



Village of Lincolnwood Plan Commission

Meeting
Wednesday January 9, 2013
7:00 P.M.

in the
Council Chambers Room
Lincolnwood Village Hall - 6900 Lincoln Avenue
Meeting Agenda

1. **Call to Order/Roll Call**
2. **Pledge of Allegiance**
3. **Approval of Minutes**
November 7, 2012 Meeting Minutes
4. **Public Hearing: Commercial Masonry Requirements - Zoning Code Text Amendment**
(Continued from December 5, 2012, November 7, 2012, September 5, 2012 & August 1, 2012)
Request: Text Amendment to Modify the Commercial Design Standards Relative to Masonry Requirements and to Consider Definition of "Masonry"
5. **Public Hearing: Off-Street Parking Standards, Requirements and Definitions - Zoning Code Text Amendment**
(Continued from December 5, 2012 and November 7, 2012)
Request: Text Amendment to Modify Pertinent Parking Standards, Parking Requirements, and Related Definitions
6. **Public Hearing: Parking Requirements - Zoning Code Text Amendment**
(Continued from December 5, 2012)
Request: Text Amendment to Review Permitted Location for Off-Street Parking and Review of Related Definitions
7. **Public Hearing: Principal Structure Front Yard Setback Requirement - Zoning Code Text Amendment**
Request: Text Amendment to Relocate Regulation for Average Front Yard Setback to Section IV of Zoning Ordinance
8. **Public Hearing: Land Use Requirements - Zoning Code Text Amendment**
Request: Text Amendment to Correct Footnote References of the Land Use Table

9. **Public Hearing: Additional Standards for Lincoln Avenue Corridor - Zoning Code Text Amendment**
Request: Text Amendment to Correct Section References
10. **Public Hearing: Residential Corner Side Yard Setback Requirement - Zoning Code Text Amendment**
Request: Text Amendment to Add Corner Side Yard Setback in R4 District
11. **Public Hearing: Wall Sign Requirements - Zoning Code Text Amendment**
Request: Text Amendment to Requirements of Number of Wall Signs
12. **Public Hearing: Sign Requirements - Zoning Code Text Amendment**
Request: Text Amendment to Review Requirements for A-Frame, Sandwich Board, and Similar Signs
13. **Public Hearing: Parking Requirements - Zoning Code Text Amendment**
Request: Text Amendment to Review Permitted Location for Off-Street Parking and Review of Related Definitions
14. **Public Hearing: Definitions - Zoning Code Text Amendment**
Request: Text Amendment to Definition Section to consider Modifying and Adding Certain Definitions Including but Not Limited to “Floor Area, Gross; Lot Coverage, and Development Site
15. **Other Business: Public Hearing Procedures**
16. **Next Meeting**
17. **Public Comment**
18. **Adjournment**

**MEETING MINUTES OF THE
PLAN COMMISSION**

November 7, 2012

7:00 P.M.

**LINCOLNWOOD VILLAGE HALL
COUNCIL CHAMBERS
6900 NORTH LINCOLN**

MEMBERS PRESENT:

Chairman Paul Eisterhold
Don Sampen
Steve Jakubowski
Mark Yohanna
Patricia Goldfein
Sue Auerbach
George Touras

MEMBERS ABSENT:

Don Sampen

STAFF PRESENT:

Community Development Manager Aaron N. Cook, AICP
Community Development Coordinator Lauren Wolf

VILLAGE COUNSEL

None.

I. CALL TO ORDER

Chairman Eisterhold noted a quorum of five members present and called the meeting to order at 7:02 p.m.

II. APPROVAL OF MINUTES

Motion to approve the September 5, 2012 Plan Commission minutes was made by Commissioner Yohanna and Seconded by Commissioner Auerbach. Motion approved 4-0. With Commissioner Touras' abstention.

III. Approval of Plan Commission 2013 Meeting Schedule

Motion to approve the Plan Commission 2013 Meeting schedule was made by Commissioner Yohanna and Seconded by Commissioner Goldfein. Motion approved 5-0.

III. Public Hearing Procedures

Commissioner Yohanna explained that Commissioner Sampen requested this agenda item and would like to be present for the conversation. Unfortunately, Commissioner Sampen is traveling on business and was unable to attend. Commissioner Yohanna made a motion to continue until next meeting. Commissioner Auerbach seconded. Approved 5-0.

November 7, 2012

IV. Public Hearing: Commercial Masonry Requirements – Zoning Code Text Amendment *(Continued from September 5, 2012 & August 1, 2012)*
Request: Text Amendment to Modify the Commercial Design Standards Relative to Masonry Requirements and to Consider Definition of “Masonry”

Development Manager Cook began with a short power point presentation. Five items are up for discussion. 1. Requirements of Lincoln Avenue Overlay and Remainder of Village. Currently, the Zoning Ordinance allows for all buildings to be constructed of masonry only. The Zoning Code also doesn't have a clear definition of masonry. The Village Board would like the Plan Commission to review the design standards for nonresidential buildings and the requirement of the Lincoln Avenue Overlay District. 2. Calculating Commercial, Institutional and Civic Building Design Standards. Currently, the Zoning Code requires that all commercial structures be constructed with a predominance of high quality materials. Staff will need a clear requirement for “predominance” and acceptable materials. 3. Acceptable High Quality Materials needs to be revisited. Staff asks Plan Commission to revise the current list of acceptable materials. 4. Definition of High Quality Materials also needs to be revisited. The definition of “masonry” needs to be clearly defined. 5. Unacceptable Materials need to be clearly identified in order for Staff to indicate to builders what is undesirable to the Village.

Zoning Board of Appeals Commissioner O'Brien was in attendance and discussed prior knowledge of the Village masonry requirements.

Commissioner Touras suggested Staff speak with members of the Lincoln Avenue Task Force and get a clear idea of why the Village went with the all masonry requirement, before things are changed.

Commissioner Auerbach explained that there was a desire to be like the Glen, in Glenview, with the all masonry uniformity.

Commissioner Goldfein stated that this Ordinance should be different for commercial stand a-lone buildings and maybe lessen the standard for multi-tenant construction.

It was suggested that Staff look at other communities design standards and present at the next meeting.

Discussion ensued.

Commissioner Jakubowski made a motion to continue to December 5, 2012 meeting. Seconded by Commissioner Yohanna. Motion carries 6-0.

November 7, 2012

**V. PUBLIC HEARING: Off-Street Parking Standards, Requirements and Definitions – Zoning Code Text Amendment
Request: Text Amendment to Modify Pertinent Parking Standards, Parking Requirements, and Related Definitions**

Commissioner Auerbach made a motion to continue to December 5, 2012 meeting. Seconded by Commissioner Yohanna. Motion carries 6-0.

VI. PUBLIC COMMENT: None.

VII. ADJOURNMENT:

The next Plan Commission meeting is scheduled for December 5, 2012 at 7:00 PM. Hearing no further business, Motion to adjourn made by Commissioner Yohanna. Seconded by Commissioner Touras. Motion approved unanimously 6-0. Meeting adjourned at 9:02 PM.

Respectfully submitted,

Lauren Wolf
Community Development Department Coordinator



Staff Report
Plan Commission
January 9, 2013

*Continued from December 5, 2012, November 7, 2012
September 5, 2012 & August 1, 2012*

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to B1, B2, B3, O, PUD & MB Districts.

Requested Action: Text Amendment to Article II Section 2.02 to consider a definition of “Masonry”, a Text Amendment to Article VI Section 6.04 to consider amendments to Commercial, Institutional and Civic Building Design Standards, and Text Amendment to Article VIII Section 8.17 relative to Building Materials.

Nature of Request: A text amendment is proposed to the Zoning Code to modify the design requirements for non-residential buildings.

Petitioner: Village Board

Summary

At the December 5, 2012 meeting, the Plan Commission continued deliberation of the non-residential design standards. The discussion revolved around the Village’s requirements for use of masonry and high quality materials.

From that meeting below are the results of the discussion on the five main items.

1. Requirements of Lincoln Avenue Overlay and Remainder of Village

The Plan Commission concluded that there should be one uniform set of standards should apply to all Commercial, Institutional and Civic Buildings in Lincolnwood. As a result, the Plan Commission should recommend a text amendment to eliminate from Section 8.17 the requirement that within the Lincoln Avenue Overlay District, “Buildings shall be constructed of masonry only.” By eliminating this section, all Commercial, Institutional, and Civic Buildings in Lincolnwood will be held to the same standard as found in Section 6.04(3).

2. Calculating Commercial, Institutional and Civic Building Design Standards

The Plan Commission discussed the Zoning Code requirement for all commercial structures to be constructed with a “predominance” of high quality materials. The Commission generally concurred that the section is unclear and could be clarified.

Therefore, below is the recommended text amendment to Section 6.04(3) to provide the desired clarification (new language in *italics* and deleted language in ~~strikethrough~~):

“All commercial, institutional and civic buildings shall consist of solid and durable facades on all sides of a building facing a public street and shall be compatible with the character and scale of the surrounding area. *Each Any exterior building elevation façade shall incorporate a predominance a minimum of 75% of high quality materials that may include, but are not limited to, brick minimum thickness of 2.25 inches, split faced brick greater than .5 inches in thickness, natural stone, sandstone, other native stone, pre-cast decorative stone, or glass, sealed and coated concrete masonry unit (CMU), and decorative concrete block. The required high quality materials Brick, sandstone or other native stones shall at a minimum extend from ground level to the top of windows with minor accents allowed in place of the predominant material.*”

3. Acceptable High Quality Materials/Masonry

Section 6.04(3) provides examples of what are considered high quality materials. The Plan Commission deliberated what materials qualify as high quality materials. Incorporated into the modified section above is the list of materials identified by the Plan Commission. The new materials that have been included are:

- Split face brick greater than .5 inches in thickness
- Natural Stone
- Pre-cast decorative stone
- Sealed and coated concrete masonry unit (CMU)
- Decorative Concrete Block

4. Definition of High Quality Materials

The Plan Commission generally concurred with the definitions as presented at the December 5, 2012 meeting. These definitions are included below.

Masonry materials shall mean and include that form of construction defined below and composed of clay brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit by unit set in mortar.

Brick – Includes kiln fired clay or shale brick manufactured to ASTM C216 or C652, Grade SW, can include concrete brick if the coloration is integral, shall not be painted, and it is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include underfired clay or shale brick. Brick also includes split face brick with a minimum thickness of .5 inches.

Stone – Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of two and five eighths inches when applied as a veneer

Decorative Concrete Block – Includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed or similar architectural finish; coloration shall be integral to the masonry material; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.

5. Unacceptable Materials

Section 6.04(4) of the Zoning Ordinance provides a list of materials that are permitted as minor accents. Staff seeks a discussion on this section (found below) and if this section can be strengthened or clarified to include additional materials that are not desirable.

Section 6.04(4)

“The use of ~~concrete block~~, split face block, pre-cast panels, and/or masonry stucco is permitted as a minor or accent building material, but is strongly discouraged for use as a predominant building material. The exterior surface of a masonry wall shall consist of a textured finished surface, shall not have a flat surface, and shall not be constructed of concrete block or cinder block having a plain, flat surface. *The use of Exterior Insulation Finishing Systems (“EIFS”) and metal and vinyl lap board siding is prohibited.*”

Attachments:

1. Zoning Ordinance Section 6.04(3)
2. Zoning Ordinance Section 6.04(4)
3. Zoning Ordinance Section 8.17

refuse and recyclables by truck or hand. Where provided, refuse areas shall be screened as follows:

- i. All outdoor refuse and recycling collection and holding areas shall be screened on three (3) sides from public view by a matching masonry wall integral to the building's architectural design.
 - ii. The height of such wall enclosure is subject to the regulations set forth in this Article VI, Part D – Landscape Standards.
 - iii. Where the use of a matching masonry wall for such screening is not feasible, masonry, or other material approved by the Zoning Officer, which is compatible with the main building's architectural design with the same height requirements of a masonry wall may be substituted at the determination of the Zoning Officer.
 - iv. The opening to the refuse enclosure shall be gated with a solid gate that is equal in height to the height of the enclosure.
 - v. Refuse disposal enclosures shall be situated to the greatest extent feasible, so that it does not face towards any abutting property zoned residential.
 - vi. The enclosure shall be used strictly for the confinement of refuse awaiting pick up and the gate shall remain closed except when refuse pick up occurs.
- d. All rooftop mechanical equipment shall be screened and enclosed in a manner that masks the equipment from view from all sides. Architectural features such as parapet walls and varying rooflines are encouraged. The means of screening rooftop equipment shall relate to the building materials, architecture and color.
- e. All utilities (e.g. electrical, communication) shall be buried underground.

6.04 COMMERCIAL, INSTITUTIONAL AND CIVIC BUILDING DESIGN STANDARDS

- (1) Creative layout and design of the buildings within commercial, institutional, or civic development is encouraged. The architectural quality should be expressed on all four-sides of a building and the utilization of a campus-style layout is encouraged in large scale developments. Creative layout and design will help decrease the overall mass of the development, to prevent monotony, and to improve the aesthetic quality of the development.
- (2) To improve the future use and adaptability of the commercial, institutional, and civic structures, buildings should not be designed in a manner that limits the ability of the building to be reused for other users.
- (3) All commercial, institutional and civic buildings shall consist of solid and durable facades on all sides of a building facing a public street and shall be compatible with the character and scale of the surrounding area. Any exterior building façade shall incorporate a predominance of high quality materials that may include, but are not limited to, brick, sandstone, other native stone, or glass. Brick, sandstone or other native stones shall at a minimum extend from ground level to the top of windows with minor accents allowed in place of the predominant material.

- (4) The use of concrete block, split face block, pre-cast panels, and/or masonry stucco is permitted as a minor or accent building material, but is strongly discouraged for use as a predominant building material. The exterior surface of a masonry wall shall consist of a textured finished surface, shall not have a flat surface, and shall not be constructed of concrete block or cinder block having a plain, flat surface.
- (5) Any façade greater than 75 feet in length shall incorporate recesses, projections, windows or other ornamental/architectural (i.e. dormers, awnings, towers, etc) features along at least 30% of the length of the façade abutting a public street in an effort to break up the mass of the structure.
- (6) Brick facades shall not be painted.
- (7) Outlot buildings that are part of a planned development or planned commercial center should reflect the style, materials and/or design elements of the main building. In cases where the existing main building does not meet the design guidelines and standards (i.e., in terms of visual design materials and layout of the building), new outlot development proposals will be reviewed using the guidelines and standards contained in this document.
- (8) Pedestrian scale features/amenities, such as solid-colored awnings, covered walkways, windows, street furniture, bicycle rack facilities, and clearly defined entranceways are encouraged.
- (9) Common open space and outdoor seating areas are encouraged.
- (10) The location of drive-through facilities, including drive-through lanes, bypass lanes, and service windows, adjacent to a public right-of-way are not desirable and discouraged.
- (11) All roofs on a commercial structure shall incorporate at least one of the following architectural treatments: (See Figures 6.04 A-D)
 - a. Overhanging eaves, extending no less than three feet past the supporting walls;
 - b. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to four (4) feet of vertical rise for every twelve (12) feet of run (4:12) and less than or equal to twelve (12) feet of vertical rise for every twelve (12) feet of horizontal run (12:12).
 - c. Three or more slope roof planes; or
 - d. Prominent cornices along the roof line of any façade.

8.17 BUILDING AND SITE ENHANCEMENTS

BUILDING DETAILS

Pedestrian scale elements shall be included in the facade or any building elevation fronting a public right-of-way other than an alley. Examples of such pedestrian scale elements are: decorative lighting, planters, and awnings.



Lighting should be designed as an architectural element and integrated with the building design.



Buildings with awnings help create a sense of human scale. Consistency in awning shape, size, horizontal location, and color should be encouraged.

BUILDING MECHANICALS

Mechanical units shall be hidden from views from public rights-of-way and adjacent properties; HVAC duct work shall not be placed on the exterior of walls.

AWNINGS

Awnings are encouraged.

SHUTTERS

Shutters, if used, shall be sized and mounted appropriately for the window, and shall be operable.

COLORS

Roofs visible from the street shall be earth tones (e.g., browns, dark green sand, red-brown).

PERMITTED OVERHANGS

Balconies and oriels may extend over sidewalk or right-of-way by 12 inches.

Turrets and eaves may extend over sidewalk by 24 inches.

BUILDING MATERIALS

Buildings shall be constructed of masonry only. Aluminum and vinyl siding as well as concrete block shall not be allowed.



Buildings with long, monotonous walls should be avoided. Monotonous walls can be broken up with windows, display cases, architectural detailing, and variation in the height of buildings. A consistent build-to-line should be maintained along the street.



Buildings that avoid long, monotonous walls should be encouraged.



An example of operable shutters facing the street.



Permitted Overhang: Example of an acceptable corner tower oriel



Staff Report Plan Commission January 9, 2013

Continued from December 5, 2012 and November 7, 2012

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to B1, B2, B3, MB Districts and any district in which an off-street parking and off-street loading is calculated.

Requested Action: Text amendment to Article II Part A, Section 2.02 regarding Definition of "Floor Area (For Determining Off-Street Parking and Off-Street Loading Requirements)"

Nature of Request: A text amendment is proposed to the Zoning Code to modify the definition of Floor Area (For Determining Off-Street Parking and Off-Street Loading Requirements).

Petitioner: Village Board

Summary

Recently the Plan Commission recommended to the Village Board a reduction in the required off-street parking for sit-down restaurants. During that discussion, the Plan Commission identified that the method in determining the floor area for purposes of determining off-street parking may also need to be reviewed. As part of the vote by the Village Board to concur with the Plan Commission's recommendation to reduce the required off-street parking for sit-down restaurants, the Village Board directed the Plan Commission to hold a public hearing to consider a text amendment to the definition of Floor Area (For Determining Off-Street Parking and Off-Street Loading). In addition to the referral, the Village Board directed the Plan Commission to comprehensively review all off-street parking requirements and associated definitions.

Prior to continuing with a review of the appropriate number of off-street parking spaces for carry-out restaurants and other uses, staff believes reviewing the definition of how floor area is determined is most appropriate. Therefore, at the November 7th Plan Commission meeting, staff intends to focus on a review of the definition of Floor Area only. The definition for Floor Area that is currently in the Zoning Ordinance is:

"Floor area", when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use, shall be the sum of the net horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement

and cellar floors that are devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of the walls.

Off-Street Parking Definition Research

Staff conducted research of other selected Chicago suburbs. Staff focused on the suburbs previously researched as part of the restaurant parking text amendment. Copied below are the applicable definitions from these other communities.

Berwyn

"FLOOR AREA. The gross floor area and the open land area required for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for the display or sale of merchandise. ***FLOOR AREA*** does not include areas used as restrooms, or areas or parts of areas used principally for nonpublic purposes, such as storage, automobile parking, incidental repairs, processing or packaging of merchandise or show windows, or for offices incidental to the management or maintenance of stores or buildings."

River Forest

"FLOOR AREA, NET (For Determining Off Street Parking And Loading Requirements): The sum of the net horizontal floor area of the several floors of a building measured from the interior faces of the exterior wall or from the interior faces of walls separating two buildings.

- A. The net floor area of a building shall include:
1. Basement area, when used for other than storage, service facilities or mechanical equipment;
 2. Penthouse area, excluding mechanical spaces;
 3. Attic space having headroom of seven feet or more;
 4. Interior balconies and mezzanines;
 5. Enclosed porches;
 6. Floor area devoted to building storage areas;
 7. For retail or commercial uses the net floor area of a building shall only include the sales or public floor area.
- B. The net floor area of a building shall not include:
1. Floor space occupied by mechanical, telephone and electrical equipment, including mechanical spaces;
 2. Stairwells, escalators and elevator shafts;
 3. Public restrooms;
 4. Interior off street parking and loading."

Des Plaines

"Floor area" for purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage areas, food preparation areas and bathrooms."

Bolingbrook

"(B) For Determining Off-Street Parking and Loading Requirements:

The sum of the following areas:

1. floor space devoted to the principal use of the premises, including accessory storage areas located within selling or working space such as counters, racks, or closets;
2. any basement floor area devoted to retailing activities; and
3. floor area devoted to the production or processing of goods or to business or professional offices.

For this purpose, floor area shall not include space devoted primarily to storage purposes (except as otherwise noted herein), off-street parking or loading facilities, including aisles, ramps and maneuvering space or basement floor area other than area devoted to retailing activities, the production or processing of goods, or business or professional offices.”

Morton Grove

“gross floor area and the open land required for service to the public as customers, patrons, clients or patients, including areas occupied by fixtures and equipment used for the display or sale of merchandise. Floor area does not include areas used as restrooms, or areas or parts of areas used principally for nonpublic purposes, such as storage, automobile parking, incidental repairs, processing or packaging of merchandise or show windows, or for offices incidental to the management and maintenance of stores or buildings.”

Skokie

Floor area, net (for determining off-street parking and loading requirements).

"Floor area," when prescribed as the basis of measurement for off-street parking and loading spaces for any use, shall be the sum of the gross horizontal area of the basement, and all other floors, excluding hallways, stairways, elevator shafts, boiler and air conditioning equipment rooms, or areas used for off-street parking facilities. All horizontal dimensions shall be taken from the exterior faces of the exterior walls, or from the centerlines of walls separating 2 buildings.

A clear trend is evident upon review and comparison of these definitions. Other communities exclude much more space when calculating Floor Area for purposes of determining off-street parking. It is commonplace for communities to exclude certain areas within a business such as restrooms, storage areas, hallways, stairways, etc. Lincolnwood currently makes no similar exclusions other than basement and cellar areas.

Recommendation

Staff believes that based on the research conducted, Lincolnwood is not currently following best practice when it comes to calculating Floor Area for the purposes of determining off-street parking. Therefore, staff recommends an amendment to this definition to exclude certain areas from the calculation. Areas to consider excluding based upon the research include:

1. Restrooms
2. Storage Areas
3. Hallways
4. Stairways
5. Elevator Shafts
6. Equipment Areas
7. Food Preparation Areas



Staff Report Plan Commission

January 9, 2013

Continued from December 5, 2012

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to all Districts.

Requested Action: Text Amendment to Article VII Section 7.06(5) to consider parking in front and corner side yard.

Nature of Request: Consideration and review of off-street parking location requirements which currently do not permit parking in front yard and corner side yard.

Petitioner: Village Board

Summary

Consideration of off-street parking location requirements originated from a recent consideration of a variation in a residential district. The property owner of 3837 W Sherwin Avenue in April 2012 received an interior remodel permit which included converting an attached garage into living space. As a result, the existing driveway no longer led to an approved off-street parking space (permitted off-street parking space formerly the attached garage). The Zoning Code section under review is Section 7.06(5) which permits off-street parking in any yard except a front yard and corner side yard. Therefore, the property owner sought approval to permit an off-street parking space in the front yard of the property commonly known as 3837 West Sherwin Avenue.

The Village Board considered the Zoning Board of Appeals negative recommendation on the requested variation at their October 2, 2012 meeting. The Village Board continued the requested variation indefinitely and directed the Plan Commission to review the off-street parking location requirements.

The requirement prohibiting off-street parking spaces in the front yard and corner side yard applies to all properties in Lincolnwood. The existing standard requires all new off-street parking spaces to be located to the side and rear of the principal structure on a lot. Amending Section 7.06(5) would result in off-street parking located in between the principal structure and a public street (either in a front yard or corner side yard). Many commercial properties have been developed previously with the off-street parking between the principal structure and the street. This condition can be maintained as an

existing legal non-conforming however, all new construction must comply with the current requirement of prohibiting parking in the front yard and corner side yard. As a result, the current standard greatly limits possible location for off-street parking on any given property.

Recommendation

The regulation under consideration is one that can be categorized as a community aesthetic. The issue is whether or not it is appropriate for off-street parking spaces to be found between the public right-of-way and the principal structure. Staff does not have any specific recommendation on this matter.

Attachments:

1. Zoning Ordinance Section 7.06(5)

open or enclosed off-street parking spaces for each bus to be parked on the premises shall be provided in accordance with subsection 7.06 (4) through (7) of this Article.

- (2) Computation: When determination of the number of off-street parking spaces required by this Zoning Ordinance results in a requirement of a fractional space, any fraction of one-half ($\frac{1}{2}$) or less may be disregarded while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one parking space.
- (3) Access: Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (4) Handicapped Accessible Spaces: The minimum number and dimension of parking spaces set aside as handicapped spaces shall be provided in accordance with the standards of the of the Illinois Capitol Development Board, as set forth in "Illinois Accessibility Code", dated April 24, 1997, as may be amended from time to time.
- (5) In Yards: Open-air, off-street parking spaces, may be located in any yard except a front yard and a side yard abutting a street, subject however to the provisions herein.
- (6) Design and Maintenance:
 - a. Open and Enclosed Parking Spaces: Parking spaces may be open-air or enclosed in a building and shall be accessed by a private drive that meets the following minimum aisle width standards:



Staff Report Plan Commission January 9, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to R1, R2, R3, and R4 Residential Districts.

Requested Action: Text amendment to move Article III Section 3.09.3 to Article IV Sections 4.11 and 4.12.

Nature of Request: A text amendment is proposed to the Zoning Code to move Article III Section 3.09 as written to Article IV Sections 4.11 and 4.12

Petitioner: Village Board

Summary

The purpose of the proposed text amendment is to relocate a section in Article III to Article IV of the Zoning Code. Article III of the Zoning Code primarily relates to yard obstructions and accessory structures. Article IV regulates bulk standards and setback requirements for principal structures.

The contents of Article III Section 3.09.3 are related to the average front yard setback requirements for principal structures. Article III Section 3.09.3 states:

“(3) On streets where a front yard setback of more or less depth than required by Article IV has been maintained for buildings existing on lots or tracts having a frontage of forty percent (40%) or more of the total frontage on one side of a block, the front yard setback line for each remaining vacant interior lot along the block shall be the average distance of the existing front yard setbacks on that side of the block.”

Sections 4.11 and 4.12 relate to area, bulk, density, and setback requirements for principal structures in all residential districts (R1, R2, R3, and R4). Section 3.09.3 would be more appropriately located in Article IV Sections 4.11 and 4.12.

Recommendation

Staff recommends moving Article III Section 3.09.3 to Article IV Sections 4.11 and 4.12. By moving this clause, citizens and staff will be able to centrally locate setback requirements for principal structures within Article IV. The relocation of Article III

Section 3.09.3 as written to Article IV Sections 4.11 and 4.12 will make Article IV more inclusive of all setback standards for principal structures in residential districts.

Attachments:

1. Zoning Code Excerpt: Article III Section 3.09.3
2. Zoning Code Excerpt: Article IV Sections 4.11 and 4.12

PART C: YARDS, ALLOWABLE OBSTRUCTIONS

3.09 YARDS, GENERAL

- (1) The minimum yard space required under the terms of this Zoning Ordinance for one structure shall not again be considered as yard space for another adjoining structure.
- (2) No lot shall be reduced in area so that the yards or other open space and lot area become less than required by this Zoning Ordinance.
- (3) On streets where a front yard setback of more or less depth than required by Article IV has been maintained for buildings existing on lots or tracts having a frontage of forty percent (40%) or more of the total frontage on one side of a block, the front yard setback line for each remaining vacant interior lot along the block shall be the average distance of the existing front yard setbacks on that side of the block.
- (4) On a vacant through lot, both lot lines adjacent to a street shall be established as the front line, except that where two (2) or more through lots are contiguous and a front line has been established by an existing principal building on the contiguous through lot, the same street line shall thereafter be deemed to be the front lot line.

3.10 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS

Table 3.10.01 below (Permitted Obstructions in Yards) list items which are permitted in yards and the location (e.g. front yard) where they are permitted. A "P" denotes that an obstruction is permitted; an "S" denotes that an obstruction is considered a special use and may be permitted in the subject district only after review and approval in accordance with Article V of this Ordinance; a "-" denotes that the obstruction is prohibited. (Ordinance No 2012-2987)

Table 3.10.01 Permitted Obstructions in Yards	Yard			
	Front	Rear	Side	Corner Side
Air conditioning window units, provided they do not extend more than two feet from window	P	P	P	P
Air conditioning condensers and equipment, other than window units, provided they are at least ten feet from side property lines and at least twenty feet from an adjoining residential property owner's window	-	P	-	P
Arbors and trellises, not in excess of 8 feet in height	-	P	P	P
Architectural projections of sills, belt courses, cornices and ornamental features projecting nor more than eighteen (18) inches into a yard	P	P	P	P
Awnings and canopies, projecting into a yard not more than 10% of the depth of front or rear yard or 25% of the width of side yard	P	P	P	P
Backup electrical generator, provided they are at least ten feet from all property lines.	-	P	-	-
Balconies, open, not to exceed 4 feet from building	S	P	-	-

4.12 Area, Bulk, Density and Setback Standards - R-4 - General Residence District

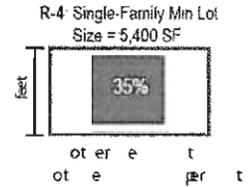
Use Category	Zoning District
	Residential Zone R-4
Lot Standards	
Min. lot size (sq ft)	5,400 SF
Min. lot area all non SF dwelling types (per unit)	3,000 SF
Min. lot width (ft) detached Single-Family w/attached garage	60 ft
Max. impervious coverage Single-Family (%)	60%
Max. building coverage Single-Family (%)	35%
Minimum Ground Floor Area Per Dwelling	
SF detached 1-story dwelling w/o basement	1,100 SF
SF detached 1-story dwelling with basement	1,000 SF
SF detached dwellings with (1 + stories)	650 SF
SF semi-detached dwelling (1 story)	1,000 SF
SF semi-detached dwelling (1 + stories)	650 SF
Two-Family Detached Dwellings	1,000 SF
Building Standards	
Single-Family Attached or Detached Max Building Ht for pitched roofs (Note 1)	35 ft; or 2 stories
Single-Family Max Building Ht for flat roofs	32 ft
Finished 1st Floor Ht Limit (Single-Family Detached) (elevation at top of curb to the top of the finished first floor)	Max 3 ft
Multi-Family or Non-Residential Max. Building Ht (ft)	45 ft
Maximum FAR	
SF Detached, lot size \geq 6,000 SF	0.6
SF Detached, lot size $<$ 6,000 SF, or total floor area $<$ 3,600 SF	0.66
Multi-family residential	0.6
Non residential permitted or special uses	0.6
Yard Standards (Note 2)	
Minimum front setback (ft)	25 ft
Max front yard coverage with impervious surface (%)	50%
Min. interior side setback (ft) Single-Family detached dwellings	5 ft or 10% of lot width*
Min. interior side setback (ft) Single-Family semi-detached dwellings (one yard only)	5 ft
Min. interior side yard (single-family attached)	None
Min. interior side yard setback (ft) Multi-family dwellings and Non-Residential uses	5 ft
Min. rear setback (ft)	30 ft
Min. rear setback (ft) where alley exists (measured from center line of alley)	38 ft
Spacing between buildings (2 or more SF attached or multi-family)	
- Front wall of building to front or rear	50 ft
- Rear wall of building to rear wall	40 ft
- Side wall of building to front or rear (NOTE 3)	20 ft
- Side wall of building to side wall (NOTE 4)	10 ft
- Wall with no windows or doors facing wall with no windows or door	10 ft

Notes:

- 1) Height does not apply to multi-family dwellings or non-residential structures / 35 ft or 2 stories, whichever is less
- 2) Yards general, for buildings more than 30 ft in height, each front, side and rear yard as required above shall be increased in width or depth by two feet for each additional one foot of building height over 30 feet.
- 3) Where a side wall faces a front or a rear wall, and there are more than 4 windows per floor, 2 of which are bathroom or storage, then the building separation shall not be less than 40 feet or 50 feet where one of the walls contains an entrance door.
- 4) Where a side wall faces another side wall, and there are more than 4 windows per floor, 2 of which are bathroom or storage, then the building separation shall not be less than 40 feet or 50 feet where one of the walls contains an entrance door.

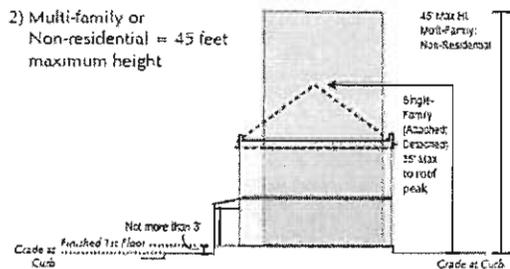
Lot Standards

- 1) Maximum Building Coverage of 35% means the percentage of the lot occupied by any building including accessory buildings or structures.



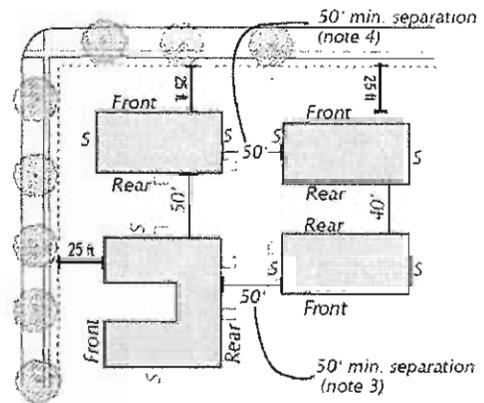
Building Height

- 1) Single Family Detached/Attached Residential Building Height: Vertical distance from grade at curb to the highest point of a flat roof or to the roof peak for pitched roofs. Chimneys, towers, or similar projections are excluded.



Building Separation (SF Attached or Multi-Family)

- 1) Building separation applies to spacing between single-family attached or multi-family buildings
- 2) Greater separation shall be required where side or rear walls have 4 or more windows and/or entry doors (see notes).



4.11 Area, Bulk, Density and Setback Standards - R-1, R-2, & R-3 Districts

Use Category	Residential Zones		
	R-1	R-2	R-3
Lot Standards (single-family dwelling units)			
Min. lot size (sq ft)	9,000 SF	7,000 SF	5,400 SF
Max. impervious coverage (%)	60%	60%	60%
Max. building coverage (%)	35%	35%	35%
Minimum Ground Floor Area Per Dwelling			
SF detached 1-story dwelling w/o basement	1,700 SF	1,400 SF	1,300 SF
SF detached 1-story dwelling with basement	1,500 SF	1,200 SF	1,100 SF
SF detached dwellings with (1+ stories)	1,000 SF	800 SF	700 SF
Building Standards			
Maximum building height (ft) Peaked Roof SF Detached (measured to roof peak)	35 ft	35 ft	35 ft
Maximum building height (ft) Flat Roof SF Detached (measured to the highest point of the flat roof)	22 ft	22 ft	22 ft
Finished 1st Floor height limit SF Res (elevation at top of curb to the top of the finished first floor)	Max 3 ft	Max 3 ft	Max 3 ft
Maximum building height (ft) Non-Residential	40 ft	40 ft	40 ft
Maximum FAR			
SF Detached, lot size >= 6,000 SF	0.6	0.6	0.6
SF Detached, lot size < 6,000 SF or total floor area < 3,600 SF	0.66	0.66	0.66
Non-residential permitted or special uses	0.5	0.5	0.5
Yard Standards			
Minimum front setback (ft)	25 ft	25 ft	25 ft
Max front yard coverage with impervious surface (%)	50%	50%	50%
Min. interior side setback (ft) Single-Family detached dwellings	5 ft or 10% of lot width*	5 ft or 10% of lot width*	5 ft or 10% of lot width*
Min. interior side yard setback (ft) Non-Residential uses	15 ft each side yard	15 ft each side yard	15 ft each side yard
Min. corner side setback (ft)	10 ft	10 ft	10 ft
Min. rear setback (ft)	30 ft	30 ft	30 ft

Note 1: See Section 2 - Definitions - of this Zoning Ordinance for further clarification on how standards are defined.

Note 2: SF Detached = Single-Family Detached Dwelling Unit

Lot Standards

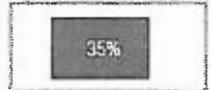
1) Maximum impervious coverage of 60% includes all surfaces that do not allow water penetration (driveways, paving bricks, composed stone, building foundation, etc.).

2) Maximum Building Coverage of 35% means the percentage of the lot occupied by any building including accessory buildings or structures.

R-1: Min Lot Size = 9,000



R-2: Min Lot Size = 7,000 SF

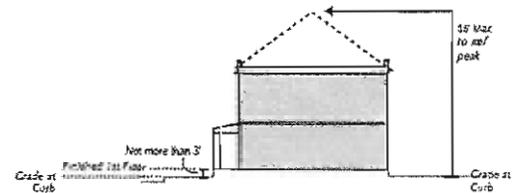


R-3: Min Lot Size = 5,400 SF



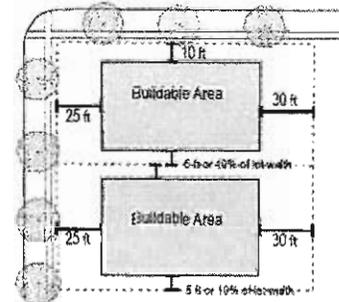
Building Height

1) Single Family Residential Building Height: Vertical distance from grade at curb to the highest point of a flat roof or to the roof peak for pitched roofs. Chimneys, towers, or similar projections are not included.



Yard Standards

- 1) Corner side yard: a side yard which adjoins a street.
- 2) Interior side yards: Required at 5 ft each or 10% of lot width (each side), whichever is greater.
- 3) Rear yards may be decreased by the distance, if any, that the sum of both interior side yards exceeds the minimum requirements, subject to the following: (a) Such decrease shall not be greater than the distance by which the building exceeds 30 ft in length, measured along the longest part of the building perpendicular to the front line, and (b) Such decrease shall not exceed 10 ft, so that the rear yard shall not be reduced to less than 20 ft. In the event that the lot in question exceeds 125 ft in length, the required rear yard will increase by 50% of the lot depth in excess of 125 ft.





Staff Report Plan Commission January 9, 2013

Subject Property: N/A (Text Amendment)

Requested Action: Text amendment to correct section and standard references within the Permitted and Special Uses table Article IV Section 4.05 and Table 4.01.1.

Nature of Request: A text amendment is proposed to correct erroneous additional standards references for Townhouse, Multi-family dwelling, and Residential units, above 1st floor commercial as found in the Permitted and Special Use table.

Petitioner: Village Board

Summary

The Zoning Code includes a table of Permitted and Special Uses in All Zoning District, Table 4.01.1. For certain uses, there are additional standards that are found later in Article IV. The Land Use table includes section references to direct the user to these additional standards. Examples of land uses with additional standards are many multi-family uses, dry-cleaning services, eating and drinking establishments, etc.

The proposed text amendment is to clean-up the section references for multi-family uses. Currently, the land use table states that additional standards for Townhouse, Multi-family dwelling, and Residential units, above 1st floor commercial are found in Section 4.07(2)12. No such section exists in the Zoning Code and staff believes the intended section reference is Section 4.07(12).

Recommendation

Staff recommends that the Land Use table be amended to correct erroneous section references for additional standards for Townhouse, Multi-family dwelling, and Residential units, above 1st floor commercial from Section 4.07(2)12 to 4.07(12).

Attachments:

1. Zoning Code Excerpt: Article IV Sections 4.05 Table 4.01.1 and 4.07(12)

PART B: PERMITTED AND SPECIAL USES IN DISTRICTS

4.04 USE DISTRICT TABLE

- (1) **Permitted Uses.** Uses identified with a “P” in Table 4.01.1 are permitted as of right in each respective district, provided that uses comply with all other applicable standards of this Ordinance. No building or premises improved or unimproved shall be used, and no building shall be hereafter erected, converted, enlarged, reconstructed, or structurally altered, except for a purpose permitted in the district in which the building or land use located as shown in Table 4.04.1, except for:
 - a. Uses lawfully established prior to the effective date of this Zoning Ordinance or in accordance with Article IX, Nonconformities, of this Ordinance.
 - b. Special uses allowed in accordance with Article V, Section 5.18, Special Uses.
- (2) **Special Uses.** Uses identified with an “S” in Table 4.01.1 are considered special uses and may be permitted in the subject district only after review and approval in accordance with Article V, Section 5.18 (Special Uses) of this Ordinance.
- (3) **Prohibited Uses.** Uses identified with a “-” in Table 4.01.1 are expressly prohibited in the subject district. Uses that are not listed may also be prohibited; determination of whether an unlisted use may be permitted shall be made by the Building Commissioner in accordance with Section 4.01 (Interpretation).

4.05 INTERPRETATION OF USES

The Village Board, upon recommendation of the Planning Commission, shall have the right to permit any other use not specifically listed in the following Table 4.01.1 without formal amendment, provided that the proposed use is similar to and compatible with those uses permitted in the district in question, and which is consistent with the purposes of this Ordinance.

TABLE 4.01.1 – Permitted and Special Uses in All Zoning Districts

Procedure for determining permitted and special uses in each district: Below is a use table for all zoning districts. For a property located in an Overlay District additional restrictions and standards may apply.
Step 1) Check the Lincoln Avenue Overlay District (§8.2 of this Zoning Ordinance), See the Boundary Map §8.02, **Step 2)** If your property falls within the Lincoln Avenue Overlay District, see Table 4.01.1 below for permitted or special uses and §8.03-8.08 for additional design standards, **Step 3)** If your property does not fall within the designated Overlay Boundary, refer to Table 4.01.1 below for permitted and special uses in each district.

Use Category	Zoning Districts										
	Residential				Business			Office	Manufacturing /Business	Public	Standard
	R-1	R-2	R-3	R-4	B-1	B-2	B-3 PD	O-1	M-B	P	

Use Category	Zoning Districts										
	Residential				Business			Office	Manufacturing /Business	Public	Standard
	R-1	R-2	R-3	R-4	B-1	B-2	B-3 PD	O-1	M-B	P	
RESIDENTIAL											
Household Living											
Single-family dwelling	P	P	P	P	-	-	-	-	-	-	-
Duplex (SF Semi-attached)	-	-	-	P	-	-	-	-	-	-	-
Townhouse	-	-	-	P	Note 1	-	-	-	-	-	§ 4.07(2)12
Multi-family dwelling	-	-	-	P	Note 1	-	P	-	-	-	§ 4.07(2)12
Residential units, above 1 st floor commercial	-	-	-	-	Note 3	-	P	-	-	-	§ 4.07(2)12
Group Living											
Assisted living facility (Note 4)	-	-	-	S	-	-	-	S	S	-	-
Community residence	Note 7	Note 7	Note 7	Note 7	-	-	-	-	-	-	-
Independent Living Facility or Senior Housing Facility	-	-	-	-	-	-	-	-	S	-	-
Nursing and personal care facility (Note 5)	-	-	-	S	-	-	-	S	S	-	-
COMMERCIAL											
Adult use											
-	-	-	-	-	-	-	-	-	S	-	-
Animal Services											
Animal grooming, pet sales & service	-	-	-	-	P	P	P	-	P	-	-
Animal hospital/veterinarian's office	-	-	-	-	-	P	-	-	P	-	-
Animal shelter/kennel	-	-	-	-	-	S	-	-	S	-	§ 4.07(11)
Artist studio or Art gallery	-	-	-	-	P	P	P	-	P	-	-
Construction Sales & Service											
Building material sales	-	-	-	-	-	P	-	-	P	-	-
Dry Cleaning Services											
Dry cleaning, pickup (no on-premises cleaning facilities)	-	-	-	-	P	P	P	-	P	-	§ 4.07 (9)
Dry cleaning plant (serving more than one retail outlet)	-	-	-	-	-	S	-	-	P	-	-
Eating & Drinking Establishments											
Restaurant, <5,000 SF	-	-	-	-	P	P	P	-	S	-	§ 4.07 (6)
Restaurant, >/= 5,000 SF	-	-	-	-	S	S	P	-	S	-	§ 4.07 (6)
Pub, Bar, Lounge	-	-	-	-	S	S	P	-	S	-	§ 4.07 (10)
Entertainment & Recreation											
Billiard club	-	-	-	-	S	S	P	-	-	-	-
Golf course, private	S	S	S	S	-	-	-	-	-	-	-
Health club or Recreation facility, private	-	-	-	-	S	P	P	S	S	-	-
Entertainment venue	-	-	-	-	S	S	S	-	-	-	-
Facility with drive-through	-	-	-	-	S	S	P	-	-	-	§ 4.07 (8)
Financial Services											
Bank, credit union, savings & loan	-	-	-	-	-	P	-	-	-	-	-
Food & Beverage Retail Sales											
Convenience store	-	-	-	-	P	P	P	-	-	-	-
Grocery store, <30,000 SF	-	-	-	-	P	P	P	-	-	-	-

Use Category	Zoning Districts										
	Residential				Business			Office	Manufacturing /Business	Public	Standard
	R-1	R-2	R-3	R-4	B-1	B-2	B-3 PD	O-1	M-B	P	
Grocery store, >= 30,000 SF	-	-	-	-	S	S	P	-	-	-	
Liquor store, package goods	-	-	-	-	S	S	S	-	S	-	
Lodging											
Bed & breakfast (4 or less guest rooms)	-	-	-	-	S	S	P	-	-	-	
Hotel/motel	-	-	-	-	S	S	P	-	-	-	
Office (except as more specifically regulated)											
Office, general or professional	-	-	-	-	P	P	P	P	P	-	
Open-air Parking Lot	-	-	-	-	S	S	P	P	S	-	
Parking garage	-	-	-	-	S	S	P	P	S	-	
Personal Service Establishments											
General, < 2,000 SF	-	-	-	-	P	P	P	-	-	-	
General, >= 2,000 SF	-	-	-	-	S	S	P	-	-	-	
Retail Sales & Service (except as more specifically regulated)											
< 10,000 SF	-	-	-	-	P	P	P	-	P (\$4.08 (1))	-	
>= 10,000 SF	-	-	-	-	S	S	P	-	P (\$4.08 (1))	-	
Greenhouse/Nursery	S	S	S	S	-	-	-	-	S	-	
Services, consumer											
Car and light truck rental	-	-	-	-	-	S	-	-	P	-	
Car wash	-	-	-	-	-	-	-	-	P	-	
Catering (Note 6)	-	-	-	-	S	S	P	S	P	-	
Laundromat	-	-	-	-	-	P	-	-	P	-	
Vehicle Sales & Service											
Auto body & repair	-	-	-	-	-	S	-	-	P	-	
Auto service or gas station	-	-	-	-	-	S	-	-	P	-	
Auto/light truck sales & service	-	-	-	-	S	S	-	-	P	-	
Vehicle storage and towing	-	-	-	-	-	-	-	-	P	-	
Industry and Manufacturing											
Research Laboratory	-	-	-	-	-	S	-	S	S	-	
Support Laboratory	-	-	-	-	-	S	-	S	S	-	
Manufacturing, light	-	-	-	-	-	-	-	P	P	-	
Manufacturing, medium	-	-	-	-	-	-	-	-	P	-	
Wholesale Establishment	-	-	-	-	-	-	-	S	P	-	
Warehouse, Storage, and Freight											
Freight terminal, truck, rail, intermodal, distribution centers	-	-	-	-	-	-	-	-	S	-	
Outdoor storage	-	-	-	-	-	-	-	-	S	-	§ 4.07 (7)
Warehouse	-	-	-	-	-	-	-	S	P	-	
MISCELLANEOUS/ INSTITUTIONAL											
Child or Adult Care Facilities											
Child/Elderly Development Center	-	-	-	-	P	P	P	P	-	-	
Day care Nursery	S	S	S	S	-	-	-	-	-	-	
Elderly Daycare Home	S	S	S	S	-	-	-	-	-	-	
Community Facilities											
Community center	S	S	S	S	-	-	-	-	-	P	
Library	P	P	P	P	P	P	P	-	-	-	
Lodge, fraternal and civic	-	-	-	-	-	S	-	-	-	-	

Use Category	Zoning Districts										
	Residential				Business			Office	Manufacturing /Business	Public	Standard
	R-1	R-2	R-3	R-4	B-1	B-2	B-3 PD	O-1	M-B	P	
assembly											
Municipal facility	P	P	P	P	P	P	P	P	P	-	
Parks and playground	P	P	P	P	P	P	P	P	P	P	\$4.09
Postal services	-	-	-	-	S	S	P	P	P	-	
Educational Facility											
College and university	-	-	-	-	-	-	-	S	S	-	
School, k-12	P	P	P	P	-	-	-	-	-	-	
Trade, Music or Dance School, for-profit	-	-	-	-	P	P	P	S	S	-	
Health Services											
Hospital	-	-	-	S	-	S	-	S	-	-	
Massage Therapy	-	-	-	-	S	S	P	-	-	-	
Medical clinic	-	-	-	-	-	S	-	P	P	-	
Office, medical, outpatient only	-	-	-	-	P	P	P	P	P	-	
Planned development	S	S	S	S	S	S	P	S	S	-	
Religious Use											
Cemetery	S	S	S	S	-	-	-	-	-	-	
Religious institution, on a lot less than ½ acre	S	S	S	S	-	P	-	-	-	-	
Religious institution, on a lot ½ acre or greater	P	P	P	P	-	P	-	-	-	-	
Utilities	S	S	S	S	S	S	P	S	S	S	

(Ordinance No. 2009-2867, 2011-2948, and 2012-2987)

Note 1: Ground floor residential uses (multi-family or townhomes) are only permitted within the Business/Residential Transition Area of the Lincoln Avenue Overlay District. See Section 8.06 *Additional Standards for the Business/Residential Transition Area* of the Overlay District.

Note 2: Restrictions on commercial uses within the Business/Residential Transition Area may apply (See Section 4.07 (2) and 8.06 of the Lincoln Avenue Overlay District for additional standards).

Note 3: Upper floor residential uses are only permitted within the Lincoln-Pratt- Crawford hub, Devon-Lincoln hub and the Business/Residential Transition Area of the Lincoln Avenue Overlay District. See Section 8.13 and Section 8.14 of the Overlay District.

Note 4: An Assisted Living Facility use cannot be established on a lot not less than one hundred feet (100') in width and one (1) acre in area.

Note 5: A Nursing and Personal Care Facility use cannot be established on a lot of less than five (5) acres in area.

Note 6: A Catering business or activity may hold on-premise "open house" or special event tasting which do not exceed twelve (12) per year. If such "open house" or special event tasting (or any other activity of the Caterer, Catering Establishment or Catering Service) involve the serving of alcoholic beverages, the business or activity must be licensed by the Village as an alcoholic liquor retailer and must comply with all state statutes, state regulations, Village Ordinances and regulations, and the rules and regulations established by the Local Liquor Control Commissioner governing the dispensation of alcoholic beverages.

Note 7: Community Residences are allowed in all Residential Zoning Districts only in compliance with, and pursuant to, the Reasonable Accommodation provisions and procedures set forth in Section 4.06(3) of this Zoning Ordinance.

(Ordinance No. 2012-2993 and 2011-2948)

4.06 ADDITIONAL USE STANDARDS FOR THE RESIDENTIAL DISTRICTS

- b. Such use shall not be in excess of 2,500 square feet, including the square footage of any open or closed patio, paved area, or public sidewalk which sidewalk is leased from the Village and is used to serve or consume alcoholic beverages.
 - c. Such use and the lot on which it is located shall not be located within five hundred (500) feet of another bar, tavern, or lounge use, said measurement being made from the point of the commercial lot nearest any other bar, tavern or lounge.
- (11) **Animal Shelter/Kennel.** Animal shelter/kennels as defined in this Ordinance, shall be subject to the following standards:
- a. Such use shall be limited to the treatment or care of domestic pets and animals only;
 - b. Kennels shall be located entirely within the building and soundproofed to meet the standards of established by the Illinois Pollution Control Board of the Environmental Protection Agency, as may be amended from time to time.
- (12) **Residential Uses.** Any residential use permitted in the business districts shall comply with the Lincoln Avenue Overlay District (Article VIII, Part B), and the Village Center Planned Development District (Article VIII, Part C) and the following additional standards:
- a. Ground floor dwelling units are prohibited in all business districts, unless otherwise permitted in the residential infill area – Section 8.14 – (Recommended Standards for the Business/Residential Infill Area) of the Lincoln Avenue Overlay District;
 - b. B-1, and B-3 residential uses shall comply with all standards of Article VIII, Parts B, and C of this Ordinance – Lincoln Avenue Overlay District, and Village Center Planned Development District.
 - c. Any form of residential parking is prohibited in all portions of the front yard and individual garage doors shall not face the public street; and
 - d. Any form of residential parking is prohibited in any portion of the corner side yard.
- (13) **Additional Standards for the Lincoln Avenue Corridor.** Properties within the Lincoln Avenue Overlay District are subject to additional standards as stated in Article VIII, Parts B and D of this Zoning Ordinance.
- (14) **Site Plan Review, Landscape and Parking Standards.** Site plan approval shall be required for all new construction and additions to existing structures. Site plan, site design and landscape standards are required as enumerated in Article V of this Zoning Ordinance. Off-street parking shall be provided for each use shown in Table 4.01.1,



Staff Report Plan Commission January 9, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to the Lincoln Avenue Overlay District.

Requested Action: Text amendment to modify Article IV Section 4.07.13

Nature of Request: A text amendment is proposed to the Zoning Code to delete unnecessary wording from Article IV Section 4.07.13

Petitioner: Village Board

Summary

Article IV Section 4.07 regulates additional use standards for the Business and Office Districts. Article IV Section 4.07.13 states:

“(13) **Additional Standards for the Lincoln Avenue Corridor.** Properties within the Lincoln Avenue Overlay District are subject to additional standards as stated in Article VIII, Parts B and D of this Zoning Ordinance.”

As written, this clause is incorrect because Article VIII does not contain a Part D. Article VIII, Special Districts, only contains a Part A, Part B, and Part C (see Article VIII Table of Contents attachment). Article VIII, Part D is non-existent in the Zoning Code.

Recommendation

To correct this, staff recommends this:

“(13) **Additional Standards for the Lincoln Avenue Corridor.** Properties within the Lincoln Avenue Overlay District are subject to additional standards as stated in Article VIII, Parts B ~~and D~~ of this Zoning Ordinance.”

Attachments:

1. Zoning Code Excerpt: Article IV 4.07.13
2. Zoning Code Excerpt: Article VIII Table of Contents

- b. Such use shall not be in excess of 2,500 square feet, including the square footage of any open or closed patio, paved area, or public sidewalk which sidewalk is leased from the Village and is used to serve or consume alcoholic beverages.
 - c. Such use and the lot on which it is located shall not be located within five hundred (500) feet of another bar, tavern, or lounge use, said measurement being made from the point of the commercial lot nearest any other bar, tavern or lounge.
- (11) **Animal Shelter/Kennel.** Animal shelter/kennels as defined in this Ordinance, shall be subject to the following standards:
- a. Such use shall be limited to the treatment or care of domestic pets and animals only;
 - b. Kennels shall be located entirely within the building and soundproofed to meet the standards of established by the Illinois Pollution Control Board of the Environmental Protection Agency, as may be amended from time to time.
- (12) **Residential Uses.** Any residential use permitted in the business districts shall comply with the Lincoln Avenue Overlay District (Article VIII, Part B), and the Village Center Planned Development District (Article VIII, Part C) and the following additional standards:
- a. Ground floor dwelling units are prohibited in all business districts, unless otherwise permitted in the residential infill area – Section 8.14 – (Recommended Standards for the Business/Residential Infill Area) of the Lincoln Avenue Overlay District;
 - b. B-1, and B-3 residential uses shall comply with all standards of Article VIII, Parts B, and C of this Ordinance – Lincoln Avenue Overlay District, and Village Center Planned Development District.
 - c. Any form of residential parking is prohibited in all portions of the front yard and individual garage doors shall not face the public street; and
 - d. Any form of residential parking is prohibited in any portion of the corner side yard.
- (13) **Additional Standards for the Lincoln Avenue Corridor.** Properties within the Lincoln Avenue Overlay District are subject to additional standards as stated in Article VIII, Parts B and D of this Zoning Ordinance.
- (14) **Site Plan Review, Landscape and Parking Standards.** Site plan approval shall be required for all new construction and additions to existing structures. Site plan, site design and landscape standards are required as enumerated in Article V of this Zoning Ordinance. Off-street parking shall be provided for each use shown in Table 4.01.1,

ARTICLE VIII – SPECIAL DISTRICTS

Organization:

Part A: Planned Unit Developments

- 8.01 Purpose
- 8.02 Objectives
- 8.03 Applicability of Zoning Ordinance Regulations
- 8.04 Standards
- 8.05 Procedure
- 8.06 Specific Content
- 8.07 Conditions and Guarantees

Part B: Lincoln Avenue Overlay District

- 8.08 Purpose
- 8.09 Boundaries
- 8.10 General Requirements
- 8.11 Additional Standards: B-3 PD District
- 8.12 Additional Standards: Mixed-Use Hubs
- 8.13 Additional Standards: Business/Residential Transition Area
- 8.14 Additional Standards: Business Transition Area
- 8.15 Parking
- 8.16 Building and Site Enhancements
- 8.17 Building and Site Enhancements

Part C: Village Center Planned Unit Development District

- 8.18 Purpose and Intent
- 8.19 Boundary and Size
- 8.20 General Objectives
- 8.21 Permitted Uses
- 8.22 Prohibited Uses
- 8.23 Signs
- 8.24 Lincoln Avenue Overlay District, Site Development Standards



Staff Report Plan Commission January 9, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to the R4 Residential District.

Requested Action: Text amendment to Add Corner Side Yard Setback in R4 District to Article IV Section 4.12.

Nature of Request: A text amendment is proposed to the Zoning Code to add a required 10 foot side yard setback in the R4 District.

Petitioner: Village Board

Summary

While administering the Zoning Code, staff has noted that there is no requirement for corner side yard setback in the R4 District. This is the only Residential Zoning District in which there is no requirement for corner side yard. Article 4.11 contains the bulk regulations for the R1, R2, and R3 Districts which includes a 10 foot required corner side yard setback. Article 4.12 contains the bulk regulations for the R4 District which excludes any requirement for corner side yard setback.

The previous version of the Zoning Code also did not contain any required a corner side yard setback in the R4 District. Staff notes that it is unusual to not require a corner side yard setback within any Zoning District, Residential or Commercial. In reviewing properties in the R4 District it appears that development has occurred consistent with that of the other Residential Zoning Districts. Comparing development on corner lots in the R4 District and other Residential Districts, there does not appear to be a greater amount of development that extends closer to the corner side lot line than 10 feet.

Recommendation

Staff believes it is appropriate to require a corner side yard particularly in Residential Districts. As a result, staff recommends a 10 foot corner side yard consistent with the other Residential Zoning Districts. Staff observes that the R4 District appears to have been developed in a similar manner to other Residential Districts and as a result, taking action to add a 10 foot corner side yard setback would not create conflict or particular challenges to future development on corner lots in the R4 District. Rather, it is staffs opinion that including a required corner side yard will ensure consistency in the development of residentially zoned properties throughout the community.

Attachments:

1. Zoning Code Excerpt: Article IV Sections 4.11 and 4.12

4.11 Area, Bulk, Density and Setback Standards - R-1, R-2, & R-3 Districts

Use Category	Residential Zones		
	R-1	R-2	R-3
Lot Standards (single-family dwelling units)			
Min. lot size (sq ft)	9,000 SF	7,000 SF	5,400 SF
Max. impervious coverage (%)	60%	60%	60%
Max. building coverage (%)	35%	35%	35%
Minimum Ground Floor Area Per Dwelling			
SF detached 1-story dwelling w/o basement	1,700 SF	1,400 SF	1,300 SF
SF detached 1-story dwelling with basement	1,500 SF	1,200 SF	1,100 SF
SF detached dwellings with (1+ stories)	1,000 SF	800 SF	700 SF
Building Standards			
Maximum building height (ft) Peaked Roof SF Detached (measured to roof peak)	35 ft	35 ft	35 ft
Maximum building height (ft) Flat Roof SF Detached (measured to the highest point of the flat roof)	22 ft	22 ft	22 ft
Finished 1st Floor height limit SF Res. (elevation at top of curb to the top of the finished first floor)	Max 3 ft	Max 3 ft	Max 3 ft
Maximum building height (ft) Non-Residential	40 ft	40 ft	40 ft
Maximum FAR			
SF Detached, lot size \geq 6,000 SF	0.6	0.6	0.6
SF Detached, lot size < 6,000 SF or total floor area < 3,600 SF	0.66	0.66	0.66
Non-residential permitted or special uses	0.5	0.5	0.5
Yard Standards			
Minimum front setback (ft)	25 ft	25 ft	25 ft
Max front yard coverage with impervious surface (%)	50%	50%	50%
Min. interior side setback (ft) Single-Family detached dwellings	5 ft or 10% of lot width*	5 ft or 10% of lot width*	5 ft or 10% of lot width*
Min. interior side yard setback (ft) Non-Residential uses	15 ft each side yard	15 ft each side yard	15 ft each side yard
Min. corner side setback (ft)	10 ft	10 ft	10 ft
Min. rear setback (ft)	30 ft	30 ft	30 ft

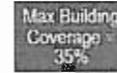
Note 1: See Section 2 - Definitions - of this Zoning Ordinance for further clarification on how standards are defined.

Note 2: SF Detached = Single-Family Detached Dwelling Unit

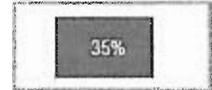
Lot Standards

- 1) Maximum impervious coverage of 60% includes all surfaces that do not allow water penetration (driveways, paving bricks, composed stone, building foundation, etc.).
- 2) Maximum Building Coverage of 35% means the percentage of the lot occupied by any building including accessory buildings or structures.

R-1: Min Lot Size = 9,000



R-2: Min Lot Size = 7,000 SF

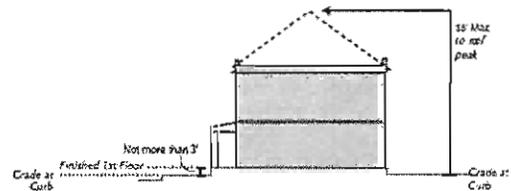


R-3: Min Lot Size = 5,400 SF



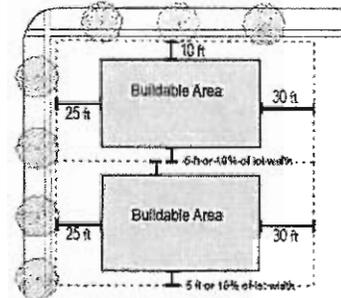
Building Height

- 1) Single Family Residential Building Height: Vertical distance from grade at curb to the highest point of a flat roof or to the roof peak for pitched roofs. Chimneys, towers, or similar projections are not included.



Yard Standards

- 1) Corner side yard: a side yard which adjoins a street.
- 2) Interior side yards: Required at 5 ft each or 10% of lot width (each side), whichever is greater.
- 3) Rear yards may be decreased by the distance, if any, that the sum of both interior side yards exceeds the minimum requirements, subject to the following: (a) Such decrease shall not be greater than the distance by which the building exceeds 30 ft in length, measured along the longest part of the building perpendicular to the front line, and (b) Such decrease shall not exceed 10 ft, so that the rear yard shall not be reduced to less than 20 ft. In the event that the lot in question exceeds 125 ft in length, the required rear yard will increase by 50% of the lot depth in excess of 125 ft.



4.12 Area, Bulk, Density and Setback Standards - R-4 - General Residence District

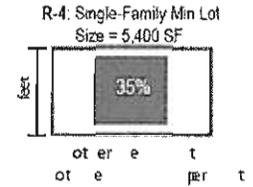
Use Category	Zoning District
	Residential Zone R-4
Lot Standards	
Min. lot size (sq ft)	5,400 SF
Min. lot area all non SF dwelling types (per unit)	3,000 SF
Min. lot width (ft) detached Single-Family w/attached garage	60 ft
Max. impervious coverage Single-Family (%)	60%
Max. building coverage Single-Family (%)	35%
Minimum Ground Floor Area Per Dwelling	
SF detached 1-story dwelling w/o basement	1,100 SF
SF detached 1-story dwelling with basement	1,000 SF
SF detached dwellings with (1+ stories)	650 SF
SF semi-detached dwelling (1 story)	1,000 SF
SF semi-detached dwelling (1+ stories)	650 SF
Two-Family Detached Dwellings	1,000 SF
Building Standards	
Single-Family Attached or Detached Max Building Ht for pitched roofs (Note 1)	35 ft; or 2 stories
Single-Family Max Building Ht for flat roofs	22 ft
Finished 1st Floor Ht Limit (Single-Family Detached) (elevation at top of curb to the top of the finished first floor)	Max 3 ft
Multi-Family or Non-Residential Max. Building Ht (ft)	45 ft
Maximum FAR	
SF Detached, lot size \geq 6,000 SF	0.6
SF Detached, lot size $<$ 6,000 SF, or total floor area $<$ 3,600 SF	0.66
Multi-family residential	0.6
Non residential permitted or special uses	0.6
Yard Standards (Note 2)	
Minimum front setback (ft)	25 ft
Max front yard coverage with impervious surface (%)	50%
Min. interior side setback (ft) Single-Family detached dwellings	5 ft or 10% of lot width*
Min. interior side setback (ft) Single-Family semi-detached dwellings (one yard only)	5 ft
Min. interior side yard (single-family attached)	None
Min. interior side yard setback (ft) Multi-family dwellings and Non-Residential uses	5 ft
Min. rear setback (ft)	30 ft
Min. rear setback (ft) where alley exists (measured from center line of alley)	38 ft
Spacing between buildings (2 or more SF attached or multi-family)	
- Front wall of building to front or rear	50 ft
- Rear wall of building to rear wall	40 ft
- Side wall of building to front or rear (NOTE 3)	20 ft
- Side wall of building to side wall (NOTE 4)	10 ft
- Wall with no windows or doors facing wall with no windows or door	10 ft

Notes:

- 1) Height does not apply to multi-family dwellings or non-residential structures / 35 ft or 2 stories, whichever is less
- 2) Yards general, for buildings more than 30 ft in height, each front, side and rear yard as required above shall be increased in width or depth by two feet for each additional one foot of building height over 30 feet.
- 3) Where a side wall faces a front or a rear wall, and there are more than 4 windows per floor, 2 of which are bathroom or storage, then the building separation shall not be less than 40 feet or 50 feet where one of the walls contains an entrance door.
- 4) Where a side wall faces another side wall, and there are more than 4 windows per floor, 2 of which are bathroom or storage, then the building separation shall not be less than 40 feet or 50 feet where one of the walls contains an entrance door.

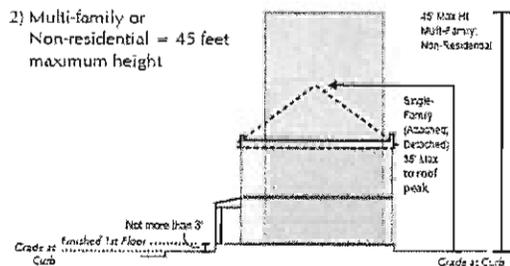
Lot Standards

- 1) Maximum Building Coverage of 35% means the percentage of the lot occupied by any building including accessory buildings or structures.



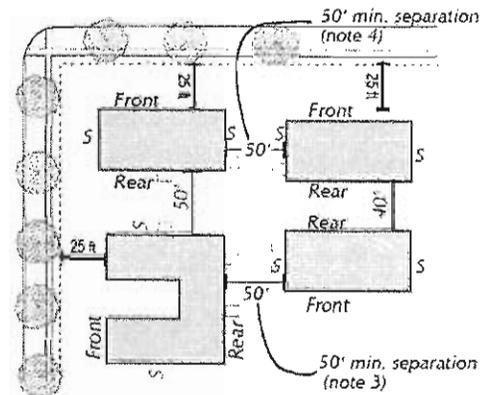
Building Height

- 1) Single Family Detached/Attached Residential Building Height: Vertical distance from grade at curb to the highest point of a flat roof or to the roof peak for pitched roofs. Chimneys, towers, or similar projections are excluded.



Building Separation (SF Attached or Multi-Family)

- 1) Building separation applies to spacing between single-family attached or multi-family buildings
- 2) Greater separation shall be required where side or rear walls have 4 or more windows and/or entry doors (see notes).





Staff Report Plan Commission January 9, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to the B1, B2, B3, O and MB District.

Requested Action: Text amendment to clarify maximum number of wall signs as regulated in Article XI Section 11.04(2)i.2.

Nature of Request: A text amendment is proposed to the Zoning Code to clarify certain exception to the maximum number of wall signs.

Petitioner: Village Board

Summary

Article XI of the Zoning Code regulates signage within the community. The sign regulations were at one time a stand-alone ordinance however in 2009 the previously separate Sign Ordinance was incorporated into the Zoning Code as Article XI. Section 11.04 regulates permitted on premises signs which includes requirements for maximum number of wall signs. Section 11.04(2)i also contains certain exceptions which allows for additional wall signs. One of these exceptions reads:

2. *The Zoning Officer may authorize one wall sign on walls not facing a street, provided the wall is adjacent to nonresidential property and is visible from the street;*

This exception staff believes is intended to permit signs in the “back of house” in which is not visible from residential properties and is not visible from the street. Under these conditions, such a sign would not be considered to add to sign clutter and as a result may be allowed.

Recommendation

Staff believes that the regulation should read:

2. *The Zoning Officer may authorize one wall sign on walls not facing a street, provided the wall is adjacent to nonresidential property and is not visible from the street;*

It is counterintuitive to permit a greater number of wall signs as long as such as sign is visible from the street when the entire section is intended to limit the number of wall signs. Additionally, the first sentence of this exception specifically states that one additional wall sign, “...on walls NOT facing a street...” As a result staff believes this to be an inadvertent drafting error and recommends the section be amended as identified above.

Attachments:

1. Zoning Code Excerpt: Article XI Sections 11.04(2)i.2

incorporate the changeable copy price information into the main identification sign face.

xii. Sign Design and Glare Reduction: To minimize glare, the illumination of an internally illuminated monument sign shall not exceed the following requirements:

1. 75 foot-candles, measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign; or
2. When the sign is located in a residential zoning district, 25 foot-candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign; or
3. One foot-candle on adjoining residential property, measured three feet above the ground.

(Ordinance No. 2011-2962)

(2) Wall Signs:

i. Number: A maximum of one wall sign per street frontage per business establishment shall be permitted, except that:

1. The Zoning Officer may authorize an additional wall sign for each distinct use within a business establishment, provided there is a separate exterior entrance for each such use;
2. The Zoning Officer may authorize one wall sign on walls not facing a street, provided the wall is adjacent to nonresidential property and is visible from the street;
3. Wall signs may be permitted which identify the rear entrance of a business establishment, provided such signs do not exceed ten (10) square feet; and
4. No wall signs shall be erected for individual tenants in a multi-story, multi-tenant office or industrial building.

ii. Sign Location: Each wall sign shall be located within a permitted signable wall area. The vertical dimensions of such signable wall area shall not exceed six feet (6'). Signable wall area shall not extend above the top of the fascia or parapet of a building or beyond the premises of a particular business establishment (see Section 11.08 of this Article).

iii. Sign Area:

1. The area of a wall sign shall not exceed one-third (1/3) of the signable wall area or ten (10) square feet, whichever is greater (see also Subsection 11.08(18) of this Article); provided, however, that in no case shall the wall sign area exceed one hundred (100) square feet.
2. The provisions of this Paragraph 11.04(2)(c) may not be varied pursuant to Article V of this Zoning Ordinance, except in consideration of the standards set forth in Subsection 5.15(7) of this Zoning Ordinance and the following additional factors:

- Prohibit A-frame signs and sandwich board signs completely except for special event signs and open house directional signs and to allow those temporary signs within the public right-of way.

Recommendation

At this time staff does not have any specific recommendation. Rather staff is seeking discussion and clarification on the intent of the Prohibited Signs section as it relates to A-frame and sandwich board signs. Staff suggests the consideration should include discussion on the desired regulation of the particular sign type as well as discussion on the permitted locations (private property and/or public right-of-way).

Attachments:

1. Zoning Code Excerpt: Article XI Sections 11.06(1) and 11.04(8).



Staff Report Plan Commission January 9, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to the B1, B2, B3, O and MB District.

Requested Action: Text amendment to clarify regulations of A-frame and sandwich board signs as regulated by Article XI Section 11.06(1).

Nature of Request: Consideration of the requirements for A-frame and sandwich board signs.

Petitioner: Village Board

Summary

Article XI of the Zoning Code regulates signage within the community. This Zoning Code Article includes a list of Prohibited Signs which are found in Section 11.06. Staff has struggled with the intent and enforcement of this section as it relates to A-frame signs and/or sandwich board signs. The Prohibited Signs section states: "The following sign types are specifically prohibited in all locations within the Village:" The section pertaining to A-frame and sandwich board signs reads:

- (1) A-frame, sandwich board and other signs which are placed on a sidewalk or curb or between a sidewalk and curb or other parkway, except special event signs and open house directional signs.*

Staff is unclear the intention of this section given the opening statement of the Prohibited Signs section to not allow certain sign types in any location within the Village. The Prohibited Sign section is not the only section in which A-frame and sandwich board signs are regulated. Section 11.04(8) provides regulations for Special Event/Grand Opening Signs. Included in these regulations is a reference to A-Frame signs. This section permits, on private property, an A-frame sign for a period of 15 consecutive days. This additional section which identifies the standards for A-frame signs could potentially make the reference to A-frame signs within the Prohibited Signs list redundant and unnecessary depending upon what the desired restriction of A-frame and sandwich board signs.

Staff seeks direction on the desired regulation is to:

- Prohibit all A-frame and sandwich board signs completely on public and private property.
- Prohibit A-frame and sandwich board signs within the public right-of-way only.

- Prohibit A-frame signs and sandwich board signs completely except for special event signs and open house directional signs and to allow those temporary signs within the public right-of way.

Recommendation

At this time staff does not have any specific recommendation. Rather staff is seeking discussion and clarification on the intent of the Prohibited Signs section as it relates to A-frame and sandwich board signs. Staff suggests the consideration should include discussion on the desired regulation of the particular sign type as well as discussion on the permitted locations (private property and/or public right-of-way).

Attachments:

1. Zoning Code Excerpt: Article XI Sections 11.06(1) and 11.04(8).

- ii. No transit shelter sign shall extend beyond the side of the structure to which the sign is mounted;
 - iii. No transit shelter sign shall be installed in a Residential District of the Village, except signs displaying: (a) transit service information; or (b) public service information provided by the Village; and
 - iv. No transit shelter sign shall be installed on any shelter for which the Board of Trustees has not adopted a resolution approving the installation of signs thereon, which resolution shall not be adopted except upon the submission by the applicant of evidence that the owner of the property on which the shelter is or will be located has authorized the placement of the shelter and the installation of signs thereon.
- (Ordinance No.2011-2937)

11.06: PROHIBITED SIGNS

The following sign types are specifically prohibited in all locations within the Village:

- (1) A-frame, sandwich board and other signs which are placed on a sidewalk or curb or between a sidewalk and curb or other parkway, except special event signs and open house directional signs.
- (2) Abandoned signs.
- (3) Advertising vehicles.
- (4) Off premises advertising signs, except transit shelter signs installed pursuant to Section 11.05(23) of this Article. (Ordinance No. 2011-2937)
- (5) Animated signs.
- (6) Bench signs.
- (7) Billboards.
- (8) Flashing signs.
- (9) Light pole signs.
- (10) Painted wall signs.
- (11) Portable signs, except special event signs.
- (12) Projecting signs.
- (13) Signs, which:
 - i. Bear or contain statements, words, pictures or symbols which are unlawful;
 - ii. Are attached to any fence or freestanding wall;

- ii. **Underside Canopy Signs:** An additional canopy sign may be mounted on the underside of a canopy, perpendicular to the building wall, provided that no more than one underside canopy sign is installed per business establishment. The area of an underside canopy sign shall not exceed four (4) square feet.
 - iii. **Clearance:** A clearance of eight feet (8') shall be maintained from finished grade to the lowest point of any canopy sign.
 - iv. **Extension and Projection:** A canopy sign mounted on a canopy face shall not extend above or below the canopy face nor shall it project more than fifteen inches (15") beyond the canopy face.
- (5) **Awning Signs:** Individual letters, words or symbols may be affixed or applied to any awning surface, provided that the area of the awning sign does not exceed fifteen percent (15%) of the exterior surface area of the awning.
- (6) **Permanent Window Signs:** Permanent window signs may be affixed or applied to window glass, provided that the area of permanent window signs does not exceed twenty percent (20%) of the window surface area. A maximum of four (4) permanent window signs per business establishment may be illuminated.
- (7) **Changeable Copy Signs:** Changeable copy signs are permitted only as an integral part of a monument sign, provide that the changeable copy area is no larger than twenty five percent (25%) of the entire sign face. Illuminated changeable copy signs shall comply with the requirements for internally lit signs, inhibiting light transmission. Only gasoline price signs accessory to gasoline service stations will be permitted to have manual or electronic changeable copy, which signs shall be maintained to show current gasoline prices at all times.
- (8) **Special Event/Grand Opening Signs:** The following temporary, special event signs shall be permitted for a total of two (2) nonconsecutive events per year, but shall not be erected or maintained for a period exceeding fifteen (15) consecutive days per event, and must be removed if wind gusts exceed safety guidelines or design standards for the sign, or the standards for safety tie downs to or by which they are affixed or secured:
- i. Portable signs;
 - ii. Pennant/streamer signs;
 - iii. Temporary banner signs;
 - iv. A-frame signs; and
 - v. Other temporary signs for special events not requiring a special sign permit, and as may be approved by the Zoning Officer.

11.05: EXEMPT SIGNS

The following signs, while subject to any other Village ordinance which may apply, are exempt from the permit requirements set forth in this Article.

- (1) **Construction Signs:** One nonilluminated single faced temporary sign per construction site shall be permitted not exceeding twelve (12) square feet of sign area in residential zoning districts or sixty four (64) square feet in business or manufacturing districts, provided that such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid



Staff Report Plan Commission January 9, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to all Zoning Districts in which public hearings are held.

Requested Action: Text amendment to clarify Notice Requirements as regulated by Article X Section 5.20(1)e.

Nature of Request: Consideration of the notification requirements for public hearings.

Petitioner: Village Board

Summary

Article X Section 5.20 of the Zoning Code identifies the notice requirements for public hearings. This section outlines requirements for placing notice in a newspaper, installation of public notice signs, and written notice to property owners for all public hearings. Section 5.20(1)e states that in certain situations and at the discretion of the Zoning Officer, "...the Zoning Officer may require that Applicant give the notices required...beyond two hundred fifty (250') but not exceeding five hundred (500') feet from the site..."

The criteria listed in this section as to when additional notice may be required beyond 250 feet includes,

"Whenever an application pertains to a site of two acres or more, and the Zoning Officer determines that because of size, location, proximity to other Zoning Districts, existing or likely traffic pattern, nature of use, or for any other appropriate reason or combination of reasons..."

This section leaves it to the discretion of the Zoning Officer that for any reason notice beyond the 250 feet may be required. Staff's concern is that it is difficult to anticipate each and every time in which a matter may be controversial and therefore merit greater notice. Staff prefers that the community identify what the appropriate notice is for all public hearing matters and eliminate the discretionary additional notice.

Recommendation

At this time staff does not have any specific recommendation as this is more a community desire. Staff does believe that Section 5.20(1)e is too discretionary relative to when additional notice is required. Staff recommends either establishing a notice distance for all public hearings or to clarify and be more specific on the parameters in which additional notice must be provided.

Attachments:

1. Zoning Code Excerpt: Article XI Sections 5.20(1)e.

- d. All notices required pursuant to this Section 5.20 shall identify: the location of the subject property for which relief is sought; a brief statement of the nature of the relief requested; and the date, time, and location of the public hearing.
 - e. Whenever an application pertains to a site of two acres or more, and the Zoning Officer determines that because of size, location, proximity to other Zoning Districts, existing or likely traffic pattern, nature of use, or for any other appropriate reason or combination of reasons, a larger notice area should be required in order to better inform those beyond the regular notice area who might be particularly impacted, then the Zoning Officer may require that Applicant give the notices required pursuant to this Section 5.20 to the owner of lots lying within a specified radius beyond two hundred fifty (250') feet but not exceeding five hundred (500') feet from the site which is the subject of the application. (Ordinance No. 2010-2887)
- (2) No notice required pursuant to this Section 5.20 shall be deemed insufficient because: (i) it fails to specify which section of this Zoning Ordinance is applicable; or (ii) if relief, authorization or amendment has been sought under a certain section or sections of this Zoning Ordinance, but as a result of the hearing, the relief, authorization or amendment sought is modified or otherwise granted pursuant to a different section or sections of this Zoning Ordinance.
 - (3) This Section 5.20 shall not apply to the notices required pursuant to Section 5.13 of this Zoning Ordinance for appeals of decisions by the Zoning Officer.

5.21 VIOLATION, PENALTY, ENFORCEMENT

- (5) Violation; Penalty: Any person, firm, limited liability company or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this Zoning Ordinance shall, upon conviction, be fined for each offense as required in the Village's Fee Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.
- (6) Civil and Administrative Enforcement:
 - a. General Authority: In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance or other regulations made under authority conferred thereby, the Village, in addition to other remedies, may institute any appropriate action or proceedings to: (1) prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; (2) restrain, correct or abate such violation; (3) prevent the occupancy of said building, structure or land; or (4) prevent any illegal act, conduct, business or use in or about the premises.
 - b. Legal Actions: In the enforcement of this Zoning Ordinance, the Zoning Officer shall have the right to exercise all the powers authorized by the statutes of the State of Illinois, and by Village codes and ordinances, to ensure compliance with, or to prevent or abate any violation of, the provisions of this Zoning Ordinance, and in particular shall, where necessary or appropriate, institute or cause to be instituted by the Village Attorney in the name of the Village any and all actions, legal or equitable, including appeals, that may be required for the enforcement of this Zoning Ordinance.



Staff Report Plan Commission January 9, 2013

Subject Property: N/A (Text Amendment)

Zoning District: Requested action is applicable to all Districts.

Requested Action: Text Amendment to Article II Section 2.02 to consider adding definitions for Impervious Coverage and Development Site and modifying the definition for Floor Area, Gross.

Nature of Request: Consideration and review of new definitions for Impervious Coverage and Development Site and modify the definition of Floor Area, Gross in order to clarify the definition.

Petitioner: Village Board

Summary

The Village Board has directed the Plan Commission to hold a public hearing to consider adding definitions of Impervious Coverage and Development Site as well as modifying the existing definition of Floor Area, Gross.

Impervious Coverage

The Zoning Code contains a bulk regulation which limits that maximum Impervious Coverage in Residential Districts to 60%. However, the Zoning Code contains no definition for Impervious Coverage. Staff recommends that the Section 2.02 of the Zoning Code be amended to add a definition for Impervious Coverage as follows:

Impervious Coverage: The horizontal area to include building coverage, all surfaces that do not allow water penetration including but not limited to driveways, paving bricks, composed stone, sidewalks, and all detached buildings and structures.

Development Site

Part C of Article VIII contains the regulations for the B-3 Village Center Planned Development District. This section includes unique procedural standards such as public hearing requirements for all new development. The Purpose and Intent Section 8.18 requires that, "As a planned unit development district, all development sites shall adhere to procedures and standards..." The Zoning Code does not contain a clear definition of

“development site” which makes it potentially unclear as to when a public hearing is required within the B-3 District. For example, staff does not believe that reoccupancy of an existing space to require a public hearing under this section however new construction does require public hearing. Defining what is a “Development Site” and thus, what projects require public hearings, is important to ensure consistent enforcement of Article VIII Part C Village Center Planned Development District.

Staff recommends that Section 2.02 of the Zoning Code be amended to add a definition for Development Site as follows:

Development Site: A property in which new construction and any addition or expansion of an existing building will occur shall be considered a Development Site. Within an existing building a change in use shall not be considered a Development Site subject however to compliance with all applicable standards for the new use.

Floor Area, Gross

Attached for reference is the current definition of Floor Area, Gross. This definition includes the areas that are included toward maximum Floor Area Ratio and those areas that are excluded from the Floor Area Ratio calculation. The consideration of a potential text amendment pertains to the exclusion for enclosed off-street parking. Recently, an architect for a residential project designed a new single-family home based on the horizontal area devoted to off-street parking and off-street loading facilities, located in each floor of a building would be excluded from the maximum floor area ratio. This exclusion, staff believes, is applicable to commercial, business, office, and manufacturing buildings which include an indoor parking and loading area.

Additionally, the same section identifying certain exclusion contains exclusion for the first two hundred fifty square feet or fifty percent of the floor area of a detached or attached garage, whichever is less. Staff did not concur with the architect’s assertion that this section excluded residential attached garages.

In order to clarify and strengthen the definition of Floor Area, Gross staff recommends:

Gross floor area shall exclude the following specific areas:

- a. horizontal area devoted to off-street parking and off-street loading facilities, located in each floor of a *manufacturing, business, office, and multi-family residential* building;

Attachments:

1. Zoning Ordinance Section 2.02 Definition of Floor Area, Gross

FLOOR AREA, GROSS: The sum of the gross horizontal areas of all floors of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the centerline of walls separating two buildings or uses. Gross floor area shall include, without limitation, areas such as:

- a. basement floors;
- b. elevator shafts and stairwells at each floor;
- c. floor spaces and shafts used for mechanical, electrical, and plumbing equipment, except equipment located in a cellar or on the roof;
- d. penthouses;
- e. interior balconies and mezzanines;
- f. enclosed porches; and
- g. floor space used for accessory uses.

When any space has a floor-to-ceiling height of 14 feet or more, each 14 feet of height, or fraction thereof, shall constitute a separate floor, provided, however, for spaces with a sloping or slanting ceiling, only that portion of such space with a floor-to-ceiling height of 14 feet or more shall be treated as a separate floor.

Gross floor area shall exclude the following specific areas:

- a. horizontal area devoted to off-street parking and off-street loading facilities, located in each floor of a building;
- b. cellar floors;
- c. attic floors;
- d. decks and patios;
- e. open, unenclosed porches;
- f. sheds one hundred (100) square feet in area or less;
- g. chimneys projecting not more than two feet from an exterior wall; and
- h. the first two hundred fifty (250) square feet or fifty percent (50%) of the floor area of a detached or attached garage, whichever is less.

FLOOR AREA (FOR DETERMINING OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS): "Floor area", when prescribed as the basis of measurement for off-street