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To: President Bob Bielinski and the Village Board of Trustees

From: Chairman Alan Swanson and the Ad Hoc Zoning Ordinance Review Committee

Subject: **Introduction and Subsequent Adoption of Ordinance 2014-O-05 New Zoning Ordinance and Zoning Map – Chapter 20 of the Village Code**

Recommendation

Introduction and subsequent adoption of ordinance 2014-O-05, amending Chapter 20 of the Village Code by adopting a new zoning ordinance and new zoning map.

Background

The current zoning ordinance was adopted on March 5, 1990. Since its adoption, the ordinance has been amended over 120 times.

Starting in 2007, the Land Use Committee at the time began discussing a comprehensive update to the zoning ordinance. In 2007 and 2008, the Committee identified priorities for such an update and in 2009, funding was allocated to have the update completed by Camiros, Ltd. From 2009 through mid-2013, the Ad Hoc Zoning Ordinance Review Committee directed the work of the consultant and staff and held public meetings and open houses on the zoning ordinance. The ad hoc committee was composed of the Land Use Committee, two representatives each from the Zoning Board of Appeals and the Plan Commission, and three non-voting members, one each from the Appearance Review Commission, Historic Preservation Commission, and Housing Commission.

In the fall of 2013, the Ad Hoc Committee was appointed as a Special Zoning Committee and held four public hearings on the zoning ordinance. The Ad Hoc

Committee met for the last time on November 18, 2013 and voted unanimously to recommend the zoning ordinance to the Village Board.

Discussion

The major goals of the update were to:

- Preserve the identification and character of existing neighborhoods;
- Encourage the retention and improvement of existing homes, including maintaining a variety of house styles;
- Reduce or eliminate the need for hearings for minor and/or routine variations; and
- Provide for environmental sensitivity.

It was determined early on that while there were some aspects of the ordinance that were outdated or problematic, many aspects of the current ordinance work well. Unless there was some obvious benefit to making a change, the current regulations were retained.

Similarly, when a change was proposed, the Committee considered whether the change was making regulations more restrictive or more permissive. Whenever possible, particularly in the single-family development standards, the preferred choice was always to do whatever provides the most freedom or flexibility, increasing rather than reducing what is allowed, unless there was strong justification to choose otherwise. One example of being more restrictive is the reduction in the maximum first floor height for new single-family homes. In some R-1 sub-districts (but not all), the maximum first floor height has been reduced. The Committee determined that this reduction was appropriate in response to several public comments about how the first floor height was a factor in neighbors feeling that a new home was towering over them.

The most notable changes in the new ordinance include the following. A detailed discussion of the new ordinance follows after.

- The R-1 single-family zoning district has been broken down into 9 sub-districts so that the development standards may be more closely tailored to match the existing homes and development patterns of each area. One new R sub-district is created for the same purpose.

- The Village Center zoning district is now a hybrid of regular and form-based code. This article incorporates and seeks to encourage the types of re-development outlined in the Village Center Master Plan.

- Requirements for landscaping have been incorporated into the ordinance.

- Environmentally conscious aspects have been addressed with updated regulations for solar panels and wind turbines, consideration for the use of pervious pavers, and required bicycle parking for certain types of new construction.

- The ordinance now provides standards for uses and for accessory structures in Articles 12 and 13, respectively. Accessory structures such as tree houses/play houses and outdoor kitchenettes have been defined and regulations clearly identified so that residents can easily find the appropriate regulations.

- The role of zoning administrator has been defined as having primary responsibility for the zoning ordinance.

- The ordinance generally has improved organization and presents information such as development standards in a table format.

The zoning ordinance is proposed to be effective April 1, 2014. This will allow those whose plans are currently being developed to continue to the permit process and to give the staff time to publicize the new ordinance.

Below is a discussion of the differences between the current ordinance and the new ordinance.

Article 1 – Purpose and Applicability

The content of Article 1 remains largely the same with only some word and organization changes.

Article 2 – Definitions

Article 2 continues to contain all definitions as well as the use of words such as "shall" and "must."

The definitions have been modified extensively. A number of definitions have been removed, new definitions added, and current definitions reworked.

New definitions of note include art gallery, art studio, building integrated photovoltaic solar energy system, columbaria, dog run, garage and yard sales, hotel/motel, indoor amusement facility, live performance venue, outdoor fireplace, outdoor kitchenette, place of worship, play house, tree house, water garden, and wind turbine.

Uses that currently fall under the definition of "personal service establishment" have separated into a number of definitions. "Financial institutions" is a new definition, removing "banks" from the current personal services. "Medical/dental clinic, small" and "medical/dental clinic, large" have been created to remove "clinics" from personal services. "Art studio" is a new definition that includes dance, martial arts, yoga, or personal training centers, as well as painting, music and photography studios. This removes "dance and martial arts studios" from personal services. Personal service establishment is now "personal services establishments" and explicitly does not include art studios, financial institutions, and medical/dental clinics.

"Automobile service station" and "vehicle sales, rental or servicing" have been replaced by "motor vehicle service and repair, major" and "motor vehicle service and repair,

minor." This distinction allows smaller facilities to be located in places where larger facilities might not be appropriate.

A new use, "Restaurant, specialty" has been added to create a distinction between these uses and "restaurants, limited service." Specialty restaurants are those whose primary business is to sell a single specialty item that is not considered a complete meal. The definition of limited service restaurants continues to describe aspects associated with fast-food, including a fixed menu board, paying for food before consuming, and fixed seating.

A new section, Section 2.5, has been added for rules of measurement. This removes the measurement aspect of the definitions of floor area, lot dimensions, established front yard setback, height, flat roof, half story, floor area, lot coverage, and fence openness. How floor area is counted has been re-organized but remains largely the same, but a new section for floor area for mixed-use and non-residential structures is proposed. The calculation of the garage, front porch, and attic floor area bonuses are assembled here. A new section measuring lot coverage is included. A new section has been added describing how fence openness is calculated. This was added in response to some recent inquiries and incidences where a fence was installed incorrectly due to a misunderstanding of how openness was defined.

Article 3 – Ordinance Administration

The intent of Article 3 remains the same but the language has been slimmed down. This article outlines the powers of the Village Board, Zoning Board, Plan Commission, Appearance Review Commission, and Zoning Administrator as they pertain to the zoning ordinance.

Article 4 – Administrative Procedures

The current Article 4 has been separated into two new articles, Articles 4 and 5. Article 4 contains administrative procedures. Specifically, Article 4 lays out a consistent process for filing applications, the notice procedures, and the process for public meetings and hearings. The Zoning Board currently follows the process for hearing as shown. Other commissions, specifically ARC and Plan Commission, might need to amend their process to match, when holding hearings.

Article 5 – Applications and Approval Processes

The content of Article 5 remains the same but it has been reorganized to be internally consistent and easier to read. This article describes the procedures and standards for text and map amendments, special uses, variations, sign variations, administrative zoning review, appearance review certificates, zoning interpretations, site plan review, building permits, certificates of occupancy, sign permits, fence permits, administrative appeals, and special rules for units of local government.

The standards of review for variation remain the same, except that standard three has additional language that allowing a difficulty or hardship peculiar to the property in question to include consideration for site landscape (large trees) and unique conditions

created by the age and character of the property (historic character of home or property).

As part of the effort to minimize the need for variations before the Zoning Board, the first two administrative zoning review variations (5.6.D.1.) have been modified to allow administrative review of an addition that is slightly setback but not enough to be conforming. In the current ordinance, an addition must be directly in line with an existing wall. The proposed change will help in those cases where the setback can't be met but the addition is able to provide a greater setback than the existing wall. A new request has been added (5.6.D.11) allowing administrative review of front yard impervious surface coverage to accommodate a driveway 8 feet in width.

Article 6 – Planned Unit Developments

Proposed Article 6 allows PUDs in all zoning districts but restricts PUDs in the single-family (R and R1) districts to adaptive reuse only and restricts PUDs in the R2, R3 and R4 districts to residential uses allowed in those districts. Currently PUDs are not allowed in the residential zoning districts.

Section 6.5.E. has been modified to make it clear that the magnitude and type of public benefits proposed by an applicant should be comparable to the amount of zoning relief that is necessary for the development. For example, an applicant should not expect approval for two stories over the height limit when the only public benefit being proposed is two car share parking spaces. The list of possible public benefits has been expanded with more examples of acceptable public facilities, though an applicant is not limited to this list.

The number of concept plans required to be submitted as part of the pre-application meeting is proposed to be reduced from 3 to 1 with an optional concept plan meeting with the Plan Commission offered at the pre-application stage.

The number of steps in the PUD approval process is proposed to be reduced by one with the Final Plan no longer needing Plan Commission approval. If the PUD is to be developed in phases the final plan may be submitted in phases provided it meets the timing of the submitted construction schedule.

Article 7 – Zoning Districts

The language in Article 7 maintains the intent of the current language, which was taken from the beginning of current Articles 1 and 5, regarding the zoning districts, zoning map, and annexed land. New language has been added providing exemptions for public utilities and certain village facilities.

Article 8 – Residential Zoning Districts

R1 Single Family

A significant goal of the Committee was to review the single-family development standards and this was where a large portion of the ordinance work was spent. While the R-1 zoning district is the predominant residential zoning district, most areas of the

Village have a distinctive character that is different from other parts of the Village. The Committee investigated the best way to tailor the zoning regulations to each identifiable area for two purposes: one, to minimize non-conformities for existing homes, facilitating improvements and removing procedural barriers, and two, to ensure that new construction was as compatible as possible by matching existing development patterns.

To accomplish this goal, the Committee sought the development of multiple R-1 districts.

Camiros prepared a map of the existing R-1 zoning district, separating out possible sub-districts by grouping areas with similar lot width and lot area. From this analysis, they also recommended minimum lot area and lot width requirements for each sub-district. The staff then evaluated the predominant housing characteristics in each sub-district to determine what development standards would be most appropriate.

The staff first considered the current lot coverage and floor area formulas, known conversationally as the default option and contextual option. Because the lot coverage and floor area formula for each option is essentially one formula with one added step, this memo refers to the lot coverage and floor area formula as one, rather than two, formulas.

Lot Coverage and Floor Area

When the current zoning ordinance was first adopted in 1990, it was the first ordinance to provide for lot coverage and floor area for single-family homes. This formula, with some subsequent modifications, was in effect until 2003. In 2003, it was decided that the original formula was not encouraging the desired effect for new homes. The base formula was modified to reduce the amount of area permitted. This area was "added" back in by the use of a new attic floor area bonus and an increased front porch bonus, thus encouraging the use of front porches to break up the appearance of bulk on the home and attics to move some of the bulk up and away from the lot lines.

In 2007, a resident and builder asked the Village to reconsider the floor area bonuses. Specifically, he said that the 2003 formula was acting as a disincentive for those wishing to build a new home consistent with existing homes, in those neighborhoods where front porches and attic space are less common (i.e. Kenilworth Gardens). In order to maximize the floor area, one would need to build the front porch and attic, which would then be out of character. If one wanted to build something consistent in appearance, one would be leaving floor area on the table.

After consideration of this argument, in 2007 the original 1990 formula and its associated bonuses were reinstated in the zoning ordinance as the "contextual" option. The 2003 formula and its bonuses remain as the "default" formula. The contextual option is available everywhere and may only be used when the height of the homes on either side and within 100' of the subject property has an average of 30' or less. Under the current ordinance, one is not required to lower the height of the subject property to 30' or less.

When the staff began the evaluation of the lot coverage and floor area formulas for the different possible sub-districts, the two formulas, the 2003 default formula and the 1990

contextual option, were considered with their bonuses as two separate packages. The staff considered the predominant housing style in each sub-district, primarily whether the homes tended to have larger front porches and/or the houses tended to be taller with attic floor area. The staff assumed that the 2003 formula would apply unless the character of an area was obviously more compatible with the 1990 formula. Areas such as Richmond Lane and Kenilworth Gardens clearly have a character that includes small or no front porch and low roof lines with no counted attic floor area. Each of the sub-districts was then assigned one or the other lot coverage and floor area package as the default formula.

Contextual Option

Because all areas have housing styles that would benefit from either formula package, a contextual option is still available in all sub-districts. For this purpose, there is a connection between floor area and height. The 1990 formula tends to be more beneficial for homes that do not have a large front porch or any attic space. These homes tend to have a lower overall height, in part because the roof line is not high. Conversely, homes with attic area tend to be over 30' in height. The contextual option is therefore provided in the new ordinance based on the height of adjoining homes.

To qualify to use the contextual formula, the requirement remains based on the average height of the homes on either side and within 100' of the subject property. When the average height is 30' or less, one can use the 1990 formula package. When the average height is greater than 30', one can use the 2003 formula package. Use of the contextual option now contains a height requirement; if you choose to take advantage of the 1990 formula, the maximum height is limited to 30'.

Setbacks

The development of sub-districts allows for all development standards to be tailored to an area, not just lot coverage and floor area. Accordingly, the staff also looked at required setbacks for each sub-district.

The process of establishing a front yard setback from averaging the setback of existing homes as of 2003 remains the same. The minimum requirement of 25' remains for all but one proposed sub-district. In the R1-I sub-district, the minimum is reduced to 18' unless the established setback is greater.

The minimum side yard setback requirement of 10% of the lot width or 5', whichever is greater, remains the same for six of the proposed nine sub-districts. The minimum setback is reduced for those three sub-districts where the minimum lot width has been reduced to 40'. In the R1-B and R1-I sub-districts, the requirement is 10% of the lot width or 4', whichever is greater. In the R1-E, the requirement has been further reduced to 10% of the lot width or 3', whichever is greater.

Similarly, the combined side yard setback requirement of 25% of the lot width or 12.5', whichever is greater, remains for all but the three sub-districts with reduced lot width. In R1-B and R1-I, the requirement is 25% of the lot width or 10', whichever is greater. In the R1-E, the requirement has been further reduced to 25% of the lot width or 7.5', whichever is greater.

For the side yard adjoining a street setback, the requirement is current 30% of the lot width, not less than 15' and not more than 25'. Again, this requirement remains for all but three of the nine sub-districts. In the R1-B and R1-I, the minimum number has been reduced so that the requirement is 30% of the lot width, not less than 12' and not more than 25'. In the R1-E, the minimum is further reduced to 30% of the lot width, not less than 9' and not more than 25'.

For all sub-districts, the rear yard setback requirement remains unchanged: 20% of the lot depth, not less than 25' and not more than 40'.

For all other uses in all sub-districts, the setback requirements remain the same as in the current ordinance.

Principal Structure Height

The current ordinance limits maximum height to 35' or two and a half stories, whichever is less. The staff recommended that for those sub-districts where the 1990 formula was to be the default formula (remember, the 1990 formula provides greater area to the first and second floors and does not have an attic bonus), these areas tent to also have a lower building height, in part because they have little to no attic space. The use of the 1990 formula now, as the contextual option, does not require that the subject property have a height of 30' or less, though to qualify to use this formula, the average height of adjacent homes is required to be 30' or less. The staff felt that it made sense to reduce the height limit to match the use of the 1990 formula as the default formula. Therefore, in the R1-B, R1-C, R1-E, and R1-F sub-districts, the maximum height has been reduced to 30' or two and a half stories.

First Floor Height

Under the current zoning ordinance, the height of the finished first floor is not specifically limited, but if it is 5.0' or more for a house built on or before July 1, 2003 or 4.0' or more for a house built after July 1, 2003, the area of the basement counts 100% as floor area. While not much can be done for existing homes regarding the height of the first floor, this requirement effectively limits the height of the first floor on new homes.

The proposed ordinance retains this provision to count basement space under a finished first floor over a certain height but also provides a specific first floor height limit above which the first floor may not be built. This provision was added in response to comments collected at the beginning of the process attesting to the impact the height of the first floor of a new home has on the homes around it.

In Kenilworth Gardens and on Richmond Lane for example, many existing homes have a first floor less than three feet above grade. New homes tend to be built with the first floor over three feet to improve the living space in the basement by maximizing ceiling height and providing natural light. Neighbors stated in interviews that when a new home was built next door with a first floor raised significantly above their own, this had a more noticeable impact on character than the overall height of the new home. They felt that the occupants of the new home were looking down into their own homes from the higher first floor windows.

Garage Lot Coverage Bonus

The garage lot coverage bonus was originally part of the 1990 formula; for lots less than 8,400 square feet, a maximum 200 square foot bonus would apply and for lots 8,400 square feet or more, a maximum 400 square foot bonus would apply. In this way, the garage lot coverage bonus was somewhat scaled to the lot size, as was later done with the formulas for the front porch and attic floor area bonuses.

When the 2003 formula was implemented, the garage lot coverage bonus was changed to allow up to 200 square feet only for homes built before March 3, 1990 and with no bonus provided for home built on or after March 3, 1990.

The two floor area packages retain their associated garage lot coverage bonus.

Front Porch Lot Coverage Bonus

When the 2003 formula was implemented, the front porch lot coverage bonus was eliminated, however, when the 1990 formula was reintroduced as the contextual option in 2007, this bonus was included with that formula. Unlike the porch floor area bonus, the porch lot coverage bonus is not a formula and is simply equal to the area of the porch up to a maximum of 100 square feet.

Garage Floor Area Bonus

The garage floor area bonus has been increased from a maximum of 400 square feet to a maximum of 440 square feet, for all single-family homes in the R, R1, and R2 zoning districts. The bonus applies to the full area of the garage, whether attached or detached, up to a maximum of 440 square feet.

Use of Shed Bonus in Lieu of a Garage

In several areas of the Village, the predominant housing character and lot size result in homes with room for only a one-car garage or no garage at all. Since storage is one driving factor behind larger garages, it was decided that those who have only a one-car garage or no garage should be able to get a bonus for a shed serving a similar purpose. Therefore, a provision has been added to allow a shed floor area bonus in coordination with a garage bonus, if applicable. Specifically, a floor area bonus of up to 200 square feet applies for a shed. If there is a garage on the property, the garage floor area bonus and shed floor area bonus together may not exceed 440 square feet. The bonuses apply to the full area of the shed and garage up to the maximum.

Front Porch Floor Area Bonus

The front porch floor area bonus was originally created to encourage the front porch as a design element to break up the mass on new homes and to provide some floor area relief to existing homes that have relatively large front porches. The requirements necessary to qualify for the porch bonus have been criticized for encouraging only a specific style of front porch, one that is typically associated with older homes in the eastern part of the Village. The intent was to encourage a porch large enough to be functional but the effect is that smaller porches, which may be more appropriate to the house style, are penalized.

The front porch bonus has therefore been modified to address these concerns and to work with the floor area packages tailored to the various sub-districts. Currently, the

porch floor area bonus is only applicable with the 2003 floor area formula. The porch bonus is applied by formula, which increases the bonus with the size of the lot, up to a maximum bonus of 200 square feet. The draft ordinance allows the porch bonus to apply to all sub-districts using the same formula. The maximum amount, however, varies by sub-district. In the R1-C sub-district, where front porches tend to be smaller, the maximum bonus is 100 square feet. In the R1-G sub-district, where front porches tend to be relatively large, the maximum bonus is 300 square feet.

The qualifications for the bonus are proposed to be modified so that more front porches may qualify. Specifically, the minimum depth is proposed to be reduced from six feet to three feet and the minimum width requirement of 50% of the front façade is proposed to be eliminated.

Impervious Surface Coverage

The impervious surface coverage requirements remain the same, but two new provisions have been added. First, 10% additional coverage is permitted if non-mortared pavers or a similar pervious material is used throughout the required yard. Second, a provision has been added in the nonconformity article (Article 17) specifically allowing the exact replacement of existing non-conforming impervious surfaces. This section, 17.4.B.3 allows existing paved surfaces that are non-conforming in impervious coverage to be repaired and replaced in the same location and with the same dimensions. This is a statement of the current practice to allow exact replacement.

R Single-Family

A portion of the Indian Hill R district is proposed to be rezoned from R to R-A, a sub-district of R. Almost 75% of the existing lots in this area, bounded by Lake Avenue, Illinois Road, Hibbard Road, and Romona Road, do not conform to either the 15,000 square foot lot area or 100' lot width requirements of the R district. Several homes in this area have difficulty meeting the R district rear yard setback, which is a function of the lot depth. The proposed R-A sub-district reduces the minimum lot area to 10,000 square feet, which is less than required by the R zoning district, but still larger than the typical R1 lot. With the reduced minimum lot area and the proposed 60' minimum lot width, more lots in this area will be conforming. The minimum front yard and rear yard setbacks are proposed to be reduced as well, to better match the existing development patterns.

Other than the creation of this R-A sub-district, no changes are proposed to the R district, other than the increase in the garage floor area bonus, which applies to all single-family dwellings.

R2 Townhouses

The definition of townhouse has been expanded to "townhouse/stacked flat dwelling." The definition allows units to be stacked either side by side (a typical townhouse) or stacked one above another. The modification to the form of the structure will give developers greater flexibility when determining what product is desired by the market. This also allows for single-floor living, which is likely to become more desirable as the population ages.

It was noted that most R2 areas have already been fully developed with townhouses, with the exception of the R2 areas surrounding the Village Center. These R2 areas are largely developed with single-family homes though there are some opportunities where townhouses have been proposed.

It was the desire of the Committee and of those residents who addressed the Committee to keep the density of townhouses to that which currently exists. Increasing the density or altering the development standards was thought likely to result in an undesirable change in the character of these areas.

Accordingly, the density requirements remain with a limit of four units per building and one building per lot. This language is currently in the permitted and special uses sections of the ordinance and is relocated to Article 12, section G. in the new ordinance. Townhouses/stacked flats that do not meet the four units per building or one building per lot requirements remain a special use. Other limits have been added, including limiting the building frontage to 180 feet and liming unit width to 30 feet. Additional requirements for exterior stairs, buildings to face the street, and separation and privacy are also included in Article 12.

The development standards also remain the same and are summarized in Table 8-2. A new requirement has been added limiting the height of the first floor to no more than 4' above grade.

The boundaries of the existing districts remain the same and the permitted and special uses in the R2 district remain the same.

Multi-Family Dwellings

No changes from the current ordinance were made regarding the R3 and R4, multi-family housing districts. The boundaries of the existing districts remain the same. The density requirements that are currently in the permitted and special uses sections of the ordinance remain the same and are now contained in Article 12, section P. The development standards also remain the same and are listed in Table 8-2.

Article 9 – Commercial Zoning Districts

Article 9 separates out the commercial zoning districts from all the zoning districts, which are in Article 5 of the current ordinance. The NR, NR-1, GC-1, GC-2, and OR districts are described here. The majority of regulations for the commercial districts remain unchanged; however, some amendments have been made to the use allowances and bulk regulations.

The most significant change has been made to the impervious surface coverage requirements. They have been entirely removed from all commercial districts including NR, NR-1, VC, GC-1, GC-2, OR and all PCD Districts. Though these requirements have been removed, all commercial properties are still subject to the Village's grading requirements which regulate storm water drainage.

Article 10 – Village Center District

The most dramatic changes to the commercial zoning districts are proposed for the Village Center. These changes are largely based upon recommendations contained in the Village Center Master Plan. The most noticeable change is a shift from a land use and bulk code to regulations that are prescriptive and focused on the form of buildings. Whereas the previous code regulated the entire Village Center as a whole, the form based code allows for each block to have different regulations that recognize the change in character from one block to the next. This is especially important because the Village Center Zoning District is expanding to include properties along Park Avenue and Green Bay Road that have a different character from the traditional downtown east of Green Bay Road.

Street frontage designations and sub-districts are two ways in which the draft zoning ordinance addresses the changing character from one block to the next. Street frontage designations specify allowable uses and setbacks, and sub-districts specify allowable heights. Within the zoning ordinance, Figure 10-1 (VC Street Frontage Map) identifies street frontage designations for each lot in Village Center and Figure 10-7 (VC Allowable Building Height Map) identifies the height sub-district for each lot. As called out for in the Village Center Master Plan, some areas of the Village Center will permit 5 stories compared to the three and a half stories currently permitted.

Several regulations have been removed from the VC Zoning District including minimum lot dimensions and maximum floor area ratio. While these regulations have been removed other regulations have been added that encourage better design including: building massing, orientation, pedestrian relationship and building material standards.

Parking design standards are contained in Article 14, but the VC Zoning District has further regulations that specify where parking lots and access to those parking lots can occur. One of the strategies for maintaining a pedestrian friendly district is to maintain a constant street wall along the sidewalk. By limiting the number of curb-cuts from the street onto the property and by specifying where parking lots are positioned in relationship to pedestrian paths a district can improve its walkability.

Article 11 – Planned Commercial Development Districts

Article 11 contains zoning regulations for Edens Plaza, Plaza del Lago and Westlake Plaza. No changes are proposed to these districts except to incorporate use types that were added to the ordinance and to more specifically define uses that were formerly considered personal service uses like financial institutions and medical uses. Like other commercial districts, the impervious surface limits have been removed.

Article 12 – Use Standards

Article 12 is a new article that collects the use standards that are currently in definitions and attached to each use when listed in each zoning district.

Accessory Living Units
The standards for accessory living units have been amended to eliminate the requirement that the applicant must have owned and occupied the property for three years prior to applying for the special use. This will allow new construction homes to apply for the special use and allow existing homes with accessory living units to be sold and the use to continue.

Car Wash
Recent Zoning Board cases involving special use requests for a car wash have highlighted the need for specific use standards. The draft ordinance includes standards for screening, security, litter, and lighting.

Cultural Facility
A new standard was created to minimize adverse impacts on adjoining properties. Cultural facilities are defined to include museums, cultural centers, historical societies, and libraries.

Day Care Home, Child or Adult
There has been no change to the day care home requirements.

Drive-Through Facility
A drive-through must have at least one (1) acre in area and provide adequate vehicle stacking so as not to interfere with traffic circulation on adjoining streets. Any exterior lighting and/or intercom menu displays must not interfere with adjoining neighbors.

Educational Facilities, Primary, Secondary, Colleges, and Vocational
New standards have been created for educational facilities. The first is a general statement about minimizing adverse impacts on adjoining properties. The second requires a minimum area of five acres for any facility that included on-site boarding.

Gas Station
Gas stations must not interfere with traffic circulation on adjoining public streets and must not have illuminated that exceeds 10 foot candles at any location underneath their canopy.

Golf Course
There has been no change to the golf course requirements.

Group Home
The standards for group homes have changed. The new ordinance provides two new standards that the location, design, and operation of the facility will not alter the residential character of the neighborhood and that the facility retains a residential character. Third, the operation does not adversely impact surrounding properties. The last two standards in the draft ordinance, which are taken from the current ordinance, require first preference for Wilmette residents and a minimum separation between group homes. Since this draft was issued, the Village's legal counsel has reviewed the ordinance and recommends that these last two standards be eliminated. This will be reflected in the final draft.

Kennels and Pet Day Care Service
In addition to distance requirements contained in the existing code, the draft regulations establish sanitation, fencing and noise standards.

Motor Vehicle Uses (Dealerships, and Minor and Major Repair)
Dealerships and rental establishments require a minimum of 20,000 square feet if any vehicles will be displayed or stored outside. Service and repair shops are limited to the duration that vehicles may be outside. Minor repair shops are limited to 10 days and major repair shops are limited to 30 days. Any repair work must take place in an enclosed structure.

Parking Lots
Off-Street parking lots and parking structures must be screened and must not be used for storage, display, sales, or repair.

Place of Worship
A general standard has been created to minimize adverse impacts on adjoining properties.

Residential Care Facility
Residential care facilities are a new use that includes nursing homes, assisted living facilities, and continuum of care facilities. This new use is not permitted in the R and R-1 districts and is a special use in the R-2, R-3, and a permitted use in the R-4. Existing facilities that would now fall under the residential care facility definition include Sunrise of Wilmette (615 Ridge Road), Mather Place (2801 Old Glenview Road), and Manor Care (424 Poplar Drive). Sunrise of Wilmette and Mather Place are currently special uses in the R2 district and would remain so. Manor Care, as a nursing home, is not a permitted or special use in the current ordinance in the R2 district. This new definition would allow this use as a special use.

Existing senior housing buildings, Gates Manor (1135 Wilmette Avenue), Shore Line Place (324 Linden Avenue) and Village Green Atrium (800 Ridge Road), would be considered multi-family dwellings because they do not provide assistance or continuum of care.

Social Club or Lodge
New standards have been created for social clubs or lodges. The first is a general statement about minimizing adverse impacts on adjoining properties. The second limits office space to 50% of the gross floor area. The third states that meals and alcohol may only be served to members. Lodging is prohibited.

Utility
A new standard has been created to minimize adverse impacts on adjoining properties.

Article 13 – On-Site Development Standards

Exterior Lighting (13.3)
The current outdoor lighting section has been replaced by an exterior lighting section that contains general provisions as well as provisions specific to non-residential and

residential uses. These provisions are somewhat based on the Dark Sky Movement. The current requirements to prohibit glare and limit light levels to 0.5 foot candles at the lot line remain. The requirements for light pole and building-mounted lights reduce the maximum pole height to 18' for non-residential uses. Lighting for playfields may be up to 70', provided there is a minimum of 20' from any residential lot line and special use approval is obtained. For residential uses, the maximum pole height is 15'. Other residential lighting, including under-soffit lighting, may not be mounted more than 15' above grade.

Accessory Structures and Uses (13.4)
Only new structures and significant changes are noted here.

Dog Runs
With recent amendments to Chapter 4 (Animals) of the Village Code, the restrictions on dog runs have now been moved to the zoning ordinance.

Donation Boxes
A new section has been added providing regulations for donation boxes. Currently, such accessory structures are not permitted, being interpreted as outdoor business activity.

Fences
The fence regulations are not proposed to be changed other than a couple new fence exception areas, including the creation of a new front yard exception area. During the ordinance review, the Committee received a request to consider reducing the front yard and side yard adjoining a street fence openness from 50% to 25% to 33%. The Committee decided not to make this requested change because of the impact on appearance and because there was no significant problem with the current regulation. The resident who requested the ordinance change was granted a variation to allow a portion of his replacement fence to be less than 50% open.

Under fences is a new section addressing free standing walls and seat walls. Currently, walls (defined as structures with a footing/foundation) are not permitted in any yard (no allowable encroachment). Seat walls are currently treated as walls, causing some problems for those wishing to put such seating on patios. The draft ordinance still does not permit walls to act as fences, but does allow walls to encroach to within 3' of the interior side and rear lot lines as long as they are no more than 3' in height.

Garages
The current regulations limiting detached garage height, maximum garage size, and minimum side and rear setbacks have been relocated to this section. The height regulations were modified to increase the permissible wall height under which the roof can be raised to a maximum of 18'. The current ordinance limits wall height to 8'3" and the draft ordinance increases this to 9'3". Also, the garage height may be increased to a maximum of 20' if the roof style and pitch match the primary roof of the principal structure.

New limitations on the location of attached garages have been included in this section. For new single-family and two-unit dwellings built after the ordinance effective date,

front-loaded garages are limited to 50% of the width of the front façade or 22', whichever is greater. Such garages must also be a minimum of 5' behind the main front façade.

Home Occupations

The standards for home occupations have not changed except to be reworded slightly. The requirement to provide parking in accordance with the parking table has been removed because the home occupation is considered accessory to a single-family home and no additional parking should be required.

Outdoor Fireplaces

This new section was added in response to the increased interest in outdoor fireplaces. Open burning and outdoor fireplaces and chimneys are subject to the regulations of Chapter 3 (Air Pollution) of the Village Code. While the Village Code chapter references setbacks, this section makes clear that outdoor fireplaces are not allowed to encroach into a required front or side yard or side yard adjoining a street and provides a maximum height of 15' for outdoor chimneys (consistent with the current and proposed height limit for accessory structures).

Outdoor Kitchenettes

This new section was added in response to the increased interest in outdoor kitchenettes. Currently, kitchenettes are treated generically as accessory structures, which must meet the minimum side yard setback and may be as close as 3' when located in the required rear yard. These requirements are proposed to remain the same.

Porches

The standards section for porches reiterates the allowable encroachments for porches and stairs. The new ordinance increases the porch encroachment into a front and rear yard and side yard adjoining a street from 4' to 6'. This was done to encourage larger, functional porches. Porches are still limited to covering no more than 10% of a required front yard. Stoops are not considered porches.

Retaining Walls

Retaining walls continue to require a 1' setback from any lot line. A new standard has been added limiting the height of a terraced retaining wall to 2', with a greater height subject to approval by the Village Engineer. Retaining walls that exist as of the date of the ordinance may be repaired or replaced as long as there is no increase in height.

Sheds and Greenhouses

The shed and greenhouse standards include a section stating the setback requirements and requiring ten feet of separation to the principal structure; requirements that are in the current ordinance. The maximum height of these structures has been reduced from 15' to 10'.

Solar Energy Systems

A new section for solar panels has been added to the zoning ordinance. The section reinforces the current practice regarding roof mounted solar panels and addresses the use of building integrated solar systems such as solar roofing materials. On a principal

building, solar panels must be setback 3' from any building wall and ridge line to allow adequate fire access and are permitted to a height of 1' above the maximum height limit of the zoning district.

Swimming Pools, Spas and Hot Tubs

The section on swimming pools, spas and hot tubs has been simplified. The pool and equipment are still not permitted between the principal building and a street and pumping equipment must be a minimum of 15' from any lot line. There must be no negative impacts such as water draining onto adjacent properties, minimal visual and noise impacts and lights is to be shield or oriented away from adjacent properties. The standards of review to grant a variance have been removed; these are now found under the administrative zoning review process.

Tents

The section regarding tents has been altered. Currently, tent regulations fall under temporary uses and structures. In the new ordinance, this section clarifies that tents used for recreational purposes are permitted and must be located in the rear yard. Tents used for entertainment or assembly in conjunction with a special event on the same lot are permitted for no more than 5 days and must be removed within 2 days after the end of the event. The temporary use section (discussed below) then stipulates that a tent for assembly or display purposes that is used for more than 5 days requires a temporary use approval.

Tree Houses, Play Houses, Playground Equipment

With tree houses and raised play houses increasing in popularity, this new section seeks to clarify how such structures are regulated. Currently, tree houses and play houses are treated generically as accessory structures, which must meet the minimum side yard setback and may be as close as 3' when located in the required rear yard. As accessory structures, they are also currently limited to 15' in height. The provisions remain the same but are now called out specifically for these structures.

Unusual Recreation Equipment

The current ordinance provides that unusual recreation equipment is a special use accessory to a single-family residence, with no additional standards provided. This use remains a special use but this new section has been added to provide standards to determine when a recreation use rises to the level of being unusual.

Wind Turbines

A new section for wind turbines has been added to the zoning ordinance. The section regulating building mounted systems allows a turbine on a principal structure to be up to the maximum height permitted in the district. A turbine on an accessory structure is permitted to be 15' above the maximum permitted height of the accessory structure. The maximum height is measured to the maximum height of the fan blade when it is at its highest point. Ground mounted turbines are permitted to the maximum height permitted in the district. Relief from the height requirement for a ground mounted turbine is reviewed through the special use process if the extra height is needed to exceed the tree canopy. The decibel level is limited to that of the zoning district where it's located.

Window wells

Currently, window wells are allowed to encroach 3' into any required yard. Two new standards have been added to require a three-foot separation between window wells on the same wall and to require that window wells used for emergency escape comply with the building code requirements.

Encroachments (13.5)

The encroachment table has been updated to include the new accessory structures in the ordinance. The only encroachment that was changed was to increase the front yard encroachment of open porches from 4' to 6'. Height encroachments are also located here and remain unchanged from existing and with the addition of solar panels.

Temporary Uses (13.6)

Temporary uses remain largely unchanged. The section has been rewritten to make it clear when a construction trailer can be approved administratively as opposed to by the Village Board. The zoning administrator is given the authority to approve requests that otherwise require Village Board approval, when those requests have been approved at least three times previously by the Village Board within a ten-year period. This should reduce the burden on the Village Board and make the approval process a little faster for the applicant. The current provision to allow two principal structures during construction has been removed.

Environmental Standards (13.7)

The noise and glare and heat restrictions remain the same. Vibration has been updated to a more general requirement. Electromagnetic interference has been added and the fire and explosive hazards have been updated.

Article 14 – Off-Street Parking and Loading

Article 14 contains the parking requirements currently located in Article 6. This article has many additions that provide greater flexibility to meet parking requirements. Regulations for parking structures and bicycle parking have been added.

The regulations provide greater flexibility by introducing parking credits and alternatives. Parking credits reduce the amount of required parking by considering factors like available on-street parking, public off-street parking and the use of car-sharing programs. Parking alternatives allow uses with differing peak demand hours to share parking spaces. For instance, office uses are allowed to share parking with full-service restaurants because they don't require parking at the same time. This allows each use to reduce their amount of dedicated parking. In some cases, uses that cannot provide parking may request permission to pay a fee-in-lieu.

The draft ordinance allows parking structures as a special use in some zoning districts. As a result, Article 14 includes design standards for parking structures to ensure they fit into the context of their surrounding area. Other changes include a separate parking table for Village Center and the inclusion of a multi-tenant designation in the parking table. The VC parking table reduces the amount of required parking by taking into account the proximity of public transit.

The multi-tenant designation recognizes shopping centers who manage their own parking lots and sets a constant parking requirement regardless of use type.

Article 15 – Landscape and Screening

Article 15 is a new section that expands upon screening requirements contained in the existing parking regulations. The requirements of this new section apply to all uses except for single-family and two-unit dwellings. They regulate landscape design, planting methods, species, quantitates, sizes, and maintenance. Landscaping is required around the perimeter of buildings and parking lots, within parking lots, in buffer yards that separate incompatible use types and to screen accessory structures like refuse areas.

Article 16 – Signs

The sign regulations have been renumbered from Article 9 to Article 16, but remain largely unchanged. The most substantial changes include more allowances for the display of signs.

Banner signs are currently prohibited. The draft regulations provide an allowance for temporary banners up to 32 square feet in area. Projecting (blade) signs are currently allowed, however, are not permitted in addition to a wall or awning sign. In order to encourage the display of projecting signs the draft regulations allow a 6 square feet projecting sign to be displayed in addition to a wall or awning sign in pedestrian oriented districts.

Window signs are currently allowed to cover up to 10% of the window. The draft regulations allow businesses to display window signs that cover up to 20% of their window if they choose not to display a wall or awning sign. Some storefronts don't lend themselves to wall or awning signs and this change provides businesses with comparable identification.

Article 17 – Nonconformities

The contents of current Article 7 are now under Article 17. The basic structure and content remain the same, addressing non-conforming uses, non-conforming structures, and non-conforming lots. The sections regarding replacement value of a structure have been improved by listing specific reputable sources for such data. The standards of review for lot variations remain the same.

Under non-conforming structures, the repair or replacement of non-conforming porches, stoops, and steps remains (17.4.B.2). A new section under this clarifies that paved surfaces that are non-conforming in coverage may be replaced provided the dimensions and location are unchanged.

New sections have been added pertaining to alterations and replacement of non-conforming signs (17.6) and non-conforming fences (17.7).

Article 18 – Enforcement

The contents of current Article 8 are now under Article 18. The language has been streamlined and made less specific so that there are no conflicts with the Village Code or state law.

Changes to the Zoning Map

The revised zoning map reflects the new R-A sub-district as well as the nine R1 sub-districts as discussed above under Article 8.

The only changes to the zoning map for commercial districts are those changes recommended by the Village Center Master Plan. Three areas west of Green Bay Road adjacent to the existing Village Center are being added to the VC Zoning District. Specifically, the GC-1 (General Commercial 1) District north of the Village Center has changed to VC (Village Center). This includes roughly the 700 block of Green Bay Road, from Central Avenue north to Lake Avenue. Another GC-1 District south of Village Center to Linden Avenue has changed to VC. Lastly, the 600 block of Park Avenue, which includes the Post Office and Library has been changed from R2 (Townhome Residential) to VC.

Attachments

1.0 Ordinance 2014-O-05
2.0 April 1, 2014 Draft Zoning Ordinance (bound copy)
3.0 January 7, 2014 Draft Zoning Map

ORDINANCE NO. 2014-O-5

AN ORDINANCE ADOPTING ZONING ORDINANCE OF 2014

WHEREAS, the Village President and Board of Trustees (collectively "Village Board") of the Village of Wilmette, Cook County, Illinois ("Village"), find that the Village is a home rule municipal corporation as provided in Article VII, Section 6 of the 1970 Constitution of the State of Illinois and, pursuant to said constitutional authority, may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare;

WHEREAS, the Village previously adopted a Zoning Ordinance, effective March 5, 1990, and amended from time to time;

WHEREAS, the Village Board finds that it is in the best interests of the public health, safety, morals and welfare to amend the Zoning Ordinance in its entirety and to replace it with this ordinance and the zoning regulations set forth in Exhibit A, which Exhibit A is incorporated in this ordinance in its entirety; and

WHEREAS, all required public notices have been given and all required public hearings have been held with respect to the Zoning Ordinance of 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES of the Village of Wilmette, Cook County, Illinois:

SECTION 1: The foregoing findings and recitals are hereby made a part of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: That the Village of Wilmette Zoning Ordinance is hereby repealed and replaced with the Zoning Ordinance of 2014, attached hereto as Exhibit A. The Zoning Ordinance of 2014 shall be in full force and effect from and after April 1, 2014.

SECTION 3: This Ordinance shall be in full force and effect from and after **April 1, 2014**.