

SPECIAL DISTRICTS

ARTICLE VIII

PART I -- VILLAGE GREEN OVERLAY DISTRICT

8-101 PURPOSE

The regulations of the Village Green Overlay District are intended to promote conservation and compatible redevelopment in the downtown area of the Village and preserve the distinctive character and design of the downtown area. The preservation and appropriate development of the downtown area requires rules and regulations specifically addressing the distinctive characteristics of the downtown area. The Village Green Overlay District has been created and shall be mapped on the Zoning Map in furtherance of the following public purposes, which are hereby found to be in the interest of the health, prosperity, and welfare of the Village and its residents:

- 8-101 A. Special Character. To effect and accomplish the protection, enhancement, perpetuation, and use of improvements and areas of special character or special historic and aesthetic interest or value which represent or reflect elements of the Village's history or distinction.
- 8-101 B. Local Atmosphere. To maintain the local "small town" atmosphere of the downtown area.
- 8-101 C. Compatibility. To insure compatibility of new development with the existing characteristics of the Village Green Overlay District.
- 8-101 D. Attractiveness. To protect and enhance the Village's attractiveness to visitors and the support and stimulus to local business provided thereby.
- 8-101 E. Strong Economy. To strengthen the economy of the Village.
- 8-101 F. Promote Only Compatible Redevelopment. To promote the careful and considered redevelopment of business areas in the Village Green Overlay District.

8-102 OVERLAY DISTRICT

The Village Green Overlay District appears on the Zoning Map as an “overlay district” imposed on top of other districts created by this Code and referred to in this Part as “base districts.” Development of property in the Village Green Overlay District must comply both with the regulations of the Village Green Overlay District and with the regulations of the base district in which it is located. Where there is any conflict between the Village Green Overlay District and the base district, the provisions of the Village Green Overlay District shall apply.

8-103 DESIGN REVIEW

- A. Design Review Permit Required. Unless a Design Review Permit shall have first been obtained pursuant to Section 11-605 of this Code, as modified by this Section 8-103, no person shall perform, cause, or permit any construction, alteration, remodeling, removal, movement, or demolition of any building, structure, or other improvement of or on any property that is located within the Village Green Overlay District, and no person shall be entitled to the issuance of a permit authorizing any such work.

For purposes of this Section 8-103, all work described in the preceding sentence shall, collectively, be defined as “Improvement Work.”

- B. Exemptions.

1. No Design Review Permit shall be required for Improvement Work related directly to the repair of fire, storm, or other catastrophic damage; provided that the Improvement Work contemplates substantially the same material and configuration as existed prior to the fire, storm, or other catastrophic damage, and is otherwise in accordance with all applicable codes and ordinances.
2. No Design Review Permit shall be required for any Improvement Work that is determined to be within the Level I Design Review, as described in Subsection 8-103C of this Code.

- C. Modified Design Review Process. The process for securing the issuance of a Design Review Permit for Improvement Work performed within the Village Green Overlay District shall be as set forth in Section 11-605 of this Code, except as follows:

1. Applications. All applications for a Design Review Permit for Improvement Work within the Village Green Overlay District shall be submitted to the Village Director of Community Planning for a determination of whether a Level I, Level II, or Level III design review is appropriate and required. The determination of the Village Director of Community Planning shall be final unless a written appeal therefrom is filed with the Architectural Control Commission, in which case the determination of the Architectural Control Commission shall be final.
2. Design Review Process Levels.

a) Level I. The Level I design review is for Improvement Work that consists exclusively or primarily of ordinary and routine maintenance and repair activities that would not require a building permit pursuant to the Village's Building Code. Examples of Level I activities include, without limitation, the following: repainting a building or sign exactly as the original; replacing a front door with one similar to the original; replacing light fixtures on the outside of a building with the same type of light fixture; changing the signage on an awning while keeping the awning itself the same; adding window air conditioning units to the rear or side of a building; resurfacing or re-striping a parking lot; replacing a roof, door, or window with the same type of roof, door or window; or replacing or repairing steps with the same type of step. The Level I design review shall consist only of written notification to the Village Director of Community Planning prior to the commencement of the applicable Improvement Work. The issuance of a Design Review Permit shall not be required for any such Improvement Work.

b) Level II. The Level II design review is for Improvement Work that consists of either (i) ordinary and routine maintenance or repair activities that would require a building permit pursuant to the Village's Building Code or (ii) minor replacement work activities. Examples of Level II activities include, without limitation, the following: replacing a sign with a different type of sign; replacing a roof, door, or window with a different type of roof, door, or window; adding an awning to a building; replacing an awning with an awning of a different style or material; painting a building or sign with a different color than the original; or replacing steps with a different type of step.

The Level II design review shall consist of review by the Architectural Control Commission in accordance with the procedures set forth in Subsections 11-605D of this Code; provided that no action by the Board of Trustees shall be necessary or required. The Architectural Control Commission shall have final authority to grant a Design Review Permit with respect to all Improvement Work within the Level II design review.

c) Level III. The Level III design review is for any and all Improvement Work that, as a result of its substance, detail, scope, and complexity, requires a more comprehensive review than that allowed by a Level I or Level II design review.

The Level III design review shall consist of all of the procedures and requirements set forth in Section 11-605D of this Code.

8-104 PERMITTED USES, CONDITIONAL USES, AND SPECIAL PERMIT USES

8-104 A. The uses allowed as permitted, conditional, and special uses in the base district shall be allowed in the same manner in the Village Green Overlay District (VGOD).

8-104 B. The uses in the following table designated by a "P" is permitted as of right in the Village Green Overlay District. The uses in the following table designated by an "S" may be authorized subject to the issuance of a special permit in the Village Green Overlay District/C-3 base district only. In interpreting the use designations, reference should be made to the Standard Industrial Classification Manual, as amended by the Village (see

Appendix A) and Section 11-501 of this Code. Village SIC codes are given before each use listing

VILLAGE GREEN OVERLAY DISTRICT USE LIST			
VILLAGE SIC CODE	DESCRIPTIVE TEXT	VGOD	VGO/C-3
7530.01	Auto Repair Shops		S
9970.00	Floor Area Ratio In Excess Of 1.0		S
9971.00	Building Height In Excess Of The Maximum Permitted In The C-3 Central Business District; But Not In Excess Of 45 Feet Or Three Stories, Whichever Is Less		S

8-105 ACCESSORY USES

The accessory use regulations applicable in the base district shall apply in the Village Green Overlay District, except that multiple level parking garages shall not be permitted in the Village Green Overlay District without approval by the Board of Trustees by resolution duly adopted, which approval shall be subject to such conditions as the Board of Trustees may, in its discretion, specify in such resolution.

8-106 TEMPORARY USES

The temporary uses permitted in the base district shall be permitted in the Village Green Overlay District.

8-107 RESERVED

8-108 PARKING REQUIREMENTS

8-108 A. Relief From Parking Requirements Governing New and Enlarged Uses. The off-street parking requirements set forth in Subsection 9-104 B of this Code shall apply in the Village Green Overlay District, except as specifically modified in this Section with respect to the C-3 base district only:

1. Special Parking Areas. Each of the following areas shall be deemed "Special Parking Area":
 - a) Shermer Road, and all public and private property adjacent thereto, between the West Branch of the North Fork of the Chicago River and Walters Drive;
 - b) Walters Avenue, and all public and private property adjacent thereto, between Meadow Road and Lorenz Drive; and
 - c) Lorenz Drive, and all public and private property adjacent thereto, between Walters Avenue and Shermer Road.
2. Change in Existing Use. Whenever any non-residential use that (a) is located within a Special Parking Area, and (b) was in existence on or prior to July 25, 2001 is changed to a new non-residential use, no additional parking facilities shall be required even though

such new non-residential use may have otherwise required an increase in off-street parking; provided that:

- i) the new non-residential use is either permitted use in the Village Green Overlay District, or a special permit use for which a special permit has been issued pursuant to Section 11-602 of this Code;
 - ii) the floor area associated with the new non-residential use is not enlarged beyond that which existed for the original non-residential use; and
 - iii) there is no reduction in the number of off-street parking spaces that served the original non-residential use, unless a variation is approved pursuant to Subsection 11-503 E of this Code to allow such a reduction.
3. Increase in Use Intensity. Whenever the intensity of a non-residential use of any structure located within a Special Parking Area is increased through the addition of floor area, off-street parking spaces serving such non-residential uses shall be provided for such increase in intensity of use at a ratio of one additional parking space per 400 square feet of floor added.
4. Variation Requests; Fee in Lieu of Parking. The Board of Trustees may, in its discretion, approve a variation to reduce the number of off-street parking spaces required for properties within the Special Parking Area of the Village Green Overlay District conditioned upon the payment by the owner or applicant of a fee in lieu of parking established in the Annual Fee Ordinance, as may be amended by the Board of Trustees from time to time. Fees collected shall be used for the purpose of acquiring land for, and designing, constructing and maintaining public parking facilities and related improvements, within the Village Green Overlay District.

8-108 B. Modification of Space Dimensions in the Metra Commuter Parking Lot. The following off-street parking space standards shall apply to all off-street parking spaces in the Metra Milwaukee District North Line commuter parking lot:

Parking Angle	Stall Width	Stall Length	Stall Height
Parallel	8.5'	23'	8'
30°	8.5'	18.5'	8'
45°	8.5'	18.5'	8'
60°	8.5'	18.5'	8'
90°	8.5'	18.5'	8'

8-108 C. Modification of Space Dimensions in the Village Green Overlay District. The off-street parking space standards of this Code may be modified for property in the Village Green Overlay District pursuant to Subparagraph 9-104 C3(1).

8-109 SIGN REGULATIONS

The sign regulations applicable in the base district shall apply in the Village Green Overlay District, except that:

- A. Projecting signs shall be permitted in the C-2 and C-3 base districts, subject to design review approval pursuant to Section 11-605 of this Code;
- B. No setback from the front lot line shall be required with respect to ground signs.

8-110 SPECIAL BULK, SPACE AND YARD REQUIREMENTS

The bulk, space, and yard requirements applicable in the base districts shall apply in the Village Green Overlay District, except as specifically modified in this Section. The following special bulk, space, and yard requirements shall apply in the Village Green Overlay District:

8-110 A. Building Height. In the C-3 base district only, the maximum permitted building height shall be 35 feet or 2 stories; provided, however, that, subject to the issuance of a special permit, the maximum permitted building height shall be 45 feet or 3 stories, whichever is less.

8-110 B. F.A.R.: Additional Special Permit Standard. In the C-3 base district only, the floor area ratio shall be increased from .50 to 1.0 and may, subject to the issuance of a special permit as provided in Section 8-107 of this Code, be increased to an amount in excess of 1.0. In addition to those standards for special permits established in Subsection 11-602 E of this Code, no special permit to allow a structure with a floor area ratio greater than 1.0 shall be authorized unless the applicant shall establish that the proposed structure and uses thereof will have sufficient parking to support the proposed use.

8-110 C. Special Yard Standards in the IB Base District. There shall be no minimum front yard requirement for any property located within the IB base district of the Village Green Overlay District; provided, however, that in the event the front yard is located adjacent to any single-family residential district, then there shall be a front yard of a size that is not less than minimum amount as set forth in Section 8-409 of this Code.

8-111 VARIATIONS

Whenever an application for a variation concerning property located within the Village Green Overlay District is filed pursuant to this Code or the Village Subdivision and Development Code (1991), the authority to hear and decide the application otherwise delegated to the Zoning Board of Appeals pursuant to Section 11-503 of this Code shall be reserved to the Board of Trustees. For such purposes, the Board of Trustees shall have all of the authority granted to, and shall be subject to all of the limitations imposed on, the Zoning Board of Appeals pursuant to Section 11-503 of this Code.

8-112 NONCONFORMITIES

- A. Exception to 10-104 E. In the event of damage to or destruction of a pre code structure within the C-2 base district of the Village Green Overlay District, irrespective of the cause and extent of such damage or destruction, such structure shall have right to be rebuilt or restored to the same height as existed prior to such damage or destruction.
- B. Exception to 10-104 C. The Board of Trustees shall have the right, to approve, by ordinance duly adopted, an application for a waiver of the structural alteration and enlargement prohibition applicable to nonconforming structures in Section 10-104 C of this Code with respect to any structure within the C-2 base district of the Village Green Overlay District that is nonconforming solely with respect to height.
- C. Applicability. Except as expressly provided in this Section 8-112, the provisions of Article X entitled "Nonconformities" of the Zoning Code shall be fully applicable to all structures location within all base districts of the Village Green Overlay District.