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Riverside, and that the result of said vote was as follows, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Riverside, this ___ day of _____, 2020

Village Clerk

[SEAL]