



20 N. Wacker Drive, Ste 1660
Chicago, Illinois 60606-2903
T 312 984 6400 F 312 984 6444

15010 S. Ravinia Avenue, Ste 10
Orland Park, Illinois 60462-5353
T 708 349 3888 F 708 349 1506

DD: 312-984-6417
jarhodes@ktjlaw.com

www.ktjlaw.com

MEMORANDUM

**TO: Zoning, Planning and Appeals Commission
Robert Irvin, Village Administrator**

FROM: James A. Rhodes

DATE: November 29, 2018

RE: Review of Zoning Ordinance Technical Review Recommendations

On November 11, 2018 a Committee of the Whole meeting was held by the President and Board of Trustees and the Zoning, Planning and Appeals Commission for a presentation of the Mettawa Zoning Ordinance Technical Review Report by Arista Strungys of Camiros Ltd. After the presentation and a number of questions were received from the public, the Village Board and ZPA members, the Village Board directed the ZPA to review the Technical Report and make recommendations with respect to an update of the Village’s Zoning Code. The purpose of this memorandum is to outline the Zoning Ordinance text amendments recommended by the ZPA in Docket No. 17-TA-1 along with recommendations of the Technical Review Report so that the ZPA can determine whether to further examine or modify its prior recommendations and to determine the areas of the Zoning Code that should be updated.

Throughout 2017, the ZPA conducted a public hearing with respect to a number of potential zoning text amendments. The result of this hearing process was a ZPA recommendation for 11 text amendments. The Village Board approved 7 of those text amendments and 4 recommendations were deferred for further discussion.

The following ZPA recommended text amendments were approved by the Village Board:

1. Standardizing all zoning application fees to \$250.00 and requiring reimbursement for any Village costs for audio visual equipment used in public hearings/meetings.
2. Moving the provisions of Sections 15.105 (Lot coverage and accessory buildings) and 15.106 (Driveways for O/R Planned Office/Research District) to the specific zoning district regulations.
3. Defining and prohibiting short term rentals (less than 90 days) in the Village.
4. Establishing a time limit of 45 days to appeal decisions of the Zoning Administrator and providing for the coordination of applications and notices between the Zoning Administrator and the Village Clerk.
5. Establishing an expiration date for special uses if no application for a building permit has been submitted within 12 months of the date of special use approval.
6. Lowering the maximum height of principal structures in R-1 and R-2 Districts to 40 feet and lowering the maximum height of accessory structures to 30 feet.
7. Establishing minimum livable floor area for buildings in the R-1 and R-2 Districts to 2,000 square feet plus 400 square feet for garage buildings. ***The Technical Review Report recommends elimination of any minimum habitable area.***

The following recommended text amendments were not approved by the Village Board:

1. Establishing the maximum lot coverage of accessory buildings to 3% of the lot area and limiting the maximum number of accessory buildings at 3 in the R-1 and R-2 Zoning Districts. ***The Technical Review Report suggests that additional detail be provided and any restriction be focused upon large accessory structures rather than sheds, playsets, etc. The Report also suggests that the maximum lot coverage should remain at 5%.***
2. Establishing new regulations for the amortization (elimination) of non-conforming uses and structures by requiring any structures damaged 50% or more in value to be rebuilt to the current zoning use and bulk standards and allowing structures damaged less than 50% in value to be rebuilt to its original condition. ***The Technical Report correctly notes that the use of the term amortization is incorrectly used.***
3. Creating a definition of commercial use. ***The Technical Report proposes a more modern generic approach of listing uses in broader categories and the creation of a use matrix to better understand uses allowed within the commercial districts.***
4. Providing recommendations with respect to the keeping of horses and large stables. ***The Technical Report proposes that existing commercial stables be identified and classified as principal uses in the Residential Districts, but all further commercial stables be prohibited. Similar to the ZPA's recommendation, the Report proposes the prohibition of exhibitions, horse shows, clinics and livery stables. It also proposes allowing riding lessons and equine therapy be allowed. It also recommends providing specific provisions regarding improvements that would be allowed for commercial stables [Note: The ZPA's recommendations on elimination of non-conforming uses would apply to large stables.]***

Attached is a copy of the Greg Smith's January 23, 2018 memorandum to the Village Board setting forth the recommendations of the ZPA in greater detail.

The Camiros Technical Review Report recommends a rewrite of the Zoning Code and identifies specific issues that should be reviewed and addressed in the rewrite. It is recommended that the ZPA review each of these issues and determine whether the recommendation should be incorporated into a rewrite of the Zoning Ordinance, be further discussed and reviewed for consideration of placement in the Zoning Ordinance or be eliminated from any proposed rewrite. In reviewing the Technical Review Report, the ZPA's prior recommendations and Board action should be taken into consideration in

These areas are as follows:

1. General Organization. Recommendations include:
 - a. The Zoning Ordinance to be restructured into a more logical structure.
 - b. Use Illustrations and matrices to provide a better understanding of applicable regulations.
 - c. Use a global matrix to set forth permitted and special uses within each zoning district.
 - d. Evaluate all definitions and explain how all rules of measurement are to be used.
2. Residential District Standards. Suggestions for revision of the Residential District Standards include:
 - a. Clearly provide for use of a "builder's acre" for determining lot area.
 - b. Provide a separate section for scenic easement requirements.
 - c. Examine the need for minimum dwelling unit size. ***The creation of a maximum dwelling size was recommended by the ZPA as part of the 17-TA-1 Docket and approved by the Village Board.***
 - d. Examine and clarify the standards for Lot-in-Depth (Flag lots).

3. Commercial District Standards. Suggestions for revision of the Commercial District Standards include:
 - a. Requiring landscaping and screening structures in transitional yards (yards that separate commercial lots from residential lots).
 - b. Divide maximum lot coverage requirements into maximum impervious surface coverage and maximum lot coverage.
 - c. Examine the use of Floor Area Ratios within the Commercial and Hotel Districts.
 - d. Simplify the performance standards within the O/R District for noise, smoke and particulate matter.
4. Open Space District. It is recommended that the dimensional standards (lot area, maximum building height, setbacks) be established and set forth within the code.
5. New Districts. It is recommended that a new district be created for the current R-2 area located between Bradley Road and I-94.
6. Uses. It is recommended that :
 - a. Create broader more generic listings of uses for each of the zoning districts.
 - b. All uses within each zoning district be evaluated and the use categories updated. Standards should be established for particular uses to regulate the impact of such use.
 - c. Evaluate whether existing commercial stables should be classified as a principal use and clarify that no new commercial stables shall be permitted. Clarify the distinction between stables for personal use and commercial stables. Proposed regulations would include:
 - i. Identify commercial stables as a pre-existing principal use within the residential districts and establishing a clear cut of date for no new commercial stables.
 - ii. Establish clear standards for existing stables, such as use of arenas.
 - iii. Clearly establish all prohibited activities such as horse shows, exhibitions, clinics and livery stables.
 - iv. Include equine therapy as a permitted activity.
 - v. Determine the extent to which existing commercial stables may make improvements to existing structures.

Note: The ZPA recommended prohibiting all new large stables within the Village and characterizing existing large stables as legal non-conforming uses and not allowing alterations to existing large stables except for general maintenance. The recommendations also established standards for large stables and the prohibition of horse shows, livery stables, horse clinics and exhibitions.

7. Consider allowing domestic animal rescue as an allowed use.
8. Consider allowing a one- time expansion for a non-conforming place of assembly. The ZPA previously considered this issue and rejected any expansions for this non-conforming use. ***It is my understanding that the ZPA previously considered the issue of expansion of a non-conforming place of assembly.***
9. Accessory Structures and Uses. The following recommendations are made:
 - a. Regulate accessory uses in a separate proposed Article for on-site development standards.
 - b. Reexamine the limitation on the number of accessory structures allowed per lot. ***The ZPA's recommendation of 3 accessory structures per lot was approved by the Village Board.***
 - c. Examine whether additional animal uses should be allowed as accessory uses, including beekeeping, poultry, llamas and alpacas, sheep or goats,

pigs, ducks and other fowl. Remove restrictions on dogs and cats from the zoning ordinance and maintain within the animal control ordinance. ***With respect to poultry, a moratorium was established on the issuance of citations for the keeping of poultry while the ZPA determined whether to allow keeping poultry as a permitted accessory use.***

- d. Clearly distinguish between horses allowed as an accessory use and commercial stables. Standards for large stables that equally apply to keeping horses as an accessory use should be contained within the accessory use standards.
 - e. Examine whether solar and wind technologies should be incorporated as allowed accessory uses.
10. Parking. Examine parking requirements to ensure that the requirements are tailored to the intensity of the use. Use of a matrix to set forth the requirements for off-street parking within each zoning district.
11. Landscape.
- a. Establish clear landscape selection and installation requirements, interior parking lot planting requirements and landscape requirements for transitional yards.
 - b. Use illustrations to clarify landscape requirements.
 - c. Encourage the use of stormwater techniques such as raingardens and bioswales as part of landscaping.
12. Administration. The report proposes that all administrative sections of the zoning ordinance be consolidated into one article that would include:
- a. The powers and duties of the ZPA, Village Board and Zoning Administrator
 - b. The rules for processing applications for various approvals and include notice and public hearing guidelines.
 - c. The procedures and standards for all approvals including text and map amendments, variations, special uses, site plan review, etc.

Upon conclusion of the ZPA's consideration of the Technical Review Report recommendations, the ZPA should consider whether to recommend that the Village Board enter into an agreement with Camiros for the preparation of a zoning code update in accordance with the directions of the ZPA.