

AGENDA

Mayor

Frank A. Trilla

Village Clerk

Leroy R. Hansen

Village Trustees

Sue Berglund

Umberto Davi

Terrence Kelly

Michael Mistele

Gayle Neal

Paul Oggerino

Village Administrator

Brian Pabst

Chief of Police

Robert Schaller

Director of Finance

Carrie Dittman



REGULAR MEETING OF THE LAWS AND ORDINANCES COMMITTEE TO BE HELD ON
TUESDAY, NOVEMBER 5, 2019, AT 6:00 P.M. AT THE POLICE DEPARTMENT TRAINING
ROOM, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY,
ILLINOIS

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES – October 1, 2019 (Approve)
4. UPDATES
 - a) Alarm Notifications for Hazardous Chemicals
 - b) Definition of Cannabis in Village Code Title 5 – Police Regulation – Section 5-3-20 and 5-2-23 as it relates to the Federal Agriculture Improvement Act of 2018 and the Cannabis Regulation and Tax Act
 - c) Plan Commission Text Amendment on Video Gaming Café Uses, Restaurant Definitions and Similar and Compatible Uses
 - d) Polco Adult Use Cannabis Community Engagement Survey
5. DISCUSSION - The Definition of Attention Getting Devices in Village Code Title 9 – Zoning Regulations – Section 9-2-2 Definitions
6. DISCUSSION – Reporting Requirements for Willowbrook Companies that File Form R Tier II Reports
7. DISCUSSION – Commercial Building Material Standards - Type III Construction v. Type V Construction
8. COMMITTEE REPORTS
9. VISITOR'S BUSINESS (Public comment is limited to three minutes per person)
10. ADJOURNMENT

MINUTES OF THE REGULAR MEETING OF THE LAW AND ORDINANCES COMMITTEE OF THE VILLAGE OF WILLOWBROOK HELD ON TUESDAY, OCTOBER 1, 2019 AT 6:00PM AT THE WILLOWBROOK POLICE DEPARTMENT, 7760 QUINCY STREET, VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

Trustee Kelly called the meeting to order at 6:00 pm.

2. ROLL CALL

Those present at roll call were Trustee Kelly, Trustee Davi, Assistant Administrator Mertens, Village Attorney Bastian, and Building Official Giuntoli. Also present was Trustee Neal.

3. APPROVAL OF MINUTES

Minutes – Regular Meeting September 3, 2019

Trustee Davi made a motion to approve the minutes from the September 3, 2019 Committee meeting, seconded by Trustee Kelly. All in favor.

MOTION CARRIED

4. UPDATES

a) People v. Sterigenics Case Status:

Attorney Bastian advised that the consent decree was entered by the court. Sterigenics must deposit \$300,000 within 30 days for environmental projects as part of the consent order. Sterigenics announced, on September 30, 2019, that it will not seek reopening their Quincy Street or Midway Drive facilities. Sterigenics stated that they were not able to negotiate a lease extension on the Quincy Street location. Based on this issue and the regulatory landscape in Illinois, Sterigenics will also not pursue reopening of its second location on Midway Drive. Sterigenics did not apply for an IEPA permit application for the Midway Drive facility.

Trustee Davi asked if the closing altered the deposit requirement? Attorney Bastian stated the Court has retained jurisdiction to enforce the consent decree. Trustee Davi requested Attorney Bastian explain the consent decree further. Attorney Bastian stated the consent decree provided that Sterigenics must deposit \$300,000 for an environmental project within 30 days of entry of the order, which was entered on September 6, 2019. The deposit was not contingent upon Sterigenics reopening. Trustee Davi asked if the environmental project was defined? Attorney Bastian stated that it was not defined. He thought that the DuPage County State's Attorney General

office or the IEPA would have final authority for the projects, but may seek input from the Village.

b) Village Notifications of IEPA Reports in Conjunction with the Matt Haller Act Requirements:

Attorney Bastian advised that the notifications of IEPA reports in conjunction with the Matt Haller Act in relation to Sterigenics is now moot in light of Sterigenics decision to not reopen. Attorney Bastian noted that the Matt Haller Act, among other things, bans the use of ethylene oxide within ten miles of a school, essentially removing Willowbrook from future ethylene oxide sterilization facilities.

c) Alarm Notification of Hazardous Chemicals:

Attorney Bastian advised that we are working to incorporate this matter into an ordinance but additional research is required prior to proceeding with a draft ordinance.

d) Good Governance Suggestions:

i. Require a permit for the Transfer on Village Roads of Tier II Chemicals:

Attorney Bastian advised that he doubted the Village could require a special permit to transfer hazardous chemicals on village roads. These permits are controlled mostly by federal law and would only apply if a vehicle entered a local roadway. Notification of this to all trucking companies would be a concern. The Village would not know who or what is being transported and it would be very challenging to confirm. IDOT has the overall jurisdiction over the truck transportation industry. Transport vehicles are out of our jurisdiction with the exception of weight limits on local roads.

ii. Retail Occupation Tax on Tier II Chemicals:

Attorney Bastian advised that we cannot apply a retail occupation tax on Tier II chemicals. That concept is a sales tax and it is not sold in the Village. If we were to tax the M1 district it would require a text amendment. The amount would have to be determined, establishing a template amount may prove problematic. Building Official Giuntoli stated that the threshold for Tier II products vary. Assistant Administrator Mertens stated that if this were to be established, we may need to go chemical by chemical to determine thresholds. Attorney Bastian stated that there are federal guidelines to determine Tier II chemicals. Trustee Kelly stated that he would like the Village to consider options to regulate companies meet Tier II reporting guidelines. The Village could consider an Ordinance that would require companies that file Tier II reports to also be required to supply a copy of the Tier II reports to the Village for our records.

- iii. Enact zoning Restrictions for M1 to limit the storage of Tier II Extremely Hazardous Substances to 100 Lbs.

Attorney Bastian advised that an ordinance incorporation provisions of the Matt Haller act would no longer be necessary with Sterigenics not reopening. The Matt Hailer Act among other things, bans the use of ethylene oxide within ten miles of a school, essentially removing Willowbrook from future ethylene oxide sterilization facilities. Attorney Bastian stated that there are federal guidelines to determine Tier II chemicals.

- iv. Update Village Fire Codes to align with zoning restrictions and limit storage to 100 lbs.

Attorney Bastian advised that we can consider an update to reflect the storage limits if the Village finds it beneficial. Trustee Kelly asked two questions. 1) Can the Village can create an ordinance, as Darien did, to ban ethylene oxide? 2) Is a ban on ethylene oxide worth it? Attorney Bastian stated he would research it; however, his initial thought is that the banning of ethylene oxide is a State concern and the Village would not have the authority to ban the use. Trustee Davi asked if we were working on an ordinance that deals with substances like ethylene oxide? Attorney Bastian stated the Village was working on this in conjunction with the Matt Haller Act, however, with the recent announcement that the Sterigenics facility was closing it became a moot point. He noted that the Matt Haller Act, among other things, bans the use of ethylene oxide within ten miles of a school, essentially removing Willowbrook from future ethylene oxide sterilization facilities.

- 5. DISCUSSION – Proposed Text Amendment: Consideration of a petition for text amendments to amend Sections 9-6B-1, 9-6C-1 and 9-6D-1 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add “Video Gaming Cafe” as a new permitted use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add “Video Gaming Café” as a new definition and to amend the current definition of “Restaurant”; and to add a new use category in Sections 9-6A-2, 9-6B-2, 9-6C-2 and 9-6D-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code. **(Recommend Referral to Plan Commission for its Consideration)**

Assistant Administrator Mertens reported that the Village has received interest in video gaming uses. Our current Village code is silent on the use type and our current restaurant definition is not specific enough for a proper interpretation. The proposed Text Amendment is to consider amending the definition for restaurants, creating a definition for video gaming cafes and the consideration of adding video gaming cafes as a permitted use in the B-2, B-3 and B-4 Zoning Districts.

Additionally, the Text Amendment would consider adding the category of “Similar and Compatible Uses” in the commercial districts. This amendment would provide the Village flexibility in interpreting uses within the commercial districts that are not specifically listed.

This amendment would reduce the number of future individualized text amendment requests for new and unique uses that develop over time within the market. The Committee discussed whether or not to require the “similar and compatible uses” as a “permitted use or a special use”. The consensus of the Committee was to recommend both permitted-similar and compatible uses as well as special use-similar and compatible uses for the commercial districts.

Assistant Administrator Mertens reported that the Village will be considering amendments to the video gaming ordinance to standardize on definitions for restaurants, video gaming cafes and adjust licensing fees. In conjunction with the video gaming ordinance amendment, the Village will also consider amending the liquor license ordinance. This amendment would create two new liquor license classifications, one for restaurants with video gaming and the second for video gaming cafes. The fees for these two new liquor licenses would also be modified.

Trustee Davi motion to refer the proposed text amendment to the Plan Commission, seconded Trustee Kelly. All in favor.

MOTION CARRIED

6. DISCUSSION – Definition of Cannabis in Village Code Title 5 – Police Regulation – Section 5-3-20 and 5-2-23 as it relates to the Federal Agriculture Improvement Act of 2018 and the Cannabis Regulation and Tax Act **(Recommend to Village Board on October 14, 2019)**

Assistant Administrator Mertens advised that the current Village Code has conflicts in its definitions of CBD, with and without THC concentrations, define what will be allowable in reference to cannabis, and what is drug paraphernalia as of January 1, 2020. The Cannabis Control Act will require the Village to amend our codes to be in compliance with the new state standards. Attorney Bastian noted that the Village will need to review definitions as well as the new possession requirements. It shall be unlawful for any person to possess cannabis in a greater amount than 30 grams. Now, under the Criminal Code, 30 grams to 100 grams is still a Class A misdemeanor. However, there is nothing that prohibits a village from making 30 to 100 grams a Village ordinance violation. Additionally, possession of cannabis in any amount by a person under the age of 21 years is a violation because the new Recreational Cannabis Act for which approved for age 21. The Village will also need to review our Drug Paraphernalia Ordinance to make sure it is in compliance with the new State law that goes into effect on January 1, 2020.

Motion was made by Trustee Davi made to have staff review the proposed code modifications and bring back to the committee in December for a formal recommendation to the Village Board, seconded by Trustee Kelly. All in favor.

MOTION CARRIED

7. COMMITTEE REPORTS:

Building Official Giuntoli informed the Committee that Lassik Deli has closed.

8. VISITOR'S BUSINESS:

Trustee Neal requested clarification about current Video Gaming and Liquor License fees, as it relates to Business license renewal. Assistant Administrator Mertens clarified the proposed timing and fee recommendation that will be considered by the Village Board on November 25, 2019.

9. ADJOURNMENT

Trustee Davi made motion to adjourn, seconded by Trustee Kelly. All in favor. The meeting adjourned at 7:00 pm.

PRESENTED, READ and APPROVED

_____, 2019

CHAIRMAN

Minutes transcribed by Building and Zoning Secretary
Lisa J Shemroske

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

COMMITTEE REVIEW

1. UPDATES

- a) Alarm Notifications for Hazardous Chemicals
- b) Definition of Cannabis in Village Code Title 5 – Police Regulation – Section 5-3-20 and 5-2-23 as it relates to the Federal Agriculture Improvement Act of 2018 and the Cannabis Regulation and Tax Act
- c) Plan Commission Text Amendment on Video Gaming Café Uses, Restaurant Definitions and Similar and Compatible Uses
- d) Polco Adult Use Cannabis Community Engagement Survey

- ☐ Finance/Administration
- ☐ Municipal Services
- ☐ Public Safety
- ☒ Law & Ordinances

Meeting Date:

November 5, 2019

- | | |
|---|---|
| <input checked="" type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

UPDATES

- a) **Alarm Notifications for Hazardous Chemicals** – Attorney Bastian and Building Official need to finalize research on best practices for codifying the requirements for the two current alarm notification facilities; Highline Auto Sales and the Willowbrook Ice Area as well as other types of facilities that the Village would require similar notification systems.
- b) **Definition of Cannabis in Village Code Title 5 – Police Regulation – Section 5-3-20 and 5-2-23 as it relates to the Federal Agriculture Improvement Act of 2018 and the Cannabis Regulation and Tax Act** - Attorney Bastian is reviewing language and awaiting any possible changes that may come through the Veto Session. An updated ordinance is anticipated at the December 9, 2019 Village Board meeting.
- c) **Plan Commission Text Amendment on Video Gaming Café Uses, Restaurant Definitions and Similar and Compatible Uses** – A Public Hearing before the Plan Commission is scheduled for November 6, 2019. The Plan Commission recommendation will be presented for formal consideration at the November 25, 2019 Village Board meeting.
- d) **Polco Adult Use Cannabis Community Engagement Survey** – A survey was issued on October 24, 2019. The Village promoted the survey on our Village website, Village and Police Department Facebook, Channel 6 and sent an invitation letter on the survey to Library District and all the Home Owners Associations within the community. We will promote again on Facebook and our Village Website at on November 4, 2019. As of November 1, 2019, we had 104 survey responses. The survey will run through November 23, 2019. Please see attached a copy of the initial survey results.

Cannabis in Willowbrook

Are you in favor of the Village of Willowbrook approving an Adult-Use Recreational Cannabis dispensary within the community?

CURRENT RESULTS



REGISTERED VS NON-REGISTERED



ALL RESPONDENTS



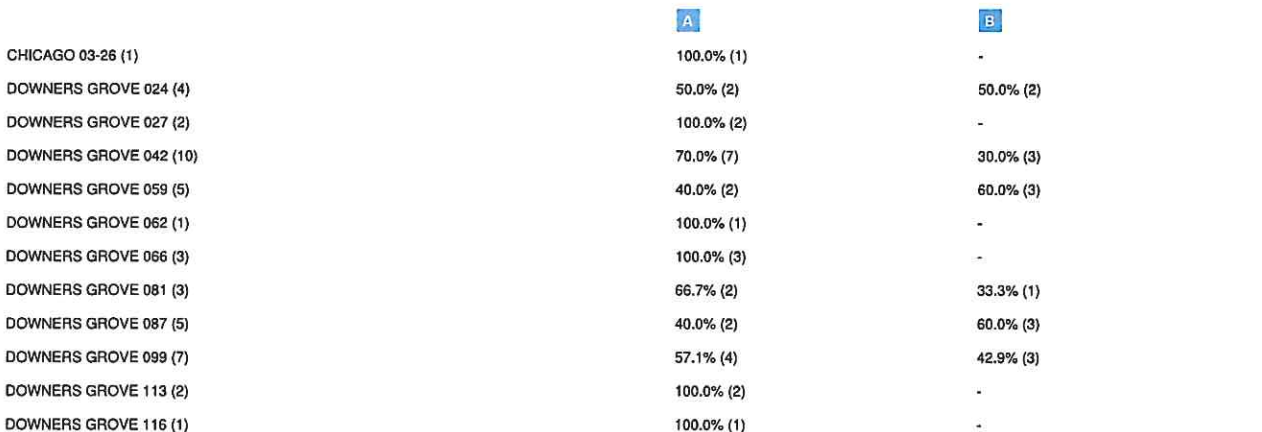
AGE RANGE



VOTERS GENDER



PRECINCT



DOWNERS GROVE 119 (5)	40.0% (2)	60.0% (3)
DOWNERS GROVE 131 (11)	36.4% (4)	63.6% (7)
DOWNERS GROVE 132 (3)	66.7% (2)	33.3% (1)
DOWNERS GROVE 139 (1)	100.0% (1)	-
DOWNERS GROVE 142 (1)	100.0% (1)	-
WHEATLAND 05 (1)	-	100.0% (1)

Should the Village approve the use of Adult-Use Recreational Cannabis Dispensaries in portions of our Industrial Districts (OR-Office Research and M1-Light Manufacturing)? (see map above)

CURRENT RESULTS

Y

Yes (64)

N

No (40)

104 Total Responses

61.5% (64)

38.5% (40)

REGISTERED VS NON-REGISTERED

Y

N

Registered Voters (63)

58.7% (37)

41.3% (26)

Non-Registered Voters (41)

65.9% (27)

34.1% (14)

ALL RESPONDENTS

Y

N

All respondents (104)

61.5% (64)

38.5% (40)

Registered Voters in Willowbrook, IL (63)

58.7% (37)

41.3% (26)

Live in Willowbrook, IL (88) - Self-reported

58.0% (51)

42.0% (37)

Subscribers to Willowbrook, IL (95)

60.0% (57)

40.0% (38)

Register respondents from anywhere (66)

59.1% (39)

40.9% (27)

AGE RANGE

A

B

66 REGISTERED VOTERS

18-29 (6)

83.3% (5)

16.7% (1)

30-39 (8)

62.5% (5)

37.5% (3)

40-49 (13)

69.2% (9)

30.8% (4)

50-59 (13)

76.9% (10)

23.1% (3)

60-69 (17)

52.9% (9)

47.1% (8)

70-79 (7)

14.3% (1)

85.7% (6)

80-89 (2)

-

100.0% (2)

VOTERS GENDER

A

B

66 REGISTERED VOTERS

F (44)

52.3% (23)

47.7% (21)

M (22)

72.7% (16)

27.3% (6)

PRECINCT

A

B

66 REGISTERED VOTERS

CHICAGO 03-26 (1)

100.0% (1)

-

DOWNERS GROVE 024 (4)

50.0% (2)

50.0% (2)

DOWNERS GROVE 027 (2)

100.0% (2)

-

DOWNERS GROVE 042 (10)

70.0% (7)

30.0% (3)

DOWNERS GROVE 059 (5)

40.0% (2)

60.0% (3)

DOWNERS GROVE 062 (1)

100.0% (1)

-

DOWNERS GROVE 066 (3)

100.0% (3)

-

DOWNERS GROVE 081 (3)

66.7% (2)

33.3% (1)

DOWNERS GROVE 087 (5)

40.0% (2)

60.0% (3)

DOWNERS GROVE 099 (7)

57.1% (4)

42.9% (3)

DOWNERS GROVE 113 (2)

100.0% (2)

-

DOWNERS GROVE 116 (1)

100.0% (1)

-

DOWNERS GROVE 119 (5)

40.0% (2)

60.0% (3)

DOWNERS GROVE 131 (11)

36.4% (4)

63.6% (7)

DOWNERS GROVE 132 (3)

66.7% (2)

33.3% (1)

DOWNERS GROVE 139 (1)	100.0% (1)	-
DOWNERS GROVE 142 (1)	100.0% (1)	-
WHEATLAND 05 (1)	-	100.0% (1)

Should the Village approve the use of Adult-Use Recreational Cannabis Dispensaries in limited commercial business locations? (see map above)

CURRENT RESULTS



REGISTERED VS NON-REGISTERED

	Y	N
Registered Voters (63)	52.4% (33)	47.6% (30)
Non-Registered Voters (41)	68.3% (28)	31.7% (13)

ALL RESPONDENTS

	Y	N
All respondents (104)	58.7% (61)	41.3% (43)
Registered Voters in Willowbrook, IL (63)	52.4% (33)	47.6% (30)
Live in Willowbrook, IL (88) - Self-reported	55.7% (49)	44.3% (39)
Subscribers to Willowbrook, IL (95)	56.8% (54)	43.2% (41)
Register respondents from anywhere (66)	51.5% (34)	48.5% (32)

AGE RANGE

	A	B	66 REGISTERED VOTERS
18-29 (6)	83.3% (5)	16.7% (1)	
30-39 (8)	50.0% (4)	50.0% (4)	
40-49 (13)	30.8% (4)	69.2% (9)	
50-59 (13)	76.9% (10)	23.1% (3)	
60-69 (17)	52.9% (9)	47.1% (8)	
70-79 (7)	28.6% (2)	71.4% (5)	
80-89 (2)	-	100.0% (2)	

VOTERS GENDER

	A	B	66 REGISTERED VOTERS
F (44)	47.7% (21)	52.3% (23)	
M (22)	59.1% (13)	40.9% (9)	

PRECINCT

	A	B	66 REGISTERED VOTERS
CHICAGO 03-26 (1)	100.0% (1)	-	
DOWNERS GROVE 024 (4)	75.0% (3)	25.0% (1)	
DOWNERS GROVE 027 (2)	100.0% (2)	-	
DOWNERS GROVE 042 (10)	40.0% (4)	60.0% (6)	
DOWNERS GROVE 059 (5)	20.0% (1)	80.0% (4)	
DOWNERS GROVE 066 (3)	100.0% (3)	-	
DOWNERS GROVE 081 (3)	66.7% (2)	33.3% (1)	
DOWNERS GROVE 087 (5)	40.0% (2)	60.0% (3)	
DOWNERS GROVE 099 (7)	71.4% (5)	28.6% (2)	
DOWNERS GROVE 113 (2)	100.0% (2)	-	
DOWNERS GROVE 119 (5)	40.0% (2)	60.0% (3)	
DOWNERS GROVE 131 (11)	27.3% (3)	72.7% (8)	
DOWNERS GROVE 132 (3)	66.7% (2)	33.3% (1)	
DOWNERS GROVE 139 (1)	100.0% (1)	-	
DOWNERS GROVE 142 (1)	100.0% (1)	-	

DOWNERS GROVE 062 (1)	-	100.0% (1)
DOWNERS GROVE 116 (1)	-	100.0% (1)
WHEATLAND 05 (1)	-	100.0% (1)



Village of Willowbrook

Staff Report to the Plan Commission

Public Hearing Date:	November 6, 2019
Prepared By:	Ann Choi, Planning Consultant
Case Title:	PC 19-09: Consideration of a petition for text amendments to amend Sections 9-6B-1 (or 9-6B-2), 9-6C-1 (or 9-6C-2) and 9-6D-1 (or 9-6D-2) of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Café" as a new permitted or special use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add "Video Gaming Café" as a new definition and to amend the current definition of "Restaurant"; and to add new use categories in Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code.
Petitioner:	Village of Willowbrook, 835 Midway Drive, Willowbrook, Illinois 60527
Action Requested by Applicant:	<p>Title 9 – Zoning Sections:</p> <p>9-2-2 Definitions (Add "Video Gaming Café").</p> <p>9-2-2 Definitions (Amend the current definition of "Restaurant").</p> <p>9-6B-1 Add "Video Gaming Café" to Section 9-6B-1 (as a permitted use) OR to Section 9-6B-2 (as a special use) of the Zoning Ordinance in the appropriate alphabetical location.</p> <p>(or 9-6B-2)</p> <p>9-6C-1 Add "Video Gaming Café" to Section 9-6C-1 (as a permitted use) OR to Section 9-6C-2 (as a special use) of the Zoning Ordinance in the appropriate alphabetical location.</p> <p>(or 9-6C-2)</p> <p>9-6D-1 Add "Video Gaming Café" to Section 9-6D-1 (as a permitted use) OR to Section 9-6D-2 (as a special use) of the Zoning Ordinance in the appropriate alphabetical location.</p> <p>(or 9-6D-2)</p> <p>9-6A-1 Add a new use category "Similar and compatible uses which are of the same general character as the above permitted uses. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee." to the list of permitted uses in the B-1, B-2, B-3 and B-4 zoning districts.</p> <p>9-6B-1</p> <p>9-6C-1</p> <p>9-6D-1</p> <p>9-6A-2 Add a new use category "Similar and compatible uses which are of the same general character as those allowed as special uses in the [corresponding zone] zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee." to the list of special uses in the B-1, B-2, B-3 and B-4 zoning districts.</p> <p>9-6B-2</p> <p>9-6C-2</p> <p>9-6D-2</p>
Necessary Action by Plan Commission:	<p>Make either a positive recommendation or negative recommendation to the Mayor and Village Board for the proposed text amendments.</p> <p>A sample motion can be found on page 8.</p>



Documents Attached: **Attachment 1:** Public Hearing Notice (2 sheets)



History & Background

The Illinois Video Gaming Act was enacted on July 13, 2009, authorizing individual municipalities to pass an ordinance prohibiting video gaming within their jurisdiction. At the time, Willowbrook had an ordinance prohibiting all forms of gambling, which also prohibited video gambling. In June 2013, the Village Board was asked to reconsider this ban on video gaming by the owner of Dell Rhea's Chicken Basket on behalf of various Willowbrook restaurant owners. On July 29, 2013, the Village Board further discussed the Illinois Video Gaming Act. An ordinance was subsequently drafted that amended the Village Code to remove the current prohibition and authorize and license video gaming. When permitted by the local jurisdiction, the state law allows a current licensed establishment (i.e., a retail establishment that holds a Village liquor license allowing consumption on premises) to install up to six (6) Video Gaming Terminals (VGTs) located within an area of the establishment restricted to persons 21 years of age and older. The state would issue the video gaming licenses to establishments, and the Village would issue a local license. If a complaint was received regarding underage gambling, etc., the Village would have the authority through the Liquor Code to bring the license before the liquor commissioner for a hearing on the violation. If the violation was confirmed, the Village would then report the violation to the state. The state then has the authority to revoke their gaming license. Ordinance No. 13-O-31, permitting video gaming within a retail establishment that holds a Village liquor license, was approved by the Village Board in August 2013.

Video gaming in Willowbrook has thus currently been allowed only at establishments that have a liquor license, and these establishments' primary use is a restaurant or bar, not video gaming. The original intent of the video gaming ordinance was for existing establishments such as bars, taverns and restaurants who wanted to have video gambling to remain competitive with businesses in surrounding communities that already allowed video gaming.

On August 3, 2016, the Plan Commission reviewed a petition to allow video gaming as a special use in the B-2 zoning district concurrently with a text amendment request to allow video gaming as a principal use. The Plan Commission recommended approval on both petitions with a 6-0 unanimous roll call vote of the members present. At the time, due to the number of residents who were not in favor of this use in the community, the Village Board ultimately denied the ordinance that would allow video gaming as a principal use.

Discussion of Request

This Village-initiated text amendment was brought about because of an increase in public inquiries by several local business owners who have expressed an interest in opening an establishment whose principal use is video gaming. The Village currently does not distinguish between video gaming cafés and restaurants that have video gaming as an ancillary use to their main business. The proposed text amendment would introduce a new "video gaming café" use that would be a standalone establishment in the Village with the service of alcohol and food as incidental to the operation of video gaming. The Village found that video gaming establishments which served liquor and packaged foods such as chips could *technically* still fall under the restaurant use category because it served food. (Staff felt that the video gaming café use should be differentiated from the restaurant use, and that the definition of restaurant should be revised to be more specific.) Local and State gaming licenses would still need to be obtained, but video gaming would be the primary use of the business as opposed to a restaurant or bar.

The Village will be presenting amendments to the Willowbrook Video Gaming Code and Liquor Code tentatively at the November 11, 2019 meeting in conjunction with the above text amendments. The additional liquor license classifications will be tied to restaurants with gaming and one for video gaming cafés. The new liquor licenses will provide the Village of Willowbrook additional controls to regulate the proliferation of these types



of uses in the Village. As part of this text amendment, minimum distances (minimum of ½ mile) between video gaming cafés will also be proposed.

Under the Video Gaming Act:

1. Video gaming is restricted from the following locations:
 - a. 1,000 feet of a facility operated by an organization licensee, inter-track wagering licensee, or inter-track wagering location licensee licensed under the Illinois Horse Racing Act of 1975 (230 ILCS 5/1 et seq. (West 2008)) (the Board may waive this restriction in certain circumstances);
 - b. 1,000 feet of the home dock of a riverboat licensed under the Riverboat Gambling Act (230 ILCS 10/1 et seq. (West 2008)) (the Board may waive this restriction in certain circumstances); or
 - c. 100 feet of either a school or a place of worship under the Religious Corporation Act (805 ILCS 110/0.01 et seq. (West 2008)).
2. Up to six (6) VGTs may be placed at each Licensed Video Gaming Location.
3. VGTs must be located in an area restricted to persons 21 years of age and over, the entrance to which is within the view of at least one employee who is at least 21 years of age. The placement of VGTs in Licensed Video Gaming Locations shall be subject to section 810 of the Video Gaming Rules. For all Locations that restrict admittance to patrons 21 years of age or older, a separate restricted area is not required. For all Locations that admit individuals under the age of 21, a physical barrier to the gaming area, including but not limited to a short partition, gate or rope shall be required. No barrier shall visually obscure the entrance to the gaming area from an employee of the Location who is over the age of 21.
4. The hours of operation of a VGT must coincide with the legal hours of operation for the consumption of alcoholic beverages on the premises.

Parking Analysis

Potential uses requesting occupancy of a new location are always evaluated as to whether adequate parking is provided on site. Although the Zoning Code does not specifically identify parking requirements for video gaming café's, Staff finds that the most appropriate parking requirement would be listed under "Other Business and Commercial Enterprises" in Chapter 10 of the Zoning Ordinance, which requires a lower parking ratio of 1 space per 250 square feet of floor area, as opposed to higher parking requirements for restaurants or fast-food establishment (1 space per 100 square feet of floor area). It is expected that a video gaming café will be more "restaurant" in nature but with a low patron turnover rate, where customers will come to the site, enter a "storefront, and sit down for an extended period of time. Other employees will also be available on the site. A future video gaming use(s) is anticipated to be located within a shopping center, which commands a parking requirement of 1 space per 250 square feet of floor area which is also consistent with the parking ratio required under "Other Business and Commercial Enterprises". Therefore, Staff is recommending a parking ratio of 1 parking space per 250 square feet of floor area under the "Other Business and Commercial Enterprises" in Chapter 10 of the Zoning Ordinance.

Obtaining a Valid License to Operate a Video Gaming Café

The process to open a licensed video gaming café in the Village of Willowbrook is as follows:

1. Applicant meets with Village Staff for an internal zoning review (1 day)
2. Applicant applies for Liquor License & Gaming License (varies)
3. Village Reviews application and performs background check (2 weeks)
4. Applicant meets with Liquor Commissioner or Designee (1 day)
5. Village Board consideration of Liquor License (2-4 weeks)



6. Applicant Applies for Building Permit (3-5 weeks)
7. Applicant Applies for Business License (varies)
8. Liquor License, Business License, Business License is issued with Occupancy Permit (varies)

Staff estimates it may take up to three months to obtain a valid liquor license.

Definitions of Restaurant and Video Gaming Café

The Village does not currently distinguish between video gaming cafés and restaurants that have video gaming as an ancillary use to their main business. Staff recommends that the Plan Commission consider refining the current definition of restaurant and introduce a new definition for video gaming cafés for added clarity between these two uses. The current definition of restaurant in the zoning code is as follows: "a retail establishment serving individual or group servings of food and/or drink to patrons for consumption on the premises and having a service and seating area (including bars and cocktail lounges) of at least twice the area of the food preparation area. The definition of restaurant shall not include fast food establishments as otherwise defined in this Code." A video gaming café that serves packaged foods could technically fall under this current definition of restaurant; therefore, Staff recommends that the revised definition of restaurant ensures that the cooking and preparation of foods through the use stoves, ovens, fryers and related equipment are principal functions of the restaurant use. In contrast, the service of alcohol and food would incidental to the operation of video gaming.

New Use Category - Similar and Compatible Uses

The proposed text amendments will also introduce new use categories to Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 – Zoning Title that would create a catch all use category "Similar and compatible uses" for those uses that are not listed as a permitted use or special use in the business zoning districts. The determination of what constitutes "similar and compatible" shall be made by the Village Administrator or his/her authorized designee. The new use category would alleviate the Village from amending the Zoning Code each time the Village encounters a similar or compatible use that is not listed in the Zoning Code.

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Proposed Amendments

1. Add the following definition to Section 9-2-2:

"VIDEO GAMING CAFÉ:

An establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming."

2. Delete the following definition of "Restaurant" in its entirety in Section 9-2-2 and in lieu thereof, the following language shall be substituted:

"RESTAURANT:

A retail establishment that is kept, used, maintained, advertised, and held out to the public as a place where meals are cooked and prepared in an adequate and sanitary kitchen located on the licensed premises using stoves, ovens, fryers, and related equipment located on the licensed premises and which are protected by a fire protection system that conforms with the Village Code. The sale of packaged food such as potato chips, pretzels, popcorn, peanuts, or other similar snacks or frozen packaged food shall not be considered food prepared and served on premises, as required herein."

3. Add "*Video Gaming Café*" to the following sections of the Zoning Ordinance in the appropriate alphabetical location:

Section 9-6B-1 as a permitted use (or Section 9-6B-2 as a special use) in the B-2 zoning district.

Section 9-6C-1 as a permitted use (or Section 9-6C-2 as a special use) in the B-3 zoning district.

Section 9-6D-1 as a permitted use (or Section 9-6D-2 as a special use) in the B-4 zoning district.

4. Add the following new use category to Sections 9-6A-1, 9-6B-1, 9-6C-1, and 9-6D-1 of the Zoning Ordinance as the final use category under the list of permitted uses:

"Similar and compatible uses which are of the same general character as the above permitted uses, as determined by the Village Administrator or his/her authorized designee."

5. Add the following new use category to Section 9-6A-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-1 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."

6. Add the following new use category to Section 9-6B-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-2 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."

7. Add the following new use category to Section 9-6C-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-3 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."



8. Add the following new use category to Section 9-6D-2 of the Zoning Ordinance as the final use category under the list of special uses:

"Similar and compatible uses which are of the same general character as those as allowed as special uses in the B-4 zoning district. Determination of what constitutes similar and compatible shall be made by the Village Administrator or his/her authorized designee."

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Recommendation

Staff believes the requirement of a special use within the business zoning districts would be too onerous of a process for potential applicants wishing to open up a video gaming café within the Village. The special use approval process will require notification of surrounding property owners and a public hearing before the Plan Commission which can be a minimum 60-day process at a minimum. Permitted uses, on the other hand, would allow applicants to fill out an application and be approved with a building license or permit. Video gaming cafés would further be subject to the consideration of a liquor license and approval by the Village Board.

The Plan Commission would be limited in the types of conditions it could impose on a video gaming café, as the Plan Commission does not have the authority to limit the hours of operation, the number of video gaming terminals, the number of licenses, or set license fees. These would be under the purview of the Village Board. Additionally, Staff will propose amendments to the Willowbrook Video Gaming Code and Liquor Code to regulate these establishments by introducing a liquor license tied exclusively to video gaming cafés, limiting the number of these licenses and proposing a minimum distance between video gaming cafés. Given these reasons and the fact that the State already heavily regulates these types of businesses, Staff does not recommend that the video gaming café to be assigned as a special use.

Staff also recommends approval of the new use categories "Similar and compatible uses" to capture uses that are not explicitly enumerated in the list of permitted and special uses in the Zoning Code. This will reduce the number of text amendments (and Staff time) devoted to the text amendment process. The determination of what constitutes "similar and compatible" shall be made by the Village Administrator or his/her authorized designee. Any ambiguous use that is not contemplated by the zoning code will be further discussed between Village departments before determining if said use would require the initiation of a text amendment.

The following sample motion is provided for the Plan Commission:

Sample Motion

Based on the submitted petition and testimony presented, I move that the Plan Commission recommend to the Village Board approval of the text amendments presented on Pages 6 and 7 of the Staff Report for PC Case Number 19-09 to define and allow "Video Gaming Café" as a (CHOOSE "PERMITTED" OR "SPECIAL") use in the B-2, B-3 and B-4 Zoning Districts, to amend the current definition of "restaurant", and to add new use categories "Similar and compatible uses" to the list of permitted and special uses in the business zoning districts.

If the Plan Commission wishes to *deny* the proposed text amendments, staff recommends the following sample motion:

Based on the submitted petition and testimony presented, I move that the Plan Commission forward a negative recommendation to the Village Board for the text amendments presented on Pages 6 and 7 of the Staff Report for PC Case Number 19-09 to define and allow "Video Gaming Café" as a permitted or special use in the B-2, B-3 and B-4 Zoning Districts, to revise the current definition of "restaurant", and to add new use categories "Similar and compatible uses" to the list of permitted and special uses in the business zoning districts.



Attachment 1
Public Hearing Notice (2 Sheets)

NOTICE OF PUBLIC HEARING
ZONING HEARING CASE NO. 19-09

NOTICE is hereby given that the Plan Commission of the Village of Willowbrook, DuPage County, Illinois, shall conduct a public hearing at a special meeting of the Plan Commission on the 6th of November, 2019 at the hour of 7:00 P.M. in the Willowbrook Police Department Training Room, 7760 South Quincy Street, Willowbrook, IL 60527.

The purpose of this public hearing shall be to consider a petition for text amendments to amend Sections 9-6B-1 (or 9-6B-2), 9-6C-1 (or 9-6C-2) and 9-6D-1 (or 9-6D-2) of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add “Video Gaming Cafe” as a new permitted use or special use in the B-2, B-3 and B-4 Zoning Districts; to amend Section 9-2-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code to add “Video Gaming Café” as a new definition and to amend the current definition of “Restaurant”; and to add new use categories “similar and compatible uses” in Sections 9-6A-1, 9-6A-2, 9-6B-1, 9-6B-2, 9-6C-1, 9-6C-2, 9-6D-1 and 9-6D-2 of Title 9 – Zoning Title of the Village of the Willowbrook Municipal Code.

A copy of the Village’s petition is on file in the Office of the Village Planner, Village of Willowbrook, 835 Midway, Willowbrook, Illinois, and is available for public inspection.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Willowbrook should contact Roy Giuntoli, Village of Willowbrook, 835 Midway, Willowbrook, IL 60527, or call (630) 920-2262, Monday through Friday, between 8:30 A.M. and 4:30 P.M., within a reasonable time before the meeting. Requests for sign language interpreters should be made a minimum of five working days in advance of the meeting.

All persons desiring to be heard in support or opposition to the application shall be afforded an opportunity and may submit their statements orally, in written form, or both. This hearing may be recessed to another date if not concluded on the evening scheduled.

/s/ Brian Pabst
Village Administrator

(630) 920-2261

Published in the October 21, 2019 edition of *The Chicago Sun Times* Newspaper.

LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

DISCUSSION – Definition of Attention Getting Devices in Village Code Title 9 – Zoning Regulations – Section 9-2-2 Definitions

COMMITTEE REVIEW

- ☐ Finance/Administration
- ☐ Municipal Services
- ☐ Public Safety
- ☒ Law & Ordinances

Meeting Date:

November 5, 2019

- | | |
|--|---|
| <input type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input checked="" type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

BACKGROUND

The Village has received inquiries from local businesses seeking the ability to install rope lighting or neon band lighting inside the window of their commercial business. Our staff interpretation of our Village Code Title 9 – Zoning Regulations – Section 9-2-2 Definitions for “Attention Getting Devices” is that these types of items are prohibited.

The definition of an Attention Getting Device is as follows: Any pennant, flag, valance, banner, propeller, spinner, streamer, searchlight, balloon and similar device or ornamentation designed for the purpose of promotion or advertising or attracting attention.

Please see the attached exhibit for examples of rope style lighting around commercial business windows.

STAFF RECOMMENDATION

Staff would recommend that we further clarify our Village Code definition to add in rope style lighting and neon band lighting. The proposed definition would read as follows: Attention Getting Devices: Any pennant, flag, banner, propeller, spinner, streamer, search light, **rope lighting, neon band lighting**, balloon and similar device or ornamentation designed for purposes of promotion or advertising or attracting attention.

This clarification will help our staff and our business community better understand the allowable uses for commercial properties. This modification would not look to regulate temporary holiday decorations or other types of allowable signage as authorized by the Village Code.

Should the Committee concur with the proposed recommendation staff would combine this text amendment with other enhancements to be considered at a future date.



LAW AND ORDINANCES COMMITTEE MEETING
AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

DISCUSSION – Reporting Requirements for Willowbrook Companies that File Form R Tier II Reports

COMMITTEE REVIEW

- ☐ Finance/Administration
☐ Municipal Services
☐ Public Safety
☒ Law & Ordinances

Meeting Date:

November 5, 2019

- | | |
|--|---|
| <input type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input checked="" type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

BACKGROUND

The Illinois Emergency Planning and Community Right to Know Act (IEPCRA) requires companies that utilize certain hazardous chemicals to file a Type R Tier II report with the Illinois Emergency Management Agency (IEMA) and the Fire Department having jurisdiction. A detail of the reporting requirements is attached and a summary of the reporting requirements for 2018 is as follows:

REPORTING YEAR 2018 TIER II INFORMATION

Owners or operators of facilities with hazardous chemicals on hand in quantities equal to or greater than set threshold levels must submit Tier II forms between January 1 and March 1 for the previous calendar year.

The purpose of the Tier II form is to provide state and local officials and the public with specific information on hazardous chemicals present at your facility during the previous calendar year.

The Illinois Emergency Management Agency (IEMA) requires all regulated facilities to submit (Tier II) information electronically by using Tier II Manager™, IEMA's online filing system. Each facility's username is unique to its physical (9-1-1) address.

IEMA also requires all 302 (EHS) and 311 (SDS) submissions be made through Tier II Manager™. Print out completed 302 and 311 reports, sign and submit to the LEPC and fire department.

Facilities that initiated, but did not complete, 2018 Tier II Update reports must certify the updates in order to initiate a 2018 Tier II Annual report.

The Village of Willowbrook is aware of five facilities that have filed Tier II reports; Medco, Midtronics Inc., Target, The Plastics Group and Sterigenics, exhibit attached.

STAFF RECOMMENDATION

Tier II reports are currently shared with the fire department having jurisdiction, Tri-State Fire Protection District. Staff would recommend an Ordinance update requiring the business entities that meet the IEMA reporting criteria supply a copy of the Tier II reports to the Village of Willowbrook.

GENERAL CHEMICAL INVENTORY REPORTING REQUIREMENTS

1. LAW

Illinois Emergency Planning and Community Right to Know Act (IEPCRA)
430 ILCS 100; 29 Ill. Adm. Code 620

2. WHO MUST REPORT?

Any facility that has present onsite

- (a) a hazardous chemical for which OSHA requires a safety data sheet (SDS) and
- (b) the chemical is present in certain threshold quantities

3. WHAT IS A "HAZARDOUS CHEMICAL?"

For purposes of IEPCRA, a "hazardous chemical" is defined as any chemical that causes a physical and/or health hazard (Occupational Safety and Health Act's [OSHA's] 2012 Hazard Communication Standard [HCS 2012]). The number of such chemicals has been estimated at over 500,000 and there is no list available. It is acceptable to assume that any chemical for which a SDS lists *any* type of hazard is covered by IEPCRA. HCS 2012 includes updated definitions of physical hazard and health hazard as well as a 16-part SDS format. Additional SDS information may be found at [Hazard Communication | Occupational Safety and Health Administration](#).

4. WHAT QUANTITIES TRIGGER REPORTING REQUIREMENTS?

If the chemical is hazardous, the threshold quantity is 10,000 pounds or more.

If the chemical is an extremely hazardous substance (EHS), the threshold is 500 pounds or the threshold planning quantity (TPQ), whichever is less. For instance, chlorine is an EHS and its TPQ is 100 pounds; therefore, if a facility has present onsite at least 100 pounds of chlorine, the facility is required to file an emergency and hazardous chemical inventory form (commonly referred to as a "Tier II Form") for chlorine.

5. WHAT ARE THE REPORTING REQUIREMENTS?

(a) An emergency and hazardous chemical inventory form, commonly referred to as a "Tier II Form," which reports the following information*:

- facility identification including latitude/longitude coordinates for standard and non-standard addresses and if the facility is manned/unmanned
- is facility subject to EPCRA 302 (EHS), EPCRA 313 Toxic Release Inventory (TRI) and/or Clean Air Act (CAA) 112[®] Risk Management Program (RMP). If yes to TRI and/or RMP, must enter facility's ID#
- contact information for facility emergency coordinator and Tier II contact (including e-mail addresses)
- name and telephone number of at least two emergency contacts
- name, mailing address, telephone number and e-mail address of owner/operator
- chemical identification including chemical name, description, physical and health hazards and locations, and whether or not chemical is an EHS. Must provide

descriptions for storage types and conditions (instead of using reporting codes alone). Also must indicate precise location(s) of hazardous chemicals storage

- best estimate of the maximum amount (in pounds) of chemical at facility on any single day
- average daily amount in pounds
- number of days chemical was on site for that reporting period
- *Illinois Tier II Manager™ Online Reporting System has additional requirements

(b) A Safety Data Sheet (SDS) for each such chemical. A SDS is a document that is developed by the product manufacturer and provides information on ingredients, hazards, and practices needed to work safely with the product.

(c) If the chemical is an EHS, the facility is also required to file a Section 302 Notice. This notice alerts emergency planners that an extremely hazardous substance is present at the facility in quantities in excess of the TPQ.

REPORTING DUE DATES

6. WHEN IS THE TIER II FORM DUE?

The emergency and hazardous chemical inventory form ("Tier II Form") is due annually on or before March 1 of the year following the reporting calendar year period. For instance, if a facility had onsite more than 10,000 pounds of a hazardous chemical (non-EHS) at any one time during calendar year 2018, you are required to file a chemical inventory form on or before Friday, March 1, 2019.

7. WHEN IS THE SDS (OR CHEMICAL LIST) DUE?

The SDS or chemical list is a one-time filing requirement that must be filed within 90 days of the date that the material is brought onsite. This notice is commonly known as a 311 Notice.

8. WHEN IS THE SECTION 302 NOTICE DUE?

The Section 302 Notice is due within 60 days of the date that the extremely hazardous substance (EHS) is brought onsite.

9. WHERE SHOULD THESE REPORTS BE SENT?

(a) For Reporting Year 2018, Tier II and new/updated SDS submissions must be made to each of the following:

- (i) IEMA as the State Emergency Response Commission (SERC), via electronically through Tier II Manager™, IEMA's online reporting system;
- (ii) the appropriate local emergency planning committee (LEPC), via printed hard copy from Tier II Manager™ and
- (iii) the fire department with jurisdiction over the facility, via printed hard copy from Tier II Manager™.

(b) The Section 302 Notice must be submitted to the following:

- (i) IEMA as the SERC, via electronically through Tier II Manager™ and
- (ii) the appropriate LEPC, via printed hard copy from Tier II Manager™.

For questions about Tier II reporting, please contact Mr. David Martin, IEMA Hazardous Materials Unit Manager, at ema.tier2mgr@illinois.gov or 217/558-0559.

December 2018

**Form R Tier II Reports Filed to EPA
by Facility by Chemical by Average
Daily Usage Range
Across 2005 to 2017**

Count of Chemical Name	Column Labels														Grand Total
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017		
Row Labels															
Medco Chicago										4	5			9	
ACETONE										1	1			2	
10,000-24,999										1	1			2	
Methanol										1	1			2	
10,000-24,999										1	1			2	
STYRENE										1	1			2	
10,000-24,999										1	1			2	
Sulfuric Acid											1			1	
1,000-4,999											1			1	
Toluene										1	1			2	
10,000-24,999										1	1			2	
Midtronics Incorporated															
LEAD	2	2	2	2	2	2	2	2	4	4	3	4	3	34	
10,000-24,999	1	1	1	1	1	1	1	1	2	2	1	1	1	15	
10,000-99,999									1	1	1	1	1	5	
5,000-9,999	1	1	1	1	1	1	1	1						8	
Lead Acid Batteries									1					2	
0-99											1	1	1	3	
Lithium Ion Battery											1	1	1	3	
1,000-4,999												1	1	1	
Sulfuric Acid														1	
1,000-9,999	1	1	1	1	1	1	1	1						6	
SULFURIC ACID ELECTROLYTE													1		
1,000-4,999									1	1	2	1	1	9	
1,000-9,999										2	2			6	
														2	

[illegible]

LAW AND ORDINANCES COMMITTEE MEETING

AGENDA ITEM SUMMARY SHEET

AGENDA ITEM DESCRIPTION

DISCUSSION – Commercial Building Material Standards – Type III Construction v. Type V Construction

COMMITTEE REVIEW

- ☐ Finance/Administration
- ☐ Municipal Services
- ☐ Public Safety
- ☒ Law & Ordinances

Meeting Date:

November 5, 2019

- | | |
|--|---|
| <input type="checkbox"/> Discussion Only | <input type="checkbox"/> Approval of Staff Recommendation (for consideration by Village Board at a later date) |
| <input checked="" type="checkbox"/> Seeking Feedback | <input type="checkbox"/> Approval of Staff Recommendation (for <u>immediate</u> consideration by Village Board) |
| <input type="checkbox"/> Regular Report | <input type="checkbox"/> Report/documents requested by Committee |

BACKGROUND

Buildings and structures are commonly classified according to their type of construction based on one of five basic types:

1. Type I (or Type 1) – Commonly referred to as fire-resistive construction
2. Type II (or Type 2) – Commonly referred to as non-combustible construction
3. Type III (or Type 3) – Commonly referred to as ordinary construction
4. Type IV (or Type 4) – Commonly referred to as heavy-timber construction
5. Type V (or Type 5) – Commonly referred to as wood-frame construction

Types I, II and III construction are classified by the noncombustible materials used to build the structure—steel, concrete and brick, for example. Types I and II are the most restrictive. Structural elements must be noncombustible and rated for fire resistance within the boundaries of the code.

Type III construction requires noncombustible material on the exterior (Also known as "ordinary" construction with brick or block walls and a wooden roof or floor assembly which is 1-hour fire protected) and specifies interior elements to be made from any allowed material.

Type V construction is a fairly broad classification. It uses any structural element constructed from a material permitted by the code. Most wood-frame structures, including one- and two-family residences, fall in this category. Neither the exterior nor interior walls need to be of noncombustible materials, though some areas must be rated for fire resistance.

The Types are further classified as A or B. Whereas A is rated as fire-resistant, B is not. Fire resistance is measured in the hours it takes for a fire to burn through the material. A Type V-A construction classification would require structural framing and bearing walls to have a one-hour fire-resistance rating, meaning a fire would take an hour to burn through the wall. Type V-B construction would have no fire-resistance rating necessary, making it the most combustible and susceptible to fire.

A survey by our Building Official finds that most of our surrounding DuPage County municipal neighbors have evolved to allow Type V construction with certain Fire Protection Systems incorporated into the design to provide the necessary fire protection. The Type V criteria meets the International Building Code design requirements. The Village of Willowbrook requires a Type III noncombustible construction for our single story, multi-story commercial, mixed use and hotel developments. The Village is at a competitive disadvantage for commercial and multifamily residential development.

STAFF RECOMMENDATION

Staff would like to review options for consideration by the Law & Ordinance Committee to allow for Type V construction alternatives for commercial, multi-family residential, mixed use and hotel developments. These alternatives may include enhanced Fire Protection Systems meeting NFPA 13 requirements that would not only provide for a level of fire protection that allows occupants to escape a building in an event of a fire but also control or extinguishing the fire – saving the building and its contents. NFPA 13 would require attics, closets and bathrooms to be sprinkled as well as a larger water source to meet the suppression design needs of the development

Type V Construction Materials Examples





PODIUM

DESIGN FOR HOTELS



BASE4

Architects & Engineers

Type III Construction Materials Examples





