

Article 9. Overlay District Standards

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9-101. General Provisions

- A. **Purpose.** The purpose of this Article is to establish the overlay districts of the Village.
- B. **Applicability.** The zoning districts established in this Article shall apply to all overlay zoning district parcels within the Village of Northbrook as detailed on the Village of Northbrook Zoning Map.

9-102. Establishment of Overlay Districts

- A. **Overlay Districts.** An overlay district prescribes an additional set of standards for regulations on properties in a defined geographic area within one or more underlying base district. The standards of the overlay district shall supersede the standards of all other applicable district types.

Table 9-102-A Overlay Districts

District Name	District Purpose and Intent
Techny Overlay	<p>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 as follows.</p> <ul style="list-style-type: none">• Its size and relative isolation from other areas of the Village and the fact that its

Table 9-102-A Overlay Districts

District Name	District Purpose and Intent
	<p>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.</p> <ul style="list-style-type: none"> 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.
Village Green Overlay	<p>The VG-O Village Green Overlay District is established to promote conservation and compatible redevelopment in the downtown area of the Village and preserve its distinctive character and design. The preservation and appropriate development of the downtown</p>

Table 9-102-A Overlay Districts

District Name	District Purpose and Intent
	<p>area requires rules and regulations specifically addressing its distinctive characteristics. The Village Green Overlay District has been created and shall be mapped on the Zoning Map in furtherance of the following public purposes:</p> <ul style="list-style-type: none"> • Special Character. To protect, enhance, perpetuate, and use 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. • Local Atmosphere. To maintain the local "small town" atmosphere of the downtown area. • Compatibility. To ensure compatibility of new development with the existing characteristics of the Village Green Overlay District. • Attractiveness. To protect and enhance the Village's attractiveness to visitors and the support and stimulus to local business provided thereby. • Strong Economy. To strengthen the economy of the Village. • Promote Only Compatible Redevelopment. To promote the careful and considered redevelopment of business areas in the Village Green Overlay District.
Flood Hazard Overlay	<p>The Flood Hazard Overlay District is intended to promote the orderly development of land and water resources, diminish threats to public health and safety caused by floodwaters, protect new buildings and major improvements to buildings from flood damage, and to reduce economic losses to individuals and the community at large. The District and its regulations are established in compliance with</p>

Table 9-102-A Overlay Districts

District Name	District Purpose and Intent
	the rules and regulations of the National Flood Insurance Program of the Federal Emergency Management Agency, codified as 44 C.F.R. Parts 59 through 79, and as may be amended and supplemented from time to time, in order to make federally subsidized flood insurance available within the Village; and in compliance with Section 18g of the Rivers, Lakes and Streams Act, 615 ILCS 5/18g, and 17 Ill. Admin. Code Part 3708 to allow the Village to issue certain permits regulating construction and the method, manner and extent of construction and other work undertaken in the flood way. In addition to the powers listed in Section 1-102 and other provisions of this Code, this Part II of Article VIII of this Code is also adopted pursuant to Sections 1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-1 et seq. of the Illinois Municipal Code, 65 ILCS 5/1-2-1, 11-12-12, 11-30-2, 11-30-8, and 11-31-1 et seq.

9-103. Techny Overlay

- A. **Geographic Allowance.** 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.
- B. **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 the Techny Overlay District shall apply.
- C. **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.
 1. The uses in the following tables 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.
 2. 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 9; 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 2-112 of this Code and subject to the additional standards set forth in this Article 9. Nothing herein shall be deemed or interpreted as precluding an accessory use in the Techny Overlay District pursuant to Section 9-103-C-4 of this Code.
 3. **Principal Uses.**

Table 9-103-C-3: Techny Overlay Principal Uses

Use	Additional Regulation	C-5	O-3	O-4
<i>Residential Uses</i>	Additional Regulation	C-5	O-3	O-4
Dwelling, Cottage Court				
Dwelling, Duplex				
Dwelling, Single-Family Detached				
Dwelling, Townhouse				
Dwelling, Triplex/Quadplex				

Table 9-103-C-3: Techny Overlay Principal Uses

Use	Additional Regulation	C-5	O-3	O-4
Dwelling Units, Limited to Not More Than 15 Percent of the Gross Floor Area Allowable on the Lot in Question		P		
Live-Work Unit				
Multi-Unit Building, 13+ Units				
Multi-Unit Building, 5-12 Units				
Multi-Unit Dwelling Complex				
Multi-Unit Dwelling, Above Ground Floor Only				
Senior Living Facility, Dependent				
Senior Living Facility, Independent				
Transitional Service Facilities with up to 9 residents				
Transitional Service Facilities, with up to 15 residents				
Public and Institutional Uses	Additional Regulation	C-5	O-3	O-4
Cemetery				
Day Care				
College/University				
Hospital				
Membership Organizations, 2,500 sq ft or less		P	P	P
Membership Organizations, More than 2,500 sq ft		P	P	P
Noncommercial Research Organizations			P*	
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	
Park				
Place of Worship, 2,500 sq ft or less				

Table 9-103-C-3: Techny Overlay Principal Uses

Use	Additional Regulation	C-5	O-3	O-4
Place of Worship, More than 2,500 sq ft				
Public Cultural and Community Facilities				
Public Service/Safety Facility				
School, Elementary and Middle Public		S		
School, Elementary and Middle Private		S		
School, High		S		
School Vocational/Technical		S		
Vacant Land/Vacant Building				
<i>Commercial Uses</i>	<i>Additional Regulation</i>	C-5	O-3	O-4
Adult Uses				
Alcohol/Liquor Sales				
Amusement and Recreation Services, 2,500 sq ft or less				
Amusement and Recreation Services, More than 2,500 sq ft				
Bank, Credit Union, Financial Services				
Bar/Tavern				
Cannabis Dispensary, Adult Use				
Cannabis Dispensary, Medical Use				
Coworking Space				
Firearms Dealer				
Funeral Home				
General Retail			P	P
Golf Course			P	P
Hotel		P	P	P
Medical Clinic				
Medical Spa				
Meeting/Event Facility				
Microbrewery/Winery/Distillery With Tasting Room				

Table 9-103-C-3: Techny Overlay Principal Uses

Use	Additional Regulation	C-5	O-3	O-4
Motion Picture Theaters Not Exceeding Three Screens Except Drive-Ins		P		
One-on-One Educational Services				
One-on-One Personal Fitness Facilities				
Personal Service			P	P
Physical Fitness Facilities, 2,500 sq ft or less		P	P	P
Physical Fitness Facilities, 2,500 sq ft or more		P	P	P
Professional Services				
Real Estate Agents and Managers			P	P
Restaurant				
Short-Term Rental				
Theater Buildings		P		
Theatrical Producers		P		
Tobacco Retail Sale				
<i>Industrial and Vehicle Related Uses</i>	<i>Additional Regulation</i>	C-5	O-3	O-4
Artisan Manufacturing				
Brewery/Winery/Distillery				
Car Wash				
Cannabis Cultivation Center				
Cannabis Craft Grower				
Cannabis Infuser				
Cannabis Processor				
Commercial Kitchen				
Contractor Facility				
Crematorium				
Dry Cleaning Facility, Processing On-Site				
Building Material, Machinery, and Equipment Sales or Storage				
Fuel Sales				
Industry, Heavy				

Table 9-103-C-3: Techny Overlay Principal Uses

Use	Additional Regulation	C-5	O-3	O-4
Industry, Light			P*	
Materials Salvage Yard/Recycling Operations				
Microbrewery/Winery/Distillery With or Without Tasting Room				
Motor Vehicle Sales/Rental, With Open Sales Lot				
Motor Vehicle Sales/Rental, Without Open Sales Lot				
Off-Street Parking				
Personal / Self Serve Storage				
Testing Laboratories			P*	
Trucking Company				
Vehicle Services - Major Repair/Body Work				
Vehicle Services - Minor Maintenance/Repair				
Warehouse, Distribution/Storage				
Wholesale Trade			P*	
Utilities and Infrastructure	Additional Regulation	C-5	O-3	O-4
Electrical Substations				
Public Utility Facilities				
Required Detention Facilities				
Transit Facilities				
Wireless Telecommunications Equipment				
Wireless Telecommunications Tower				
Agriculture and Animal Related	Additional Regulation	C-5	O-3	O-4
Animal Production		P	P	P
Community Garden				
Crops and Horticulture				
Indoor Agriculture				
Nursery & Garden Center, With Open Sales Lot				
Nursery & Garden Center, Without Open Sales Lot				

Table 9-103-C-3: Techny Overlay Principal Uses

Use	Additional Regulation	C-5	O-3	O-4
Veterinary and Animal Care Services, indoor and outdoor				
Veterinary and Animal Care Services, indoor only				

4. Accessory Uses.

Table 9-103-C-4: Techny Overlay Accessory Uses

Use	Additional Regulation	C-5	O-3	O-4
Accessory Dwelling Unit (ADU), Attached				
Accessory Dwelling Unit (ADU), Detached				
Accessory Structure				
ATM				
Day Care Nursery				
Drive-Through Facility				
Electric Vehicle Charging Station – Commercial				
Garden				
Home Based Daycare				
Home Occupation				
Live Entertainment Accessory to Permitted Hotels		P	P	P
Outdoor Display - Permanent				
Sale of Merchandise - Permanent				
Outdoor Seating for Eating and Drinking Uses		P	P	P
Outdoor Storage / Open Lot				
Solar Energy Collection System, Canopy Mounted				
Solar Energy Collection System, Ground Mounted				
Solar Energy Collection System, Roof Mounted				

9 | Overlay District Standards
Techny Overlay

D. 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.

Table 9-103-D: Techny Overlay District Dimensional Standards	Base District		
	C-5	O-3	O-4
<i>Lot Standards</i>			
Lot Area, Minimum (sq ft)	450,000	150,000	150,000
<i>Yard Setbacks</i>			
Front, Minimum (ft)	As established in the base district or the building height at the setback, whichever is greater		
Corner Side, Minimum (ft)			
Interior Side, Minimum (ft)	Building height at the setback		
Rear, Minimum (ft)			
<i>Building Standards</i>			
Height, Maximum (ft)	75/110 [1]	75	--
Height, Maximum (stories)	5/8 [1]	--	8
Maximum Lot Coverage (%)	60	60	60
Floor Area Ratio - With TDR* See subsection 9-103-H below.	0.45	0.4	0.75
Floor Area Ratio - Without TDR	0.4	0.2	0.2
[1] 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.			

E. Residential Parking. All parking spaces in excess of two (2) spaces per unit required pursuant to the provisions of Section 10-102 of this Code for dwelling units constructed pursuant to Subsection 9-103-C 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.

F. 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 set back at least 185 feet from, the center line of both Willow Road and Waukegan Road; provided, however, that
 - a. 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 set back 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 10-106 of the Zoning Code.
3. Except for the width requirement stated herein, such perimeter landscaped open space shall conform to the provisions of Subsection 10-106 of this Code.

G. **Multiple Uses on Same 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 lot in the Techny Overlay District.

H. **Transfer of Development Rights.**

1. **TDR Authorized.** Within the Techny Overlay District, the floor area ratios permitted in Table 9-103-D 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 lot. The floor area ratios permitted in Table 9-103-D establish the maximum density allowable on individual lots; provided, however, that those maximum densities are allowable only pursuant to a transfer of development rights pursuant to this Subsection.
2. The owner of any lot in the Techny Overlay District may, within the limits stated in Table 9-103-D, transfer to such lot (the "transferee parcel") all or any part of the undeveloped floor area rights ("development rights"), up to the maximum stated in Table 9-103-D, 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 Table 9-103-D, 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.
3. 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 Table 9-103-D; 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.

4. 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 9-102-H(6) 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 9-102-H(6) 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.
5. 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.
6. **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:
 - i. The name and address of the owner of the transferor parcel or of the reserved development rights, as the case may be;
 - ii. The name and address of the owner of the transferee parcel, if a transferee parcel is being designated at the time of application;

- iii. A legal description and survey of the transferor parcel or of the parcel from which the reserved development rights were reserved;
- iv. A legal description and survey of the transferee parcel, if one is being designated at the time of the application;
- v. 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;
- vi. 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;
- vii. 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
- viii. 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:
 - a) Area of transfer or parcel in square feet times 0.4, if transferor parcel is located in the C-5 base district, or 0.2, if transferor parcel is located in the O-3 or O-4 base district minus
 - b) Gross floor area previously transferred or reserved from transferor parcel minus Gross floor area currently being transferred to transferee parcel or reserved for future transfer equals
 - c) 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 9-103-H, 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 2-111 of this Code.

f. **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:

- i. A record identifying all transferor parcels, their original maximum development rights and their remaining development rights, if any;
- ii. 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;
- iii. 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
- iv. 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.

I. Additional Standards for Accessory Drive-Through Facilities.

1. **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.
2. **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.
3. **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.
4. **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.

5. **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 properties.

J. Definitions.

1. **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.
2. **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 taking orders.

K. Off-Premises Identification Signs.

1. Purpose. Off-Premises Identification Signs may be permitted in the C-5 Zoning District subject to the issuance of a Special Permit as provided in Section 2-112 of this Code and subject to the additional standards hereinafter set forth.
2. Additional Standards for Off-Premises Identification Signs. An off-premises identification sign shall only be allowed for an establishment located on a property within the Techny Overlay District.
3. The off-premises identification sign is necessary to prevent or reduce traffic and safety hazards.
4. 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.
5. 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.
6. The street and number of the building or development to which the off-premises sign refers shall be marked on said sign.
7. 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.

9 | Overlay District Standards

VG-O Village Green Overlay

L. Schools and Educational Services Not Elsewhere Classified.

1. **Purpose.** Schools & Educational Services, Not Elsewhere Classified 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 2-112 of this Code and subject to the additional standards hereinafter set forth.
2. **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, the use is required to apply for a Special Permit.

9-104. VG-O Village Green Overlay

A. Special Bulk and Dimensional Standards.

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:

1. **Building Height.**
 - a. Regardless of base district, the minimum allowed building height shall be 2 stories.
 - b. In the C-3 base district, the maximum permitted building height shall be 45 feet or 3 stories by right and 55 feet or 4 stories, with a Special Permit.
 - c. In the C-2 base district, the maximum permitted building height shall be 55 feet or 4 stories by right and 65 feet or 5 stories, with a Special Permit.
 - d. Additional building height may be approved as a Planned Unit Development.
 - e. All buildings four or more stories in height shall be designed to step back the upper stories after the first, second, or third story. The step back shall meet the following standards:
 - i. **Location.** The step back shall be provided along all building elevations facing a front or corner side lot line or a residential property outside of the Village Green Overlay District.
 - ii. **Width.** The step back shall be provided along a minimum of 80 percent of any applicable building elevation.
 - iii. **Depth.** The step back shall have a minimum depth of 10 feet.

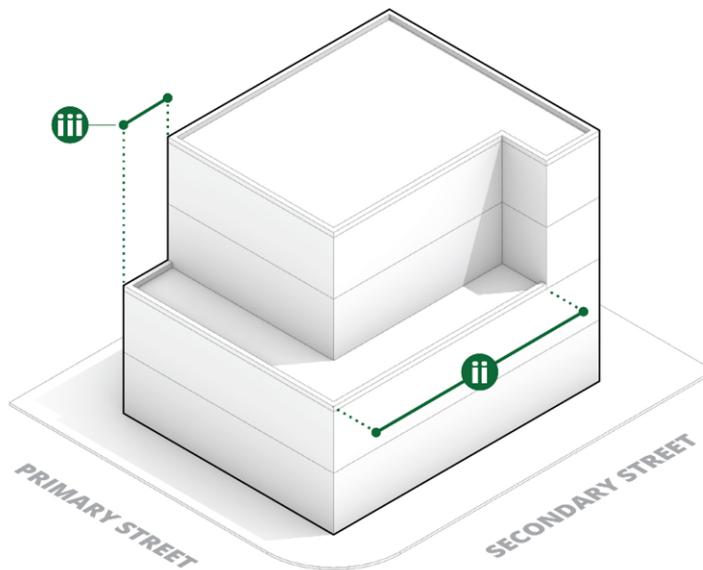


Figure 1 Upper Story Step Back

2. **Building Setbacks.** Buildings in the Village Green Overlay District shall have the minimum and maximum front and corner side setbacks detailed in subsections a and b below. If a nonresidential building, excluding institutional buildings, is set back five or more feet, the setback shall be activated as outdoor dining or public gathering space.
 - a. **Minimum Setback.** 0 feet / at the property line
 - b. **Maximum Setback.** 10 feet

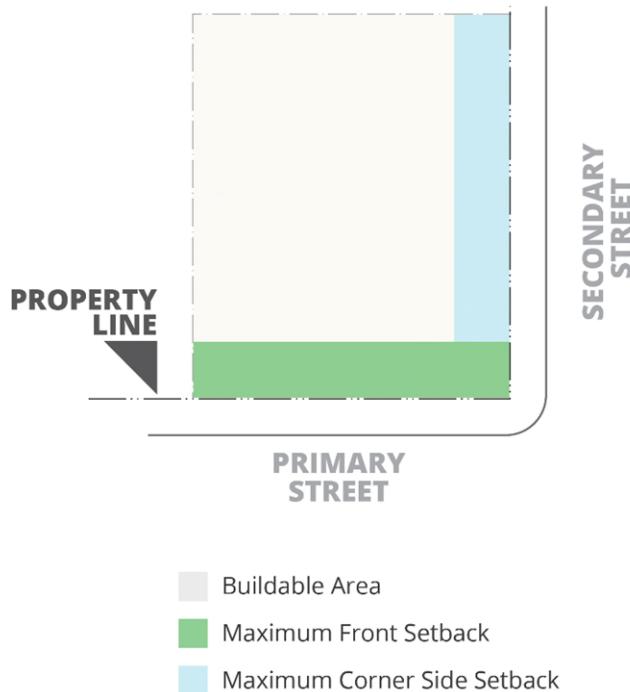


Figure 2 Minimum and Maximum Setbacks

B. Design Standards.

1. **Exterior Building Cladding Materials.** All buildings in the Village Green Overlay District shall meet the exterior building cladding material requirements detailed in Table 9-104-B-1. Glazing shall not be included in the material calculations.

Table 9-104-B-1: VG-O District Exterior Building Cladding Materials			
Building Façade Elevation	Tier I	Tier II	Tier III
Front and Corner Side	Minimum 50%	Maximum 50%	Not allowed
Interior Side and Rear	Minimum 25%	Maximum 75%	Maximum 25%

- a. **Tier I.** Tier I materials are characterized by their high quality and long-lasting durability. These materials may commonly reflect traditional building methods and serve as a unifying element throughout buildings in the Village. Tier I materials include:
 - i. Brick;
 - ii. Natural and manufactured stone;
 - iii. Terra cotta;
 - iv. Architectural concrete masonry units; and
 - v. Concrete materials.

- b. **Tier II.** Tier II materials are characterized by their medium-to-high quality with lasting durability, but more frequent maintenance required than Tier I materials. Tier II materials are generally lower cost than Tier I materials. These materials provide variety and design expression on the building and have scale, texture, and pattern creating visual interest. Tier II materials include:
 - i. Siding (natural wood or composite materials) in a lap, vertical beaded or batten board, or shake application;
 - ii. Composite board or fiber cement board with a maximum joint pattern of two feet by four feet;
 - iii. Architectural metal panels with a maximum joint pattern of two feet by four feet.
- c. **Tier III.** Tier III materials are medium quality materials and/or monolithic in visual appearance. These materials may require more frequent maintenance than Tier I or Tier II but provide up-front cost savings. Tier III materials contribute to variety and design expression but offer less visual interest. Tier III materials shall include:
 - i. Natural and synthetic stucco, including EIFS;
 - ii. Composite board or fiber cement board with a maximum joint pattern of four feet by eight feet;
 - iii. Architectural metal panels with a maximum joint pattern of four feet by eight feet.
- d. **Prohibited Materials.** The following materials are prohibited:
 - i. Corrugated metal siding;
 - ii. Vinyl siding; and
 - iii. Unfinished concrete block, except in areas of loading docks, screened from view from the right of way and/or neighboring properties.

2. **Façade Articulation.** Façade articulation requirements shall apply to all front and corner side facing building elevations in the Village Green Overlay District. If a front or corner side facing building elevation is up to 60 feet in width, at least two of the following façade articulation options shall be met. If a front or corner side facing building elevation is 60 feet to 100 feet in width, at least three of the following façade articulation options shall be met. If a front or corner side facing building elevation is more than 100 feet in width, at least four of the following façade articulation options shall be met.

- a. Changes in floor plates that protrude and/or recess with a minimum dimension of two feet from the applicable façade.
- b. A horizontal shift of the applicable ground floor façade with a minimum depth of two feet for a minimum 80 percent of the length of the façade. Ground floor step backs shall not exceed the maximum setback requirements (Section 9-104-A-2).
- c. Variation in horizontal and/or vertical recesses or projections such as a pattern of recessed grouping of windows, recessed panels, or bay windows. The recess or projection shall be a minimum four inches in depth.
- d. Variation in horizontal and/or vertical projections such as shading and weather protection devices, decorative architectural details.
- e. Datum lines that continue the length of the building, such as parapets or cornices, with a minimum four inches in height or a minimum two inches in depth and include a change in material.
- f. Variation in at least two of the following: fenestration size, proportions, pattern, and depth or projection.
- g. Variation in two of the following: façade material, material size, texture and pattern, or color.
- h. Upper floor balconies, habitable projections, or Juliet balconies (every 20 to 40 feet) with a minimum four inches in depth;
- i. Other as proposed by the applicant and approved by the Zoning Board of Appeals.

9 | Overlay District Standards

VG-O Village Green Overlay

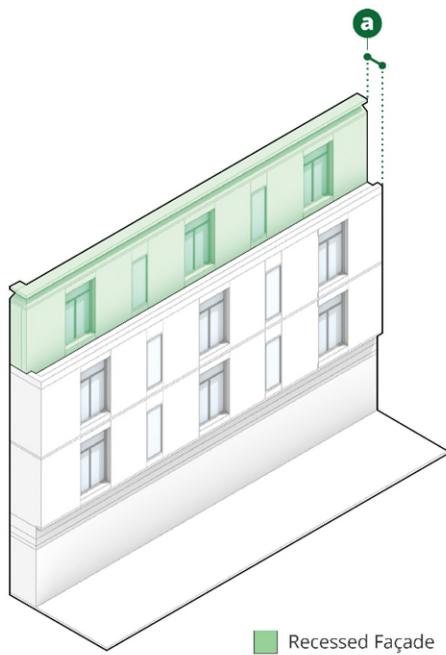


Figure 3 Facade Articulation A

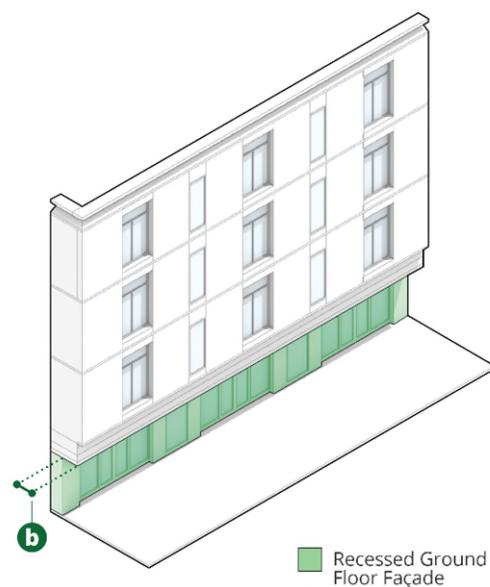


Figure 4 Facade Articulation B

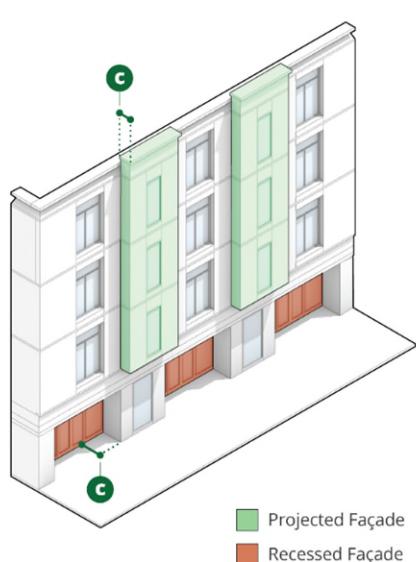


Figure 5 Facade Articulation C

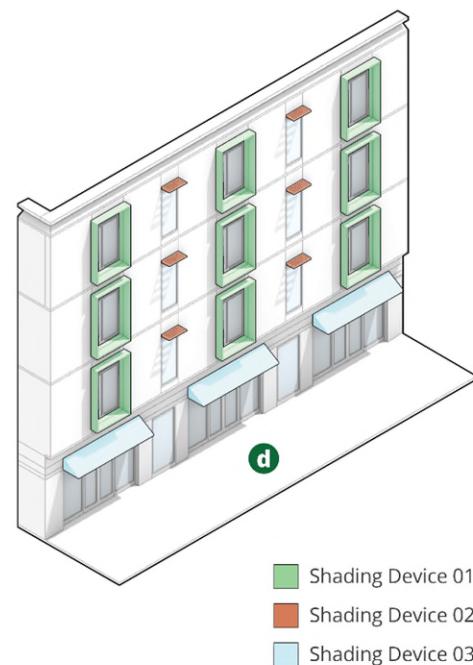
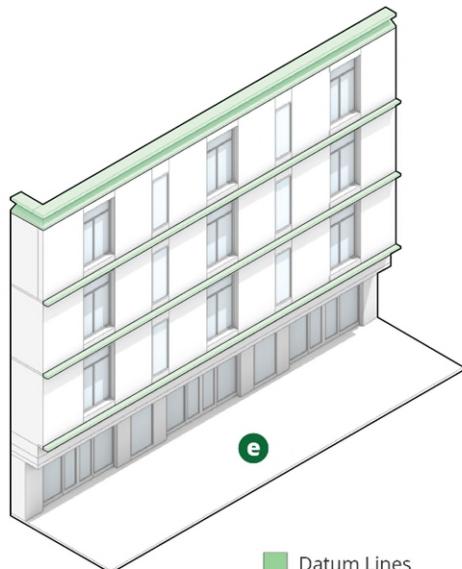


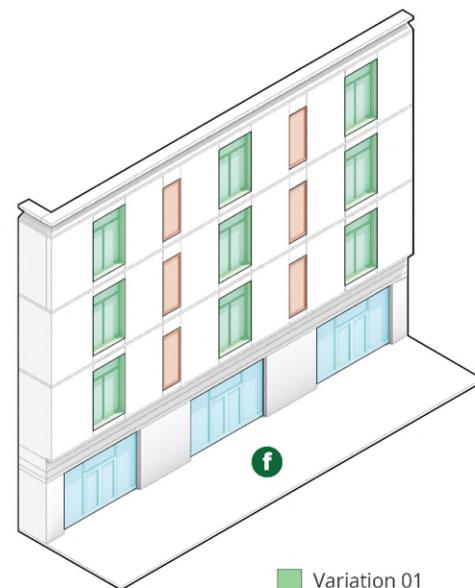
Figure 6 Facade Articulation D

9 | Overlay District Standards

VG-O Village Green Overlay



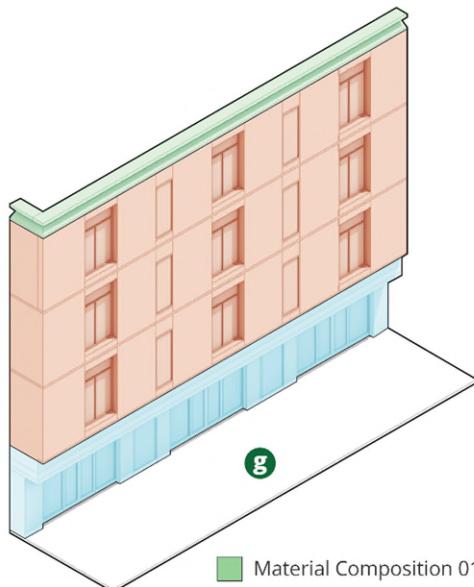
■ Datum Lines



■ Variation 01
■ Variation 02
■ Variation 03

Figure 7 Facade Articulation E

Figure 8 Facade Articulation F



■ Material Composition 01
■ Material Composition 02
■ Material Composition 03

Figure 9 Facade Articulation G

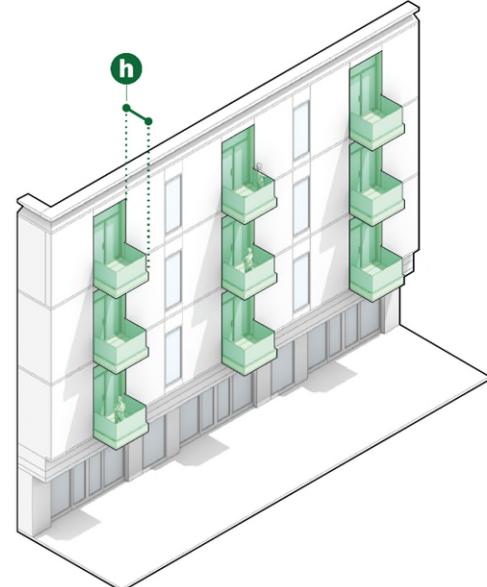


Figure 10 Facade Articulation H

9 | Overlay District Standards

VG-O Village Green Overlay

3. **Glazing.** The ground floor of all front and corner side facing building elevations in the Village Green Overlay District shall meet the glazing requirements detailed in subsections a and b below. Glazing standards shall apply to nonresidential buildings only, excluding institutional buildings.
 - a. **Front Facing Ground Floor Façades.** Minimum 70 percent
 - b. **Corner Side Facing Ground Floor Façades.** Minimum 40 percent



a ■ Front Facing Ground Floor Glazing
(Minimum 70%)

Figure 11 Front Facing Ground Floor Facade Glazing



b ■ Front Facing Ground Floor Glazing
(Minimum 40%)

Figure 12 Corner Side Facing Ground Floor Facade Glazing

9 | Overlay District Standards

Flood Hazard Overlay

4. Signs.

- a. Permanent signs in the Village Green Overlay District shall not be allowed to display a wall sign and an awning sign on the same façade;
- b. A permanent building sign shall be located:
 - i. Within a signboard frieze, if one exists; and
 - ii. In a manner that does not cover any architectural features, including but not limited to, a pediment, cornice, belt course, pier, windows, pilaster, roof, decorative stone or inlay, kick plate/bulkhead, raised or colored brick pattern, and corbel of the building to which it is affixed.
- c. A permanent ground sign shall be exempt from the location restrictions established per permanent ground sign type in Section 11-106.

9-105. Flood Hazard Overlay

A. Overlay Districts Established. The Flood Hazard Overlay District is established and appears on the Zoning Map as an "overlay district." The restrictions of the Flood Hazard Overlay District are in addition to the limitations established in this Code for the "Base Districts." Development of properties in the Flood Hazard Overlay District must comply both with the regulations of the Flood Hazard Overlay District and the regulations of the base district in which they are located. Where there is any conflict between the Flood Hazard Overlay District and the base district, the provisions of the more restrictive district shall apply.

B. Applicability.

1. **Generally.** The provisions of this Part shall apply to all land within the Village of Northbrook located within the flood plain.
2. **Interpretation of Maps.** The limits of the Flood Hazard Overlay District shown on the Zoning Map shall be used as a guide; provided, however, that only those land areas that are located in a special flood hazard area, as established in this Code, shall be subject to the provisions of this Part.

C. Incorporation of Studies, Maps, and Data; Establishment of Base Flood Elevation.

1. The base flood elevations, and the limits of the special flood hazard areas, such as the flood plain, flood fringe and regulatory floodway, are based on the appropriate Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS).
2. **Incorporated Areas; Depiction on Zoning Map.** The floodway and the base flood elevation for the special flood hazard areas mapped by FEMA and IDNR/OWR for the West and Middle Forks of the North Branch of the Chicago River and for their tributaries (Underwriters' Laboratories, Techny Drain, and the South Fork Techny Drain) shall be as delineated on the one hundred (100) year flood profiles in the Cook County Flood Insurance Rate Maps

(FIRMs), Map Number 17031C; panels 0088F, 0089F, 0093F, 0226F, 0227F, 0231F and 0232F, 0088J, 0089J, 0093J, 0226J, 0227J, 0231J and 0232J, effective date November 6, 2000; August 19, 2008; panels 0069G and 0207G, 0069J and 0207J, effective date April 16, 2007, August 19, 2008, and the Cook County Flood Insurance Study (FIS), effective date April 16, 2007; August 19, 2008. The Village Engineer shall order the depiction of the approximate location of the flood plain limits on the Village zoning map and the Cook County Flood Insurance Rate Maps (FIRMs), Map Number 17031C; the panels referenced in Subsection 8-204 A panels 0068F and 0094F, 0068J and 0094J, effective date November 6, 2000; August 19, 2008, panels 0069G and 0207G, 0069J and 0207J, effective date April 16, 2007; August 19, 2008, and the Cook County Flood Insurance Study (FIS), effective date April 16, 2007; August 19, 2008.

3. **Areas Annexed into the Village.** In the event properties may be annexed into the Village that include areas defined as being within the flood plain, the base flood elevation and flood fringe and regulatory floodway limits shall be as delineated on the flood profiles in the then current version of the Flood Insurance Rate Maps (FIRM) and the Flood Insurance Studies for those parts of unincorporated Lake, as the case may be, prepared by FEMA and the Cook County Flood Insurance Rate Maps (FIRMs), Map Number 17031C; the panels referenced in Subsection 8-204 A. and panels 0068F and 0094F, 0068J and 0094J, effective date November 6, 2000; August 19, 2008, panels 0069G and 0207G, 0069J and 0207J, effective date April 16, 2007; August 19, 2008, and the Cook County Flood Insurance Study (FIS), effective date April 16, 2007; August 19, 2008.
4. **FIRM Maps.** The base flood elevation for each portion of a SFHA delineated as an "AH Zone" or "AO Zone" shall reflect the elevation delineated on the Flood Insurance Rate Map of the Cook County Flood Insurance Rate Maps (FIRMs), Map Number 17031C; panels 0088F, 0089F, 0093F, 0226F, 0227F, 0231F and 0232F, 0088J, 0089J, 0093J, 0226J, 0227J, 0231J and 0232J, effective date November 6, 2000; August 19, 2008; panels Village of Northbrook Article VIII - Part II Zoning Code Flood Hazard Overlay District VIII-3 0069G and 0207G, 0069J and 0207J, effective date April 16, 2007; August 19, 2008, as may be amended from time to time.
5. **Areas Without Established Base Flood Elevations.** When no base flood elevation has been established by FEMA for a property, such elevation shall be determined by utilizing computation methods established by the Village and IDNR/OWR, as specified in the Village Standards and Specifications for Public and Private Improvements and any other applicable authority.

D. Administration of Flood Hazard Regulations.

1. **Determination of Flood Status.** The Village Manager shall take all such actions as are necessary to ensure that all proposed development sites within the Village are reviewed to determine whether they are within the Flood Hazard Overlay District.
2. **Flood Plain Development Permit Required.** In the event that a development site is determined to be within the Flood Hazard Overlay District, a flood plain development permit must be issued by the Village Manager in accordance with Section 2-106 of this Code prior to commencing any development activity. No flood plain development permit shall be issued

for any activity which does not comply with the standards of this Part. The Village Manager shall ensure that any and all required federal, state and local permits are received prior to the issuance of a flood plain development permit.

3. **Variations.** Applications for variations of the provisions of these Flood Hazard Overlay District regulations shall be limited to, and reviewed in accordance with, the provisions of Section 2-113 of this Code.
- E. **Development Restrictions in Flood Fringe Areas.** The requirements of this Section shall apply to all proposed development activities and other activities, defined in this Part within a flood fringe area of a SFHA.
 1. **Base Zoning District Regulations.** Nothing in these Flood Hazard Overlay District regulations shall be interpreted to allow any use of the flood fringe area which would not otherwise be allowed within the base zoning district in which a property is located.
 2. **Elevation Standards.**
 - a. **Existing Structures, Improved to Less Than Fifty Percent (50%) in Value of Structure.** A habitable structure within the flood fringe area, for which the start of construction commenced prior to February 12, 1992, may be improved in accordance with the standards and procedures established in the Building Code and the other limitations of the base zoning district, but need not meet any special flood elevation requirements; provided the cost of such reconstruction, rehabilitation, addition, or other improvement of a structure is less than fifty percent (50%) of the market value of the structure before the start of construction of the improvement.
 - b. **Existing Structures, Improved by Fifty Percent (50%) or More in Value.** A habitable structure within the flood fringe area, for which the start of construction commenced prior to February 12, 1992, may be improved by fifty percent (50%) or more of the market value of the structure before the start of construction of the improvement; however, in such cases the structure must be elevated in such a manner that the lowest floor of the structure, including any basement area, is at or above the base flood elevation, unless:
 - i. FEMA grants the Village an exception to permit the construction of floodproofed residential basements, in accordance with 44 CFR Section 60.6(c); or
 - ii. A variation is granted in accordance with Section 2-113 of this Code.
 - c. **New Construction, and Subsequent Improvements.** In the flood fringe area, new construction (including alterations to structures having a start of construction on or after February 12, 1992), as defined in this Part, may occur; however, in such cases the structures must be elevated in such a manner that the lowest floor of the structure, including any basement area, is at or above the flood protection elevation.

- d. **Substantially Damaged Structures.** The elevation requirements of Paragraphs 2 and 3 of this Subsection, as appropriate to the structure, shall also apply to structures which have incurred substantial damage, as defined in this Part, regardless of the actual repair work performed. These limitations do not, however, apply to:
 - i. Any project for improvement of a structure to correct existing violations of state and local health, sanitary, or safety code specifications which have been identified by the Village Manager and which are the minimum necessary to assure safe living conditions; or
 - ii. Any alteration of a historic structure or site, documented as deserving preservation by the Illinois Historic Preservation Agency or listed on the National Register of Historic Places, provided that such alteration will not preclude the structure's or site's continued designation as a historic structure or site.
3. **Compensatory Storage in Flood Fringe Areas.** Compensatory storage shall be required for all development proposed in the flood fringe area. Compensatory storage may be provided on:
 - a. The same lot as the proposed development, or
 - b. An off-site location, approved by the Village Manager, where hydraulically equivalent storage can be achieved. When such compensatory storage is provided, the continued protection and maintenance thereof shall be provided for by a recorded easement, recorded covenant, or other recorded legal document may be approved by the Village and IDNR/OWR.
 - c. **Existing Lots of Record.** Whenever any development is proposed within the flood fringe area, as authorized in this Section, for a lot of record existing prior to February 12, 1992, within the flood fringe, the volume of space which will be occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulic volume of excavation taken from below the base flood or one hundred (100) year frequency flood elevation equal to one hundred twenty percent (120%) of the volume of storage lost due to the proposed fill or structure's displacement. Compensatory storage shall not be required for authorized floodproofing activities.
 - d. **New Lots of Record.** Whenever any development is proposed within the flood fringe area, as authorized in this Section, for a lot of record or planned development created on or after February 12, 1992, the volume of space which will be occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulic volume of excavation taken from below the base flood or one hundred (100) year frequency flood elevation equal to one hundred fifty percent (150%) of the volume of storage lost due to the proposed fill or structure's displacement. Compensatory storage shall not be required for authorized floodproofing activities.
 - e. **Manner of Construction.** All such excavations shall be constructed to drain freely and openly to the watercourse by gravity, fine graded and landscaped to prevent soil erosion

and sedimentation in accordance with Northbrook Standards and Specifications. In the case of streams or watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing ten (10) year elevation shall be replaced below the proposed ten (10) year flood elevation. All flood plain storage lost above the existing ten (10) year flood elevation shall be replaced above the proposed ten (10) year flood elevation.

4. **Additional Limitations on Development in Flood Fringe.** Uses which are permitted or allowed by Special Permit may be located within the flood fringe upon issuance of a flood plain development permit and compliance with the general flood plain development requirements established in Section 2-106 of this Code.
5. **Fill Activities; LOMR Required.** If fill or other improvements are proposed to elevate a flood fringe site above the base flood elevation, the applicant shall, in addition to obtaining a flood plain development permit, submit sufficient data and obtain a Letter of Map Revision (LOMR) from FEMA for the purpose of removing the site from the flood plain. The Village shall have no obligation to issue:
 - a. A flood plain development permit until a CLOMR is issued by FEMA and delivered to the Village Manager, or
 - b. A building permit until a LOMR-F is issued by FEMA and delivered to the Village Manager.

F. Development Restrictions in Regulatory Floodway Areas.

1. The requirements of this Section shall apply to all proposed development activities, as defined in this Part, within a regulatory floodway. For the West and Middle Forks of the North Branch of the Chicago River and for their tributaries, the regulatory floodway shall be as delineated on the maps and studies referenced in Section 2-106 of this Code.
2. **Base Zoning District Regulations.** Nothing in these Flood Hazard Overlay District regulations shall be interpreted to allow any use of the regulatory floodway which would not otherwise be allowed within the base zoning district in which a property is located.
3. **Appropriate Uses Within the Floodway.** Only "appropriate uses", as established herein and as listed in 17 Illinois Administrative Code Part 3708 shall be permitted within the regulatory floodway. All appropriate uses within the regulatory floodway must comply with the requirements of this Section and with the general flood plain development requirements in Section 2-106. Appropriate uses in the regulatory floodway are limited to the following:
 - a. The replacement, reconstruction or repair of a damaged building, provided that the outside dimensions of the building are not increased and, provided that, if the building is damaged to fifty percent (50%) or more of building's market value before it was damaged, the building must be protected from flooding to or above the base flood elevation.

- b. Modifications to an existing building that would not increase the enclosed area of the building below the one hundred (100) year frequency flood elevation, and which will not block flood flows, including, but not limited to fireplaces, bay windows, decks, patios, and second story additions. In the event such modifications result in a fifty percent (50%) or more increase in the market value of the structure before the start of construction, the structure must comply with the elevation standards in Paragraph 8-206 B2 of this Code.
- c. Construction, modification, repair or replacement of detached garages, storage sheds, or other non-habitable structures without toilet facilities that are accessory to an existing building or use, as authorized in Subsection 8-209 D of this Code, and that will not block flood flows, nor reduce floodway water storage.
- d. Parking lots, driveways, and any modifications thereto, built at or below grade, where the flooding at the one hundred (100) year frequency flood event will not exceed one (1) foot in depth or, in the case of a short-term recreational use facility parking lot, where the applicant formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events.
- e. Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses.
- f. Flood proofing activities to protect previously existing lawful structures including, but not limited to, the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure and which are not considered substantial improvements to the structure.
- g. Public recreational facilities such as playing fields, trail systems, including any related fencing (at least 50 percent open when viewed from any one direction) built parallel to the direction of flood flows, and open air pavilions and toilet facilities (4 stall maximum) that will not block flood flows or reduce floodway storage.
- h. Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife.
- i. Storm and sanitary sewer outfalls.
- j. Underground and overhead utilities.
- k. Roads, bridges, culverts, sidewalks, bikeways, railways, runways and taxiways, and any necessary modifications thereto.

- I. Re-grading within the regulatory floodway, without fill, to create a positive non-erosive slope toward a watercourse.
4. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically listed above as an appropriate use.
5. **Interpretation of Appropriate Uses.** The Village Manager shall enforce the floodway development restrictions of this Part in compliance with 17 Ill. Admin. Code Part 3708.
6. **Additional Criteria for Reviewing Appropriate Uses.** All appropriate uses within the regulatory floodway shall require the issuance of a flood plain development permit and, further, shall demonstrate compliance with the general flood plain development requirements established in Section 2-106 of this Code. The applicant's engineer shall:
 - a. Submit to the Village Manager certified documents, plans and calculations demonstrating that the proposed use or improvement meets or exceeds the minimum federal, state, and local requirements, including, without limitation, the Village Standards and Specifications for Public and Private Improvements; and
 - b. Submit evidence of approval of the use by any other entity with jurisdiction.
 - c. No development shall be permitted within the regulatory floodway:
 - i. That will reduce the regulatory floodway storage or conveyance;
 - ii. That will increase the regulatory floodway velocities;
 - iii. That will increase flood heights by more than 0.0 foot, provided, however, that bridges and culverts shall not increase flood heights during the base flood by more than one-tenth (0.1) of a foot;
 - iv. That will be a threat to public health, safety and welfare;
 - v. That will impair the natural hydrologic and hydraulic functions of the floodway or channel;
 - vi. Where periodic inundation will pose a danger to the general health and welfare of the user; or
 - vii. Where periodic inundation will require the expenditure of public funds or the provision of public resources or disaster relief services.
7. **Compensatory Storage Requirements for Floodway Development.** Compensatory storage shall be required for all development proposed in the floodway. Compensatory storage may be provided on:

- a. The same lot as the proposed development, or
- b. An off-site location, approved by the Village Manager, where hydraulically equivalent storage can be achieved. When such compensatory storage is provided, the continued protection and maintenance thereof shall be provided for by a recorded easement, recorded covenant, or other recorded legal document may be approved by the Village and IDNR/OWR.

- i. **Existing Lots of Record.** Whenever any development is proposed within the regulatory floodway, as authorized in this Section, for a lot of record existing prior to February 12, 1992, the volume of space which will be occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulic volume of excavation taken from below the base flood or one hundred (100) year frequency flood elevation equal to one hundred percent (100%) of the volume of storage lost due to the proposed fill or structure's displacement. Compensatory storage shall not be required for authorized floodproofing activities.
- ii. **New Lots of Record.** Whenever any development is proposed within the regulatory floodway, as authorized in this Section, for a lot of record or planned development created after February 12, 1992, the volume of space which will be occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulic volume of excavation taken from below the base flood or one hundred (100) year frequency flood elevation equal to one hundred fifty percent (150%) of the volume of storage lost due to the proposed fill or structure's displacement. Compensatory storage shall not be required for authorized floodproofing activities.
- iii. **Manner of Construction.** All such excavations shall be constructed to drain freely and openly to the watercourse by gravity, and fine graded and landscaped to prevent soil erosion and sedimentation in accordance with Northbrook Standards and Specifications. In the case of streams or watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All flood plain storage lost below the existing ten (10) year elevation shall be replaced below the proposed ten (10) year flood elevation. All flood plain storage lost above the existing ten (10) year flood elevation shall be replaced above the proposed ten (10) year flood elevation.

G. **Development in Floodplains Without Identified Floodways.** In the event a development activity or other activity as defined in this Part is proposed within a SFHA or floodplain (including AE, AH, AO and Unnumbered A Zones) draining more than one (1) square mile, where no floodways have been identified and no base flood elevations have been established by FEMA, all such areas shall be deemed to be within the regulatory floodway, shall be subject to all development restrictions for regulatory floodways established in this Code. In the alternative, the applicant may, at its sole cost and expense, elect to submit to the Village an engineering study by a registered professional engineer to determine a floodway. Upon approval of the

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engineering study by FEMA or IDNR/OWR, as appropriate, properties in flood plain areas without identified floodways shall be delineated as being within the flood fringe or floodway, as appropriate, and development shall be allowed in accordance with Sections 8-206 or 8-207 of this Code, as appropriate.

H. **General Floodplain Development Requirements.** In addition to any restrictions elsewhere in this Code, all proposed development and other activities defined in this Part within the flood plain shall demonstrate compliance with the general requirements of this Section prior to issuance of a flood plain development permit.

1. **Prevention of Increased Damages.** No development in the Flood Hazard Overlay District shall be permitted which would:

- a. Impair the natural hydrologic and hydraulic functions of the floodway or channel; or
- b. Threaten the public health, safety and welfare.

2. **Public Health Standards.**

a. **Storage of Materials.** No developments in the flood plain shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation (FPE).

b. **Utilities.** New and replacement water supply systems, wells, sanitary sewer lines and on-site waste collection and disposal system shall be permitted within the flood plain, provided all manholes or other above ground openings located below the FPE are clearly marked, gasketed, and sealed watertight in accordance with Northbrook Standards and Specifications so as to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. Other public utilities and facilities such as sewer, gas and electric shall be designed, located and constructed to minimize or eliminate flood damage.

3. **Accessory Structures.** Accessory structures, including sheds and detached garages, on an existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation provided:

- a. The accessory structure shall not be used for human habitation and shall be used only for the storage of vehicles and/or tools and shall not contain or later be modified for other uses, such as workshops, greenhouses or similar uses;
- b. The accessory structure shall comply with all provisions of Section 9-101 of this Code and shall have a value of less than \$10,000 and a floor area of less than 500 square feet;
- c. All enclosed areas of the structure below the base flood elevation shall be constructed with waterproof material;

- d. Structures located in a regulatory floodway shall be constructed and placed so as not to block the flow of flood waters and shall comply with the appropriate use criteria of Subsection 105-G-3 of this Code;
- e. The structure shall be anchored to prevent flotation or buoyancy;
- f. Service facilities such as electrical and heating equipment shall be elevated or flood-proofed to the flood protection elevation;
- g. The structure shall meet the permanent opening criteria as described in Subsection 8-209 H;
- h. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
- i. The lowest floor elevation shall be identified and the Village Manager shall notify the applicant of the flood insurance implications, if any;

4. **Temporary Uses.** Construction trailers and other temporary trailers, in accordance with Zoning District Standards of this Code, may be located in the flood plain upon a determination by the Village Manager that no other location for such temporary use is practical and provided that such trailers are maintained so as to be fully licensed, ready for highway use and able to be moved in the event of a flood hazard.
5. **Storage of Vehicles.** The off-street storage of vehicles in the flood plain shall be allowed in accordance with the limitations of established under zoning district standards. Further, in accordance with 44 CFR Section 60.3, recreational vehicles stored on sites within the flood plain shall be either:
 - a. Fully licensed and ready for highway use; and
 - b. Stored on the site for fewer than one hundred eighty (180) consecutive days.

A recreational vehicle shall be deemed ready for highway use if it is on its own wheels or jacking system, is attached to the site only by quick disconnect type utility and security devices, and has no permanently attached additions.
6. **Manufactured Homes Prohibited.** No manufactured homes, as defined in this Part, shall be permitted to be located on sites within the flood plain.
7. **Construction on Fill Material.** Any authorized habitable structure, when allowed, may be constructed on permanent land fill. A Conditional Letter of Map Revision (CLOMR) must be issued by FEMA and submitted to the Village Manager prior to issuance of a flood plain development permit and commencement of land filling. Following completion of land filling, an "as-built" grading plan with soil compaction certification shall be submitted to FEMA by the applicant for issuance of a Letter of Map Revision based on fill (LOMR-F). The Village shall have no obligation to issue any permit prior to receipt, by the Village Manager, of a LOMR-F issued by FEMA. A person who has obtained a LOMR-F that removes a site in the flood fringe

from the flood plain due to the use of fill to elevate the site above the BFE, may construct any authorized habitable structure, or addition or improvement thereto, on permanent land fill in accordance with the requirements of Section 8 of Northbrook Standards and Specifications.

8. **Elevated Construction.** New or substantially improved buildings or structures located within the flood plain, that otherwise comply with the limitations of this Article, may be elevated above the base flood elevation rather than constructed on fill. Elevated structures in the flood plain shall comply with the requirements below.
 - a. The proposed building or improvements within the flood plain shall be elevated on a crawl space, stilts, piles, walls, or other foundation that is permanently open to the entry and exit of flood waters and not subject to damage by fire, debris, freezing ice or hydrostatic pressures of the one hundred (100) year frequency flood. Designs for meeting this requirement must either be certified by an Illinois registered professional engineer or architect as satisfying the requirements of 44 CFR Section 60.6(c), or otherwise meet or exceed the following minimum criteria:
 - i. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation shall be provided.
 - ii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - b. The foundation and supporting members shall be anchored and aligned parallel in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.
 - c. All areas below the base flood elevation shall be constructed of corrosion free, non-floatable materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, communication, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation. The Village Manager may permit water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities to be located below the flood protection elevation upon a finding that unusual field conditions occur.
 - d. The areas below the flood protection elevation may only be used for the parking of vehicles, building access or storage in an area other than a basement and not later modified or occupied as habitable space.
 - e. In lieu of the above criteria, designs that will comply with these requirements must be certified by an Illinois registered professional engineer or architect as meeting these requirements and submitted to the Village Manager for review and approval.
 - f. Motorized homes, travel trailers, and truck campers shall be required to meet the elevation and anchoring requirements of Paragraph 8-209 H6 above unless they are on

site for less than 180 consecutive days and fully licensed, ready for highway use, and used only for recreation, camping, travel or seasonal use rather than as a permanent dwelling. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.

9. **Floodproofing of Proposed Non-Residential Structures.** Only non-residential buildings proposed to be constructed in the flood fringe area may be structurally dry floodproofed in lieu of being elevated. The Village Manager shall authorize such flood-proofing activities, provided that an Illinois registered professional structural engineer or architect shall certify that the building has been adequately floodproofed below the base flood elevation and that the structure and attendant utility and sanitary facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without an outside source of power/electricity. The construction of levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this Subsection.
10. **Other Limitations.** All building and property protection requirements pertaining to structures, elevation, and anchoring established by the Federal Emergency Management Agency for participation in the National Flood Insurance Program shall be satisfied.
11. **Critical Facilities.** New critical facilities shall be located outside the limits of the flood plain; provided, however, that siting of new critical facilities shall be permissible within the flood plain if no feasible alternative site is available. New critical facilities constructed within the flood plain shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation, whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters from new critical facilities. Access routes to all new critical facilities shall be elevated to or above the level of the base flood elevation.

I. **Disclaimer of Liability.** The degree of flood protection required by this Part is considered reasonable for regulatory purposes and is based on federal and state law and regulations, historical records, and engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. The adoption and implementation of these regulations does not imply that areas outside the prescribed base flood area or land uses permitted within such area will be free from flooding or flood damage. The adoption and enforcement of these regulations shall not create liability on the part of the Village of Northbrook or any officer, employee, agent or consultant thereof for any flood damage that may result from reliance on this Code or on any administrative decision made thereunder. Nothing herein shall be construed to prevent any property owner from taking such additional, lawful measures (including non-use of flood-prone property) to protect against flood damage.