

# Village of Mettawa Draft Zoning Ordinance: Summary of Changes



**June 2019 Public Review Draft**

## **Article 1. Title, Purpose, and Applicability**

This Article introduces the Zoning Ordinance as a whole. It includes language standard to ordinances.

- The purpose statement updated to be more concise.
- The applicability of the ordinance has been explained, including that the Village does not enforce private agreements.
- Transition rules have been added that explain what happens to existing structures, uses, and lots, as well as applications in review when the Ordinance, or any later amendments, is adopted.

## **Article 2. Definitions and Rules of Measurement**

All the definitions, *except for use definitions which are only referenced*, and the rules of measurement are contained in this Article.

- The Lake County Stormwater Management Ordinance definitions in the current ordinance have been deleted, as they are defined within that ordinance.
- We have retained relevant definitions from the current Ordinance, and only added new terms that are part of new language added to the Ordinance. A few notes attached to specific definitions highlight key changes.
- The rules of measurement have been updated as follows:
  - » Block and blockface: new - standard definition
  - » Building height: Updated but maintains to the highest point of the building
  - » Caliper: new
  - » Lot coverage: updated to exclude the “pole” portion of a flag lot in calculation
  - » Impervious surface coverage: 1) updated to exclude the “pole” portion of a flag lot in calculation; 2) included a bonus for use of pervious paving
  - » Grade: simplified to reflect actual application in the Village
  - » Floor Area Ratio (FAR): no change
  - » Lot: new - standard definitions and change of name of “lot in depth” to “flag lot”
  - » Lot area: new - standard definition
  - » Lot depth: new - standard definition
  - » Lot line: new - standard definitions

- » Lot width: new - includes provisions for irregular lots
- » Minimum livable floor area: new - current regulation but was undefined in the Ordinance
- » Setback and yard: new - standard definitions

### **Article 3. Zoning Map**

This Article introduces the Zoning Map as a whole. It includes language standard to ordinances.

### **Article 4. Residential Districts**

The current standards for the residential districts have been brought together in this article.

- The purpose statements have been refined, to reflect that limited non-residential uses are allowed.
- The current regulation of “lot coverage” actually is an impervious surface regulation and has been clarified as such in the table.

### **Article 5. Commercial Districts**

The standards for the commercial districts have been brought together in this article. *There are numerous revisions in this Article, so it should be reviewed carefully.*

- A new district has been crafted for consideration - the TC Tollway Commercial. This is meant to specifically address the Tollway Oasis. It requires that any land mapped the TC District must front upon the tollway, be a minimum size of 10 acres, and take access only from the tollway.
- The O/R District has been refined to reflect the standards of the PUD, which covers the land currently zoned O/R. The revision requires any future area zoned O/R to be a PUD and a minimum of 10 acres.
- We adjusted the setback sizes of the O/R District to better match what is currently on the ground. Please note, any future O/R development would be through the PUD process.
- Potential basic design standards have been proposed, for the Village’s consideration.

### **Article 6. Special Purpose Districts.**

Two special purpose districts are included here - the Scenic Easement Overlay and the Open Space District.

- The Scenic Easement Overlay converts the current requirements into a district so that users can understand its application.
- The OS District includes new dimensional standards for structures. The requirement that all structures in the OS District be a special use has been eliminated.

## Article 7. Uses

The use structure has been reorganized as a use matrix, which is much easier to understand and amend in the future. This Article also contains use standards and definitions for all uses contained within the matrix. *There are numerous revisions in this Article, so it should be reviewed carefully.*

- The following uses are explicitly prohibited: large stables, short-term rentals and bed and breakfasts, manufactured homes and home parks. There is a question as to whether kennels should be explicitly prohibited.
- We have interpreted use allowances (permitted or special) as best as possible. The use matrix controls P or S in **bold red font** to indicate further suggested allowances.
- Current use standards were maintained.
- However, for vehicle rental establishments, the limitation of five vehicles maximum has been removed but a standard has been added that they are only permitted as part of a hotel, and the permission for an associated car wash and repair facility has been eliminated.
- All terms are defined in Section 7.4, and what is a new definition and what is revised is indicated.

## Article 8. On-Site Development Standards

This article contains regulations for accessory structures and uses, permitted encroachments into setbacks, temporary uses, and performance standards.

- Accessory structure limitation of 5% was maintained in this draft, with a note that acknowledges the previously considered change to 3%. It is our recommendation to maintain the 5% limitation, especially with new standards on accessory structures.
- The limitation on the number of detached structures permitted has been clarified to exempt smaller, less significant from being counted.
- New accessory structures and uses have been added to the Ordinance for consideration. These are:
  - » Amateur (HAM) radio equipment
  - » Apiary
  - » Carport
  - » Chicken coops (reference to future ordinance only)
  - » Electric vehicle charging station
  - » Exterior lighting
  - » Fences and wall (cross-reference)
  - » Home occupations - updated standards, as well as policy questions for the Village

- » Keeping of horses - reflects current permissions
  - » Keeping of livestock - please review if this should be allowed
  - » Mechanical equipment (ground and roof mounted)
  - » Refuse containers and dumpsters
  - » Satellite dish antennas
  - » Solar panels
  - » Recreational courts (private)
  - » Wind turbines - this would be a provision that allows for these; the understanding is these are currently prohibited
- We have eliminated the regulations on dogs and cats in the current Ordinance, as this is already controlled by the Animal Control Ordinance.
  - One of the issues that needs resolution is how the Village would like to treat llamas and alpacas.
  - Permitted encroachments are the extension or placement of an attached accessory structure or architectural feature into a required setback, which have been summarized in a table. This requires review to see if more flexibility of allowing structures to encroach is desired. (If in all cases there is an “N” across the row, the structure will be eliminated from the table - if no encroachment is allowed then it is treated as a general accessory structure.)
  - New temporary uses have been added, in addition to a temporary use permit. These include: farmers markets, residential real estate development sales office and model unit, temporary contractor’s office/yard, temporary outdoor entertainment, temporary outdoor storage container. Standards are provided for each.
  - Performance standards have been simplified to assist in zoning enforcement.

### *Article 9. Off-Street Parking and Loading*

Much of the parking regulations are new, intended to supplement or modernize current standards.

- Clarifications have been made between standards for commercial versus residential.
- The required setbacks for parking lots have been reduced in order to better site parking lots and structures.
- New design standards have been added for parking structures.
- The parking requirements table has been updated to reflect the use matrix in Article 7. New parking requirements that are not in the current Ordinance have been added and highlighted in yellow.
- Loading requirements have been updated and made universal to ensure that an overabundance of loading berths are not required.
- New standards have been added for commercial and recreational vehicle parking for the Village’s consideration.

## Article 10. Landscape

All the landscape requirements have been brought together into Article 10.

- Standards have been created for installation and maintenance, as well as required species diversity, to ensure healthy landscape.
- Parking lot perimeter landscape standards have been revised with more specific standards
- There are new standards for parking lot interior landscape.
- Site landscape has been brought over from site plan review standards. They have been simplified for easier calculation, with the same end result.
- Transition yards have been renamed buffer yards with new specific planting requirements.

## Article 11. Zoning Administration

This article is composed of three parts: 1) the powers of zoning officials; 2) the general processes - application submittal, notice, and public hearing; and 3) the specific zoning approval processes.

- The requirements for zoning application submittals have been removed from the zoning approval sections and compiled into an appendix at the end of Article 11. These should be part of the application, not the Ordinance.
- Standard provisions for zoning applications have been added, including making sure that an application is complete and that an applicant may discuss a proposed application before formal submittal.
- As noted in the text, fees should be moved out of the Zoning Ordinance.
- Notice requirements have been consolidated into one set of standards, in line with Illinois requirements.
- Posted notice was added as a requirement for map amendments, special uses, and variations.
- Each of the specific approvals have been reorganized into a similar structure. Provisions have been updated to reflect state requirements.
- Limitations of the types of variations have been eliminated.
- Site plan review is required for any development in the O/R, H, TC, and OS Districts, and for non-residential uses in the R-1 and R-2 Districts.
- Sign standards in site plan review were removed as those should be part of sign standards.
- Zoning interpretation is a new application.

## Article 12. Planned Unit Development

PUD has been reorganized but remains fundamentally the same with only minor revisions.

- The purpose statement has been updated to emphasize its role in encouraging innovative development.
- Common ownership provision has been simplified.

- The minimum size requirement was simplified to 10 acres, which reflects current PUD sizes.
- In Section 12.7.3, the requirement for a public benefit or amenity in exchange for a modification to district standards was added for the Village's consideration.

### *Article 13. Nonconformities*

This is an update of the nonconformity provisions. The revision simplifies the current regulations and keeps the same controls/intent.

- Uses and structures have been separated so the regulations can be crafted for each.
- The proposed amendment language regarding “amortization” has not been included as it is inaccurate.
- Nonconforming large stables have been made their own section, which incorporates language from the proposed amendment.
- A new type of nonconformity - site elements - has been added to address elements like landscape and exterior lighting.

### *Article 14. Enforcement*

Enforcement provisions have been updated by the Village Attorney, in line with Illinois regulations.