

SPECIAL DISTRICTS

ARTICLE

VIII

PART VI -- TECHNY OVERLAY DISTRICT

8-601 PURPOSE

The Techny Overlay District has been created to accommodate the development of a large tract of vacant land located at the southeast corner of the Village that comprises a portion of the larger tract known as the Techny Property. The Techny Property, and particularly the portion included within the Techny Overlay District, offers characteristics and circumstances affecting development that are unique to the Village. Its size and relative isolation from other areas of the Village and the fact that its full development could require half a century or more create the need for more flexible zoning restrictions than are appropriate in more built-up areas of the Village. These same factors also present greater opportunities for creative land use planning and development. At the same time, however, there is a need to provide a framework of general development regulations that will assure that the ultimate development of this vast area will blend comfortably with the existing scale and character of the Village. Particular attention is needed along the periphery of the Techny Property where it abuts existing development in the Village and other communities. This area has been zoned into conventional residential and institutional districts to provide a transition between areas of existing development and the Techny Overlay District. Special attention is also needed along the major arterial streets from which the Techny Property's character will be most readily perceived.

The purpose of the Techny Overlay District is to accommodate, in the core of the Techny Property, this special need for flexibility within a general framework of regulations structured to provide appropriate assurances of community compatibility.

The Techny Overlay District shall be mapped only in the area lying southeast of the Chicago and Northwestern Railroad right-of-way, northeast of the Soo Line Railroad right-of-way, southwest of Waukegan Road, and north of Willow Road.

8-602 OVERLAY DISTRICT

The Techny 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 Techny Overlay District must comply both with the regulations of the Techny Overlay District and with the regulations of the base district in which it is located. Where there is any conflict between the Techny Overlay District and the base district, the provisions of Techny Overlay District shall apply.

8-603 ADDITIONAL PERMITTED USES, CONDITIONAL USES, AND SPECIAL PERMIT USES

In addition to the uses allowed in the base districts, the following additional uses, and no others, are allowed in the Techny Overlay District in the base districts indicated in the following table. The uses in the following table designated by a "P" are permitted as of right.

The uses in the following table designated by a "p*" shall be permitted only in the area bounded by Waukegan Road on the northeast, the Chicago and Northwestern Railroad right-of-way on the northwest and Techny Road (existing or relocated) on the south. Except as specifically limited, the remaining uses listed in the following table may be permitted as either 1) a conditional use, which is designated by a "C," and subject to the additional standards set forth in this Article VIII; or 2) a special permit use, which is designated by an "S," and subject to the issuance of a special permit as provided in Section 11-602 of this Code and subject to the additional standards set forth in this Article VIII. Nothing herein shall be deemed or interpreted as precluding an accessory use in the Techny Overlay District pursuant to Section 9-101 of this Code. In interpreting the use designations, reference should be made to the Standard Industrial Classification Manual, as amended by the Village, (see Appendix A) & Section 11-501 of this Code. Village Standard Industrial Classification codes are given before each use listing.

TECHNY OVERLAY DISTRICT PERMITTED USE LIST				
VILLAGE SIC CODE	DESCRIPTIVE TEXT	C-5	O-3	O-4
A.	<u>VACANT LAND</u>			
0200.00	Livestock	P	P	P
B.	<u>MANUFACTURING</u>			
2500.00	Furniture and Fixtures		p*	
2700.00	Printing, Publishing and Allied Industries		p*	
3230.00	Glass Products, Made of Purchased Glass		p*	
3570.00	Computer and Office Equipment		p*	
3634.00	Electric Housewares and Fans		p*	
3650.00	Household Audio and Video Equipment, and Audio Recordings		p*	
3660.00	Communications Equipment		p*	
3670.00	Electronic Components and Accessories		p*	
3800.00	Measuring, Analyzing and Controlling Instruments		p*	
3900.01	Miscellaneous Manufacturing Industries		p*	
3910.00	Jewelry, Silverware and Plated Ware		p*	

TECHNY OVERLAY DISTRICT PERMITTED USE LIST

VILLAGE SIC CODE	DESCRIPTIVE TEXT	C-5	O-3	O-4
C.	<u>TRANSPORTATION AND PUBLIC UTILITIES</u>			
4953.01	Operation of Sanitary Landfills, including extraction, treatment and sale of methane gas, and generation and sale of electricity therefrom, existing as of the effective date of this Code.		P	
D.	<u>WHOLESALE TRADE</u>			
5000.01	Wholesale Trade-Durable Goods, including 5012, 5015, 5030, 5052 and 5093		p*	
5100.01	Wholesale Trade-Nondurable Goods, except 5150, 5170 and 5198		p*	
E.	<u>RETAIL TRADE</u>			
5812.05	Live Entertainment accessory to permitted hotels	P	P	P
5812.06	Outdoor Seating accessory to permitted eating places and hotels	P	P	P
5912.00	Drug Stores and Proprietary Stores		P	P
5942.00	Book Stores		P	P
5943.00	Stationery Stores		P	P
5944.00	Jewelry Stores		P	P
5999.02	Art Dealers-Retail		P	P
F.	<u>FINANCE, INSURANCE AND REAL ESTATE</u>			
6500.02	Real Estate Establishments, except 6553		p*	
6512.01	Theater Buildings	P		
6530.00	Real Estate Agents and Managers		P	P
G.	<u>SERVICES</u>			
7011.01	Hotels, except Residential	P	P	P
7231.00	Beauty Shops		P	P
7241.00	Barber Shops		P	P

TECHNY OVERLAY DISTRICT PERMITTED USE LIST

VILLAGE SIC CODE	DESCRIPTIVE TEXT	C-5	O-3	O-4
7340.00	Services to Dwellings and Other Buildings		P	P
7832.01	Motion Picture Theatres not exceeding three screens except Drive-Ins	P		
7922.00	Theatrical Producers	P		
7991.00	Physical Fitness Facilities	P	P	P
7992.00	Public Golf Courses		P	P
7997.00	Membership Sports and Recreation Clubs	P	P	P
8733.00	Noncommercial Research Organizations		p*	
8734.00	Testing Laboratories, except 8737		p*	
H.	<u>MISCELLANEOUS</u>			
8299.03	Schools & Educational Services, Not Elsewhere Classified per Section 8-607	C/S		
9860.00	Dwelling Units, limited to not more than 15 percent of the gross floor area allowable on the zoning lot in question	P		
9903.02	Off Premises Identification Signs per Section 8-606	S		

8-604 SPECIAL DEVELOPMENT STANDARDS

8-604 A. Special Bulk, Space and Yard Requirements. The bulk, space and yard requirements applicable in the base districts shall apply in the Techny Overlay District except as specifically modified in this Section. The following special bulk, space and yard requirements shall apply in the Techny Overlay District.

(see next page)

SPECIAL BULK, SPACE, & YARD REQUIREMENTS		<u>C-5</u>	<u>O-3</u>	<u>O-4</u>
1.	<u>Maximum Height</u>			
	a. Feet	75/110*	75	---
	b. Stories	5/8*	---	8
	* Any part of any building that exceeds 75 feet or five stories in height shall be set back at least 550 feet from the center lines of both Waukegan and Willow Roads and 1,000 feet from the point of intersection of said center lines.			
2.	<u>Minimum Total Lot Area</u>			
	All Uses (square feet)	450,000	150,000	150,000
3.	<u>Minimum Setbacks</u>			
	a. Front	Base district requirement or building height at the setback, whichever is greater.		
	b. Interior Side and Rear	Building height at the setback.		
4.	<u>Maximum Lot Coverage</u> (percent of lot)	60	60	60
5.	<u>Maximum Floor Area Ratio</u>			
	a. Without TDR*	0.40	0.20	0.20
	b. With TDR*	0.45	0.40	0.75
	* See Subsection 8-604 E below.			

8-604 B. Residential Parking. All parking spaces in excess of two (2) spaces per unit required pursuant to the provisions of Subparagraph 9-104 F1(a) of this Code for dwelling units constructed pursuant to Subsection 8-603 E of this Section may be provided pursuant to enforceable agreements for the joint use of parking spaces provided to serve non-residential uses located within 1,000 feet of such dwelling units.

8-604 C. Special Perimeter Landscaping Requirement. Notwithstanding any provision of this Part to the contrary there shall be provided on any property located in the Techny Overlay District the following perimeter landscaped open spaces:

1. A perimeter landscape open space extending from the lot line to a line parallel to, and setback at least 185 feet from, the center line of both Willow Road and Waukegan Road; provided, however, that for that portion of any such property located within an area beginning at the eastern boundary of Founders Drive (as platted pursuant to the Plat of Subdivision for Parcel SE-1 recorded on December 22, 2000 as Document No. 0001007540 in the Office of the Recorder of Cook County, Illinois) and extending eastward to a point that is 450 feet west of the intersection of the centerline of Willow Road and Waukegan Road, the perimeter landscaped open space shall extend from the

lot line to a line parallel to, and set back at least 145 feet, from the center line of Willow Road; and

2. A perimeter landscaped open space on that portion of the property located within Techny Overlay District and designated as Parcel SE-1A-2 on the Village's Comprehensive Plan extending from the lot line to a line parallel to, and setback at least 40 feet in depth along, the northern boundary of Parcel SE-1A-2 where it abuts the southern boundary of Parcel SE-1A-1 of the Northbrook Greens Condominium Project, such 40-foot landscaped perimeter open space to be in addition to the perimeter open space required under the applicable provisions of Section 9-107 of the Zoning Code.

Except for the width requirement stated herein, such perimeter landscaped open space shall conform to the provisions of Subsection 9-107 of this Code.

8-604 D. Multiple Uses on Same Zoning Lot. Notwithstanding the provisions of Subsection 12-101 D of this Code, more than one principal use or principal structure may be located on one zoning lot in the Techny Overlay District.

8-604 E. Transfer of Development Rights ("TDR").

1. TDR Authorized. Within the Techny Overlay District, the floor area ratios permitted in Subparagraph 8-604 A5a above are intended and shall be construed and applied only as a limit on the overall density of development of the property lying within the Techny Overlay District and not as a limit on any individual zoning lot. The floor area ratios permitted in Subparagraph 8-604 A5b establish the maximum density allowable on individual zoning lots; provided, however, that those maximum densities are allowable only pursuant to a transfer of development rights pursuant to this Subsection.

The owner of any zoning lot in the Techny Overlay District may, within the limits stated in Subparagraph 8-604 A5b, transfer to such zoning lot (the "transferee parcel") all or any part of the undeveloped floor area rights ("development rights"), up to the maximum stated in Subparagraph 8-604 A5a, from any other vacant parcel in the Techny Overlay District (the "transferor parcel"). The Owner of any vacant parcel in the Techny Overlay District may designate such parcel as a transferor parcel and reserve development rights associated with such parcel, up to the maximum stated in Subparagraph 8-604 A5a, for future transfer to a transferee parcel to be identified at a later time ("reserved development rights"); provided, however, that such reserved development rights shall remain in the ownership of the owner of the transferor parcel at the time of such reservation until transferred from such ownership to the owner of a transferee parcel for use on such transferee parcel and no reserved development rights shall be transferred to any person or for any purpose other than to the owner of a transferee parcel for use on such transferee parcel.

All or any of the development rights of a transferor parcel may be transferred or reserved for future transfer; provided, however, that the sum of such rights transferred or reserved for future transfer from any parcel shall not exceed the total floor area that could be developed on such parcel pursuant to Subparagraph 8-604 A5a above; and provided further, however, that once transferred to a transferee parcel such development rights shall not be transferred again but shall remain attached to the transferee parcel forever; and provided further, however, that no parcel that has once been designated a transferee parcel shall thereafter be designated a transferor parcel.

No transfer or reservation of development rights pursuant to this Subsection shall be authorized except pursuant to an application filed with the Village Manager pursuant to Subparagraph 8-604 E2 below. No transfer or reservation of development rights from a transferor parcel shall be permitted unless the owner of the transferor parcel shall have first filed with the Village Manager the restrictive covenant required pursuant to Subparagraph 8-604 E2(c)(8) below to reduce the maximum gross floor area that may be developed on the transferor parcel by an amount equal to the amount of gross floor area being transferred to, or reserved for future transfer to, a transferee parcel.

Nothing herein shall be construed to be authority to reduce, waive, or otherwise affect the other bulk, space, and yard requirements applicable to any transferee parcel.

2. TDR Procedures.

- a) Application to Reserve Development Rights for Future Transfer. The owner of any parcel located within the Techny Overlay District shall have the right to designate such parcel as a transferor parcel for the purpose of reserving all or any part of the development rights of such parcel for transfer to a transferee parcel to be identified at a later time by filing with the Village Manager an application, in a form provided by the Village, for such designation and reservation.
- b) Application for Immediate Transfer of Development Rights. The owner of a proposed transferee parcel located in the Techny Overlay District shall have the right to transfer development rights from any proposed transferor parcel located in the Techny Overlay District or from previously created reserved development rights by filing with the Village Manager an application, in a form provided by the Village, for such transfer. Such application shall be filed prior to, or concurrently with, the filing of an application pursuant to the applicable provisions of the Northbrook Municipal Code for a building permit for construction on the transferee parcel.
- c) Application Requirements. Every application filed pursuant to this Subsection shall be executed by the owner of the transferor parcel and by the owner of the transferee parcel if one is being designated at the time of application and shall contain the following:
 - 1) The name and address of the owner of the transferor parcel or of the reserved development rights, as the case may be;
 - 2) The name and address of the owner of the transferee parcel, if a transferee parcel is being designated at the time of application;
 - 3) A legal description and survey of the transferor parcel or of the parcel from which the reserved development rights were reserved;
 - 4) A legal description and survey of the transferee parcel, if one is being designated at the time of the application;
 - 5) A statement of the maximum amount of development rights, stated in square feet of floor area, permitted on the transferor parcel pursuant to Subparagraph 8-604 A5a above or, in the case of a transfer from reserved development rights, the total amount of reserved development rights originally reserved from the transferor parcel from which such rights were reserved;
 - 6) A statement of the amount of development rights, stated in square feet of gross floor area, previously authorized for transfer from the transferor parcel or from the reserved development rights being drawn upon;

- 7) A statement of the amount of development rights, stated in square feet of gross floor area, to be transferred or reserved for future transfer pursuant to the current application; and
- 8) In any case where development rights are being transferred from a transferor parcel, whether for immediate transfer to a transferee parcel or for reservation for future transfer to a transferee parcel, an executed, recordable restrictive covenant, in a form reasonably satisfactory to the Village Attorney, restricting the use and development of the transferor parcel to a total gross floor area not to exceed a number of square feet of gross floor area calculated as follows:

Area of transfer or parcel in square feet

- | | |
|----------------------|---|
| <u>times</u> | 0.4, if transferor parcel is located in the C-5 base district,
<u>or</u>
0.2, if transferor parcel is located in the 0-3 or 0-4 base district |
| <u>minus</u> | Gross floor area previously transferred or reserved from transferor parcel |
| <u>minus</u> | Gross floor area currently being transferred to transferee parcel or reserved for future transfer |
| <u>equals</u> | Allowable floor area remaining for development on transferor parcel. |

- d) **Review.** Each application for a transfer or reservation of development rights shall be reviewed and acted upon by the Village Manager within 30 days following the receipt thereof. No such application shall be denied except for violation of the provisions of this Section 8-604, which violation shall be stated in a written order of denial. The failure of the Village Manager to act on an application within such 30-day period shall be deemed a denial of that application.
 - e) **Appeal.** The denial of any application for transfer of development rights shall be appealable pursuant to Section 11-502 of this Code.
3. **TDR Records.** The Village Manager shall keep sufficient records to allow for the efficient and accurate administration of the TDR program authorized by this Subsection. At a minimum the Village Manager shall keep the following records:
- a) A record identifying all transferor parcels, their original maximum development rights and their remaining development rights, if any;
 - b) A record identifying all transferee parcels, their original maximum development rights, the amount of development rights transferred to them and their resulting total development rights;
 - c) A record of all reserved development rights, separately identified with reference to the transferor parcel from which such rights were reserved, the owner of such parcel, the original amount of such reserved rights, all transfers of any of such reserved rights to any transferee parcel and the balance of such reserved rights remaining available for future transfers; and
 - d) A record of TDR transactions showing the transferor parcel or reserved development rights from which development rights were transferred, the amount of development

rights that were transferred and the transferee parcel, if any, to which such development rights were transferred.

8-605 ACCESSORY DRIVE-THROUGH FACILITIES

8-605 A. Purpose. Accessory Drive-Through Facilities (Village S.I.C. No. 9980.00) may be permitted in the C-5 Zoning District subject to the issuance of a special permit as provided in Section 11-602 of this Code and subject to the additional standards hereinafter set forth. In interpreting such use designation, 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.

8-605 B. Additional Standards for Accessory Drive-Through Facilities.

1. **Traffic Management and Queuing.** Every accessory drive-through facility shall be designed and constructed so as to have on-site adequate queuing area for motor vehicles. No special permit for an accessory drive-through facility shall be granted except on evidence satisfactory to the Board of Trustees that the queue will not obstruct parking areas or major travel aisles. Stacking areas may not back-up onto public streets or impede emergency access to buildings.
2. **Pedestrian Movement.** No special permit for an accessory drive-through facility shall be granted except on evidence satisfactory to the Board of Trustees that the accessory drive-through facility will not be hazardous to pedestrians and cyclists. A safe and convenient pedestrian circulation system shall be maintained both on-site and on adjoining public right-of-ways.
3. **Enhanced Architectural and Landscape Features.** No special permit for an accessory drive-through facility shall be granted except on evidence satisfactory to the Board of Trustees that the proposed facility incorporates appropriate architectural and landscape features. All accessory drive-through facilities shall provide screening from any nearby residential activities.
4. **Hours of Operation & Noise Restrictions.** As a condition of approving a special permit for any accessory drive-through facility, the Board of Trustees may restrict the hours of operation of the facility or establish other use limitations to ensure compatibility with surrounding land uses.

8-605 C. Definitions.

DRIVE-THROUGH FACILITY: An establishment or facility that provides products or services to occupants seated inside a motor vehicle, other than within a building, but not including dispensing of fuels at an automobile service station. Pick-up, drop-off, ordering and service are handled through a drive-through window.

DRIVE-THROUGH WINDOW: A window, other fenestration or other device provided within the structure of a building designed for the delivery of goods or products to a vehicle and

through which compensation for such may be exchanged, including the making of change and the order of such goods.

8-606 OFF PREMISES IDENTIFICATION SIGNS

8-606 A. Purpose. Off-Premises Identification Signs (Village S.I.C. No. 9903.00) may be permitted in the C-5 Zoning District subject to the issuance of a special permit as provided in Section 11-602 of this Code and subject to the additional standards hereinafter set forth

8-606 B. Additional Standards for Off-Premises Identification Signs.

1. An off-premises identification sign shall only be allowed for an establishment located on a property within the Techny Overlay District.
2. The off-premises identification sign is necessary to prevent or reduce traffic and safety hazards.
3. The off-premises identification sign shall have no more than two (2) sign faces and shall have a maximum gross surface area of no more than 25 square feet per face.
4. The off-premises identification sign shall not be located within 70 feet of any other identification or joint identification sign regardless of the lot on which said other identification or joint identification sign is located.
5. The street and number of the building or development to which the off-premises sign refers shall be marked on said sign.
6. Any off-premises identification sign so permitted shall not be included in the total sign area calculations or any other signage controls applicable to either the lot on which said sign is located or the lot upon which the building or development to which the sign refers is located.

8-607 SCHOOLS & EDUCATIONAL SERVICES NOT ELSEWHERE CLASSIFIED

8-607 A. Purpose. Schools & Educational Services, Not Elsewhere Classified (Village S.I.C. No. 8299.03) may be permitted in the C-5 Zoning District either as a conditional use or subject to the issuance of a special permit as provided in Section 11-602 of this Code and subject to the additional standards hereinafter set forth.

8-607 B. Additional Standards for Schools & Educational Services, Not Elsewhere Classified. The proposed use shall have a gross floor area no greater than 2500 square feet. If the gross floor area is greater than 2500 square feet, the use is required to apply for a special permit.